



I assent.

GEORGE TUPOU V,

13th February, 2009.

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT OF THE MINISTRY OF TRANSPORT AND THE INTERGRATION AND REFORM OF THE TRANSPORT SECTORS IN THE KINGDOM INTO A SINGLE ADMINISTRATION UNDER THE MINISTRY OF TRANSPORT

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

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the Transport Services Act 2008.

2. Interpretation

In this Act, unless the context otherwise requires -

"integrated transport sector" means the integration of the land, sea and air transport sectors in the Kingdom to be administered by the Ministry;

"Minister" means the Minister for Transport;

"Ministry" means the Ministry of Transport;

"Secretary" means the Secretary for Transport.

PART 2 – GENERAL ADMINISTRATION

3. Minister for Transport

The Minister for Transport shall be responsible for the administration of this Act.

4. Ministry of Transport

There shall be a Ministry of Transport under the direction and control of the Minister, consisting of the Secretary and such other officers and employees that may be appointed in accordance with section 8.

5. Functions of the Ministry

The functions of the Ministry shall be to-

- (a) administer the integration of the land, sea and air transport sectors in the Kingdom;
- (b) ensure that the services relating to the integrated transport sector in the Kingdom are maintained;
- (c) regulate the integrated transport sector in the Kingdom; and
- (d) undertake any other function prescribed under any other Act relating to land, sea or air transportation.

6. Annual Report

The Minister shall present an annual report in accordance with clause 51 of the Constitution.

7. Secretary for Transport

- (1) There shall be a Secretary for Transport in the Ministry, appointed in accordance with the Public Service Act 2002 and the relevant policies of Government.
- (2) The Minister may give policy directions not inconsistent with the provisions of this Act, as to the duties and responsibilities of the Secretary and any other officer of the Ministry.
- (3) It shall be the duty and function of the Secretary to act in accordance with policy direction given to him by the Minister within the provisions of this Act, and generally to assist the Minister and to advise him, as he may deem appropriate, on any transport matter.

8. Appointment of Staff

There may be appointed in accordance with the Public Service Act 2002 and the relevant policies of Government such officers or employees in the Ministry to assist the Minister in the performance of his functions.

PART 3 - ASPECTS OF TRANSPORT SERVICES**9. Powers**

- (1) The Ministry is empowered to-
 - (a) do any action that may be required to be done in the process of integrating the land, sea and air transport sectors;
 - (b) facilitate the provision of transport services within the limits of available finance and resources and according to the needs of the people of the Kingdom;

- (c) provide facilities for the provision of a comprehensive transport sector;
- (d) provide such training facilities as may be required to maintain the personnel of the transport sector at the highest possible level of professional and technical expertise and performance;
- (e) request, conduct, or assist research in transport matters by employees of the Ministry or by such other persons or bodies as he may decide;
- (f) establish a statistics and transport information service;
- (g) establish any facility that is conducive to the enhancement of transport services in the Kingdom;
- (h) ensure that the provision of transport services are conducted in a safe manner; or
- (i) collaborate with national, international, and non-governmental organizations.

- (2) In exercise of his powers under subsection (1), the Ministry shall act in consultation with relevant Ministries and stakeholders and shall refer any important matters to Cabinet.

10. Delegation of Powers

The Minister may delegate any of his powers under this Act, other than powers under section 11 in writing to the Secretary or to any other officer.

11. Regulations

The Minister may, with the consent of Cabinet, make regulations for carrying out of the objects of this Act.

PART 4 - MISCELLANEOUS**12. Savings**

Any existing orders, appointments, certificates, licences or notices made or granted under the Civil Aviation Act 1990, the Shipping Act (Cap. 136) or the Traffice Act (Cap 156), before this Act comes into effect shall remain in force until revoked according to law.

13. Act to Prevail

Where there is a conflict between the provisions of this Act and any other Act, the provisions of this Act shall prevail.

Passed in the Legislative Assembly this 9th day of October, 2008.

KONGA 4 – NGAahi ME'A KEHE**12. Fakahaofi**

Kuo pau ko e ngaahi tu'utu'uni lolotonga, ngaahi tohi fakamo'oni, ngaahi laiseni pe ngaahi fanongonongo na'e fa'u pe foaki 'i he Lao ki he Fefolau'aki Vakapuna Sivile 1990, Lao ki he Folau Vaka (Vahe 136) pe ko e Lao ki he Fe'alu'aki 'i he Hala (Vahe 156) kimu'a pea kamata ngaue'aki 'a e Lao ni kuo pau ke kei ngaue'aki kae 'oua kuo fakapekia fakatatau ki he Lao.

13. Ke malohi 'a e Lao

Kapau 'oku 'i ai ha fepaki 'i he vaha'a 'a e ngaahi kupu 'o e Lao ni mo ha Lao kehe, kuo pau ke ngaue'aki 'a e ngaahi kupu 'o e Lao ni.

Na'e tali 'i he Fale Alea 'i he 'aho ni 9 'o 'Okatopa, 2008.

Tonga.**Fika 12 'o e 2008.**

'Oku ou loto ki ai,

SIAOSI TUPOU V,

13 'o Fepueli, 2009.

KO E LAO

KE FOKOTU'U FAKATAHATAHA HA POTUNGAUE KI HE FEFONONGA'AKI MO HONO FAKALELEI'I 'O E NGAahi SEKITOA FEFONONGA'AKI 'I HE PULE'ANGA NI

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

KONGA 1 – TALATEU**1. Hingoa Nounou**

'E ui 'a e Lao ni ko e Lao ki he Ngaahi Ngaue ki he Fefononga'aki 2008.

2. 'UHINGA'i lea

'I he Lao ni, tukukehe 'o ka fiema'u ha 'uhinga kehe 'i hono tu'u'anga -

"sekitoa fakatahataha ki he fefononga'aki" 'oku 'uhinga ki he fakataha'i 'o e ngaahi sekitoa fefononga'aki 'i he fonua, tahi mo e 'ataa 'i Tonga ni ke pule'i 'e he Potungaue;

"Minisita" 'oku 'uhinga ki he Minisita 'o e Fefononga'aki;

"Potungaue" 'oku 'uhinga ki he Potungaue ki he Fefononga'aki;

"Sekelitali" 'oku 'uhinga ki he Sekelitali 'o e Fefononga'aki.

KONGA 2 – PULE'I FAKALUKUFUA**3. Minisita ki he Fefononga'aki**

Kuo pau ki he Minisita 'o e Fefononga'aki ke ne tokanga'i hono pule'i 'o e Lao ni.

4. Potungaue ki he Fefononga'aki

Kuo pau ke, 'i ai ha Potungaue ki he Fefononga'aki 'a ia 'e pule'i mo fai tu'utu'uni ki ai 'a e Minisita, 'i ai ha Sekelitali mo ha kau 'ofisa mo ha kau ngaue 'e ngofua ke fili fakatatau mo e kupu 8.

5. Ngaahi Fatongia

Kuo pau ko e ngaahi fatongia 'o e Potungaue ke –

- pule'i hono fakatahataha'i 'a e ngaahi sekitoa fefononga'aki 'i he fonua, tahi mo e 'ataa 'i Tonga;
- fakapapau'i 'oku fakalele lelei 'a e ngaahi sevesi fekau'aki mo e sekitoa fakatahataha ki he fefononga'aki 'i Tonga;
- pule'i 'a e sekitoa fakatahataha ki he fefononga'aki 'i Tonga.
- fakahoko ha fatongia 'o e Potungaue 'oku tu'utu'uni 'i ha Lao kehe fekau'aki mo e fefononga'aki 'i he fonua, tahi pe 'ataa.

6. Fakamatala Fakata'u

Kuo pau ki he Minisita ke ne fakahu fakata'u ha lipooti fakatatau mo e kupu 51 'o e Konisitutone.

7. Sekelitali ki he Fefononga'aki

- Kuo pau ke 'i ai ha Sekelitali ki he Fefononga'aki 'i he Potungaue, 'a ia 'e fokotu'u 'o fakatatau ki he Lao ki he Ngaue Fakapule'anga 2002 mo e ngaahi tu'utu'uni ngaue felave'i 'a e Pule'anga.
- 'E ngofua ki he Minisita ke ne 'oatu ha ngaahi tu'utu'uni ngaue 'a ia 'e 'ikai ke fepaki mo e ngaahi kupu 'o e Lao ni, 'o kau ki he ngaahi ngafa mo e ngaahi fatongia 'o e Sekelitali pea mo ha 'ofisa kehe 'i he Potungaue.
- Kuo pau ko e ngafa mo e fatongia ia 'o e Sekelitali ke ne fai 'o fakatatau ki he ngaahi tu'utu'uni ngaue 'oku 'oatu kiate ia 'e he Minisita 'o fakatatau ki he ngaahi kupu 'o e Lao ni, pea 'i hono fakalukufua ke ne tokoni ki he Minisita, pea 'o kapau 'oku ne pehe 'oku taau, ke fale'i ia 'i ha me'a felave'i pea mo e fefononga'aki.

8. Fokotu'u 'o e kau 'ofisa

'E ngofua ke fokotu'u fakatatau mo e Lao ki he Ngaue Fakapule'anga 2002 mo e ngaahi tu'utu'uni ngaue 'a e Pule'anga ha kau 'ofisa pe kau ngaue ke tokoni ki he Minisita 'i he fakahoko hono ngaahi fatongia.

KONGA 3 – NGA AHI ME'A FELAVE'I PEA MO E NGA AHI NGAUE KI HE FEFONONGA'AKI

9. Ngaahi Mafai 'o e Potungaue

- 'Oku fakamafai'i 'a e Potungaue ke:-

- fai ha fa'ahinga ngaue 'oku fiema'u ki hono fakataha'i 'a e ngaahi sekitoa fefononga'aki 'i he fonua, tahi mo e 'ataa;
 - 'oatu ha ngaahi sevesi fefononga'aki 'a ia 'oku fenapasi mo e ngaahi fiema'u 'a e kakai 'o Tonga, 'o fakatatau ki he ivi fakapa'anga mo e naunau 'oku ma'u;
 - 'oatu ha ngaahi naunau ke fakahoko 'aki ha sevesi fefononga'aki 'oku ngaue lelei;
 - 'oatu ha ngaahi ako 'oku fiema'u ke pukepuke 'a e kau ngaue 'a e sekitoa fefononga'aki ki he tu'unga fakapalofesinale mo fakatekinikale mo fakangaue ma'olunga taha 'e ala lava;
 - kole, fakahoko pe tokoni'i ha fekumi 'i he ngaahi me'a felave'i pea mo e fefononga'aki 'oku fai 'e he kau ngaue 'a e Potungaue pe 'e ha ni'ihiki kehe pe kautaha 'a ia 'e loto ki ai;
 - fokotu'u ha ngaahi ngaue fakasitetisitika mo e ngaahi sevesi fakamatala ki he fefononga'aki;
 - fokotu'u ha ngaahi naunau 'e kau ki he fakalalakaka 'o e ngaahi sevesi fefononga'aki 'i he Pule'anga;
 - fakapapau'i 'e fakahoko 'i he founa malu hono tuku atu 'o e ngaahi sevesi fefononga'aki; pe
 - ha ngaue fakataha mo ha ngaahi kautaha fakalotofonua, fakavaha'a pule'anga, pea mo ha ngaahi kautaha 'oku 'ikai fakapule'anga.
- Kuo pau ki he Minisita, 'i he fakahoko 'o e ngaahi mafai 'i he kupusi'i (1) ke fakahoko 'i he femahino'aki mo e ngaahi Potungaue felave'i mo kinautolu 'oku felave'i pea kuo pau ke fakaha 'a e ngaahi me'a mahu'inga ki he Kapineti.

10. Vahe'i 'o e Ngaahi Mafai

'E ngofua ki he Minisita ke vahe'i 'i he tohi hono ngaahi mafai 'i he Lao ni, tukukehe, 'a e ngaahi mafai 'i he kupu 11 ki he Sekelitali pe ha 'ofisa kehe.

11. Ngaahi Tu'utu'uni

'E ngofua ke fa'u 'e he Minisita 'i he loto ki ai 'a e Kapineti, ha ngaahi tu'utu'uni ki hono fakahoko 'a e ngaahi taumu'a 'o e Lao ni.