

Fika 9/2021.



Tonga

**LAO FAKAANGAANGA 'A TONGA KI HE
SIPOTI MO E VA'INGA 2021**



LAO FAKAANGAANGA 'A TONGA KI HE SIPOTI MO E VA'INGA 2021

Fokotu'utu'u 'o e Ngaahi Kupu

Kupu

| | | |
|--|--|----------|
| KONGA I - TALATEU | | 5 |
| 1 | Hingoa nounou..... | 5 |
| 2 | 'Uhinga'i lea..... | 5 |
| KONGA II – FOKOTU'UTU'U 'A E LAO | | 6 |
| 3 | Ngaue'aki..... | 6 |
| 4 | Taumu'a 'o e Ngaahi Kautaha Sipoti Fakafonua..... | 6 |
| 5 | Potungāue ki he Sipoti mo e Va'inga..... | 6 |
| 6 | Ngaahi fatongia 'o e Potungāue..... | 6 |
| 7 | Ngaahi Kautaha Sipoti Fakafonua..... | 7 |
| 8 | Felave'i mo e ngaahi Lao kehe..... | 8 |
| KONGA III – NGAahi FAI'ANGA SIPOTI MO E NGAahi NAUNAU FAKAFONUA | | 8 |
| 9 | Ngaahi koloa 'o e Fai'anga Sipoti..... | 8 |
| KONGA IV – NGAahi POATE 'O E KAUTAHA SIPOTI FAKAFONUA | | 8 |
| 10 | Fili 'o e kau talekita ki he ngaahi poate 'o e Ngaahi Kautaha Sipoti Fakafonua..... | 8 |
| 11 | Ngaahi fatongia 'o e Kau Talekita 'o e Poate..... | 9 |
| 12 | Ngaahi mafai 'a e Poate..... | 9 |
| 13 | Ngaahi tu'utu'uni tanaki atu fekau'aki mo e kau talēkita..... | 10 |

| | |
|--|-----------|
| KONGA V – TALI UI | 10 |
| 14 Fakapa'anga makehe | 10 |
| 15 Palani pisinisi | 10 |
| 16 Lipooti fakata'u mo e ngaahi 'akauni..... | 11 |
| 17 Fakamatala ke tuku atu ki he Fale Alea | 11 |
| 18 Fakamatala kehe..... | 12 |
| 19 Ngaue faka-'Atita mo e fatongia 'o e 'Atita Seniale..... | 12 |
| 20 Malu'i mei hono fakaha 'o ha fakamatala pelepelengesi | 12 |
| KONGA VI – NGAahi ME'A KEHE | 13 |
| 21 Ngaahi Vā Tamaki mo e Fakalelei kehe 'o e Vā Tamaki..... | 13 |
| 22 Hiki 'o e ngaahi kaunga | 13 |
| 23 'Ikai toe lava 'o totongi mo'ua, Veteki pe Hopo..... | 14 |
| 24 Ngaahi fili 'oku maumau ai 'a e Lao ni..... | 14 |
| 25 Ngaahi Tu'utu'uni | 14 |
| 26 Ngaahi Fakapekia mo e Ngaahi Fakahaofi..... | 15 |
| TEPILE 'ULUAKI | 16 |
| TEPILE UA | 17 |
| FAKAMATALA FAKAMAHINO | 18 |

Fiska 9/2021



Tonga

LAO FAKAANGAANGA 'A TONGA KI HE SIPOTI MO E VA'INGA 2021

KO E LAO FAKAANGAANGA KI HA LAO KE FOKOTU'U 'A E NGAahi
TAUMU'A, NGAahi TU'UTU'UNI MO E NGAahi FOUNGA NGAUE
'OKU FEKAU'AKI MO E NGAahi KAUTAHA SIPOTI FAKAFONUa MO
HONO FAKA'AI'AI 'A E SIPOTI MO E VA'INGA 'I TONGA

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

KONGA I - TALATEU

1 Hingoa nounou

'E ui 'a e Lao ni ko e Lao 'a Tonga ki he Sipoti mo e Va'inga 2021.

2 'Uhinga'i lea

'I he Lao ni, tuku kehe ka fiema'u ha 'uhinga kehe 'i hono tu'unga –

"Poate" 'oku 'uhinga ki he poate 'o ha Kautaha Sipoti Fakafonua 'oku
ngaue'aki ki ai 'a e Lao ni;

“**CEO**” ‘oku ‘uhinga ki he ‘Ofisa Pule Ngaue ‘oku ne tokangaekina ‘a e sipoti mo e va’inga;

“**Kautaha Sipoti Fakafonua**” ‘oku ‘uhinga ki ha kautaha sipoti fakafonua kuo tali ‘a ia ‘oku lisi ‘i he Tepile I;

“**Minisitā**” ‘oku ‘uhinga ki he Minisitā ‘oku ne tokangaekina ‘a e sipoti mo e va’inga;

“**Potungāue**” ‘oku ‘uhinga ki he Potungāue ‘oku ne tokangaekina ‘a e sipoti mo e va’inga ‘a ia kuo fokotu‘u ‘i he kupu 6; mo e

“**taha ngaue fakapule‘anga**” ‘oku ‘uhinga ki ha taha ngaue fakapule‘anga ‘a ia ‘oku faka‘uhinga‘i ‘i he Lao ki he Ngaue Fakapule‘anga.

KONGA II – FOKOTU‘UTU‘U ‘A E LAO

3 Ngaue‘aki

- (1) Kuo pau ke ha‘i ‘e he Lao ni ‘a e Kalauni.
- (2) Kuo pau ke ngaue‘aki ‘a e Lao ni ki he kotoa ‘o e Ngaahi Kautaha Sipoti Fakafonua kuo tali ‘a ia kuo lisi ‘i he Tepile I.

4 Taumu‘a ‘o e Ngaahi Kautaha Sipoti Fakafonua

Kuo pau ko e taumu‘a tefito ‘o e Kautaha Sipoti Fakafonua kotoa ke ngaue ko ha kautaha ‘oku ne fakatupulaki ‘a e kau atu, mo‘ui lelei mo e fe‘auhi ‘i loto ‘i he sipoti ‘a ia ‘oku pule‘i ‘e he Kautaha Sipoti Fakafonua ko ia.

5 Potungāue ki he Sipoti mo e Va’inga

‘Oku fokotu‘u heni ‘a e Potungāue ‘oku ne tokangaekina ‘a e sipoti mo e va’inga.

6 Ngaahi fatongia ‘o e Potungāue

Kuo pau ko e ngaahi fatongia ia ‘o e Potungāue ke –

- (a) fa‘u mo fakahoko ‘a e ngaahi tu‘utu‘uni ngaue mo e ngaahi palani fakafonua ki he va’inga fakamalohisino mo e sipoti;
- (b) fa‘u mo fakahoko ‘a e ngaahi tu‘utu‘uni ngaue mo e ngaahi palani fakafonua ‘a ia ‘oku fakatatau ki he ngaahi palani mo e ngaahi taumu‘a ‘o e sipoti taautaha taki taha mo e pe Kautaha Sipoti Fakafonua;
- (c) vahe‘i ‘a e pa‘anga ki he ngaahi kautaha, ngaahi sino fakafeitu‘u mo e ngaahi Kautaha Sipoti Fakafonua ‘o fakatatau ki he‘ene ngaahi tu‘utu‘uni ngaue mo e ngaahi palani;

- (d) poupou'i mo faka'ai'ai 'a e mahu'inga 'o e kau atu 'a e Tonga kotoa ki he ngaue fakamalohisino koe'uhi ke nau mo'ui lelei mo hao;
- (e) poupou'i mo tufaki 'a e ngaahi fekumi 'oku fekau'aki mo e va'inga fakamalohisino mo e sipoti;
- (f) fakahoko ha fale'i ki he Minisitā 'i he ngaahi me'a fekau'aki mo e va'inga fakamalohisino mo e sipoti;
- (g) poupou'i mo tokoni'i 'a e langa fakalakalaka mo hono fakahoko 'o e va'inga fakamalohisino mo e sipoti 'i ha founa 'oku taau mo e anga fakafonua;
- (h) faka'ai'ai 'a e kau atu 'a e kakai fefine, kau toulekeleka, ni'ihi tokosi'i mo e ni'ihi 'oku faingata'a'ia ki he va'inga fakamalohisino mo e sipoti;
- (i) fakatupulaki 'a e poupou mo hono 'oatu 'o e ngaahi naunau ki he sipoti mo e va'inga;
- (j) poupou'i 'a hono ngaue'aki 'a e ngaahi naunau ki he sipoti mo e va'inga 'i Tonga;
- (k) fakatotolo'i 'a e ngaahi fakalakalaka 'i he sipoti mo e va'inga pea tufaki 'a e 'ilo mo e fakamatala fekau'aki mo e ngaahi fakalakalaka ko ia, kau ai 'a e ngaahi naunau mo e fakalakalaka 'o e ngaahi naunau; mo
- (l) fale'i 'a e pule'anga 'i ha ngaahi me'a fekau'aki mo e sipoti mo e va'inga.

7 Ngaahi Kautaha Sipoti Fakafonua

- (1) Kuo pau ko e Ngaahi Kautaha Sipoti Fakafonua 'oku lisi 'i he Tepile I ke nau ma'u 'a e tokoni fakapa'anga mei he Pule'anga.
- (2) Kuo pau ke lisi 'i he Tepile I 'a e Ngaahi Kautaha Sipoti Fakafonua 'oku nau ma'u 'a e monu'ia 'o ha faka'atā tukupau pe fakangofua tukupau mei he Pule'anga, kehe ange mei he ngaahi faka'atā 'oku tuku atu 'i he kupu 16 mo e 18 'o e Lao ki he Tukupau Pa'anga Hu Mai [Vahe 11.05] pe ha lao tukupau 'oku ala ngaue'aki kehe.
- (3) Ko e sino lesisita pē 'e taha 'e malava ke ne pule'i mo tokanga'i ha sipoti 'i Tonga mo fakafongā'i 'a e sipoti ko ia fakavaha'apule'anga. Ko e Kautaha Sipoti Fakafonua kuo lisi 'i he Tepile I ko e sino pule ia ki he sipoti 'i Tonga mo fakavaha'apule'anga.
- (4) 'E ngofua ki he Minisitā, 'i he loto ki ai 'a e Kapineti, ke ne tanaki pe to'o ha Kautaha Sipoti Fakafonua ki he pe mei he Tepile I.
- (5) 'E ngofua ke kole 'e ha sino fakasipoti, 'i he tohi, ke tanaki atu pe to'o ko ha Kautaha Sipoti Fakafonua ki he pe mei he Tepile I.

8 Felave'i mo e ngaahi Lao kehe

- (1) 'I he lesisita 'o ha Kautaha Sipoti Fakafonua 'i he Lao ki he Ngaahi Sosaieti Fakakautaha, Lao ki he Ngaahi Talāsiti Ngaue'ofa mo e pe ko e Lao ki he Ngaahi Kautaha, ko ha Kautaha, kuo pau ke ngaue'aki 'a e ngaahi tu'utu'uni 'o e Lao ni 'o tanaki ki he pea 'ikai ko ha fetongi 'o e ngaahi Lao kehe.
- (2) Fakatatau ki he Konisitūtone 'o Tonga [Vahe 1.01], 'i he fepaki 'a e ngaahi tu'utu'uni 'o e Lao ni mo ha ngaahi tu'utu'uni 'o ha lao kehe, kuo pau ke pule 'a e ngaahi tu'utu'uni 'o e Lao ni.

KONGA III – NGA AHI FAI'ANGA SIPOTI MO E NGA AHI NAUNAU SIPOTI FAKAFONUA

9 Ngaahi koloa 'o e Fai'anga Sipoti mo e Ngaahi Naunau

- (1) Kuo pau ke pule'i 'e he Potungāue 'a e ngaahi fai'anga sipoti fakafonua kotoa 'oku hā 'i he Tepile II mo e ngaahi naunau 'i ai.
- (2) Kuo pau ko e ngaahi fai'anga sipoti fakafonua kotoa 'oku hā 'i he Tepile II ke pule'i mo tokanga'i 'e ha taha kuo vahe'i 'a ia kuo tali 'e he Minisitā.
- (3) 'E ngofua ki he Minisitā 'i he loto ki ai 'a e Kapineti, ke ne hiki, fakatau atu pe tuku ki tu'a ha kongā 'o e ngaahi koloa 'a e fai'anga sipoti fakafonua mo e pe ngaahi naunau 'a e Pule'anga.

KONGA IV – NGA AHI POATE 'O E NGA AHI KAUTAHA SIPOTI FAKAFONUA

10 Fili 'o e kau talekita ki he ngaahi poate 'o e Ngaahi Kautaha Sipoti Fakafonua

- (1) Kuo pau ke fili 'e he kau memipa 'o e Ngaahi Kautaha Fakafonua ha ni'ihī ko e kau talekita ki he Poate 'o ha Kautaha Sipoti Fakafonua 'a ia 'e tokoni ki hono a'usia 'o e ngaahi taumu'a tefito.
- (2) Fakatatau ki he Lao ni, kuo pau ke 'ikai fili pe hoko atu ha memipa 'o e Kapineti pe ko e Fale Alea ko ha talekita 'o ha Kautaha Sipoti Fakafonua tuku kehe 'o ka tali 'i he Ngaahi Tu'utu'uni pe ko e Konisitūtone 'o ha Kautaha Sipoti Fakafonua.
- (3) Neongo 'a e kupu si'i (2), ko ha taha 'oku –
 - (a) si'i hifo 'i he ta'u 18;
 - (b) 'oku mo'ua hulu te'eki faka'atā;

- (c) tapui 'ene hoko ko ha talekita 'i he Lao ki he Ngaahi Kautaha; pe
- (d) 'ikai ko ha taha taautaha;

kuo pau ke fakata'e'aonga'i ia mei hono fili ko e talekita 'o ha Kautaha Sipoti Fakafonua.

11 Ngaahi fatongia 'o e Kau Talekita 'o e Poate

- (1) Kuo pau ki ha talekita pe 'ofisa 'o ha Kautaha Sipoti Fakafonua ke ngaue fakalelei pea 'i he lelei taha ma'ae Kautaha Sipoti Fakafonua, pea kuo pau ke —
 - (a) fakapapau'i 'oku fakahoko 'e he kautaha sipoti fakafonua 'ene ngaue pea 'oku fakatatau 'a e kotoa 'o e ngaahi tu'utu'uni 'a e poate ki he 'ene taumu'a tefito;
 - (b) 'ikai ke ne fakahoko, pe tali ke fakahoko 'e he kautaha, 'i ha founa 'oku maumau ai 'a e lao pe ko e konisitutone 'a e kautaha;
 - (c) 'ikai ke ne tali ke, fakatupu pe fakangofua 'a e ngaue 'a e kautaha fakafonua ke fakahoko 'i ha founa 'oku ngalingali ke ne fakatupunga ha fakatu'utamaki lahi pe mole lahi ki he kautaha fakafonua; pea
 - (d) 'ikai ke ne tali ke hoko ha fatongia ki he kautaha tuku kehe ka 'i ai ha ngaahi makatu'unga fakapotopoto ke tui ai 'a e talekita 'i he taimi ko ia kuo pau ke malava 'a e kautaha 'o fakahoko 'a e fatongia ko ia 'i he taimi 'oku fiema'u ai ke fakahoko.
- (2) Ko e fakahoko ngaue 'oku 'i ai 'a e kaunga kuo pau ke ngaue'aki ki he kau talekita pe kau 'ofisa kotoa 'o ha kautaha 'o tatau ai pē pe 'oku lesisita 'a e kautaha pe 'ikai 'i he Lao ki he Ngaahi Kautaha, pea ko e 'uhinga 'i he ngaahi tu'utu'uni ko ia ki ha kautaha (company) kuo pau ke lau ia ko ha 'uhinga ki he kautaha.

12 Ngaahi mafai 'a e Poate

Kuo pau ke ma'u 'e ha poate 'a e ngaahi mafai kotoa pē kuo tu'utu'uni 'i he ngaahi tu'utu'uni pule pe konisitutone 'o e Kautaha Sipoti Fakafonua, 'a ia kuo pau ke kau ki ai 'a e mafai ke —

- (a) ma'u, fakalelei'i, fakalele, fakalakalaka, liliu, fakalahi, fakame'angaue, fakasanisani, ngaahi mo tauhi 'a e Kautaha Sipoti Fakafonua ko ia;
- (b) kau ki ha ngaahi aleapau pe ngaahi felotoi felave'i mo e Kautaha Sipoti Fakafonua;
- (c) fakatau atu pe tuku atu, liliu ki ha 'akauni pe ngaue kehe ange ki ha koloa 'oku ma'u 'e he Kautaha Sipoti Fakafonua;
- (d) ngaue'aki ha ngaahi fatongia pe ngaahi totonu pea fatongia'aki mo fakahoko ha fa'ahinga mo'ua 'oku felave'i pe fekau'aki mo e Kautaha

Sipoti Fakafonua 'o hange pe ko ha tokotaha taautaha 'a e Kautaha Fakafonua;

- (e) nō mai ha pa'anga 'o fakataumu'a ki he Kautaha Sipoti Fakafonua; pe
- (f) fakahoko 'a e ngaahi me'a kehe kotoa 'a ia 'oku kau pe tokoni ki hono fakahoko 'a e mafai 'o e Kautaha Sipoti Fakafonua.

13 Ngaahi tu'utu'uni tanaki atu fekau'aki mo e kau talēkita

'E ngofua ke fili pe hoko atu ko ha talekita 'i ha Kautaha Sipoti Fakafonua ha taha ngaue fakapule'anga, 'o fakatatau ki he ngaahi me'a ni —

- (a) kuo pau ko e taha ngaue fakapule'anga pe 'e taha 'e fili pe hoko atu ke ngaue 'i he poate 'o ha Kautaha Sipoti Fakafonua 'i he taimi pē 'e taha, pea kapau 'oku laka hake 'i he toko taha 'a e taha ngaue fakapule'anga 'oku lolotonga ngaue 'i ha poate 'i he taimi 'oku kamata ngaue'aki ai 'a e Lao ni, kuo pau ki he Minisitā ke ne tu'utu'uni 'a e taha ngaue fakapule'anga 'oku ngofua ke hoko atu 'ene ngaue pea kuo pau ke ne fakaha 'i he taimi pe ko ia 'a 'ene tu'utu'uni 'i he tohi ki he kau ngaue fakapule'anga mo e Kautaha Sipoti Fakafonua; pea
- (b) 'e 'ikai ngofua ke hoko ha taha ngaue fakapule'anga ko e Sea 'o ha Kautaha Sipoti Fakafonua.

KONGA V – TALI UI

14 Fakapa'anga mo e fakapa'anga makehe

'E ngofua ki ha Kautaha Sipoti Fakafonua ke ma'u pē 'a e tokoni fakapa'anga mei he Pule'anga 'i he founa 'o e —

- (a) Ngaahi Tokoni;
- (b) Ngaahi Sisonisa; pe
- (c) Aleapau nō 'oku kau ki ai ha mo'ua 'oku ma'u mei ai ha tupu pe 'ikai;

15 Palani pisinisi

- (1) Kuo pau ke 'oatu 'e he Poate ki he Minisitā ha palani pisinisi fakaangaanga 'o 'ikai ke toe tomui ange 'i he mahina 'e 1 kimu'a 'a e kamata'anga 'o e ta'u fakapa'anga taki taha.
- (2) Kuo pau ke fakaha mahino 'i he palani pisinisi taki taha, felave'i mo e ta'u fakapa'anga hoko mo e ta'u 'e ua ka hoko mai 'i ai ha fakamatala fakama'opo'opo peesi 'e taha 'o e —
 - (a) founa 'e a'usia ai 'a e ngaahi taumu'a 'o e Kautaha Sipoti Fakafonua;

- (b) ngaahi founa ke ngaue'aki ke a'usia 'a e taumu'a;
 - (c) natula mo e fakangatangata 'o e ngaahi ngaue ke fakahoko;
 - (d) ngaahi taumu'a fakangaue mo e ngaahi founa kehe 'a ia 'e ala sivi 'aki 'a e fakahoko ngaue 'a e Kautaha Sipoti Fakafonua felave'i mo 'ene taumu'a;
 - (e) fakamatala fakafuofua 'o e fakahoko ngaue fakapa'anga ki he ta'u fakapa'anga taki taha 'o e palani;
 - (f) fakamatala fakafuofua 'o e tu'unga fakapa'anga ki he ta'u fakapa'anga taki taha 'o e palani;
 - (g) fakamatala 'o ha nō 'oku 'amanaki ke fakahoko; mo e
 - (h) ngaahi me'a kehe ko ia kuo felotoi ki ai 'a e Minisitā mo e Poate.
- (3) Kuo pau ke fakakaukau'i 'e he Poate ha ngaahi fokotu'u fakakaukau kuo fakahoko 'e he Minisitā 'i he palani pisinisi fakaangaanga pea kuo pau ke ne 'ave 'a e palani pisinisi kakato ki he Minisitā 'i he pe kimu'a 'a e kamata'anga 'o e ta'u fakapa'anga pe ha 'aho kimui ange 'e ala tu'utu'uni 'e he Minisitā.

16 Lipooti fakata'u mo e ngaahi 'akauni

- (1) Kuo pau ke 'oatu 'e he Poate ki he Minisitā –
- (a) ha lipooti ki he fakahoko ngaue 'a e Kautaha Sipoti Fakafonua mo e fakamatala fakapa'anga fakama'opo'opo ki he ta'u fakapa'anga ko ia 'o 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 kehe 'e fiema'u 'i loto 'i he mahina 'e 3 mei he ngata'anga 'o e ta'u fakapa'anga taki taha; mo
 - (b) ha lipooti faka'atita ki he ngaahi fakamatala fakapa'anga 'i loto 'i he mahina 'e 6 mei he ngata'anga 'o e ta'u fakapa'anga.
- (2) Kuo pau ke kau 'i he ngaahi lipooti 'i he kupu si'i 1(a) 'a e fakamatala ko ia 'e fiema'u ke malava ai ha sivi fakapapau'i 'a e fakahoko ngaue 'o e Kautaha Sipoti Fakafonua.

17 Fakamatala ke tuku atu ki he Fale Alea

- (1) Kuo pau ke fakahu 'e he Minisitā ki he Kapineti 'a e lipooti fakata'u 'a e Kautaha Sipoti Fakafonua taki taha, 'i loto 'i he mahina 'e taha hili hono ma'u mai 'a e ngaahi lipooti fakata'u.
- (2) Kuo pau ke 'oatu 'e he Poate ha fakamatala fakama'opo'opo nounou 'o e lipooti fakata'u 'a e Kautaha Sipoti Fakafonua ke pulusi 'i loto 'i he mahina 'e 2 'i ha nusipepa Tonga kuo tali 'i he lea faka-Tonga mo e lea faka-Pilitania fakatou'osi hili hono tali 'e he Poate 'a e Lipooti Fakata'u. Kuo pau ke kau atu ki he pulusi ko ia –

- (a) ha fakafehoanaki 'o e pa'anga hu mai, fakamatala pa'anga, mo e ngaahi taumu'a ngaue 'oku 'ikai fakapa'anga pea mo e ngaahi fakafuofua 'o e ngaahi me'a 'oku ha 'i he palani pisinisi ki he ta'u tatau;
- (b) ha fakafuofua 'o e pa'anga hu mai, fakamatala pa'anga, mo e pa'anga 'oku ma'u 'i he mahu'inga faka'avalisi, mo e ngaahi taumu'a ngaue 'oku 'ikai fakapa'anga 'oku hā 'i he palani pisinisi ki he ta'u fakapa'anga hoko;
- (c) feitu'u 'oku malava ke ma'u mei ai pe sivi ai ha tatau 'o e lipooti fakata'u, 'o kau ai mo e totongi kuo tu'utu'uni 'e he Minisitā;
- (d) ha fakamatala nounou 'o fakamatala'i 'a e ngaahi fengaue'aki fakapa'anga kuo kau atu ki ai 'a e Kautaha Sipoti Fakafonua mo e Pule'anga 'i he ta'u kuo 'osi, 'o kau ai –
 - (i) ha tanaki atu 'o ha sino'i pa'anga 'o tatau ai pē pe 'i he founa 'o ha mo'ua pe ko ha tokoni pe siponisa, ko e mahu'inga, ko e lahi 'o e tupu, kapau 'oku ala ngaue'aki, pea mo ha ngaahi makatu'unga totongi fakafoki; mo e
 - (ii) ngaahi totongi kehe kuo fakahoko 'e he Pule'anga, pea kapau ko e ngaahi totongi ko ia 'oku laka hake 'i he peseti 'e 10 'o e pa'anga hu mai 'a e Kautaha Sipoti Fakafonua, ko ha fakamatala nounou 'o e 'uhinga 'a e totongi pea mo ha fiema'u ke totongi fakafoki 'e he Kautaha Sipoti Fakafonua 'a e kotoa pe konga 'o e totongi kuo fakahoko.

18 Fakamatala kehe

- (1) Fakatatau 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 Kautaha Sipoti Fakafonua 'a ia kuo pau ke tu'utu'uni 'e he Minisitā.
- (2) Kuo pau 'e 'ikai ke mo'ua ha taha 'oku ngaue 'o fakatatau ki he kupu ni 'i ha Lao kehe, koe'uhi ko 'ene faipau ki ha tu'utu'uni 'i he kupu si'i (1).

19 Ngaue faka-'Atita mo e fatongia 'o e 'Atita Seniale

'E ngofua ke kole 'e he Minisitā ki he 'Atita Seniale ke ne fakahoko ha ngaue faka'atita 'o ha Kautaha Sipoti Fakafonua. Kuo pau ke fakahoko 'e he 'Atita Seniale 'a e ngaue faka'atita 'i he taimi pe ko ia, mei hono ma'u 'a e tu'utu'uni ko ia 'i he tohi mei he Minisitā.

20 Malu'i mei hono fakaha 'o ha fakamatala pelepelengesi

- (1) Kuo pau ke 'ikai ha me'a 'i he Lao ni ke faka'uhinga'i 'oku tu'utu'uni ki ha Kautaha Sipoti Fakafonua ke kau 'i ha lipooti, 'oku fiema'u 'i he Lao ni pea 'oku faka'ataa ki he kakai, ha fakamatala 'oku pehe 'e he Poate 'e malava ke

ne maumau'i 'a e ngaahi kaunga fakakomesiale 'a e Kautaha Sipoti Fakafonua pea 'e malava, tuku kehe 'a e ngaahi tu'utu'uni 'o e Lao ni, ke 'oua 'e fakaha ia.

- (2) Kapau 'e 'eke'i 'e ha taha 'a e tu'utu'uni 'a e Poate ke ta'ofi ha fakamatala 'i he kupu si'i (1) kuo pau ke nau tuku atu 'enau ngaahi fokotu'u ki he Minisitā, 'a ia ko 'ene tu'utu'uni 'e aofangatuku.

KONGA VI – NGAahi ME'A KEHE

21 Ngaahi Vā Tamaki mo e Fakalelei kehe 'o e Vā Tamaki

- (1) Ka 'i ai ha vā tamaki 'e hoko 'i he vaha'a 'o ha memipa, 'ofisa pe fa'ahi kehe 'oku kaunga ki ha Kautaha Sipoti Fakafonua, 'e ngofua ke fakahoko ki he Potungāue ki he fakalelei vā.
- (2) 'I hono ma'u mai 'e he Potungāue 'i he tohi ha vā tamaki mei ha memipa, 'ofisa pe fa'ahi kehe 'oku kaunga ki ha Kautaha Sipoti Fakafonua, 'e ngofua ke 'ave 'e he Potungāue 'a e vā tamaki ko ia ki he fakalelei vā, 'a ia ko e fakalelei vā mo e founga 'o e fakalelei vā 'e toki fakaha ia 'i he ngaahi tu'utu'uni.
- (3) Kapau 'e 'ikai malava ha felotoi 'a e ngaahi fa'ahi ki he vā tamaki, 'e ngofua ke fakahu atu 'e ha fa'ahi 'a e vā tamaki ki ha fakatonutonu 'i hono tu'utu'uni 'i he Ngaahi Tu'utu'uni.
- (4) Kapau 'e 'i ai ha taimi 'oku uesia ai 'e ha vā tamaki 'a e fakahoko ngaue, pule'i mo e tokanga'i 'o ha Kautaha Sipoti Fakafonua, 'e ngofua ke fakahoko 'e he Minisitā ha ngaue makehe ke malu'i 'a e kaunga 'a e Kau Memipa 'o ha Kautaha Sipoti Fakafonua, 'a ia 'e ngofua ke kau ki ai, kae 'ikai fakangatangata ki he, fili 'o ha pule, taha ma'u pe Poate 'o e Kau Talekita fakataimi, 'a ia 'oku fakangatangata 'a e vaha'ataimi 'o e fili ki he taimi 'oku hoko ai 'a e vā tamaki.
- (5) Neongo 'a e ngaahi me'a kuo fakaha, kuo pau ke ngaue'aki 'e he ngaahi fa'ahi 'a e ngaahi tu'utu'uni pe Konisitutone 'o 'enau Kautaha Sipoti Fakafonua kapau 'oku 'oatu 'i he ngaahi tu'utu'uni pe Konisitutone ha founga ki hono solova 'a e ngaahi launga, founga tautea pe ngaue hala.

22 Hiki 'o e ngaahi kaunga

'E ngofua ki he Minisitā, ma'ae Pule'anga, ke ne fakahoko 'a e hiki pe ngaahi faka'inasi kotoa 'o e koloa, ngaahi totonu, hingoa fakalao mo e ngaahi kaunga 'o ha Kautaha Sipoti Fakafonua kuo tali ki ha Kautaha Sipoti Fakafonua fo'ou 'o kapau 'oku tali 'e he Kapineti, 'i he fokotu'u 'a e Potungāue mo e ngaahi sino fekau'aki 'i he sipoti 'a ia 'oku kau ki ai 'a e Kautaha.

23 'Ikai toe lava 'o totongi mo'ua, Veteki pe Hopo

Kapau 'e 'ikai lava 'o totongi 'a e mo'ua 'o ha Kautaha Sipoti Fakafonua, pe kuo fakahoko ha tohi kole ke Veteki 'a e Kautaha Sipoti Fakafonua pe 'oku lolotonga kau 'a e Kautaha Sipoti Fakafonua 'i ha hopo fekau'aki mo ha mo'ua lahi, pe 'oku 'ikai ke malava 'a e Kautaha Sipoti Fakafonua 'o totongi 'a 'ene ngaahi mo'ua 'i he taimi ke totongi ai pea 'oku mo'ua, pe kuo 'ikai malava 'e he Kautaha Sipoti Fakafonua 'o 'oatu 'a e fakamatala fe'unga kuo fiema'u 'i he kupu 15, 16, 17 mo e 18 'i heni, 'e ngofua ki he Minisitā 'i hono ma'u ha fanongonongo tohi 'o e ngaahi me'a ni ke ne –

- (a) fili ha pule, taha ma'u pe Poate 'o e Kau Talekita fakataimi ke pule'i mo/pe tokanga'i 'a e Kautaha Sipoti Fakafonua kae'oua kuo toe lava 'o totongi 'a e mo'ua 'o e Kautaha Sipoti Fakafonua;
- (b) fili ha pule, taha ma'u pe Poate 'o e Kau Talekita fakataimi ke pule'i mo/pe tokanga'i 'a e Kautaha Sipoti Fakafonua kae'oua kuo 'ikai ke toe kaunga ki ha tohi kole Veteki;
- (c) fili ha pule, taha ma'u pe Poate 'o e Kau Talekita fakataimi ke pule'i mo/pe tokanga'i 'a e Kautaha Sipoti Fakafonua kae'oua kuo malava 'a e Kautaha Sipoti Fakafonua 'o totongi hono mo'ua 'i he taimi 'oku totonu ke totongi ai pea 'oku mo'ua;
- (d) fili ha pule, taha ma'u pe Poate 'o e Kau Talekita fakataimi ke pule'i mo/pe tokanga'i 'a e Kautaha Sipoti Fakafonua kae'oua kuo faipau 'a e Kautaha Sipoti Fakafonua ki he kupu 15, 16, 17 mo e 18 'i heni; pe
- (e) fili ha pule, taha ma'u pe Poate 'o e Kau Talekita fakataimi ke pule'i mo/pe tokanga'i 'a e Kautaha Sipoti Fakafonua ki ha vaha'ataimi 'oku pehe 'e he Minisita 'oku taau.

24 Ngaahi fili 'oku maumau ai 'a e Lao ni

- (1) Ko hono fili 'o ha taha ko e talēkita pe 'ofisa 'o maumau ai 'a e Lao ni kuo pau ke ta'efakalao.
- (2) Ko ha talēkita pe 'ofisa kuo fokotu'u fakalelei 'o maumau ai 'a e Lao ni kuo pau ke lau ia kuo 'osi fakafisi mei hono lakanga mei he 'aho na'e fakahā ai ki ai 'e he Minisitā 'a e me'a ko ia.
- (3) Ko ha 'ofisa kuo fili fakalelei 'o maumau ai 'a e Lao ni kuo pau ke lau ia kuo 'osi fakafisi mei hono lakanga mei he 'aho na'e fakahā ai ki ai 'e he Sea 'o e Poate 'a e me'a ko ia.

25 Ngaahi Tu'utu'uni

'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 totonu mo lelei 'a e Lao ni.

26 Fakapekia mo e Fakahaofi

- (1) Kuo pau ke fakapekia 'e he Lao ni 'a e Lao ki he Kosilio Sipoti 'a Tonga [Vahe 26.05].
- (2) Neongo 'a e fakapekia 'o e Lao ki he Kosilio Sipoti 'a Tonga [Vahe 26.05] mo hono tamate'i 'o e Kosilio Sipoti 'a Tonga, ko e ngaahi fatongia kotoa 'oku tupu mei he pe 'i he Lao ki he Kosilio Sipoti 'a Tonga [Vahe 26.05] pe kuo fokotu'u 'i he Lao ko 'eni, 'o tatau ai pē pe 'i he aleapau pe kehe ange, kuo pau ke ngata ia 'i he Fakamo'oni huafa 'a e Lao ni pea kuo pau ke 'ikai ala mo'ua 'a e Pule'anga ki ha fatongia, 'i he aleapau pe kehe ange, koe'uhi ko e fakapekia 'o e Lao ki he Kosilio Sipoti 'a Tonga [Vahe 26.05] mei he 'aho 'oku fakahoko ai 'a e Fakamo'oni huafa. Kuo pau ke 'ikai ala mo'ua 'a e Pule'anga mei he 'aho 'o e fakapekia 'o e Lao ki he Kosilio Sipoti 'a Tonga [Vahe 26.05] ki ha ngaahi aleapau, mahino pe faka'uhinga'i, pe ko ha ngaahi fatongia 'oku angamaheni ke fakahoko kimu'a 'a e fakapekia 'o e Lao ki he Kosilio Sipoti 'a Tonga [Vahe 26.05]. Kuo pau ke 'ikai mo'ua 'a e Pule'anga ki ha fa'ahinga mo'ua 'i ha aleapau pe fatongia 'o a'u ki he 'aho 'o e fakapekia 'a e Lao ki he Kosilio Sipoti 'a Tonga [Vahe 26.05].

Na'e tali 'e he Fale Alea 'i he 'aho ni 'o 2021.

TEPILE I

(Kupu 7(1))

NGAAHI KAUTAHA SIPOTI FAKAFONUA

1. KAUTAHA 'IUNIONI 'AKAPULU 'A TONGA
2. KAUTAHA LIKI 'AKAPULU FAKAFONUA 'A TONGA
3. KAUTAHA TĀ PULU 'A TONGA
4. KAUTAHA FANA ME'AFANA 'A TONGA
5. KAUTAHA 'A'ALO PŌPAO 'A TONGA
6. KAUTAHA 'ATELITA 'A TONGA
7. KAUTAHA PASIKETIPOLO 'A TONGA
8. KAUTAHA VOLIPOLO 'A TONGA
9. KAUTAHA HIKIHIKI SINO LELEI 'A TONGA
10. KAUTAHA TAEKWANDO FAKAFONUA 'A TONGA
11. KAUTAHA FUHU 'A TONGA
12. KAUTAHA KAKAU & 'AKUATIKI 'A TONGA
13. KAUTAHA TENISI 'A TONGA
14. KAUTAHA SIPOTI FAKAFONUA 'A TONGA KI HE KAU
FAINGATA 'A 'IA
15. KAUTAHA NETIPOLO 'A TONGA
16. KAUTAHA TENISI TEPILE 'A TONGA
17. KAUTAHA HIKI ME 'A MAMAFU 'A TONGA
18. KAUTAHA FAKATEKA PULU MUSIE 'A TONGA
19. KAUTAHA KILIKITI 'A TONGA
20. KAUTAHA FANA NGAHAU 'A TONGA
21. KAUTAHA PETIMINITONI FAKAFONUA 'A TONGA
22. KAUTAHA POPAO VA 'A 'A TONGA

TEPILE II

(Kupu 10(1))

NGAAHI FAI'ANGA SIPOTI

1. Mala'e Va'inga mo e Fale Fakamālohisino Teufaiva
2. Mala'e Va'inga mo e Mala'e Tenisi 'a 'Atele

FAKAMATALA FAKAMAHINO

(‘Oku ‘ikai hoko ‘a e ngaahi fakamatala ni ko ha kongā ‘o e Lao Fakaangaanga pea ‘oku fakataumu‘a pe ke fakamatala hono ngaue‘aki mo e taumu‘a)

Ko e Lao Fakaangaanga ni te ne fakapekia mo fakafetongi ‘a e Lao ki he Kosilio Sipoti ‘a Tonga [Vahe 26.05]. Ko e taumu‘a tefito ‘o e Lao Fakaangaanga ke –

- (a) fakatupulaki mo faka‘ai‘ai ‘a e kau atu ki he sipoti ‘i Tonga ‘i he Ngaahi Kautaha Sipoti Fakafonua kuo Faka‘ilonga‘i;
- (b) fakasi‘isi‘i mo fakangatangata ‘a e ngaahi fatongia ‘o e Lao ki he Kosilio Sipoti ‘a Tonga mo e ngaahi kaunoa fakapolitikale;
- (c) fakapapau‘i ‘oku tauhi ‘e he Ngaahi Kautaha Fakafonua Faka‘ilonga‘i ‘a e melino mo fakahoko ‘a e ngaahi sipoti ‘o fakatatau ki he ngaahi faka‘amu ‘o ‘enau kau mēmipa mo e kau sipoti ‘atelita;
- (d) fakapapau‘i ko e Ngaahi Kautaha Sipoti Fakafonua kuo Faka‘ilonga‘i ko e ngaahi sosaieti fakakautaha, ngaahi talāsiti mo e/pe ngaahi kautaha pea ‘oku lesisita ki he tukuhau;
- (e) fakapapau‘i kuo tali ‘e he Ngaahi Kautaha Sipoti Fakafonua kuo Faka‘ilonga‘i ‘a e ngaahi Konisitutone ‘e he ‘ene kau memipa ‘oku poupou‘i ‘e he Potungāue;
- (f) fakapapau‘i ‘oku fakahā ‘e he Ngaahi Kautaha Sipoti Fakafonua kuo Faka‘ilonga‘i ‘a ia ‘oku nau ma‘u tokoni fakapa‘anga Fakapule‘anga mei he Pule‘anga ‘a e ngaahi lekooti fakapa‘anga ki he Potungāue ki he Sipoti mo e Va‘inga;
- (g) fakapapau‘i ko e kotoa ‘o e Ngaahi Fai‘anga Sipoti Fakafonua ke ‘i he pule ‘a e Potungāue pea ‘ikai ko ha Kosilio kuo fili fakapolitikale; pea
- (h) fakapapau‘i ko e Ngaahi Sipoti ‘a e Ako ‘a ia ‘oku ‘i he malumalu ‘o e Potungāue Ako mo e Ngaahi Siasi ‘oku nau kei tau‘ataina pē mei he Lao.



Hon. Vatau Hui
Minisitā ki he Ngaahi Ngaue Fakalotofonua



Ms. 9/2021



Tonga

**TONGA SPORTS AND RECREATION BILL
2021**



TONGA SPORTS AND RECREATION BILL 2021

Arrangement of Sections

Section

| | | |
|---|---|-----------|
| PART I - PRELIMINARY | | 5 |
| 1 | Short title..... | 5 |
| 2 | Interpretation..... | 5 |
| PART II - SCHEME OF ACT | | 6 |
| 3 | Application..... | 6 |
| 4 | Objective of National Sports Associations | 6 |
| 5 | Ministry of Sports and Recreation | 6 |
| 6 | Functions of the Ministry..... | 6 |
| 7 | National Sports Associations | 7 |
| 8 | Relationship to other Acts..... | 7 |
| PART III - NATIONAL SPORTS STADIA AND FACILITIES | | 8 |
| 9 | Stadia and Facility Assets | 8 |
| PART IV – NATIONAL SPORTS ASSOCIATION BOARDS | | 8 |
| 10 | Appointment of directors to boards of National Sports Associations..... | 8 |
| 11 | Roles of Board Directors | 8 |
| 12 | Powers of Board..... | 9 |
| 13 | Additional provisions dealing with directors | 9 |
| PART V - ACCOUNTABILITY | | 10 |
| 14 | Funding and Additional Funding | 10 |
| 15 | Business plan | 10 |
| 16 | Annual report and accounts | 10 |
| 17 | Information to be presented to the Legislative Assembly..... | 11 |
| 18 | Other information | 11 |

| | | |
|----|---|----|
| 19 | Audits and the role of the Auditor General | 12 |
| 20 | Protection from disclosure of sensitive information | 12 |

PART VI - MISCELLANEOUS **12**

| | | |
|----|---|----|
| 21 | Disputes and Alternate Dispute Resolution..... | 12 |
| 22 | Transfer of interests..... | 12 |
| 23 | Insolvency, Winding Up or Litigation | 13 |
| 24 | Appointments in contravention of this Act | 13 |
| 25 | Regulations..... | 14 |
| 26 | Repeals and Savings..... | 14 |

SCHEDULE I **15**

| | |
|------------------------------|----|
| NATIONAL SPORTS ASSOCIATIONS | 15 |
|------------------------------|----|

SCHEDULE II **16**

| | |
|------------------------|----|
| NATIONAL SPORTS STADIA | 16 |
|------------------------|----|

EXPLANATORY NOTES **17**

No. 9/2021



Tonga

TONGA SPORTS AND RECREATION BILL 2021

A BILL FOR AN ACT TO ESTABLISH THE OBJECTIVES, RULES AND PROCEDURES RELATING TO NATIONAL SPORTING ASSOCIATIONS AND THE PROMOTION OF SPORT AND RECREATION IN TONGA

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

PART I - PRELIMINARY

1 Short title

This Act shall be cited as the Tonga Sports and Recreation Act 2021.

2 Interpretation

In this Act, unless the context otherwise requires –

“**Board**” means the board of a National Sports Association that is subject to this Act;

“**CEO**” means the Chief Executive Officer responsible for sports and recreation;

“**National Sports Association**” means a recognised national sports association listed in Schedule I;

“**Minister**” means the Minister responsible for sports and recreation;

“**Ministry**” means the Ministry responsible for sports and recreation established under section 6; and

“**public servant**” means a public service employee as defined in the Public Service Act.

PART II - SCHEME OF ACT

3 Application

- (1) This Act shall bind the Crown.
- (2) All recognised National Sports Associations listed under Schedule I shall be subject to this Act.

4 Objective of National Sports Associations

The principal objective of every National Sports Association shall be to operate as an organisation that fosters participation, good health and competition within the sports discipline which the National Sports Association governs.

5 Ministry of Sports and Recreation

The Ministry responsible for sports and recreation is hereby established.

6 Functions of the Ministry

The functions of the Ministry shall be to –

- (a) develop and implement national policies and strategies for physical recreation and sport;
- (b) develop and implement national policies and strategies aligned with the plans and objectives for each individual sport and or National Sports Association;
- (c) allocate funds to organisations, regional bodies and National Sports Associations in line with its policies and strategies;
- (d) promote and advocate the importance of participation in physical activity by all Tongans for their health and well-being;
- (e) promote and disseminate research relevant to physical recreation and sport;

- (f) provide advice to the Minister on issues relating to physical recreation and sport;
- (g) promote and support the development and implementation of physical recreation and sport in a way that is culturally appropriate;
- (h) encourage participation in physical recreation and sport by women, the elderly, minorities and people with disabilities;
- (i) to foster support and undertake the provision of facilities for sport and recreation;
- (j) to promote the utilization of sporting and recreational facilities in Tonga;
- (k) to investigate developments in sport and recreation and disseminate knowledge and information about such developments, including facilities and facility development; and
- (l) to advise government on any matters relating to sport and recreation.

7 National Sports Associations

- (1) National Sports Associations that receive financial assistance from the Government shall be listed in Schedule I.
- (2) National Sports Association that receive the benefit of any tax exemption or tax concessions from the Government, other than the exemptions set out in section 16 and 18 of the Income Tax Act [Cap 11.05] or any other applicable tax legislation, shall be listed in Schedule I.
- (3) There can only be one registered entity to govern and manage a sport in Tonga and to represent that sport internationally. Any National Sports Association listed in Schedule I hereto is the governing body for the sport in Tonga and internationally.
- (4) The Minister may, with the consent of Cabinet, add or delete a National Sports Association to or from Schedule I.
- (5) A sport entity may request, in writing, to be added or removed as a National Sports Association to or from Schedule I.

8 Relationship to other Acts

- (1) Where a National Sports Association is registered under the Incorporated Societies Act, the Charitable Trust Act and/or the Companies Act, as an Association, the provisions of this Act shall apply in addition to and not in substitution of the other Acts.
- (2) Subject to the Constitution of Tonga [Cap 1.01], where the provisions of this Act conflict with the provisions of any other enactment, the provisions of this Act shall prevail.

PART III - NATIONAL SPORTS STADIA AND FACILITIES

9 Stadia and Facility Assets

- (1) All national stadia listed in Schedule II and accompanying facilities shall be under the control of the Ministry.
- (2) All national stadia listed in Schedule II shall be managed and supervised by a designated person approved by the Minister.
- (3) The Minister may with the consent of Cabinet, transfer, sell or dispose of part of the national stadia assets and or facilities of the Government.

PART IV – NATIONAL SPORTS ASSOCIATIONS BOARDS

10 Appointment of directors to boards of National Sports Associations

- (1) The members of the National Sports Associations shall appoint persons as directors to the Board of a National Sports Association who will assist to achieve its principal objectives.
- (2) Subject to this Act, no member of Cabinet or the Legislative Assembly shall be appointed or remain as a director of a National Sports Association unless approved by the Rules or the Constitution of a National Sports Association.
- (3) Notwithstanding subsection (2), a person who is —
 - (a) under 18 years of age;
 - (b) an undischarged bankrupt;
 - (c) prohibited from being a director under the Companies Act; or
 - (d) not a natural person;

shall be disqualified from being appointed as a director of a National Sports Association.

11 Roles of Board Directors

- (1) A director or an officer of a National Sports Association shall act in good faith and in the best interests of the National Sports Association, and shall —
 - (a) ensure that the national sports association conducts its business and all decisions made by the board are in accordance with its principal objectives;
 - (b) not act, or agree to the association acting, in a manner that contravenes the law or the constitution of the association;

- (c) not agree to, cause or allow the business of the association to be carried on in a manner likely to create a substantial risk or serious loss to the national association; and
 - (d) not agree to the association incurring an obligation unless the director believes at the time on reasonable grounds that the association shall be able to perform the obligation when it is required to do so.
- (2) A transaction involving self-interest shall apply to all directors or officers of any association whether or not the association is registered under the Companies Act, and a reference in those provisions to a company shall be deemed to be a reference to an association.

12 Powers of Board

A board shall have all of the powers provided for in the National Sports Association's governing rules or in its constitution, which shall include the power to –

- (a) hold, improve, manage, develop, alter, extend, equip, furnish, repair and maintain that National Sports Association;
- (b) enter into any covenants or agreements in respect of the National Sports Association;
- (c) sell or dispose of, turn to account or otherwise deal with any property vested in the National Sports Association;
- (d) exercise any functions or rights and undertake and perform any liability in respect of or in connection with the National Sports Association as if the National Sports Association were a natural person;
- (e) borrow money for the purposes of the National Sports Association; or
- (f) do all such other things as are incidental or conducive to the exercise of the power of the National Sports Association.

13 Additional provisions dealing with directors

A public servant may be appointed or continue to be a Director in a National Sports Association, subject to the following –

- (a) no more than one public servant shall be appointed or continue to serve on the board of any National Sports Association at the same time, and if more than one public servant is serving on a board at the time this Act comes into force, the Minister shall determine which public servant may continue to serve and shall immediately notify the public servants and National Sports Association of his determination in writing; and
- (b) no public servant may serve as Chair of a National Sports Association.

PART V - ACCOUNTABILITY

14 Funding and Additional Funding

A National Sports Association may only receive funding from the Government in the form of –

- (a) Grants;
- (b) Sponsorships; or
- (c) Loan agreement with or without interest-bearing debt.

15 Business plan

- (1) The Board shall deliver to the Minister a draft business plan no later than 1 month before the commencement of each financial year.
- (2) Each business plan shall specify, in respect of the next financial year and the 2 years thereafter a one-page summary of -
 - (a) how the objectives of the National Sports Association will be achieved;
 - (b) the strategies to be pursued to achieve the objective;
 - (c) the nature and scope of the activities to be undertaken;
 - (d) the performance targets and other measures by which the performance of the National Sports Association may be judged in relation to its objective;
 - (e) a forecast statement of the financial performance for each financial year of the plan;
 - (f) a forecast statement of financial position for each financial year of the plan;
 - (g) a statement of any anticipated borrowing; and
 - (h) such other matters as are agreed by the Minister and the Board.
- (3) A Board shall consider any comments made on the draft business plan by the Minister and shall deliver the final business plan to the Minister on or before the commencement of the financial year or such later date as the Minister may determine.

16 Annual report and accounts

- (1) The Board shall deliver to the Minister –
 - (a) a report of the operations of the National Sports Association 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 contain such information as is necessary to enable an informed assessment of the operations of the National Sports Association.

17 Information to be presented to the Legislative Assembly

- (1) The Minister shall table in Cabinet the annual report of each National Sports Association, within one month of receiving the annual reports.
- (2) The Board shall provide a brief summary of the annual report of the National Sports Association to be published within 2 months in a recognized Tongan newspaper in both the Tongan and English language after the Annual Report is adopted by the Board. Such publication shall include —
 - (a) a comparison of revenues, financial statement, and non-financial performance targets with those projected in the business plan for the same year;
 - (b) projected revenues, financial statement, and return on average equity, and non-financial performance targets in the business plan for the next financial year;
 - (c) where the copy of the annual report can be obtained or inspected, including the fee prescribed by the Minister; and
 - (d) a brief statement describing all financial transactions entered into between the National Sports Association and the Government in the preceding year, including —
 - (i) any injection of funds whether in the form of debt or grant or sponsorship, the amount, the rate of interest, if applicable, and any repayment terms; and
 - (ii) any other payments made by the Government, and where such payments exceed 10 per cent of the revenue of the National Sports Association, a brief description of the reason for the payment and whether the National Sports Association must repay all or any of the payment made.

18 Other information

- (1) Subject to subsection (2), the Board shall supply to the Minister or any other person, such information relating to the affairs of the National Sports Association as the Minister shall direct.
- (2) 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).

19 Audits and the role of the Auditor General

The Minister may require the Auditor General to conduct an audit of a National Sports Association. Upon receipt of such request in writing by the Minister, the Auditor General shall conduct an audit forthwith.

20 Protection from disclosure of sensitive information

- (1) Nothing in this Act shall be construed as requiring any National Sports Association to include in any report, required under this Act and available for public disclosure, any information which in the opinion of the Board could damage the commercial interests of the National Sports Association and could, except for the provisions of this Act, be properly withheld.
- (2) If any person seeks to challenge the decision of the Board to withhold information under subsection (1) they shall present their arguments to the Minister, whose determination will be final.

PART VI - MISCELLANEOUS**21 Disputes and Alternate Dispute Resolution**

- (1) Any dispute arising between any member, officer or interested third party for a National Sports Association, may be referred to the Ministry for mediation.
- (2) Upon written receipt of any dispute by a member, officer or interested third party for a National Sports Association by the Ministry, the Ministry may refer the dispute to mediation, which mediation and procedure for mediation will be prescribed by regulations.
- (3) In the event that a settlement is not reached by the parties to the dispute, a party may submit the dispute to arbitration as prescribed by Regulations.
- (4) In the event a dispute affects the operation, management and supervision of a National Sports Association, the Minister may take further action to protect the interests of the Members of a National Sports Association, which may include, but not limited to, the appointment of an administrator, receiver or interim Board of Directors, where the period of appointment is limited to the existence of the dispute.
- (5) Notwithstanding the foregoing, the parties shall apply the rules or Constitution of their National Sports Association where the rules or Constitution provides a mechanism for resolving complaints, disciplinary action or misconduct.

22 Transfer of interests

The Minister may, on behalf of the Government, execute all transfers or assignments of property, rights, title and interests of an approved National Sports Association to a

new National Sports Association if agreed to by Cabinet, under recommendation of the Ministry and stakeholders in the sport of which the Association exists.

23 Insolvency, Winding Up or Litigation

In the event a National Sports Association is insolvent, or an application has been made for Winding Up of the National Sports Association or that the National Sports Association is the subject of litigation involving substantial liability, or that the National Sports Association is unable to pay its debts when its debts fall due and owing, or that the National Sports Association has failed to provide satisfactory information required in sections 15, 16, 17 and 18 herein, the Minister upon receiving written notice of the foregoing may -

- (a) appoint an administrator, receiver or interim Board of Directors to manage and/or supervise the National Sports Association until the National Sports Association is no longer insolvent;
- (b) appoint an administrator, receiver or interim Board of Directors to manage and/or supervise the National Sports Association until the National Sports Association is no longer subject to a Winding Up application;
- (c) appoint an administrator, receiver or interim Board of Directors to manage and/or supervise the National Sports Association until the National Sports Association is able to pay its debts when the debts fall due and owing;
- (d) appoint an administrator, receiver or interim Board of Directors to manage and/or supervise the National Sports Association until the National Sports Association complies with sections 15, 16, 17 and 18 herein; or
- (e) appoint an administrator, receiver or interim Board of Directors to manage and/or supervise the National Sports Association for a period of time the Minister deems appropriate.

24 Appointments in contravention of this Act

- (1) The appointment of a person as director or officer in contravention of the provisions of this Act shall be void.
- (2) A director or officer elected 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) An 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 Chair of the board.

25 Regulations

The Minister may, with the consent of Cabinet, make regulations for the proper and efficient administration of this Act.

26 Repeal and Saving

- (1) This Act shall repeal the Tonga Sports Council Act [Cap 26.05].
- (2) Notwithstanding the repeal of the Tonga Sports Council Act [Cap 26.05] and the termination of the existence of the Tonga Sports Council, all obligations arising from or under the Tonga Sports Council Act [Cap 26.05] or created by the said Act, whether contractual or otherwise, shall end upon Royal assent being given to this Act and the Government shall not be liable for any obligation, contractual or otherwise, for the repeal of the Tonga Sports Council Act [Cap 26.05] from the date Royal assent is given. The Government shall not be liable from the date of repeal of the Tonga Sports Council Act [Cap 26.05] for any contracts, express or implied, or obligations that would normally be enforceable prior to repeal of the Tonga Sports Council Act [Cap 26.05]. The Government shall be limited to any liability for any contract or obligation up to the date of repeal of the Tonga Sports Council Act [Cap 26.05].

Passed by the Legislative Assembly this day of 2021.

SCHEDULE I

(Section 7(1))

NATIONAL SPORTS ASSOCIATIONS

1. TONGA RUGBY FOOTBALL UNION INCORPORATED
2. TONGA NATIONAL RUGBY LEAGUE INCORPORATED
3. TONGA GOLF ASSOCIATION
4. TONGA SHOOTING ASSOCIATION
5. TONGA KAYAKING ASSOCIATION
6. TONGA ATHLETICS ASSOCIATION
7. TONGA BASKETBALL ASSOCIATION
8. TONGA VOLLEYBALL ASSOCIATION
9. TONGA BODY BUILDING FEDERATION
10. TONGA NATIONAL TAEKWONDO ASSOCIATION
11. TONGA BOXING ASSOCIATION
12. TONGA SWIMMING & AQUATICS ASSOCIATION
13. TONGA TENNIS ASSOCIATION
14. TONGA NATIONAL PARALYMPIC COMMITTEE
15. TONGA NETBALL ASSOCIATION
16. TONGA TABLE TENNIS ASSOCIATION
17. TONGA WEIGHTLIFTING FEDERATION
18. TONGA LAWN BOWLING ASSOCIATION
19. TONGA CRICKET ASSOCIATION
20. TONGA ARCHERY FEDERATION
21. TONGA NATIONAL BADMINTON ASSOCIATION
22. TONGA OUTRIGGER CANOE VA'A ASSOCIATION

SCHEDULE II

(Section 10(1))

NATIONAL SPORTS STADIA

- (1) Teufaiva Sports Stadium and Gymnasiums
- (2) 'Atele Sports Stadium and Tennis Grounds

EXPLANATORY NOTES

(These notes does not form part of the Bill but it is only intended to explain its scope and purpose)

This Bill will repeal and replace the Tonga Sports Council Act [Cap 26.05]. The main purpose of the Bill is to –

- (a) foster and grow sports participation in Tonga through the Recognised National Sporting Associations;
- (b) narrow and limit the functions of the TSC and political interference;
- (c) ensure that Recognised National Associations maintain harmony and administer sports according to their members and sporting athlete wishes.
- (d) ensure that Recognised National Sporting Associations are incorporated societies, trusts and/or companies and are registered for tax;
- (e) ensure that Recognised National Sporting Associations have approved Constitutions by its members endorsed by the Ministry;
- (f) ensure that Recognised National Sporting Associations whom receive Public funding from Government disclose financial records to the Ministry of Sports and Recreation;
- (g) ensure that all National Sports Stadia is under the control of the Ministry and not a politically elected Council; and
- (h) ensure that School Sports under the Ministry of Education and the Churches remain independent of the Act.



Hon. Vatau Hui
Minister of Internal Affairs



