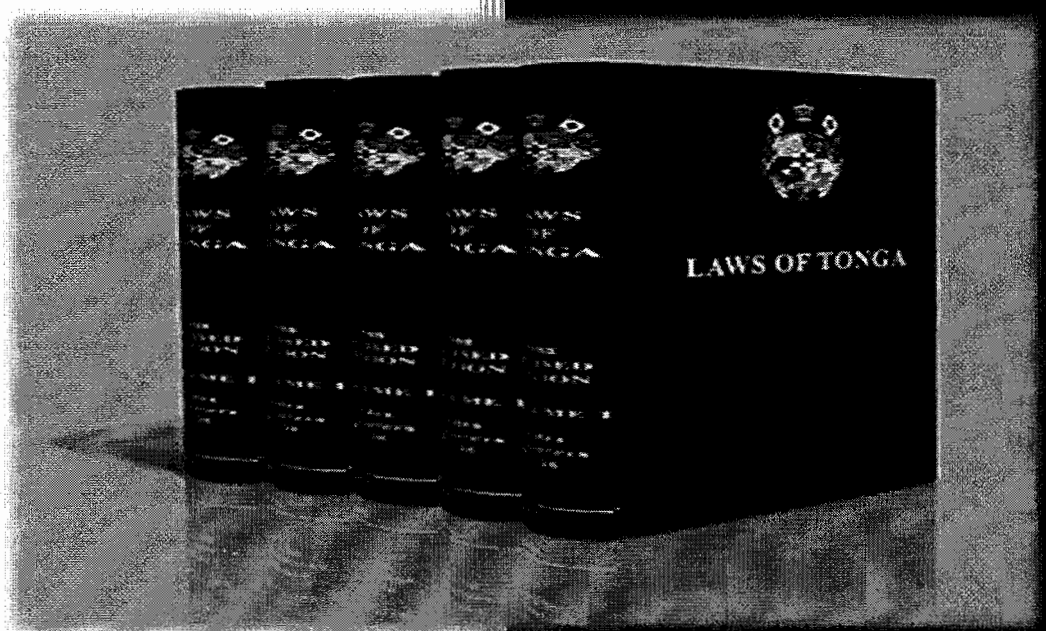
2011

CROWN LAW DEPARTMENT ANNUAL REPORT



This Annual Report is submitted in accordance to section 13F of the Public Service Act 2002

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ACRONYMS

AG	**Attorney General**
AGO	**Attorney General's Office**
DPP	**Director of Public Prosecutions**
MDA	**Ministry, Departments and Agencies**

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1 GENERAL

(1) ROLE

The Crown Law Department was under the direction of the Acting Attorney General and Minister of Justice Hon. Samiu Kuita Vaipulu for the first half of the year. Mr. Barrie Sweetman was appointed Interim Attorney General on August 2011 and he remained so until the end of the year.

The Attorney General is the Crown's First Law Officer. The Attorney General is vested with wide common law powers that include: filing of *ex efficio* information, entering of a *nolle prosequi* in certain criminal prosecutions, and maintaining relator actions in matters affecting the general public. These powers are exercised by the granting of the Attorney General's *fiat.* As such, he decides whether or not and in what precise circumstances, he will issue his certificate.

In conjunction with these common law powers, the Attorney General has certain statutory responsibilities. The instigation of criminal proceedings in an increasing number of offences is now contingent upon the Attorney General's consent being first obtained. The Attorney General's has statutory duties and powers under the following legislation:

- *Anti Corruption Act;*
- *Consumer Protection Act;*
- *Charitable Trusts Act;*
- *Court of Appeal Act;*
- *Copra Act;*
- *Crown Proceedings Act;*
- *Commissioner for Public Relations Act;*
- *Defamation Act;*
- *Divorce Act;*
- *Electoral Act;*
- *Extradition Act;*
- *Fisheries Management Act;*
- *Foreign Evidence Act;*
- *Guardianship Act;*
- *Intoxicating Liquor Act;*
- *Immigration Act;*
- *Legitimacy Act;*
- *Law Practitioners Act;*
- *Public Finance Management Act;*

- *Public Enterprises Act;*
- *Pharmacy Act;*
- *Supreme Court Act;*
- *Tobacco Control Act;*
- *Money Laundering and Proceeds of Crime Act;*
- *Medical and Dental Practice Act;*
- *Maintenance of Illegitimate Children Act;*
- *Magistrate's Court Act;*
- *Mental Health Act;*
- *Mutual Assistance in Criminal Matters Act;*
- *Nurses Act;*
- *Retirement Fund Board Act;*
- *Stamp Act*
- *Tonga Law Commission Act;*
- *Transnational Crimes Act; and*
- *Wharves Act.*

The Solicitor General is in turn the Crown's Second Law Officer, and is in charge of the daily administration of the Department. The Department's role is based upon the accepted traditional functions of Government Law Officers. Generally, these functions revolve around the following categories:

- *Providing legal advice to Government;*
- *Representing the Crown in civil litigation;*
- *Criminal Prosecutions;*
- *Legislative Drafting;*
- *Law Officer functions;*
- *Implement Government's Community Law Initiatives.*

(2) OFFICE

The Department remained at the Justice Administration Building on Lavinia Road, Fasi-Moe-Afi, Nuku'alofa where it was moved after the loss of its office premises at the Roy Cocker Building during the November 2006 riots. The Department shared the office space with the Ministry of Justice.

Office space is a major issue. The Judiciary are struggling with sub-standard facilities. Crown Law and the Ministry of Justice are sharing officers. The only option to solve this is to build a new Court building, which is in progress, and for Crown Law and Justice, one or the other has to find new premises, not only because of space constraints but also the perception of independence.

(3) DEPARTMENT BUDGET

The budget expenditure of the Department for the 2010/2011 financial year was $1,297,000.00 For the 2011/2012 financial year the Department was allocated $1,285,000.00.

(4) ORGANIZATIONAL CHART

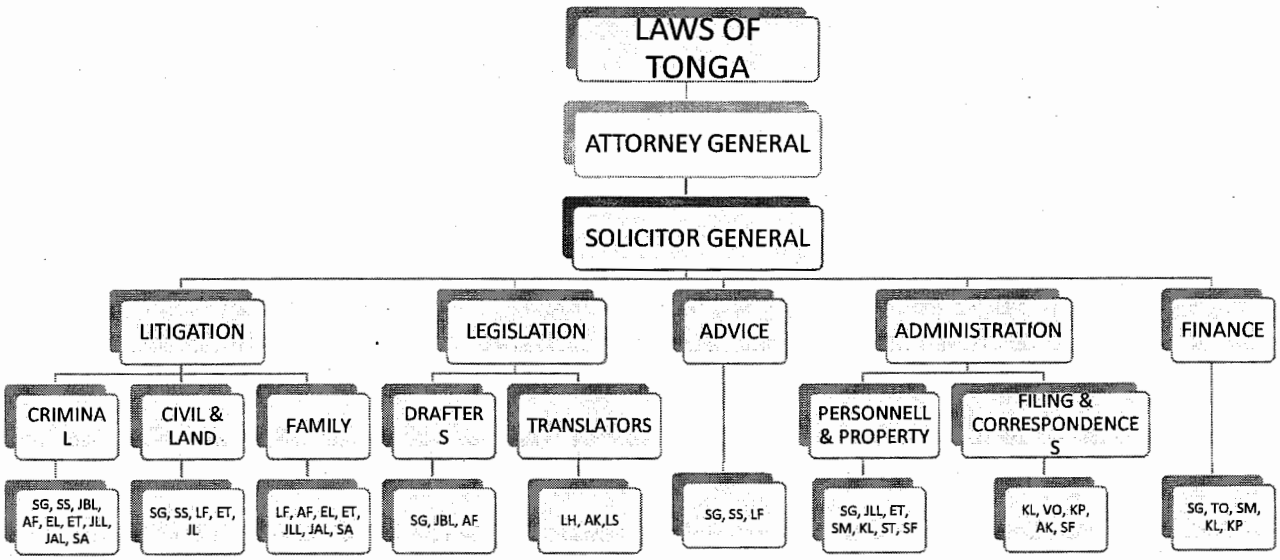


Figure 1 CLD Organizational Structure

2 STAFF

(1) STAFF DURING 2011

In January 2011 the Department had a total of 21 established staff, 11 law practitioners and 10 administrative support staff. The Department recruited new legal staff during the year.

The legal officers employed in the Department hold law degrees from various universities in New Zealand and the University of the South Pacific. They each have been admitted to practice law in the jurisdictions where they studied and also here in Tonga.

The Department continues to struggle with the shortage of legal officers, and more so, of experienced legal officers.

Both the legal and administrative support staff contributed well to the efficient operation of the Department during 2011.

(2) STAFF MATTERS

LEGAL STAFF

On **10 January 2011**, Ms. Loupua Sefokuli, Assistant Senior Interpreter resumed her current post after completing her Bachelors of Law from the University of the South Pacific in Emalus Campus, Port Vila, Vanuatu.

On **26 February 2011** to **17 June 2011**, Ms. 'Akanesi Katoa, returning scholar was recruited as a daily paid law clerk.

In **June 2011,** Ms. Loupua Sefokuli, Assistant Senior Interpreter and Ms. 'Akanesi Katoa, daily paid law clerk left the Office to complete their Professional Diploma in Legal Practice in the University of the South Pacific, Suva, Fiji.

On **25 August 2011,** Ms. Rose Kautoke, returning scholar, was appointed by His Majesty's Cabinet to the post Legal Officer for the Ministry of Justice. She joined the Department as an Attached Legal Officer from the Ministry of Justice.

On **19 December 2011,** Ms. Loupua Sefokuli, Assistant Senior Interpreter resumed duties after completing the Professional Diploma in Legal Practice Program.

Building the legal experience of Crown Law staff is a working progress. The average years of experience for Crown Law staff are 2 to 3 years post admission. Crown Law is trying to develop legal experience in a number of ways. First, by seeking to formalise arrangements for annual secondment of staff to overseas prosecution or legislative drafting offices so they can learn from more experienced prosecutors and drafters. Crown Law is also pairing lawyers to work on complex criminal prosecutions so they can learn from each other. Supervision of legal work has also been increased. Crown

Law staff are also required to give monthly presentations on legal topics of their choosing. Crown Law staff are also sent out during annual Law Week to give presentations to the public to answer their questions.

SUPPPORT STAFF

On **21 February 2011,** Ms. Niusolifoni Kei, Clerk Class II was appointed by the Public Service Commission to the post Filing Registrar. She was transferred on promotion from the Ministry of Justice.

On **16 June 2011,** Ms. Manatu Havea, a graduate from the Tonga Tertiary Institute was recruited by the Department as a daily paid – Administrative Assistant.

STAFF RESIGNATIONS

On **19 November 2011**, Ms. Vika 'Ofahulu, Computer Operator Grade I and PA to the Solicitor General resigned from civil service to join her family in New Zealand.

Schedule I sets out the staff details.

(3) OVERSEAS MEETINGS AND WORKSHOPS

In 2011, members of the legal staff attended various regional and international meetings and workshops representing Tongan Government on legal matters.

Schedule II sets out in detail the regional and international meetings and workshops attended by the Department's legal staff.

(4) CONTINUED LEGAL EDUCATION

On **20 January 2011**, Ms. 'Elisapeti Langi successfully completed her Professional Diploma in Legislative Drafting.

On **February 2011,** Ms. Juliana Lafaiali'i, Assistant Crown Counsel was awarded the Commonwealth Scholarship to complete the Professional Diploma in Legislative Drafting Programme through distant flexible learning (DFL) with the University of the South Pacific.

On **8 September 2011,** Ms. Rose Kautoke, Legal Officer Attached was admitted to the Tongan Bar in the Supreme Court of Tonga.

The legal staff continued to conduct house presentations on legal topics of interest and directly relevant to the work of the Department. This allowed legal staff to share legal knowledge and experience with each other on an informal basis.

The legal staff also attended legal workshops where training was provided on specific international law issues.

(5) MEETINGS AND WORKSHOPS HOSTED BY THE OFFICE

(a) Strategic Implementation Planning Workshop

Crown Law and the National Reserve Bank of Tonga hosted the **Strategic Implementation Planning Workshop** to set out a plan to respond to the recommendations contained in Tonga's mutual evaluation report on anti-money laundering and combating terrorist financing activities adopted by the Asia-Pacific Group on Money Laundering in 2010. This workshop was carried out with the assistance of the APG, Pacific Islands Forum Secretariat and AUSTRAC.

(b) Regional Workshop on Cybercrime Legislation

In April 2011, Crown Law and the Ministry of Information and Communication hosted a three day regional workshop on cybercrime legislation, aimed at encouraging Pacific Island jurisdictions to review or enact their cybercrime legislation based on guidance from the Council of Europe's Convention on Cybercrime (Budapest Convention). Tonga's legislation is deemed compliant with the Budapest Convention and is now considering applying to be invited to accede to the Budapest Convention along with Australia from the Pacific region. This would allow access to technical assistance and training and also access to the wide network of ICT contacts around the world, both in the public and private sector.

(6) STAFF HUMAN RESOURCE MANAGEMENT PROGRAMS

An evaluation system similar to the performance management system has been piloted and modified to fit Crown Law circumstances so personal development of legal counsels is encouraged. It is hoped that these mechanisms will improve experience at a quicker pace.

3 LEGAL ADVICE

The Department continued to provide legal advice to Government Ministries and Departments. This was provided in written form in a timely manner and where necessary, legal advice was provided orally or through email. The Department issued 204 written legal advices during 2011.

Schedule III sets out the number of advices issued to Ministries and Departments.

4 LEGISLATION

(1) THE LAW COMMITTEE

By way of background, Crown Law's legislative drafting capacity consists of four trained legislative drafters under the USP's Post Graduate Diploma in Legislative Drafting. Two of the trained drafters are responsible for Government's legislative programme under the supervision of the Solicitor General. There are also two Tongan language translators to translate legislation.

Most of the legislation in drafted by consultants. There are five trained and experienced legislative drafters in the private sector, all are former Crown Law employees. Crown Law's main legislative drafting role is therefore to vet and format draft legislation, and draft other laws when appropriate.

The legislative process now has significantly changed and may cause some delays in the enactment process. Legislation is initiated by Government ministries and agencies upon consultation with the Department. Once approved by Cabinet, normally a consultant is engaged to draft the legislation. The draft legislation is then submitted to Crown Law for formatting and vetting before it is submitted to the Cabinet's Law Committee for further detailed vetting for policy consistency and legal issues. Once the Law Committee completes reviewing the draft, the draft legislation is then re-submitted to Cabinet for approval for tabling before the Legislative Assembly, or for the competent authority, normally a Minister, to issue if it is subordinate legislation. Once the Assembly passes the draft Bill as an Act, it is then referred to His Majesty for Royal Assent. With regards to the subordinate legislation, after the subordinate legislation is issued by the competent authority and it comes into force, the subordinate legislation is tabled before the Legislative Assembly for confirmation, rescission or amendment.

The significant changes now are that the Bills are tabled before the Legislative Assembly which are deemed of public interest may be subject to public consultation. Furthermore, once those Bills are submitted to His Majesty's as Acts for Royal Assent, those Acts are first vetted by the Law Lords who then give advice to the His Majesty on whether Royal Assent should be granted. Furthermore, regulations that are submitted to the Legislative Assembly are vetted in the Legislative Assembly in detail as they were Bills or Acts. These changes may cause delay, duplication and disruption to Government's legislative programme.

The Crown Law Department continued to provide the secretariat duties to the Law Committee during the year. The Committee continued to meet during the year to consider amendments to existing laws and to vet new Bills to be approved by His Majesty's Cabinet and Privy Council for tabling before the Legislative Assembly, and also new draft regulations to be made by the relevant authorities.

After the historical 2010 legislative programme, law reform in Tonga has been quiet with only 6 Acts and 14 subordinate legislation enacted in 2011. These Bills and Regulations were considered by the Legislative Assembly and His Majesty's Cabinet after being considered by the Law Committee.

The permanent members of the Law Committee are as follows:

1) *Attorney General (Chair);*
2) *Deputy Prime Minister (Deputy Chair);*
3) *Minister of Justice;*
4) *Minister of Finance;*
5) *Minister of Police;*
6) *Chief Secretary and Secretary to Cabinet;*
7) *Solicitor General; and*

8) Secretariat, Law Committee.

Depending on the issues discussed, the Law Committee co-opted persons from the relevant Government Ministries, Departments and Agencies to assist with the Law Committee's deliberations.

Schedule IV sets out the Bills and **Schedule V** sets out the Regulations, considered by the Law Committee, and subsequently enacted, with a brief description.

There is a total of 27 Bills and 15 subordinate legislation that will be processed for enactment in 2012. Included in these proposed legislation are new legislation on:

(1) counter-terrorism and trans-organised crime;

(2) violence against women and children;

(3) sports development;

(4) water resources;

(5) fire services;

(6) national spatial planning; and

(7) civil aviation.

5 LITIGATION

(1) COURT OF APPEAL

The President of the Court of Appeal is Chief Justice Scott and the Court of Appeal bench consisted of Justices Burchett and Moore of Australia, and Justice Salmon and Handley of New Zealand.

In 2011 the Court of Appeal dealt with 13 appeal matters. The Crown was involved in in seven. These included 5 criminal appeals and 2 civil appeals. The Crown was a respondent to all 7 matters.

(2) SUPREME COURT

The Supreme Court continues to be headed by the Honourable Chief Justice Michael Dishington Scott of England, and is assisted by Justice Robert Shuster of England. During the year, both Supreme Court judges alternated in sitting in the Supreme Court Circuits to 'Eua, Ha'apai and Vava'u. The Crown had matters in all circuits.

(A) CRIMINAL CASES

Criminal cases continued to take up most of the litigation work of the legal staff. The Office began prosecuting offences in the jurisdiction of the Magistrates Court for Police District 1.

The following are the figures for criminal cases, in the Supreme Court at the end of 2011:

Pending Criminal Cases from Previous Years	*190*
New Cases during 2011	*312*
Total Criminal Cases for 2011	*502*
Total Criminal Cases Closed in 2011	*290*
Pending Cases	*212*

(B) CIVIL CASES

Civil cases involving the Crown were also significant.

Pending Civil Cases from Previous Years	*25*
New Civil Cases for 2011	*9*
Total Civil Cases for 2011	*34*
Total Civil Cases Closed in 2011	*15*
Pending Civil Cases	*19*

(C) FAMILY MATTERS

The Supreme Court continued to refer family applications under its Family Jurisdiction to the legal staff to provide confidential *Guardian Ad Litem* reports in the best interests of the children. This work continues to be a significant part of the work of the legal staff. These are mainly applications for adoption of illegitimate children under the *Maintenance of Illegitimate Children Act* [Cap 30], and applications for guardianship of legitimate children under the *Guardianship Act 2004*.

During 2011 a total of 74 guardian ad litem reports were provided by legal staff to the Courts.

(D) LAND COURT

The Land Court continued to have cases involving the Crown. The figures are as follows:

Pending Land Cases from Previous Years	*24*
New Land Cases during 2011	*8*
Total Land Cases for 2011	*32*
Total Land Cases Closed for 2011	*9*
Pending Land Cases	*23*

(3) SIGNIFICANT CASES

(a) *Rex v Ramsay Dalgety,* AC 25/10 (Court of Appeal, 15 April 2011)

This was an appeal by the Crown regarding a ruling by a Supreme Court judge that the laws of Tonga required the Crown prosecutors to sign indictments before they are filed, and as a result the Court quashed the indictment. The Court of Appeal held that there was no such requirement under Tongan law and thus reinstated the indictment.

(b) *John Owen Jonesse v Rex,* AC 08/11 (Court of Appeal, 30 September 2011)

This was an appeal by the appellant against his conviction and sentence arising out of the tragedy of the sinking of the MV Princess Ashika. The appellant was charged and convicted after trial before a jury on one charge of manslaughter by negligence, five counts of sending an unseaworthy ship to sea and one further charge each of forgery and knowingly dealing with a false document. The Appellant was sentenced in total to 5 years imprisonment, to be served concurrently, with no part of the sentence suspended.

The Crown conceded that the sentence was inconsistent with the sentences of co-accused that were more culpable. In light of that concession, the Appellant withdrew his appeal against conviction.

The Court of Appeal then allowed the appeal, and ruled that the sentence imposed in the Supreme Court was manifestly excessive. The Court of Appeal then vacated the sentences imposed for manslaughter by negligence and sending an unseaworthy ship to sea, and replaced them each with a sentence of 3 ½ year imprisonment, with 3 years suspended for 3 years. There was no change to the sentences of forgery and knowingly dealing with a false document. Having served six months by the time of the appeal, the Appellant was released and he was allowed to return to his home country.

(c) ***Shipping Corporation of Polynesia Ltd v Rex*** **AC 09/11 (Court of Appeal, 30 September 2011)**

The Appellant is a public enterprise that had purchased the MV Princess Ashika that had sunk on 5 August 2010. The appellant company was charged and convicted for manslaughter by negligence, and five charges of sending an unseaworthy ship to sea. The appellant was fined in the Supreme Court for $1,000,000 on the manslaughter charge and $200,000 on each of the five charges of sending an unseaworthy ship to sea, which were made concurrent. Furthermore, the judge ordered that out of the fines imposed certain sums were to be paid out to the Tonga Maritime Polytechnic Institute and Tonga Women's Crisis Centre.

The Appeal appealed against sentence, and in particular argued that the sentence imposed for manslaughter by negligence was excessive, and that the Supreme Court should have considered the financial position of the Appellant and its lack of ability to pay the fine of $1,000,000. It also claimed that the Supreme Court had no power to order these extra pecuniary penalties, and that the Supreme Court had failed to take into account the differences economically between Tonga and the UK when using a UK decision as guidance regarding corporate manslaughter.

The Court of Appeal upheld the fine of $1,000,000 imposed for manslaughter by negligence. However, the fines imposed on the counts of sending of unseaworthy ship to sea were vacated and replaced with fines of $100 on each charge. The fines were ordered to be paid within 30 days. The order requiring payments to the Tonga Maritime Polytechnic Institute and the Tonga Women's Crisis Centre were also vacated.

(d) ***Rex v Semisi Ve'etutu Pomale,*** **AC 10/11 and** ***Rex v Viliami Makahokovalu Tuputupu,*** **AC 11/11 (Court of Appeal, 30 September 2011)**

These were appeals by the Crown against the sentences imposed on the Respondents arising out of the tragedy of the sinking of the MV Princess Ashika. The Crown claimed that the Learned Sentencing Judge had issued suspended sentences in excess of the 3 year time limit imposed by section 24 of the *Criminal Offences Act.*

Pomale was the first mate of the vessel. He was convicted of one count of manslaughter by negligence and five counts of taking an unseaworthy ship to sea. He was sentenced to 5 years imprisonment in total, and 3 ½ years imprisonment was suspended for 3 ½ years. Pomale was therefore required to serve only 18 months imprisonment.

Tuputupu was the captain. He was convicted of one count of manslaughter by negligence and five counts of taking an unseaworthy ship to sea. He was sentenced to 4 years imprisonment in total and 3 ½ years was suspended for 3 ½ years. Tuputupu was therefore required to serve only 6 months imprisonment.

The Court of Appeal allowed the appeal with regards to Pomale and sentenced Pomale to 4 ½ years imprisonment in total, serving 18 months imprisonment, and the remaining 3 years imprisonment be suspended for 3 years.

The Court of Appeal also allowed the appeal with regards to Tuputupu and sentenced Tuputupu to 3 ½ years imprisonment in total, and he was to serve 6 months imprisonment, and the remaining 3 years be suspended for 3 years. As a result, 6 months were deducted from each of the Respondents' original sentences. There were special reasons why the Crown did not appeal on grounds of the sentence being inadequate.

(e) *Re: Schaumkel, Application for Registration of Overseas Birth,* RG 259/11

The Applicant applied to have his son who was born in New Zealand registered in the Tongan register of births. Under the *Nationality Act* a person born overseas of a Tongan father born in Tonga is deemed to be a Tongan subject. In 2007, the *Nationality Act* was amended to make any person born overseas of a Tongan mother or Tongan father to be deemed a Tongan subject.

The Applicant was born in New Zealand of a Tongan father born in Tonga and so that made him a Tongan. However, the Applicant's son was born in New Zealand of a Tongan father who was not born in Tonga, because the Applicant was born in New Zealand. Accordingly the Applicant's son was not Tongan.

The Applicant applied to register his son under the 2007 amendment on the premise that regardless of when a person was born, since the 2007 amendment all persons born overseas of either a Tongan father or mother shall be Tongan. The Crown was given an opportunity to make submissions on this matter, and opposed the Applicant's application on the basis that the 2007 Amendment was intended to apply only to births after the 2007 amendment, not before, and the effect was that the 2007 amendment could not be enforced retrospectively. The Supreme Court however agreed with the Applicant and granted the application. The Crown is appealing the decision to the Court of Appeal and all similar applications are deferred until the Court decision.

6 LEGAL SECTOR INITIATIVE / PROJECTS

(A) LAUNCH OF NEW OFFICIAL WEBSITE

Crown Law launched its new website (www.crownlaw.gov/cms) containing information on Crown Law's work, and also all included a completed legislation page that is updated once new legislation is enacted.

(B) TONGA LAW REPORTS

Crown Law has updated the Tonga Law Reports up to 2009 and 2010 with the assistance of the Commonwealth Pacific Governance Facility, which should be published early next year.

(C) LAW REVISION PROJECT

Crown Law is at the final stages of completing the revision of the laws of Tonga in both English and Tongan, with the assistance of the Commonwealth Secretariat. It is hoped that publication in electronic reform of the revised laws up to 2010 will be completed by June 2012.

(D) 5TH ANNUAL LAW WEEK 2011

The 5th Annual Law Week 2011 was held from Sunday 28 November to 2 December 2011. The theme was "Laws and Social Life", which was aimed at disseminating the laws on tobacco control, alcohol, illicit drugs and domestic violence. The activities included a joint church service for the legal sector, visits to secondary and tertiary institutions, radio talk back and poster, poem, speech competitions for primary and junior secondary students.

SCHEDULE I

CROWN LAW DEPARTMENT STAFF AS OF 31 DECEMBER 2011

LEGAL STAFF

1	*Interim - Attorney General*	**Hon. Samiu Kuita Vaipulu** **Mr. Barrie Sweetman**
2	*Solicitor General*	**'Asipeli 'Aminiasi Kefu,** LLB, *Waikato* LLM *VUW,* GDPSM *Massey*, Barrister & Solicitor of the High Court of New Zealand, Law Practitioner and Commissioner for Oaths (Tonga)
3	*Senior Crown Counsel*	**VACANT**
4	*Assistant Senior Crown Counsel*	**Sione Finau Sisifa** LLB *USP,* PDLP *USP,* Barrister & Solicitor of the High Court of Fiji, Law Practitioner and Commissioner for Oaths (Tonga)
5	*Crown Counsel*	**James Bruce Lutui** LLB *USP,* PDLP *USP,* PDLD *USP* Barrister & Solicitor of the High Court of Fiji, Law Practitioner (Tonga) **Annis Fapuiaki Finau** LLB *USP,* PDLP *USP,* PDLD *USP* Barrister & Solicitor of the High Court of Fiji, Law Practitioner (Tonga) **'Elisapeti Lavakei'aho Langi** LLB *USP,* PDLP *USP,* PDLD *USP,* Barrister & Solicitor of the High Court of Fiji, Law Practitioner (Tonga)
6	*Assistant Crown Counsel*	**Eunice Tuítupou Moala** LLB *USP,* PDLP *USP*, Law Practitioner (Tonga) **Juliana Lafaialii** LLB *USP,* PDLP *USP*, Law Practitioner (Tonga) **Joan Puloka** LLB *USP,* PDLP *USP*, Law Practitioner (Tonga) **Silivia 'Atiola** LLB *USP,* PDLP *USP*, Law Practitioner (Tonga) **Leotrina Macomber**

		LLB *USP* , PDLP *USP,* Barrister & Solicitor of the High Court of Fiji, Law Practitioner (Tonga)
7	*Legal Officer Attache from the Ministry of Justice*	**Rose Lesley Kautoke** LLB *USP,* PDLP *USP*, PDLD *USP,* Law Practitioner (Tonga)
ADMINISTRATIVE SUPPORT STAFF		
8	*Senior Interpreter*	**VACANT**
9	*Assistant Senior Interpreter*	**Loupua Sefokuli** LLB *USP,* PDLP *USP*
10	*Interpreter*	**Losa Hastings** **'Ana Fusipala Sisilia Michelle Koloamatangi**
11	*Personal Assistant to Attorney General and Manager Human Resources*	**Simaili Tu'ifua Ma'ake**
12	*Executive Officer*	**Taufa 'Otuhouma**
13	*Computer Operator Grade III*	**Katalina Fisi'ilose Leha**
14	*Filing Registrar*	**Niusolifoni Kei**
15	*Computer Operator Grade III*	**Keleni Tu'iniua Pasikala**
16	*Driver*	**Siosaia Fifita**
17	*Housekeeper*	**Siulolo Tu'itavuki**
18	*Daily Paid Office Clerk*	**Manatu Havea** Dip Business *Tupou Tertiary Institute*
19	*Daily Paid Law Clerk*	**'Akanesi Katoa** LLB *USP,* PDLP *USP*

SCHEDULE II

The following is a summary of the various meetings and trainings the legal staff attended:

TRAININGS

	DATE	TRAINING	VENUE & ORGANISERS	PARTICIPANTS
1	7 March – 11 May 2011	Pacific Legal Policy Twinning Program	Canberra, Australia Office of Legislative Drafting and Publication, Australian Attorney General's Department	Annis Finau, Crown Counsel
2	12-13 April 2011	APG Strategic Implementation Plan Workshop	Nuku'alofa, Tonga APG, Austrac, PIFS, Crown Law	Solicitor General , Juliana Lafaiali'i, Assistant Crown Counsel
3	27-29 April 2011	Regional Workshop on Cybercrime Legislation	Nuku'alofa, Tonga Australian AGD, Council of Europe, SPC	Solicitor General, Leotrina Macomber, Assistant Crown Counsel
4	3 May 2011	Ready Pasefika II	Auckland, New Zealand NZ MFAT and NZ Police	Solicitor General, Police Commander, Deputy Police Commander
5	5-9 September 2011	Regional Counter Terrorism Seminar	Cairns, Australian Counter Terrorism Training Intelligence Program	Leotrina Macomber, Assistant Crown Counsel, CIP 'Atunaisa Taumoepeau, Tonga Police, Tupou Vaipulu, Ministry of Foreign Affairs
6	18-20 October 2011	9th Regional Meeting of the State Parties with respect to Article IX of the Chemical Weapons Convention	Singapore Organisation for the Prohibition of Chemical Weapons	Sione Sisifa, Assistant Senior Crown Counsel

7	11 November 2011	PDLD Final Evaluation	Suva, Fiji, USP	Juliana Lafaiali'i, Assistant Crown Counsel

NATIONAL, REGIONAL AND INTERNATIONAL MEETINGS

	DATE	TRAINING	VENUE & ORGANISERS	PARTICIPANTS
1	4 May 2011	Counter Terrorism Working Group Meeting	Auckland, New Zealand	Solicitor General, Police Commander and Deputy Police Commander
2	1-3 June 2011	Forum Regional Security Committee	Suva, Fiji	Solicitor General
3	6 -8 June 2011	Commonwealth and ICRC International Humanitarian Law Conference	Kuala Lumpur, Malaysia	Solicitor General
4	26-29 June 2011	16th Annual Conference and General Meeting of the International Association of Prosecutors	Seoul, South Korea	Annis Finau, Crown Counsel
5	1 July 2011	World Summit of Prosecutors General, Attorneys General and Chief Prosecutors	Seoul, South Korea	Annis Finau, Crown Counsel
6	10 July 2011	Pacific Young Lawyers Meeting	Sydney, Australia	Solicitor General Joan Puloka, Assistant Crown Counsel Silivia 'Atiola, Assistant Crown Counsel
7	11 -14 July 2011	Commonwealth Law Ministers Meeting	Sydney, Australia	Solicitor General Joan Puloka, Assistant Crown Counsel

				Silivia 'Atiola, Assistant Crown Counsel
8	18-22 July 2011	Asia Pacific Group on Money Laundering Plenary Meeting	Kochi, India	Solicitor General 'Ungatea Latu, Manager, NRBT
9	2-4 November 2011	Pacific Women's Policy Dialogue	Canberra, Australia	Annis Finau, Crown Counsel
10	7-9 November 2011	Regional Working Group Meeting on Preventing Terrorist Financing Abuse of the Non Profit Sector	Auckland, New Zealand	Solicitor General
11	16-18 November 2011	Commonwealth Secretariat Seminar on the Integrity of Public Life	Auckland, New Zealand	Solicitor General
12	21-23 November 2011	Octopus Conference and 10th Anniversary of the Budapest Convention on Cybercrime	Strasbourg, France	Solicitor General APC 'Unga Fa'aoa, Tonga Police

SCHEDULE III

LEGAL ADVICE

(ACTING ATTORNEY GENERAL)

	MINISTRY/DEPARTMENT	NUMBER OF LEGAL ADVICE
1	Ministry of Agriculture and Food, Fisheries and Forestry	1
2	Audit Department	-
3	Commissioner for Public Relations	
4	MEIDECC	2
5	Department of Co-operative Societies & Credit Union	-
6	Ministry of Education, Women Affairs and Culture	2
7	Ministry of Infrastructure	14
8	Ministry of Finance and Planning	12
9	Ministry of Foreign Affairs	25
10	Ministry of Health	2
11	Ministry of Justice	3
12	Ministry of Labour, Commerce and Industries	17
13	Ministry of Lands, Survey and Natural Resources	15
14	Palace Office	-
15	Ministry of Police, Prisons and Fire Services	19
16	Prime Minister's Office	13

17	Ministry of Public Enterprises	3
18	Public Service Commission	11
19	Ministry of Revenue Services	1
20	Department of Statistics	1
21	His Majesty's Armed Forces	7
22	Ministry of Tourism	-
23	Ministry of Training, Employment, Youth and Sports	-
24	Ministry of Transport	-
25	Ministry of Works	-
26	ADB	-
27	World Bank	-
28	National Reserve Bank of Tonga	-
29	Election Commission	-
30	Legislative Assembly	-
	TOTAL	**148**

SCHEDULE IV

ACTS PASSED BY THE LEGISALTIVE ASSEMBLY DURING THE 2011 SESSION

No.	Act
1	Act of Constitution of Tonga (Amendment) Act 2011 **(Act No. 1 of 2011)**
2	Remuneration Authority (Amendment) Act 2011 **(Act No. 2 of 2011)**
3	2011-2012 Appropriation Act 2011 **(Act No. 3 of 2011)**
4	Retirement Fund Board (Amendment) Act 2011 **(Act No. 4 of 2011)**
5	Retirement Fund (Amendment) Act 2011 **(Act No. 5 of 2011)**
6	National Reserve Bank of Tonga (Amendment) Act 2011 **(Act No. 7 of 2011)**

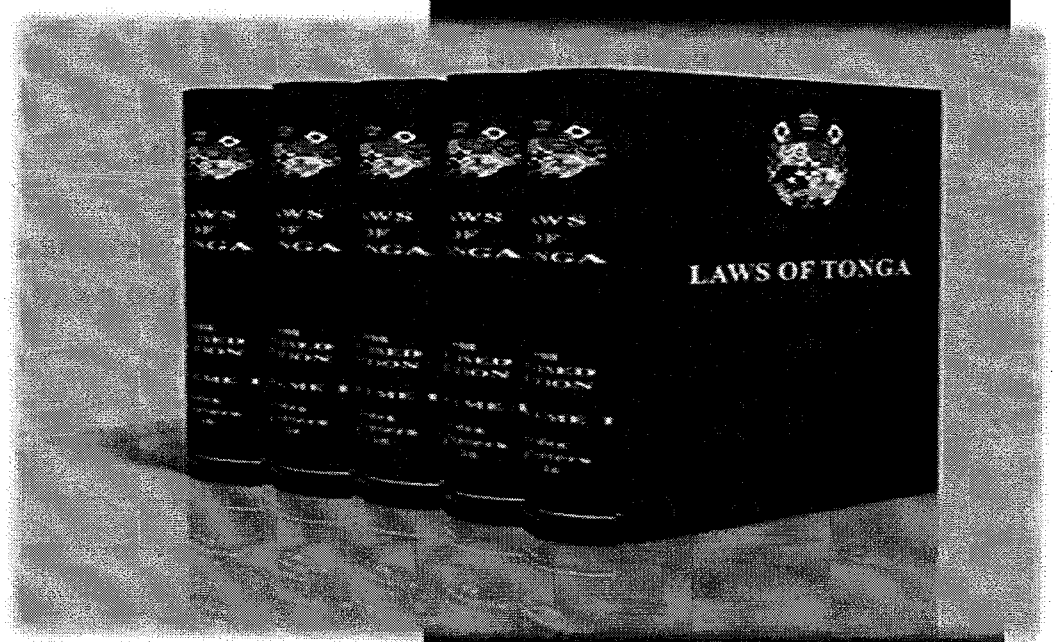
SCHEDULE V

REGULATIONS MADE DURING 2011

NO.	REGULATIONS
1	Personal Property Security Regulations 2011
2	Registrar General's (Change of Name) Regulations 2011
3	Registrar General's Births and Deaths (Amendment) Regulations 2011
4	Consumption Tax (Amendment) Order 2011
5	Excise Tax (Amendment) Order 2011
6	Therapeutic Regulations 2011
7	Retirement Fund (Administration)(Amendment) Regulations 2011
8	Excise Tax (Amendment) (No. 2) Order 2011
9	Customs Duty (Amendment) Order 2011
10	Passport (Amendment) Regulations 2011
11	Census Regulations 2011
12	Traffic (Amendment) Regulations 2011
13	Retirement Fund (Administration) (Amendment) (No.2) Regulations 2011
14	Traffic (Speed Limits) Notice 2011

2011

LIPOOTI FAKATA'U 'A E 'OFISI LAO



'Oku fakahu atu 'a e Lipooti Fakata'u ko eni 'o fakatatau ki he kupu 13F 'o e Lao ki he Ngaue Fakapule'anga 2002

NGAAHI KAKANO

HINGOA FAKANOUNOU 3

LISI 'O E NGAAHI FIKA 3

1 FAKALUKUFUA 4

(1) FATONGIA 4

(2) 'OFISI 6

(3) PATISETI 'A E POTUNGAUE 6

(4) SAATI FA'UNGA FAKANGAUE 'O E AGO 0

2 KAU NGAUE 1

(1) KAU NGAUE 'I HE 2011 1

(2) NGAAHI ME'A FEKAU'AKI MO E KAU NGAUE 1

KAU FAKAFOFONGA LAO 1

KAU NGAUE POUPOU 2

KAU NGAUE KUO FAKAFISI 2

(3) NGAAHI FAKATAHA MO E NGAAHI AKO 'I MULI 2

(4) HOKO ATU 'O E AKO LAO 2

(5) NGAAHI FAKATAHA MO E NGAAHI AKO NA'E FAKAHOKO 'E HE 'OFISI 3

(6) NGAAHI POLOKALAMA KI HONO PULE'I 'O E KAU NGAUE 3

3 FALE'I FAKALAO 3

4 LAO 4

(1) KOMITI LAO 4

5 HOPO 5

(1) FAKAMAAU'ANGA TANGI 5

(2) FAKAMAAU'ANGA LAHI 6

(A) NGAAHI HOPO HIA 6

(B) NGAAHI HOPO SIVILE 6

(C) NGAAHI ME'A FEKAU'AKI MO E FAMILI 7

(D) FAKAMAAU'ANGA KELEKELE 7

(3) NGAAHI HOPO MAHU'INGA 7

6 POLOKALAMA 'A E SEKITOA LAO / POLOSEKI 10

(A) FOKOTU'U 'O E UEPISAITI FAKA'OFISIALE FO'OU 10

(B) NGAAHI LIPOOTI 'O E NGAAHI HOPO 'A TONGA 10

(C) POLOSEKI FAKATONUTONU 'O E NGAAHI LAO 10
(D) UIKE LAO FAKATA'U HONO 5, 2011 10
TEPILE I 11
KAU NGAUE 'A E POTUNGAUE FAKAHINOHINO LAO 'I HONO 'AHO 31 TISEMA 2011 11
TEPILE II 13
NGAAHI AKO 13
NGAAHI FAKATAHA FAKALOTOFONUA, FAKAVAHEFONUA MO FAKAVAHA'APULE'ANGA 14
TEPILE III 16
FALE'I FAKALAO 16
('ATENI SENIALE LE'OLE'O) 16
TEPILE IV 18
NGAAHI LAO KUO PAASI 'E HE FALE ALEA LOLOTONGA 'A E TO'U FALE ALEA 2011 18
TEPILE V 19
NGAAHI TU'UTU'UNI KUO FA'U LOLOTONGA 'A E 2011 19

HINGOA FAKANOUNOU

AG	**'Ateni Seniale**
AGO	**'Ofisi 'o e 'Ateni Seniale**
DPP	**Talekita 'o e Ngaahi Talatalaaki Hia 'a e Pule'anga**
MDA	**Potungaue (Ministry), Ngaahi Potungaue (Departments) mo e Ngaahi Kautaha**

LISI 'O E NGAAHI FIKA

Fakatata 1 Fa'unga Fakangaue CLD.....0

1 FAKALUKUFUA

(1) FATONGIA

Na'e fakahoko ngaue 'a e 'Ofisi Lao 'i he pule 'a e 'Ateni Seniale Le'ole'o mo e Minisita Lao Hon. Samiu Kuita Vaipulu ki he 'uluaki konga 'o e ta'u. Na'e fokotu'u 'a Barrie Sweetman ko e 'Ateni Seniale Fakataimi 'i 'Aokosi 2011 pea ne 'i he lakanga ko ia 'o a'u pe ki he ngata'anga 'o e ta'u.

Ko e 'Ateni Seniale 'a e Fakafofonga Lao 'Uluaki 'a e Kalauni. 'Oku 'iate ia 'a e ngaahi mafai lahi 'o e lao tupu-fonua 'a ia 'oku kau ki ai 'a e: faile 'o e fakamatala (*ex efficio*), fakahu 'o ha kole ke kaniseli (*nolle prosequi)* 'a e ngaahi hopo hia 'e ni'ihi, pea fakahoko mo e ngaahi hopo 'i he ngaahi me'a fekau'aki mo e kakai fakalukufua. 'Oku ngaue'aki 'a e ngaahi mafai ko eni 'aki hono foaki 'o e *tohi fakamo'oni Faka-'Ateni Seniale.* 'I he'ene pehe, 'oku 'iate ia ke ne tu'utu'uni 'a e ngaahi tu'unga pau, ke 'oatu pe 'ikai 'oatu ai 'a 'ene tohi fakamo'oni.

'Oku 'i ai 'a e ngaahi fatongia fakalao pehe ni 'o e 'Ateni Seniale 'o tanaki atu ki he ngaahi mafai 'o e lao tupu-fonua ko eni. Ko hono kamata 'o ha ngaahi hopo hia 'i he ngaahi hopo hia 'oku faka'au ke ha lahi mai 'oku fakafalala ia 'i he taimi ni ki hono tomu'a ma'u 'a e fakangofua 'o e 'Ateni Seniale. 'Oku 'i ai 'a e ngaahi ngafa mo e mafai fakalao 'o e 'Ateni Seniale 'i he ngaahi lao ko eni:

- *Lao ki he Komisiona ki he Fakafepaki'i 'o e Ta'efaitotonu;*
- *Lao ki he Malu'i 'o e Konisiuma;*
- *Lao ki he Ngaahi Talasiti Ngaue'ofa;*
- *Lao 'o e Fakamaau'anga Tangi;*
- *Lao ki he Mataka;*
- *Lao ki he Ngaahi Hopo 'a e Kalauni;*
- *Lao ki he Komisiona ki he Va mo e Kakai;*
- *Lao ki he Lau'ikovi;*
- *Lao Vete Mali;*
- *Lao ki he Fili Fale Alea;*
- *Lao ki he Fakafoki Fakapule'anga 'o e Kau Faihia;*
- *Lao ki he Pule'i 'o e Toutai;*
- *Lao ki he Fakamo'oni Muli;*
- *Lao ki hono Tauhia 'o e Fanau;*
- *Lao ki he Kava Malohi Tapu;*
- *Lao ki he Kakai Hu Mai;*

- *Lao ʻoku kau ki he Fakahoko ʻo e Fanau;*
- *Lao ki he Kau Fakafofonga Lao;*
- *Lao ki hono Puleʻi ʻa e Paʻanga ʻa e Puleʻanga;*
- *Lao ki he Ngaahi Pisinisi ʻa e Puleʻanga;*
- *Lao ki he Huʻivai;*
- *Lao ʻo e Fakamaauʻanga Lahi;*
- *Lao ki hono Puleʻi ʻo e Tapaka;*
- *Lao ki hono Feʻaveʻaki Fakapulipuli ʻo e Paʻanga Kākā mo e ngaahi Koloa ʻoku maʻu mei ha Hia;*
- *Lao ki he Ngaue Fakafaitoʻo mo e Nifo;*
- *Lao ki he Tauhi ʻo e Fanau Taʻe Mali;*
- *Lao ki he Fakamaauʻanga Polisi;*
- *Lao ki he Fakalelei ʻAtamai;*
- *Lao ki he Tokoni Fengaueʻaki ʻi he Ngaahi Hia Matea;*
- *Lao ki he Kau Neesi;*
- *Lao ki he Poate ʻo e Sinoʻi Paʻanga Malolo Mei he Ngaue;*
- *Lao ki he Sitamipa;*
- *Lao ki he Komisoni Lao ʻo Tonga;*
- *Lao ki he Ngaahi Hia Fakavahaʻapuleʻaga; mo e*
- *Lao ki he Ngaahi Uafu.*

Ko e Fakahinohino Lao Pule ʻa e Fakafofonga Lao Hoko ʻa e Kalauni, pea ʻoku ne puleʻi ʻa e fakahoko ngaue fakaʻaho ʻa e Potungaue. ʻOku fakatefito ʻa e fatongia ʻa e Potungaue ʻi he ngaahi fatongia tukufakaholo angamaheni ʻo e Kau Fakafofonga Lao ʻa e Puleʻanga. Fakalukufua, ʻoku fakatefito ʻa e ngaahi fatongia ko eni ʻi he ngaahi tuʻunga ko eni:

- *ʻOatu ʻa e ngaahi faleʻi fakalao ki he Puleʻanga;*
- *Fakafofongaʻi ʻa e Puleʻanga ʻi he ngaahi hopo sivile;*
- *Ngaahi Fakaʻilo Hopo Hia;*
- *Faʻu ʻo e Lao;*
- *Ngaahi Fatongia ʻo e Fakafofonga Lao;*
- *Fakahoko ʻa e Ngaahi Ngaue Fakalao ʻa e Puleʻanga maʻa e Ngaahi Kolo.*

(2) 'OFISI

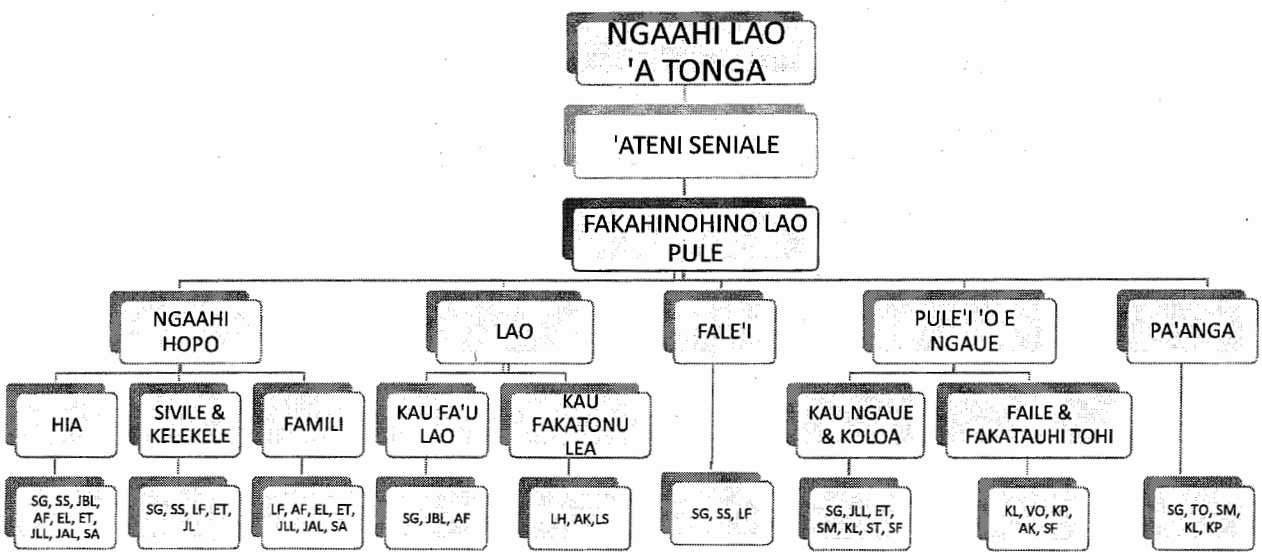
Na'e kei ngaue pe 'a e Potungaue 'i he Ngaue'anga 'o e Potungaue Fakamaau'anga 'i he Hala Lavinia, Fasi-Moe-Afi, Nuku'alofa 'a ia na'e mavahe ai ki ai hili 'a e mole atu 'o e fale ngaue'anga 'i he Roy Cocker Building Iolotonga 'a e ngaahi fakamoveuveu 'i Novema 2006. Na'e vahevahe pe 'a e Potungaue 'i he ngaue'anga pea mo e Potungaue Fakamaau'anga.

Ko e lahi 'o e 'ofisi ko e palopalema lahi. 'Oku kei fehangahangai 'a e Fakamaau'anga (Judiciary) mo e ngaahi tonounou fakanaunau. 'Oku vahevahe pe 'a e 'Ofisi Lao mo e Potungaue Fakamaau'anga 'i he kau 'ofisa. Ko e solova'anga pe ki heni ko hono langa ha fale Fakamaau'anga fo'ou, 'a ia 'oku Iolotonga fakahoko, pea ki he 'Ofisi Lao mo e Fakamaau'anga (Justice), kuo pau ki ha taha pe 'i he ongo potungaue ni ke kumi ha ngaue'anga fo'ou, 'a ia 'oku 'ikai 'uhinga pe ko e si'isi'i 'a e ngaue'anga ka ko e vakai ki he tau'ataina 'o e ngaue.

(3) PATISETI 'A E POTUNGAUE

Ko e fakamole fakapa'anga 'a e Potungaue ki he ta'u fakapa'anga 2010/2011 ko e $1,297,000.00 Ki he ta'u fakapa'anga 2011/2012 na'e foaki ai ki he Potungaue 'a e $1,285,000.

(4) SAATI FA'UNGA FAKANGAUE 'O E AGO



Fakatata 1 Fa'unga Fakangaue CLD

2 KAU NGAUE

(1) KAU NGAUE 'I HE 2011

'I Sanuali 2011, ko e kau ngaue tu'uma'u fakakatoa 'e 21 'i he Potungaue, ko e toko tahataha (11) ai ko e kau fakafofonga lao, pea toko hongofulu (10) ko e kau ngaue poupou ki hono fakalele 'o e ngaue. Na'e fakangaue'i 'e he Potungaue 'a e kau ngaue fakafofonga lao fo'ou lolotonga 'a e ta'u.

Ko e kau fakafofonga lao 'i he Potungaue 'oku nau ma'u 'a e ngaahi fakamo'oni ako mata'itohi 'i he lao mei he ngaahi 'univesiti kehekehe 'i Nu'usila mo e 'Univesiti 'o e Pasifiki Saute. Kuo tali kinautolu ke nau hoko ko e kau fakafofonga lao 'i he ngaahi mafai ke fakamaau na'a nau ako 'i ai pea pehe foki ki Tonga ni.

'Oku kei hokohoko atu pe 'a e feinga 'a e Potungaue ke fakahoko hono fatongia neongo 'a e nounou 'i he kau fakafofonga lao pea pehe foki ki ha kau 'ofisa fakafofonga lao kuo nau ma'u ha taukei fakalao fuoloa.

'Oku fakatou fengaue'aki vaofi pe 'a e kau ngaue fakalao mo e kau ngaue poupou ki hono fakalele lelei 'a e ngaue 'a e Potungaue lolotonga 'a e ta'u 2011.

(2) NGAAHI ME'A FEKAU'AKI MO E KAU NGAUE

KAU FAKAFOFONGA LAO

'I he 'aho **10 Sanuali 2011**, na'e foki mai ai 'a Loupua Sefokuli, Tokoni Fakatonu Lea Ma'olunga ki he'ene lakanga lolotonga hili ia 'a 'ene fakakakato 'ene Bachelors of Law mei he 'Univesiti 'o e Pasifiki Saute 'i Emalus Campus, Port Vila, Vanuatu.

'I he 'aho **26 Fepueli 2011** ki he 'aho **17 Sune 2011**, na'e fakangaue'i ai 'a 'Akanesi Katoa, taha foki mai mei he ako ko e kalake fakalao lau'aho.

'I **Sune 2011,** na'e mavahe atu ai 'a Loupua Sefokuli, Tokoni Fakatonu Lea Ma'olunga mo 'Akanesi Katoa, kalake fakalao lau'aho mei he 'Ofisi ke fakakakato 'ena Tipiloma Palofesinale 'i he Ngaue Fakalao 'i he 'Univesiti 'o e Pasifiki Saute, Suva, Fisi.

'I he 'aho **25 'Aokosi 2011,** na'e fakanofo ai 'a Rose Kautoke, taha foki mai mei he ako, 'e he Kapineti 'o 'Ene 'Afio ki he lakanga ko e Fakafofonga Lao ki he Potungaue Lao. Na'a ne kau mai ki he Potungaue ko e Fakafofonga Lao Akoako mei he Potungaue Lao.

'I he 'aho **19 Tisema 2011,** na'e foki mai ai 'a Loupua Sefokuli, Tokoni Fakatonu Lea Ma'olunga hili ia 'a 'ene fakakakato 'a e Polokalama Tipiloma Palofesinale 'i he Ngaue Fakalao.

Ko hono langa hake 'a e taukei fakalao 'a e kau ngaue 'o e 'Ofisi Lao 'oku hokohoko atu pe hono fakahoko. Ko e faka'avalisi 'o e ta'u taukei ngaue ki he kau ngaue 'o e 'Ofisi Lao ko e ta'u 'e 2 pe 3 hili hono fakahu ke ngaue fakalao. 'Oku feinga 'a e 'Ofisi Lao ke langa fakalakalaka 'a e taukei ngaue fakalao 'i he ngaahi founga lahi. 'Uluaki, ko e fekumi ke fakahoko fakalao ha ngaahi fokotu'utu'u ke ngaue ua fakata'u 'a e kau ngaue ki he ngaahi 'ofisi talatalaaki hia pe fa'u lao 'i muli koe'uhi ke nau ako mei he

kau talatalaaki hia mo e kau fa'u lao taukei ange. 'Oku toe fakahoa foki 'e he 'Ofisi 'a e kau loea ke ngaue ki he ngaahi faka'ilo hia mamafa koe'uhi ke nau feako'aki. Kuo toe fakalahi 'a hono tokanga'i 'o e ngaue fakalao. 'Oku toe fiema'u foki 'a e 'Ofisi Lao ke nau fakahoko ha ngaahi fevahevahe'aki fakamahina 'i he ngaahi kaveinga fakalao te nau fili. 'Oku toe tuku atu foki ki tu'a 'a e kau ngaue 'o e 'Ofisi Lao lolotonga 'a e Uike Lao ke nau fakahoko ha ngaahi fevahevahe'aki ki he kakai ke tali 'enau ngaahi fehu'i.

KAU NGAUE POUPOU

'I he 'aho **21 Fepueli 2011,** na'e fokotu'u ai 'a Niusolifoni Kei, Kalake Kalasi II 'e he Komisoni ki he Ngaue Fakapule'anga ki he lakanga 'o e Failesisita Faile. Na'e hiki mai 'i he'ene fakalelei lakanga mei he Potungaue Lao.

'I he 'aho **16 Sune 2011,** na'e fakangaue'i ai 'a Manatu Havea, ko e taha ma'u tohi fakamo'oni mei he Tonga Tertiary Institute 'e he Potungaue ko e Tokoni Pule Fakangaue – lau'aho.

KAU NGAUE KUO FAKAFISI

'I he 'aho **19 Novema 2011**, na'e fakafisi ai 'a Vika 'Ofahulu, Taha Ngaue Fakakomipiuta Kalasi I mo e PA ki he Fakahinohino Lao Pule mei he ngaue fakapule'anga ke fakataha mo hono famili 'i Nu'usila.

'Oku tuku atu 'i he **Tepile I** 'a e ngaahi fakaikiiki 'o e kau ngaue.

(3) NGAAHI FAKATAHA MO E NGAAHI AKO 'I MULI

'I he 2011, na'e kau atu ai 'a e kau fakafofonga lao ki he ngaahi fakataha mo e ngaahi ako fakafeitu'u mo fakavaha'apule'anga kehekehe 'i hono fakafofonga'i 'a e Pule'anga 'i he ngaahi me'a fakalao.

'Oku tuku atu 'i he **Tepile II** 'a e ngaahi fakaikiiki 'o e ngaahi fakataha mo e ngaahi ako kuo kau atu ki ai 'a e kau fakafofonga lao 'a e Potungaue.

(4) HOKO ATU 'O E AKO LAO

'I he 'aho **20 Sanuali 2011**, na'e lava lelei ai hono fakakakato 'e 'Elisapeti Langi 'a 'ene Tipiloma Palofesinale 'i he Fa'u Lao.

'I **Fepueli 2011,** na'e foaki ai kia Juliana Lafaiali'i, Tokoni Fakahinohino Lao 'a e Sikolasipi 'a e Kominiueli ke fakakakato 'a e Polokalama Tipiloma Palofesinale 'i he Fa'u Lao 'o fakafou 'i he ako fakatouanga (DFL) mo e 'Univesiti 'o e Pasifiki Saute.

'I he 'aho **8 Sepitema 2011,** na'e fakahu ai 'a Rose Kautoke, 'Ofisa Lao Akoako ki he Ngaue Fakalao 'a Tonga 'i he Fakamaau'anga Lahi 'o Tonga.

'Oku kei hokohoko atu pe hono fakahoko 'e he kau ngaue fakafofonga lao ha ngaahi fevahevahe'aki fakalotongaue 'i he ngaahi me'a fakalao 'oku nau tokanga ki ai pea felave'i fakahangatonu mo e ngaue 'a e Potungaue. Na'e toe tokoni foki 'eni ke fevahevahe'aki 'e he kau ngaue fakalao 'a 'enau ngaahi 'ilo mo e taukei fakalao 'i ha

ngaahi tu'unga fakafaingofua.

Na'e kau atu foki 'a e kau fakafofonga lao ki he ngaahi ako fakalao 'a ia na'e ako'i ai kinautolu 'i he ngaahi me'a fakalao fakavaha'apule'anga pau.

(5) NGAAHI FAKATAHA MO E NGAAHI AKO NA'E FAKAHOKO 'E HE 'OFISI

(a) Ako ki he Fakahoko Palani Fokotu'utu'u

Na'e fakahoko 'e he 'Ofisi Lao mo e Pangike Pule Fakafonua 'o Tonga 'a e **Ako ki he Fakahoko Palani Fokotu'utu'u** ke tuku atu ha palani ko e tali ki he ngaahi fokotu'utu'u 'oku 'i he lipooti sivi felotoi 'a Tonga ki hono ta'ofi 'o e fe'ave'aki fakapulipuli 'o e pa'agna kaka mo e fakafepaki'i 'o e ngaahi ngaue fakapa'anga tautoitoi 'oku ngaue'aki 'e he Kulupu 'Esia-Pasifiki ki he Fe'ave'aki Fakapulipuli 'o e Pa'anga Kaka 'i he 2010. Na'e fakahoko 'a e ako ni 'i he tokoni 'a e APG, Sekeliteliate Folomu 'a e 'Otu Motu Pasifiki mo e AUSTRAC.

(b) Ako Fakavahefonua ki he Ngaahi Lao ki he Hia Fakakomipiuta 'o Ngaue'aki 'a e 'Initaneti

'I 'Epeleli 2011, na'e fakahoko ai 'e he 'Ofisi Lao mo e Potungaue Fakamatala mo e Fetu'utaki ha ako fakavahefonua 'aho 'e tolu ki he ngaahi lao ki he hia fakakomipiuta 'o ngaue'aki 'a e 'initaneti, 'a ia 'oku fakataumu'a ke faka'ai'ai 'a e ngaahi mafai 'i he 'Otu Motu Pasifiki ke vakai'i pe tali 'enau ngaahi lao ki he hia fakakomipiuta 'o ngaue'aki 'a e 'initaneti 'o makatu'unga 'i he tataki mei he Konivesio 'a e Kosilio 'o 'Iulope ki he Hia Fakakomipiuta 'i he 'Initaneti (Konivesio Budapest). 'Oku lau 'a e lao 'a Tonga 'oku faipau mo e Konivesio Budapest pea 'oku fakakaukau 'i he taimi ni ke tohi kole ke fakaafe'i ke muimui ki he Konivesio Budapest fakataha mo 'Aositelelia mei he vahefonua Pasifiki. 'E faka'ataa heni 'a e a'u ki he tokoni mo e ako fakatekinikale pea mo e a'u ki he netiueka lahi 'o e ngaahi fetu'utaki ICT 'i mamani, 'i he sekitoa fakapule'anga mo taautaha fakatou'osi.

(6) NGAAHI POLOKALAMA KI HONO PULE'I 'O E KAU NGAUE

Kuo fakahoko pea liliu ha founga sivi 'oku tatau mo e founga pule'i 'o e fakahoko ngaue ke fe'unga mo e ngaahi tu'unga 'o e 'Ofisi Lao pea ko ia ai 'oku faka'ai'ai 'a e langa fakalakalaka taautaha 'a e kau ngaue fakafofonga lao. 'Oku 'i ai 'a e 'amanaki 'e fakalelei'i 'e he ngaahi me'angaue ko eni 'a e taukei ngaue 'i ha founga 'oku vave.

3 FALE'I FAKALAO

Na'e hokohoko atu pe 'a hono tuku atu 'e he Potungaue 'a e ngaahi fale'i fakalao ki he ngaahi Potungaue 'a e Pule'anga. Na'e fakahoko 'a e ngaahi fale'i fakalao ko eni 'i he ngaahi sipinga tohi 'i ha founga taimi fe'unga pea 'i hono fiema'u, 'e malava pe 'o fakahoko 'a e fale'i 'i he fepotalanoa'aki pe fakafou 'i he 'imeili. Na'e tuku atu mei he Potungaue ha ngaahi tohi fale'i fakalao 'e 204 lolotonga 'a e 2011.

'Oku tuku atu 'i he **Tepile III** 'a e lahi 'o e ngaahi fale'i na'e 'oatu ki he ngaahi Potungaue.

4 LAO

(1) KOMITI LAO

Ko e ki'i puipuitu'a ki heni, ko e tu'unga fa'u lao 'a e 'Ofisi Lao 'oku 'i ai 'a e kau fa'u lao kuo 'osi ako'i 'e toko fa 'i he Post Graduate Diploma in Legislative Drafting 'a e USP. Ko e toko ua 'i he kau fa'u lao kuo ako'i 'oku na tokangaekina 'a e polokalama lao 'a e Pule'anga 'i he pule 'a e Fakahinohino Lao Pule. 'Oku 'i ai foki mo e ongo fakatonu lea faka-Tonga 'e toko ua ke fakatonu lea 'a e ngaahi lao.

Ko e lahi taha 'o e ngaahi lao 'oku fa'u 'e he kau mataotao. 'Oku 'i ai 'a e kau fa'u lao kuo ako'i mo taukei 'e toko nima 'i he sekitoa taautaha, 'a ia ko e kau ngaue kimu'a kotoa 'o e 'Ofisi Lao. Ko e tefito'i fatongia fa'u lao leva 'a e 'Ofisi Lao ke sivi'i mo fokotu'utu'u 'a e ngaahi lao kuo fa'u, pea mo fa'u ha ngaahi lao kehe 'i he'ene taau.

Kuo liliu lahi 'a e founga fa'u lao pea 'e malava ke ne fakatupunga ha ngaahi toloi 'i he founga 'oku tali ai. 'Oku kamata'i 'a e ngaahi lao 'e he ngaahi potungaue mo e ngaahi kautaha 'a e Pule'anga 'i he feale'aki mo e Potungaue. Ko e kakato pe 'a hono toe vakai'i 'e he Komiti Lao 'a e lao fakaangaanga, 'oku toe fakahu atu leva 'a e lao fakaangaanga ki he Kapineti ke fakangofua 'a hono fakahu atu kimu'a 'a e Fale Alea, pe ki he ma'u mafai taau, 'a ia ko e angamaheni ko ha Minisita, ke ne tuku atu kapau ko ha ngaahi tu'utu'uni si'i. Ko hono paasi pe 'e he Fale Alea ko e Lao, 'oku 'ave leva ki he 'Ene 'Afio ki he Fakamo'oni 'a e Tu'i. 'I he fekau'aki mo e ngaahi tu'utu'uni si'i, hili hono tuku atu 'e he ma'u mafai taau 'a e tu'utu'uni si'i pea kamata ngaue'aki, 'oku fakahu atu leva 'a e tu'utu'uni si'i ki he 'ao 'o e Fale Alea ke fakapapau'i, tamate'i pe fakatonutonu.

Ko e tefito'i liliu 'i he taimi ni ko e Ngaahi Lao Fakaangaanga 'oku fakahu atu ki he 'ao 'o e Fale Alea 'a ia 'oku lau 'oku lelei ki he kakai 'e ala fakatatau ki he fealea'aki mo e kakai. 'Ikai ke ngata ai, ko hono fakahu atu pe 'a e Ngaahi Lao Fakaangaanga ko ia ki he 'Ene 'Afio ko e Ngaahi Lao ke Fakamo'oni ai 'a e Tu'i, 'oku 'uluaki sivi'i 'a e ngaahi Lao ko ia 'e he Kau 'Eiki Lao 'a ia te nau fale'i 'a 'Ene 'Afio pe 'oku totonu ke foaki 'a e Fakamo'oni 'a e Tu'i. 'Ikai ke ngata ai, ko e ngaahi tu'utu'uni 'oku fakahu atu ki he Fale Alea 'oku sivi'i fakaikiiki 'i he Fale Alea koe'uhi ko e Ngaahi Lao Fakaangaanga pe Ngaahi Lao. 'E malava ke fakatupu 'e he ngaahi liliu ko eni ha toloi, hiki tatau mo e fakafaingata'a'ia ki he polokalama lao 'a e Pule'anga.

Na'e kei hokohoko atu pe 'a hono fakahoko 'e he 'Ofisi Lao 'a e ngaahi fatongia fakasekelitali ma'a e Komiti Lao lolotonga 'a e ta'u. Na'e hokohoko atu pe 'a e fakataha 'a e Komiti lolotonga 'a e ta'u ke alea'i 'a e ngaahi fakatonutonu ki he ngaahi lao kuo 'osi fokotu'u pea ke sivi 'a e ngaahi Lao Fakaangaanga fo'ou ke fakangofua 'e he Kapineti 'o 'Ene 'Afio mo e Fakataha Tokoni ke fakahu atu ki he Fale Alea, pea mo fa'u foki mo ha ngaahi tu'utu'uni fo'ou ke fa'u 'e he ngaahi ma'u mafai totonu.

Hili 'a e polokalama lao fakahisitolia 'o e 2010, na'e si'isi'i ai 'a e liliu 'o e lao 'i Tonga ni 'a ia na'e tali ai 'a e Ngaahi Lao pe 'e 6 mo e ngaahi tu'utu'uni si'i 'e 14 'i he 2011. Na'e alea'i 'a e Ngaahi Lao Fakaangaanga mo e Ngaahi Tu'utu'uni ko eni 'e he Fale Alea mo e Kapineti 'o 'Ene 'Afio hili ia hono alea'i 'e he Komiti Lao.

Ko e kau memipa tu'uma'u 'a e Komiti Lao 'oku anga pehe ni:

1) *'Ateni Seniale (Sea)*

2) *Tokoni Palemia (Tokoni Sea);*

3) *Minisita Lao;*

4) *Minisita Pa'anga;*

5) *Minisita Polisi;*

6) *Sekelitali Pule mo e Sekelitali ki he Kapineti;*

7) *Fakahinohino Lao Pule; mo e*

8) *Sekelitali, Komiti Lao.*

Makatu'unga 'i he ngaahi me'a 'e alea'i, 'oku fakakau mai 'e he Komiti Lao ha ni'ihi mei he ngaahi Potungaue 'a e Pule'anga 'oku felave'i ke tokoni ki he Komiti Lao 'i hono fakakaukau'i 'o e ngaahi me'a ko ia.

'Oku tuku atu 'i he **Tepile IV** 'a e ngaahi lao fakaangaanga pea 'oku tuku atu 'i he **Tepile V** 'a e Ngaahi Tu'utu'uni, 'oku alea'i 'e he Komiti Lao, pea fa'u kimu'a, fakataha mo ha fakamatala nounou.

'Oku 'i ai 'a e Ngaahi Lao Fakaangaanga 'e 27 mo e ngaahi tu'utu'uni 'e 15 fakakatoa 'e toki fai ha ngaue ki ai ke tali 'i he 2012. 'Oku kau 'i he ngaahi lao ko eni 'oku fokotu'u ko e ngaahi lao 'i he:

(1) *ta'ofi 'o e tautoitoi mo e fa'ufa'u fai hia fakavaha'apule'anga;*

(2) *fakamamahi 'o e kakai fefine mo e longa'i fanau;*

(3) *langa fakalakalaka 'o e sipoti;*

(4) *ngaahi ma'u'anga vai;*

(5) *ngaahi ngaue tamate afi;*

(6) *palani fakafonua ki hono ngaue'aki 'o e ngaahi feitu'u; mo e*

(7) *fefolau'aki vakapuna sivile.*

5 HOPO

(1) FAKAMAAU'ANGA TANGI

Ko e Palesiteni 'o e Fakamaau'anga Tangi ko e Fakamaau Lahi Scott pea 'oku kau ki he sea 'o e Fakamaau'anga Tangi 'a e Ongo Fakamaau Burchett mo Moore 'o 'Aositelelia, mo Fakamaau Salmon mo Handley 'o Nu'usila.

Na'e vakai 'a e Fakamaau'anga Tangi 'i he 2011 ki he ngaahi tangi 'e 13. Na'e kau 'a e Kalauni 'i he tangi 'e fitu. 'Oku kau ki heni 'a e ngaahi tangi hopo hia 'e 5 mo e ngaahi tangi 'o e sivile 'e 2. Ko e Kalauni 'a e faka'iloa 'i he kotoa 'o e ngaahi hopo 'e 7.

(2) FAKAMAAU'ANGA LAHI

'Oku hokohoko atu 'a hono taki 'e he 'Eiki Fakamaau Lahi Michael Dishington Scott 'o 'Ingilani, 'a e Fakamaau'anga Lahi pea 'oku tokoni ki ai 'a Fakamaau Robert Shuster 'o 'Ingilani. Lolotonga 'a e ta'u, na'e fetongitongi 'a e ongo fakamaau Fakamaau'anga Lahi fakatou'osi 'i he Ngaahi 'A'ahi ki 'Eua, Ha'apai mo Vava'u. Na'e 'i ai 'a e ngaahi hopo 'a e Kalauni 'i he kotoa 'o e ngaahi 'a'ahi.

(A) NGAAHI HOPO HIA

Na'e kei to'o ai pe 'e he ngaahi hopo hia 'a e lahi taha 'o e ngaue hopo 'a e kau ngaue fakafofonga lao. Na'e kamata ke faka'ilo 'e he 'Ofisi 'a e ngaahi hia 'i he mafai 'o e Fakamaau'anga Polisi ki he Vahenga Polisi 1.

Ko e ngaahi fika eni ki he ngaahi hopo hia, 'i he Fakamaau'anga Lahi 'i he faka'osinga 'o e 2011:

Ngaahi Hopo Hia na'e Fakatatali mei he Ngaahi Ta'u Kimu'a	*190*
Ngaahi Hopo Fo'ou lolotonga 'a e 2011	*312*
akakatoa 'o e Ngaahi Hopo Hia ki he 2011	*502*
Fakakatoa 'o e Ngaahi Hopo Hia kuo tapuni 'i he 2011	*290*
Ngaahi Hopo 'oku Fakatatali	*212*

(B) NGAAHI HOPO SIVILE

Na'e lahi foki mo e ngaahi hopo sivile na'e kau ki ai 'a e Kalauni.

Ngaahi Hopo Sivile na'e Fakatatali mei he Ngaahi Ta'u Kimu'a	*25*
Ngaahi Hopo Sivile Fo'ou 'i he 2011	*9*
Fakakatoa 'o e Ngaahi Hopo Sivile ki he 2011	*34*
Fakakatoa 'o e Ngaahi Hopo Sivile kuo tapuni 'i he 2011	*15*
Ngaahi Hopo Sivile 'oku Fakatatali	*19*

(C) NGAAHI ME'A FEKAU'AKI MO E FAMILI

Na'e kei hokohoko atu pe 'a hono fakahoko 'e he Fakamaau'anga Lahi ki he kau ngaue fakafofonga lao 'a e ngaahi tohi kole fekau'aki mo e ngaahi me'a fakafamili 'i hono mafai ke tu'utu'uni ki he Famili ke fakahoko ha ngaahi lipooti fakapulipuli *Tauhia 'o e Fanau* ki he ngaahi me'a 'oku kaunga lelei mo e fanau. 'Oku hokohoko atu pe 'a e hoko 'a e ngaue ko eni ko ha konga lahi 'o e ngaue 'a e kau ngaue fakafofonga lao. Ko e lahi taha 'o e ngaahi tohi kole ko eni ko e ohi 'o e fanau ta'emali 'i he Lao ki hono Tauhi 'o e Fanau Ta'emali [Vahe 30], mo e ngaahi tohi kole ki hono tauhia 'o e fanau mali 'i he *Lao ki he Tauhia 'o e Fanau 2004.*

Lolotonga 'a e ta'u 2011, ko e ngaahi lipooti tauhia 'o e fanau fakakatoa 'e 74 'a ia na'e fakahoko 'e he kau ngaue fakafofonga lao ki he Fakamaau'anga.

(D) FAKAMAAU'ANGA KELEKELE

Na'e hokohoko atu pe 'a e ngaahi hopo 'i he Fakamaau'anga Kelekele 'a ia na'e kau ki ai 'a e Kalauni. 'Oku anga pehe ni 'a e ngaahi fika:

Ngaahi Hopo Kelekele na'e Fakatatali mei he Ngaahi Ta'u Kimu'a	*24*
Ngaahi Hopo Kelekele Fo'ou Lolotonga 'a e 2011	*8*
Fakakatoa 'o e Ngaahi Hopo Kelekele 'i he 2011	*32*
Fakakatoa 'o e Ngaahi Hopo Kelekele kuo Tapuni ki he 2011	*9*
Ngaahi Hopo Kelekele 'oku Fakatatali	*23*

(3) NGAAHI HOPO MAHU'INGA

(a) *Rex v Ramsay Dalgety,* AC 25/10 (Fakamaau'anga Tangi, 15 'Epeleli 2011)

Ko e tangi 'eni 'a e Kalauni 'o fekau'aki mo ha tu'utu'uni 'a e fakamaau 'i he Fakamaau'anga Lahi 'oku fiema'u 'i he ngaahi lao 'o Tonga 'a e kau talatalaaki hia 'a e Kalauni ke nau fakamo'oni 'i he ngaahi tohi fekau hia matea kimu'a pea faile, pea koe'uhi ko e me'a ko ia na'e 'ikai tali ai 'a e tohi fekau hia matea. Na'e tu'utu'uni 'a e Fakamaau'anga Tangi na'e 'ikai ha fiema'u pehe 'i he lao 'o Tonga pea toe fakafoki hake 'a e tohi fekau hia matea.

(b) *John Owen Jonesse v Rex,* AC 08/11 (Fakamaau'anga Tangi, 30 Sepitema 2011)

Ko e tangi eni 'a e taha tangi ki hono fakahalaia'i mo hono tautea 'a ia na'e tupunga 'i he fakatamaki 'o e ngoto 'a e MV Princess Ashika. Na'e faka'ilo pea fakahalaia'i 'a e

faka'iloa hili 'a e hopo 'i he 'ao 'o e kau sula 'i he faka'ilo pe 'e taha 'a ia ko e tamate tangata 'i he ta'etokanga, ngaahi faka'ilo 'e nima ki hono tuku atu 'o e vaka 'ikai taau ke folau 'i tahi mo e faka'ilo taki taha 'i he tohi nima loi mo e ngaue'aki 'i he 'ilo ha ngaahi tohi ngaue 'oku loi. Na'e tautea'i 'a e Faka'iloa ki he ngaue popula ta'u 'e 5 fakakatoa, ke fakatou ngaue'i, 'o 'ikai toe toloi fakataimi ha konga 'i he tautea.

Na'e tali 'e he Kalauni na'e 'ikai faitatau 'a e tautea mo e ngaahi tautea 'o e kaunga faka'iloa 'a ia na'e ta'efakalao ange. 'I hono tali ko ia, na'e toe to'o ai 'e he Taha Tangi 'a 'ene tangi ki hono fakahalaia'i.

Na'e tali leva 'e he Fakamaau'anga Tangi 'a e tangi, pea tu'utu'uni ko e tautea na'e hilifaki 'i he Fakamaau'anga Lahi na'e fu'u lahi. Na'e to'o leva 'e he Fakamaau'anga Tangi 'a e ngaahi tautea na'e hilifaki ki he tamate tangata 'i he ta'etokanga mo e tuku atu 'o e vaka 'ikai taau ke folau 'i tahi, pea fetongi taki taha 'aki ha tautea ngaue popula ta'u 'e 3 ½, 'a ia 'oku toloi fakataimi ai 'a e ta'u 'e 3 'i he ta'u 'e 3. Na'e 'ikai ha liliu ki he ngaahi tautea 'o e tohi nima loi mo e ngaue'aki 'i he 'ilo ha ngaahi tohi ngaue 'oku loi. Koe'uhi kuo ne ngaue'i 'a e mahina 'e ono 'i he taimi na'e fakahoko ai 'a e tangi, na'e tukuange ai 'a e Taha Tangi pea na'e faka'ataa ia ke ne foki ki hono fonua tupu'anga.

(c) *Shipping Corporation of Polynesia Ltd v Rex* AC 09/11 (Fakamaau'anga Tangi, 30 Sepitema 2011)

Ko e Taha Tangi ko e kautaha 'a e pule'anga 'a ia na'a nau fakatau mai 'a e MV Princess Ashika na'e ngoto 'i he 'aho 5 'Aokosi 2010. Na'e faka'ilo mo fakahalaia'i 'a e kautaha 'oku tangi ki he tamate tangata 'i he ta'etokanga, mo e ngaahi faka'ilo 'e nima ki hono tuku atu 'o e vaka 'ikai taau ke folau 'i tahi. Na'e mo'ua pa'anga 'a e taha tangi 'i he Fakamaau'anga Lahi ki he $1,000,000 'i he faka'ilo ki he tamate tangata pea $200,000 ki he ngaahi faka'ilo taki taha 'e nima ki hono tuku atu 'o e vaka 'ikai taau ke folau 'i tahi, 'a ia na'e fakatou fakahoko. 'Ikai ke ngata ai, na'e tu'utu'uni 'a e fakamaau, mei he ngaahi mo'ua pa'anga na'e hilifaki ko e ngaahi pa'anga pau ai 'e totongi ki he Tonga Maritime Polytechnic Institute mo e Tonga Women's Crisis Centre.

Na'e tangi 'a e Taha Tangi 'i he tautea, pea ne pehe ko e tautea na'e hilifaki ki he tamate tangata 'i he ta'etokanga na'e fu'u lahi, pea na'e totonu ke fakakaukau'i 'e he Fakamaau'anga Lahi 'a e tu'unga fakapa'anga 'o e Taha Tangi mo e 'ikai ke malava 'o totongi 'a e mo'ua pa'anga 'e $1,000,000. Na'e toe pehe 'oku 'ikai ke 'i ai ha mafai 'a e Fakamaau'anga Lahi ke tu'utu'uni ki he ngaahi tautea fakapa'anga tanaki atu ko eni, pea na'e 'ikai ke fakakaukau'i 'e he Fakamaau'anga Lahi 'a e ngaahi faikehekehe faka'ekonomika 'i he vaha'a 'o Tonga mo e UK 'i hono ngaue'aki ha tu'utu'uni 'a UK ke tataki 'aki 'a e tamate tangata 'a ha kautaha.

Na'e kei tauhi pe 'e he Fakamaau'anga Tangi 'a e mo'ua pa'anga $1,000,000 na'e hilifaki ki he tamate tangata 'i he ta'etokanga. Ka neongo ia, ko e ngaahi mo'ua pa'anga na'e hilifaki ki he ngaahi faka'ilo ki hono tuku atu 'o e vaka 'ikai taau ke folau 'i tahi na'e to'o pea fetongi'aki 'a e ngaahi mo'ua pa'anga $100 ki he faka'ilo taki taha. Na'e tu'utu'uni ke totongi 'a e ngaahi mo'ua pa'anga 'i loto 'i he 'aho 'e 30. Ko e tu'utu'uni ki hono fiema'u 'a e ngaahi totongi ki he Tonga Maritime Polytechnic Institute mo e Tonga Women's Crisis Centre na'e to'o mo ia.

(d) ***Rex v Semisi Ve'etutu Pomale,* AC 10/11 and *Rex v Viliami Makahokovalu Tuputupu,* AC 11/11 (Fakamaau'anga Tangi, 30 Sepitema 2011)**

Ko e ngaahi tangi eni 'a e Kalauni ki he ngaahi tautea na'e hilifaki ki he Faka'iloa koe'uhi ko e fakatamaki 'i he ngoto 'a e MV Princess Ashika. Na'e pehe 'e he Kalauni na'e foaki atu 'e he Fakamaau Fakahoko Tautea ha tautea toloi 'o lahi ange 'i he ta'u 'e 3 fakangatangata 'oku hilifaki 'i he kupu 24 'o e *Lao ki he Ngaahi Hia.*

Ko Pomale 'a e fuofua meti ('ofisa) 'o e vaka. Na'e fakahalaia'i ia ki he faka'ilo 'e taha ki he tamate tangata 'i he ta'etokanga mo e ngaahi faka'ilo 'e nima ki hono 'ave 'o ha vaka 'ikai taau ke folau ki tahi. Na'e tautea'i ia ki he ngaue popula ta'u 'e 5 fakakatoa, pea toloi leva 'a e ta'u ngaue popula 'e 3 ½ ki he ta'u 'e 3 ½. Na'e fiema'u leva 'a Pomale ke ne ngaue popula 'i he mahina pe 'e 18.

Ko Tuputupu na'e kapiteni. Na'e fakahalaia'i ia ki he faka'ilo 'e taha ki he tamate tangata 'i he ta'etokanga mo e ngaahi faka'ilo 'e nima ki hono 'ave 'o ha vaka 'ikai taau ke folau ki tahi. Na'e tautea'i ia ki he ngaue popula ta'u 'e 4 fakakatoa, pea toloi leva 'a e ta'u ngaue popula 'e 3 ½ ki he ta'u 'e 3 ½. Na'e fiema'u leva 'a Tuputupu ke ne ngaue popula 'i he mahina pe 'e 6.

Na'e tali 'e he Fakamaau'anga Tangi 'a e tangi fekau'aki mo Pomale pea tautea'i 'a e Pomale ki he ngaue popula ta'u 'e 4 ½ fakakatoa, 'a ia te ne ngaue'i ai 'a e mahina 'e 18, pea toloi leva 'a e toenga ta'u ngaue popula 'e 3 ki he ta'u 'e 3.

Na'e toe tali foki 'e he Fakamaau'anga Tangi 'a e tangi fekau'aki mo Tuputupu pea tautea'i ai 'a Tuputupu ke ngaue popula ta'u 'e 3 ½ fakakatoa, pea te ne ngaue popula 'i he mahina 'e 6, pea toloi leva 'a e toenga ta'u ngaue popula 'e 3 ki he ta'u 'e 3. Koe'uhi ko eni, na'e to'o leva 'a e mahina 'e 6 mei he 'uluaki tautea taki taha 'o e ongo Faka'iloa. Na'e 'i ai pe 'a e ngaahi 'uhinga makehe na'e 'ikai ke tangi ai 'a e Kalauni 'i he 'ikai fe'unga 'a e ngaahi tu'unga 'o e tautea.

(e) ***Re: Schaumkel, Tohi Kole ke Lesisita 'a e Fa'ele'i 'i Muli,* RG 259/11**

Na'e tohi kole 'a e Taha Kole ke lesisita hono foha na'e fa'ele'i 'i Nu'usila 'i he lesisita 'o e fa'ele 'i Tonga. 'I he 2007, na'e fakatonutonu ai 'a e *Lao ki he Kakai 'o e Fonua* ke lau ha taha 'oku fa'ele'i 'i muli 'i ha fa'e Tonga pe tamai Tonga 'oku tangata'i fonua Tonga.

Na'e fa'ele'i 'a e Taha Kole 'i Nu'usila 'i he tamai Tonga 'a ia na'e fa'ele'i 'i Tonga ni pea ko e Tonga ia. Ka neongo ia, na'e fa'ele'i 'a e foha ia 'o e Taha Kole 'i Nu'usila 'i he tamai Tonga na'e 'ikai fa'ele'i 'i Tonga ni, koe'uhi na'e fa'ele'i 'a e Taha Kole ia 'i Nu'usila. 'I he'ene pehee, na'e 'ikai ko ha Tonga 'a e foha 'o e Taha Kole.

Na'e tohi kole 'a e Taha Kole ke lesisita hono foha 'i he fakatonutonu 'o e 2007 'i he 'api neongo pe ko e ha 'a e taimi na'e fa'ele'i ai ha taha, talu mei he fakatonutonu 'o e 2007, ko e ni'ihi kotoa pe 'oku fa'ele'i 'i he tamai pe fa'e Tonga kuo pau ke hoko ko e Tonga. Na'e 'oatu ki he Kalauni 'a e faingamalie ke fakahoko ha ngaahi fakamalanga 'i he me'a ni, pea mo fakafepaki'i 'a e tohi kole 'o e Taha Kole 'i he makatu'unga na'e fakataumu'a 'a e Fakatonutonu 'o e 2007 ke ngaue'aki pe ki he ni'ihi 'oku fa'ele'i hili 'a e fakatonutonu 'o e 2007, kae 'ikai kimu'a, pea ko hono ngaue'aki leva na'e 'ikai lava ke ngaue'aki katoa. Ka neongo ia, na'e loto tatau pe 'a e Fakamaau'anga Lahi mo e Taha Kole 'o tali ai 'a e tohi kole. 'Oku tangi leva 'a e Kalauni ki he tu'utu'uni ki he

Fakamaau'anga Tangi pea 'oku fakatatali 'a e ngaahi tohi kole tatau kotoa pe kae'oua kuo fakahoko 'a e tu'utu'uni 'a e Fakamaau'anga.

6 POLOKALAMA 'A E SEKITOA LAO / POLOSEKI

(A) FOKOTU'U 'O E UEPISAITI FAKA'OFISIALE FO'OU

Na'e fokotu'u 'e he 'Ofisi Lao 'a hono uepisaiti fo'ou (www.crownlaw.gov/cms) 'a ia 'oku 'i ai 'a e ngaahi fakamatala fekau'aki mo e ngaahi ngaue 'a e 'Ofisi Lao, pea 'oku fakakau kotoa foki ai ha peesi 'o e ngaahi lao kotoa 'a ia 'oku fakalelei ma'u pe 'i he taimi 'oku tali ai ha lao fo'ou.

(B) NGAAHI LIPOOTI 'O E NGAAHI HOPO 'A TONGA

Kuo fakalelei ma'u pe 'e he 'Ofisi Lao 'a e Ngaahi Lipooti 'o e Ngaahi Hopo 'a Tonga 'o a'u ki he 2009 mo e 2010 'i he tokoni 'a e Ngaue'anga Fakanaunau Pule 'a e Kominiueli ki he Pasifiki, 'a ia 'oku totonu ke pulusi 'i he kamata'anga 'o e ta'u fo'ou.

(C) POLOSEKI FAKATONUTONU 'O E NGAAHI LAO

'Oku 'i he tu'unga faka'osi 'a hono fakakakato 'e he 'Ofisi Lao 'a e fakatonutonu 'o e ngaahi lao 'o Tonga 'i he paaki faka-Pilitania mo e faka-Tonga, 'i he Tokoni 'a e Sekeliteliate 'a e Kominiueli. 'Oku 'i ai 'a e 'amanaki ko hono pulusi 'i he liliu faka'ilekitulonika 'a e ngaahi lao 'oku fakatonutonu 'o a'u ki he 2010 'e kakato 'i Sune 2012.

(D) UIKE LAO FAKATA'U HONO 5, 2011

Na'e fakahoko 'a e Uike Lao Fakata'u hono 5, 2011 mei he 'aho Sapate 28 Novema ki he 'aho 2 Tisema 2011. Ko e kaveinga ko e "Ngaahi Lao mo e Mo'ui Fakasosiale", 'a ia na'e fakataumu'a ki hono fakaha atu 'a e ngaahi lao 'i he pule'i 'o e tapaka, kava malohi, faito'o konatapu mo e fakamamahi 'i 'api. Na'e kau 'i he ngaahi ngaue ha lotu fakatahataha ma'a e sekitoa lao, ngaahi 'a'ahi ki he ngaahi ako'anga kolisi mo ma'olunga ange, felafoaki 'i he letio mo e ngaahi fe'auhi ta pepa tu'uaki, fa'u maau, lea ki he fanau ako lautohi mo e fanau ako iiki 'i he kolisi.

TEPILE I

KAU NGAUE 'A E POTUNGAUE FAKAHINOHINO LAO 'I HONO 'AHO 31 TISEMA 2011

KAU NGAUE FAKAFOFONGA LAO

1	*'Ateni Seniale - Fakataimi*	**Hon. Samiu Kuita Vaipulu** **Mr. Barrie Sweetman**
2	*Fakahinohino Lao Pule*	**'Asipeli 'Aminiasi Kefu,** LLB, *Waikato* LLM *VUW,* GDPSM *Massey*, Loea & Fakafofonga Lao 'o e Fakamaau'anga Ma'olunga 'o Nu'usila, Fakafofonga Lao mo e Komisiona Fuakava (Tonga)
3	*Fakahinohino Lao Ma'olunga*	**'ATAA**
4	*Tokoni Fakahinohino Lao Ma'olunga*	**Sione Finau Sisifa** LLB *USP,* PDLP *USP,* Loea & Fakafofonga Lao 'o e Fakamaau'anga Ma'olunga 'o Fisi, Fakafofonga Lao mo e Komisiona Fuakava (Tonga)
5	*Fakahinohino Lao*	**James Bruce Lutui** LLB *USP,* PDLP *USP,* PDLD *USP* Loea & Fakahinohino Lao 'o e Fakamaau'anga Ma'olunga 'o Fisi, Fakafofonga Lao (Tonga) **Annis Fapuiaki Finau** LLB *USP,* PDLP *USP,* PDLD *USP* Loea & Fakahinohino Lao 'o e Fakamaau'anga Ma'olunga 'o Fisi, Fakafofonga Lao (Tonga) **'Elisapeti Lavakei'aho Langi** LLB *USP* Dip. Ngaue Fakalao *USP* Loea & Fakahinohino Lao 'o e Fakamaau'anga Ma'olunga 'o Fisi, Fakafofonga Lao (Tonga)
6	*Tokoni Fakahinohino Lao*	**Eunice Tuítupou Moala** LLB *USP,* PDLP *USP*, Fakafofonga Lao (Tonga) **Juliana Lafaialii** LLB *USP,* PDLP *USP*, Fakafofonga Lao (Tonga) **Joan Puloka** LLB *USP,* PDLP *USP*, Fakafofonga Lao (Tonga) **Silivia 'Atiola** LLB *USP,* PDLP *USP*, Fakafofonga Lao (Tonga) **Leotrina Macomber**

		LLB *USP,* PDLP *USP,* Loea & Fakahinohino Lao 'o e Fakamaau'anga Ma'olunga 'o Fisi, Fakafofonga Lao (Tonga)
7	*'Ofisa Lao Akoako mei he Potungaue Fakamaau'anga*	**Rose Lesley Kautoke** LLB *USP,* PDLP *USP,* PDLD *USP,* Fakafofonga Lao (Tonga)
KAU NGAUE POUPOU KI HONO FAKALELE 'O E NGAUE		
8	*Fakatonu Lea Ma'olunga*	**'ATAA**
9	*Tokoni Fakatonu Lea Ma'olunga*	**Loupua Sefokuli** LLB *USP,* PDLP *USP*
10	*Fakatonu Lea*	**Losa Hastings** **'Ana Fusipala Sisilia Michelle Koloamatangi**
11	*Sekelitali ki he 'Ateni Seniale mo e Pule 'o e Ngaahi Me'a Fekau'aki mo e Kau Ngaue*	**Simaili Tu'ifua Ma'ake**
12	*'Ofisa Pule*	**Taufa 'Otuhouma**
13	*Kalake Fakakomipiuta Kalasi III*	**Katalina Fisi'ilose Leha**
14	*Failesisita Faile*	**Niusolifoni Kei**
15	*Kalake Fakakomipiuta Kalasi III*	**Keleni Tu'iniua Pasikala**
16	*Faka'uli*	**Siosaia Fifita**
17	*Tauhi Fale*	**Siulolo Tu'itavuki**
18	*Kalake Ngaue Lau'aho*	**Manatu Havea** Dip Pisinisi *Tupou Tertiary Institute*
19	*Kalake Fakalao Lau'aho*	**'Akanesi Katoa** LLB *USP,* PDLP *USP*

TEPILE II

Ko e fakalukufua eni 'o e ngaahi fakataha mo e ngaahi ako kehekehe na'e kau atu ki ai 'a e kau ngaue fakafofonga lao:

NGAAHI AKO

	'AHO	AKO	FEITU'U & NI'IHI NA'A NAU FOKOTU'UTU'U	NI'IHI NE KAU KI AI
1	7 Ma'asi – 11 Me 2011	Pacific Legal Policy Twinning Program	Canberra, 'Aositelelia Office of Legislative Drafting and Publication, Australian Attorney General's Department	Annis Finau, Fakahinohino Lao
2	12-13 'Epeleli 2011	APG Strategic Implementation Plan Workshop	Nuku'alofa, Tonga APG, Austrac, PIFS, Crown Law	Fakahinohino Lao Pule, Juliana Lafaiali'i, Tokoni Fakahinohino Lao
3	27-29 'Epeleli 2011	Regional Workshop on Cybercrime Legislation	Nuku'alofa, Tonga Australian AGD, Council of Europe, SPC	Fakahinohino Lao Pule, Leotrina Macomber, Tokoni Fakahinohino Lao
4	3 Me 2011	Ready Pasefika II	'Aokalani, Nu'usila NZ MFAT and NZ Police	Fakahinohino Lao Pule, Komanita Polisi, Tokoni Komanita Polisi
5	5-9 Sepitema 2011	Regional Counter Terrorism Seminar	Cairns, Australian Counter Terrorism Training Intelligence Program	Leotrina Macomber, Tokoni Fakahinohino Lao, CIP 'Atunaisa Taumoepeau, Tonga Police, Tupou Vaipulu, Potungaue Ngaahi Ngaue ki Muli
6	18-20 'Okatopa 2011	9th Regional Meeting of the State Parties with respect to Article IX of the Chemical Weapons Convention	Singapore Organisation for the Prohibition of Chemical Weapons	Sione Sisifa, Tokoni Fakahinohino Lao Ma'olunga
7	11 Novema 2011	PDLD Final Evaluation	Suva, Fisi, USP	Juliana Lafaiali'i, Tokoni Fakahinohino Lao

NGAAHI FAKATAHA FAKALOTOFONUA, FAKAVAHEFONUA MO FAKAVAHA'APULE'ANGA

	'AHO	FAKATAHA	FEITU'U & NI'IHI NA'A NAU FOKOTU'UTU'U	NI'IHI NE KAU KI AI
1	4 Me 2011	Counter Terrorism Working Group Meeting	'Aokalani, Nu'usila	Fakahinohino Lao Pule, Komanita Polisi mo e Tokoni Komanita Polisi
2	1-3 Sune 2011	Forum Regional Security Committee	Suva, Fisi	Fakahinohino Lao Pule
3	6 -8 Sune 2011	Commonwealth and ICRC International Humanitarian Law Conference	Kuala Lumpur, Malaysia	Fakahinohino Lao Pule
4	26-29 Sune 2011	16th Annual Conference and General Meeting of the International Association of Prosecutors	Seoul, South Korea	Annis Finau, Fakahinohino Lao
5	1 Siulai 2011	World Summit of Prosecutors General, Attorneys General and Chief Prosecutors	Seoul, South Korea	Annis Finau, Fakahinohino Lao
6	10 Siulai 2011	Pacific Young Lawyers Meeting	Sene, 'Aositelelia	Fakahinohino Lao Pule Joan Puloka, Tokoni Fakahinohino Lao Silivia 'Atiola, Tokoni Fakahinohino Lao
7	11 -14 Siulai 2011	Commonwealth Law Ministers Meeting	Sene, 'Aositelelia	Fakahinohino Lao Pule Joan Puloka, Tokoni Fakahinohino Lao Silivia 'Atiola, Tokoni Fakahinohino Lao
8	18-22 Siulai 2011	Asia Pacific Group on Money Laundering Plenary Meeting	Kochi, 'Initia	Fakahinohino Lao Pule 'Ungatea Latu, Pule, NRBT

9	2-4 Novema 2011	Pacific Women's Policy Dialogue	Canberra, 'Aositelelia	Annis Finau, Fakahinohino Lao
10	7-9 Novema 2011	Regional Working Group Meeting on Preventing Terrorist Financing Abuse of the Non Profit Sector	'Aokalani, Nu'usila	'Ateni Seniale
11	16-18 Novema 2011	Commonwealth Secretariat Seminar on the Integrity of Public Life	'Aokalani, Nu'usila	Fakahinohino Lao Pule
12	21-23 Novema 2011	Octopus Conference and 10th Anniversary of the Budapest Convention on Cybercrime	Strasbourg, Falanise	Fakahinohino Lao Pule APC 'Unga Fa'aoa, Polisi 'a Tonga

TEPILE III

FALE'I FAKALAO

('ATENI SENIALE LE'OLE'O)

	POTUNGAUE	LAHI 'O E FALE'I FAKALAO
1	Potungaue Ngoue, Me'atokoni, Vao'akau mo e Toutai	1
2	Potungaue 'Aotita	-
3	Komisiona 'o e Kau Ngaue Fakapule'anga	-
4	MEIDECC	2
5	Potungaue 'o e Ngaahi Sosaieti Fetokoni'aki & Kuletiti 'Iunioni	-
6	Potungaue Ako, Kakai Fefine mo e Tukufakaholo	2
7	Potungaue Ngaahi Ngaue Lalahi	14
8	Potungaue Pa'anga mo e Palani Fakafonua	12
9	Potungaue ki he Ngaahi Ngaue ki Muli	25
10	Potungaue Mo'ui	2
11	Potungaue Fakamaau'anga	3
12	Potungaue Ngaue 'a e Kakai, Fefakatau'aki mo e Ngaahi Ngaue'anga	17
13	Potungaue Fonua, Savea, Ngaahi Koloa Fakaenatula, mo e 'Atakai	15
14	'Ofisi Palasi	-
15	Potungaue Polisi, Va'a Tamate Afi mo e Pilisone	19

16	'Ofisi Palemia	13
17	Potungaue ki he Ngaahi Kautaha 'o e Pule'anga	3
18	Komisoni 'o e Kau Ngaue Fakapule'anga	11
19	Potungaue Pa'anga Hu Mai	1
20	Potungaue Sitetisitika	1
21	Tau Malu'i Fonua 'a Tonga	7
22	Potungaue Takimamata	-
23	Potungaue Ako Ngaue, Ma'ungaue, To'utupu & Sipoti	-
24	Potungaue 'o e Fefononga'aki	-
25	Potungaue Ngaue	-
26	ADB	-
27	Pangike 'a Mamani	-
28	Pangike Pule Fakafonua 'o Tonga	-
29	Komisoni Fili Fale Alea	-
30	Fale Alea	-
	FAKAKATOA	**148**

TEPILE IV

NGAAHI LAO KUO PAASI 'E HE FALE ALEA LOLOTONGA 'A E TO'U FALE ALEA 2011

Fika	Ngaahi Lao
1	Lao (Fakatonutonu) ki he Lao 'o e Konisitutone 'o Tonga 2011 **(Lao Fika 1 'o e 2011)**
2	Lao (Fakatonutonu) ki he Ma'u Mafai Vahenga **(Lao Fika 1 'o e 2011)**
3	Lao ke Fakahu Atu 'a e Pa'anga 2011-2012 ki he ngaahi ngaue 'a e Pule'anga 2011 **(Lao Fika 1 'o e 2011)**
4	Lao (Fakatonutonu) ki he Poate Sino'i Pa'anga Malolo mei he Ngaue 2011 **(Lao Fika 1 'o e 2011)**
5	Lao (Fakatonutonu) ki he Sino'i Pa'anga Malolo mei he Ngaue 2011 **(Lao Fika 1 'o e 2011)**
6	Lao (Fakatonutonu) ki he Pangike Pule Fakafonua 'o Tonga 2011 **(Lao Fika 1 'o e 2011)**

TEPILE V

NGAAHI TU'UTU'UNI KUO FA'U LOLOTONGA 'A E 2011

FIKA	NGAAHI TU'UTU'UNI
1	Ngaahi Tu'utu'uni ki he Ngaahi Malu'i Koloa Taautaha 2011
2	Ngaahi Tu'utu'uni (Liliu 'o e Hingoa) 'a e Failesisita Seniale 2011
3	Ngaahi Tu'utu'uni (Fakatonutonu) 'a e Failesisita Seniale ki he Fa'ele mo e Pekia 2011
4	Tu'utu'uni ki he Tukuhau Ngaue'aki 2011
5	Tu'utu'uni (Fakatonutonu) ki he Tukuhau 'Ekisia 2011
6	Ngaahi Tu'utu'uni ki he Ngaahi Koloa Faito'o 2011
7	Ngaahi Tu'utu'uni (Fakatonutonu) (Pule'i) 'o e Sino'i Pa'anga Malolo mei he Ngaue 2011
8	Tu'utu'uni (Fakatonutonu) (Fika 2) ki he Tukuhau 'Ekisia 2011
9	Tu'utu'uni (Fakatonutonu) ki he Tute Kasitomu 2011
10	Ngaahi Tu'utu'uni (Fakatonutonu) ki he Ngaahi Tohi Fakangofua ke Folau 2011
11	Ngaahi Tu'utu'uni ki he Tohi Kakai 2011
12	Ngaahi Tu'utu'uni (Fakatonutonu) ki he Fe'alu'aki 'i he Hala 2011
13	Ngaahi Tu'utu'uni (Fakatonutonu) (Pule'i) (Fika 2) 'o e Sino'i Pa'anga Malolo mei he Ngaue 2011
14	Fanongonongo (Ngaahi Ngata'anga 'o e Vave) ki he Fe'alu'aki 'i he Hala 2011