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Our Reference: AK 754/17- c.14

'OFISI 'O E 'ATENI SENIALE
ONGOONGO TUKUATU
VETEKI 'O E FALE ALEA KO E TOTONU TAAUTAHA FAKA-TU'I TA'EFAKANGATANGATA 'O 'ENE 'AFIO
31 'Aokosi 2017

1 'Oku loto 'a e 'Ofisi 'o e 'Ateni Seniale ke fakahoko ha tali ki he lipooti 'i he uepisaiti ongoongo 'a e *Kaniva* na'e pulusi 'i he 'aho 29 'Aokosi 2017, 'a ia na'e lipooti ai 'a e ngaahi faka'uhinga na'e fakahoko 'e Lopeti Senituli 'i he *Facebook*, ko e 'Ofisa Pule Ngaue Malolo 'a e Pule'anga ma'ae Ngaahi Ngaue Fakalotofonua pea mo e fale'i 'a e Pule'anga, 'a ia na'a ne ekinaki ai ki he Pule'anga lolotonga ke fakahoko 'a e ngaue fakalao ki he tu'utu'uni 'a 'Ene 'Afio ko e Tu'I ke veteki 'a e Fale Alea. Na'e pehe 'e Senituli 'oku totonu ke tohi kole 'a e Pule'anga ki he Fakamaau'anga ke ma'u ha tu'utu'uni tohin ta'ofi fekau'aki mo hono veteki 'a e Fale Alea, pea ke tohi kole foki ki he Fakamaau'anga ke toe vakai'i 'a e tu'utu'uni ko ia.

2 'Oku 'ikai angamaheni ke kau 'a e 'Ofisi 'o e 'Ateni Seniale 'i he felafoaki 'a e kakai fekau'aki mo e lao, tautefito ki he taimi 'oku fakahoko ai 'i he mitia sosiale. Neongo ia, 'i he taimi 'oku fakahoko ai ha ngaahi fakamatala pehe 'o makatu'unga i hano faka'uhinga'i hala 'a e lao, pea 'oku ne fakatupu 'a e faingamalie fakatu'utamaki ke takihala'i 'a e kakai, pea 'e ala hoko ai 'a e anga ta'etaau pe manuki'i 'o e ngaahi sino Fakakonisitutone 'o e Pule'anga, pea hoko ai 'a hono tohoaki'i 'a e fakakaukau 'a e kakai, tautefito ki he mitia fakavaha'apule'anga, ko e tefito'i fatongia leva ia 'o e 'Ateni Seniale ke lea 'o fakatonutonu 'a e fehalaaki mo e ma'u hala 'e ala hoko ai.

3 ‘Oku tui foki ‘a e ‘Ofisi ‘o e ‘Ateni Seniale ko e feitu’u totonu ke fakahoko ai ha tu’utu’uni ‘aofangatuku ‘o e ngaahi kehekehe ‘i he faka’uhinga’i ‘o e lao ‘oku totonu ke fakahoko ia ‘i he Fakamaau’anga ka ‘oku ‘ikai ko e fakamaau’anga ‘o e faka’uhinga ‘a e kakai.

4 ‘Oku ‘i ai pe foki ‘a e totonu ‘a Senituli ke fakahoko mo fakaha ‘ene ngaahi faka’uhinga. ‘Oku fakatokanga’i foki ko e faka’uhinga’i eni ‘e ha taha ‘oku ‘ikai ko ha taukei ‘i he mala’e ni, ka ‘oku hoko ia ko ha toe ‘uhinga lahi ange ke toe fiema’u ke tonu mo fakama’uma’u ‘a e faka-‘uhinga fekau’aki mo e ngaahi me’a faka-lao.

5 ‘Oku fiema’u foki ke fakamahino ‘aupito ‘oku ‘ikai ke ta’ofi ‘e he ‘Ofisi ‘o e ‘Ateni Seniale ha taha mei hano ‘ave ‘o ha ‘eke fakalao ki he Fakamaau’anga, ‘o tatau pe ko ha ‘eke faka-lao koia ‘oku malohi pe vaivai ‘a hono makatu’unga.

6 ‘I he vakai ‘a e ‘Ofisi ‘o e ‘Ateni Seniale ko ha ‘eke faka-lao ‘e ‘ave ki he Fakamaau’anga fekau’aki mo hono veteki ‘o e Fale Alea ‘e He’ene ‘Afio ko e Tu’i, ‘e tamate’i faka-vavevave ia ‘e he Fakamaau’anga, pea koia ai ‘oku totonu ke ‘oua fakahoko ha ‘eke faka-lao pehe.

7 Na’e pehe ‘e Senituli ko e tu’utu’uni ‘a ‘Ene ‘Afio ko e Tu’i ke veteki ‘a e Fale Alea ‘i he kupu 38 mo e 77(2) ‘o e Konisitutone ‘e ala vakai’i faka-Fakamaau’anga ia. Na’a ne fakatefito ‘a ‘ene faka’uhinga ‘i he hopo ‘i he Fakamaau’anga Kelekele ‘a <u>Tupou Tongaliuaki Filo’auola Aleamotu’a v Fielakepa</u>, [2015] Tonga LR 556 (Scott LCJ). Na’a ne pehe kuo pau ke ngaue’aki ‘a e totonu Faka-Tu’i taautaha “ ‘o fakatatau ki he tohi mo e laumalie ‘o e konisitutone [sic] mo e ngaahi lao ‘o e fonua”.

8 Ko e ngaahi ‘uhinga eni ‘oku fehalaaki ai ‘a e faka’uhinga ko eni ‘i he lao, pea ‘oku totonu ke ta’ofi ‘a e ma’u hala he taimi ni:

<u>‘Ikai ha kupu ‘i he Konisitutone pe ngaahi lao ‘o Tonga ke poupou ki he faka’uhinga</u>

(1) Na’e ‘ikai ha lave ‘a Senituli ki ha kupu ‘i he Konisitutone pe ngaahi lao ‘o Tonga ke poupou ki he’ene faka’uhinga.

Na'e tu'utu'uni 'e he Fakamaau'anga Kelekele 'e 'ikai lava ke faka'ilo 'a 'Ene 'Afio ko e Tu'i 'i he Fakamaau'anga 'i hano 'eke'i 'a hono ngaue'aki 'o e totonu taautaha Faka-Tu'i

(2) Na'e tu'utu'uni 'a e hopo Fakamaau'anga Kelekele na'e fakafalala ki ai 'a Senituli 'e 'ikai lava ke fokotu'u 'a 'Ene 'Afio ko e Tu'i ko ha faka'iloa ki he hopo koe'uhi 'oku 'ikai ha mafai 'o e Fakamaau'anga ki he 'Ene 'Afio ko e Tu'i. Na'e fakamatala 'e he Fakamaau'anga Kelekele 'o pehe ni:

> [21] 'I he'eku vakai, kuo pau ke faka'ilonga'i 'a e faikehekehe, 'i he vaha'a 'o hono ngaue'aki 'e he 'Ene 'Afio 'o e ngaahi totonu fakatu'i ta'efakangatangata 'a ia 'oku 'iate ia 'i he malumalu 'o e Konisitutone, 'o hange ko e mafai ke tufa 'a e ngaahi hingoa faka'apa'apa (Kupu 44) mo hono ngaue'aki 'e ia 'o tatau pe 'i he fale'i 'a ha sino pe taha, 'o e ngaahi mafai kuo fakamahino pau 'i he lao takitaha (e.g. Kupu 50A(1) pe Kupu 50B).
>
> [22] 'I he hopo *Tu'ipulotu v Kingdom of Tonga* (above) [[1997] Tonga LR 258] na'e pehe 'e Hampton CJ ko Tonga, 'o hange ko 'Ingilani, 'oku 'ata 'a e Tu'i 'iate ia pe (tukukehe pe 'a e Kupu 49) mei he kotoa 'o e ngaahi ngaue 'i he lao 'o tatau pe ko e sivile pe hia:
>
> > "'Oku 'ikai ha ngaahi fakatonutonu e ala fakahoko ki he Tu'i 'iate ia pe. Ko e Fakamaau'anga ko e fakamaau'anga 'a e Tu'i pea 'oku 'ikai ha mafai 'o e Fakamaau'anga kiate ia".
>
> 'I he'eku faka'uhinga neongo ko e tu'utu'uni 'oku felave'i mo e ngaahi ngaue toe vakai'i Faka-fakamaau'anga 'i he Fakamaau'anga Lahi ka 'oku ala ngaue'aki tatau 'a e tu'unga ko ia 'i he Fakamaau'anga Kelekele.

Pea 'i he palakalafi [27] na'e tanaki atu:

[27] Ko e lahi taha ‘o e ngaahi hopo kimu’a felave’i mo hono ‘eke’i ‘o e ngaahi hingoa ma’u tofia ‘e lava ‘o ma’u ‘i he Volume II, Tohi Lao ‘a Tonga. Ko e ni’ihi ‘o e ngahai me’a ko ia ‘e lave ki ai ‘amui ange ‘i he tu’utu’uni ko eni. ‘Oku ‘ikai ha taha ‘o e ngaahi hopo, fakatatau ki he me’a ‘oku ala ‘ilo mei he lipooti, na’e kau ai ‘a e Pule ki ha fa’ahi. ‘I he’eku faka’uhinga ko e ngaahi me’a ‘i he taimi ni ke tu’utu’uni ‘e he Fakamaau’anga ko eni ‘e ala fakahoko kakato mo faka’auliliki ‘o ‘ikai ha toe fiema’u ki ha faka’iloa hono ua pe fa’ahi hono tolu ke kau fakataha.

<u>Ngaue ‘a e Fakamaau’anga Kelekele ki he hopo totonu taautaha Faka-Tu’i ‘oku fakangatangata ‘e he lao: fakanofo ‘o e ni’ihi ‘e hoko ki he ngaahi hingoa mo e ngaahi tofi’a tukufakaholo</u>

(3) Ko e hopo Fakamaau’anga Kelekele na’e felave’i ia mo e ngaahi lao kehe ia mei he ngaahi lao ‘oku ngaue’aki ki hono veteki ‘o e Fale Alea. Na’e pehe ‘ehe Fakamaau’anga Kelekele ‘i he hopo ko eni ko e mafai ke fakanofo ha ni’ihi ‘e hoko ki he ngaahi hingoa mo e ngaahi tofi’a tukufakaholo ko e totongu taautaha Faka-Tu’i, pea ‘e ‘ikai lava ‘a e Fakamaau’anga ke tu’utu’uni kihe ‘Ene ‘Afio ko e Tu’i ke fakahoko ‘a e ngaahi fakanofo ko ia. Neongo ia, ‘e lava ‘a e Fakamaau’anga ke toe vakai’i ‘a hono ngaue’aki ‘o e mafai pau ko eni koe’uhi ko e ngaahi founga ngaue kuo tu’utu’uni ‘e he lao ‘i he kupu 38(1) mo e 40(1) ‘o e Lao Kelekele, moe ngaahi tu’utu’uni ‘o e hokohoko kuo tu’utu’uni ‘e he kupu 111 ‘o e Konisitutone. Na’e fakaha eni ‘e he Fakamaau’anga Kelekele ‘aki ‘ene pehe:

> [25] ‘I he’eku faka’uhinga ko e ngaahi mafai mo e ngaahi fatongia kuo foaki ki he Tu’i ‘i he Kupu 40 (1) and 38(1) [‘o e Lao Kelekele] ‘oku taautaha pea ‘oku ‘ikai fakatatau ki he tu’utu’uni ‘a e Fakamaau’anga. ‘Oku ‘ikai ha makatu’unga ki he Tu’i ke kau atu ko ha fa’ahi ‘i hano tukuaki’i kuo maumau’i ‘a e ngaahi kupu ko eni.
>
> [26] Neongo ia ke pehe ‘oku ‘ikai makatu’unga ‘a e ngaahi tu’utu’uni kuo fakahoko ‘e he Tu’i ‘o fakatatau ki he kupu 40(1) [mo e] 38(1) ‘i ha tu’utu’uni ‘oku ‘ikai pehe ‘oku ‘ikai ke ala hopo’i. ‘Oku ‘i he

> Fakamaau'anga 'a e totonu pea mo e fatongia ke 'analaiso 'a e ngaahi ngaue kuo fakahoko pea, 'i he taimi 'oku ne vakai ai kuo mahulu atu 'a e totonu Faka-Tu'i mei he ngaahi fakangatangata 'a ia na'e totonu ke ngaue'aki ai 'e ngofua, 'i he'ene loto ki ai, ke fakaha ko e me'a ia 'oku hoko.

<u>Fakapapau'i 'e he Fakataha Tokoni na'e ngaue 'a e Fakamaau'anga Kelekele ki he hopo totonu taautaha Faka-Tu'i 'oku fakangatangata 'e he lao</u>

(4) Na'e fakapapau'i 'e he Fakataha Tokoni 'a e fakangatangata 'e he lao 'a e totonu taautaha Faka-Tu'i ke fakanofo 'a e ni'ihi hoko ki he ngaahi hingoa mo e tofi'a tukufakaholo 'i he tangi mei he hopo Fakamaau'anga Kelekele ko eni. Na'e fakaha 'e he Fakataha Tokoni 'o pehe:

> 11 Fekau'aki mo e faka'uhinga 'e fakahoko atu ko e Kupu 104, 111 mo e 112 'o e Konisitutone ko e tofolofola 'a HM King George Tupou I's ki he fale alea 'i he 1875 'o hange ko e lave ki ai 'a hotau ni'ihi fakalangilangi kuo fetongi 'i he hopo *Tu'ipulotu v Hon Niukapu* (supra) 'i he 83:
>
> > Kuo u fakapapau'i mo'oni ke 'oua 'e liliu 'a e ngaahi hingoa pe fokotu'u 'a e kau nopele koe'uhi ke pau ke 'alu fakataha 'a e hingoa pea ko e hokohoko mei he tamai ki he foha 'o ta'engata. Ko e Lao 'o e Hokohoko 'oku ha 'i he Konisitutone, pea ko e hokohoko ia kuo pau ko e felave'i toto pe….Kapau 'e 'i ai ha fakakikihi kuo pau ke hopo'i 'e he kau Fakamaau 'o e Fakamaau'anga 'o fakatatau ki hono ngaue'aki 'o e ngaahi Pule'anga sivilaise. Ko kimoutolu 'a e Kau Nopele 'o Tonga 'a kimoutolu kotoa 'oku 'i ai homou ngaahi hingoa ma'utofi'a 'i he taimi na'e kamata ngaue'aki ai 'a e Konisitutone: 'Oku ou fakapapau atu kia kimoutolu 'a e totonu 'a kimoutolu mo ho'omou fanau ke ma'u mo tauhi 'a homou ngaahi hingoa mo

e ngaahi tofi'a 'o ta'engata, 'o hange ko hono fakaha 'i he Konisitutone.

12 Na'e mahino 'a e fakakaukau'i lelei 'e He'ene 'Afio [King George Tupou I] 'a e hokohoko ko ia ki he ngaahi hingoa nopele na'a ne fokotu'u ke fakamalohia 'a 'ene pule mo e uouongataha mo e lelei 'o e Pule'anga 'a ia 'e hokohoko mei ai **'a hono tukufakahoko 'o fakatatau ki he lao kae 'ikai ko e finangalo faka-tu'i.**

'Oku 'ikai fakangatangata 'e he lao 'a e totonu taautaha Faka-Tu'i ke veteki 'a e Fale Alea

(5) Ko e mafai ke veteki 'a e Fale Alea 'i he kupu 38 mo e 77(2) 'o e Konisitutone ko e totonu taautaha Faka-Tu'i pea 'oku 'ikai hano "fakangatangata" kuo tu'utu'uni 'e ha lao, 'o kehe mei he totonu taautaha Faka-Tu'I ke fakanofo 'a e ni'ihi hoko ki he ngaahi hingoa mo e tofi'a tukufakaholo. Fakatatau ki ai, 'oku 'ikai ha makatu'unga ma'ae Fakamaau'anga ke 'analaiso pe ko e tu'utu'uni na'e fakahoko 'e he 'Ene 'Afio ko e Tu'i ke veteki 'a e Fale Alea kuo mahulu atu 'i ha ngaahi fakangatangata fakalo kuo tu'utu'uni 'e he lao.

Ko e fakalea 'o e kupu 38 mo e 77(2) 'o e Konisitutone 'oku ne fokotu'u 'a e makatu'unga ko eni 'o 'ikai ha toe veiveiua. 'Oku tu'utu'uni 'e he Kupu 38 'e ngofua ke veteki 'e he Tu'i 'a e Fale Alea **" 'o hange 'oku ne finangalo ki ai"** mo fekau ke toe fili ha kau fakafofonga kau nopele mo e kakai kenau hu ki Fale Alea. 'Oku tu'utu'uni foki 'e he Kupu 77(2) "'e ngofua ki he Tu'i, **" 'i ha'ane finangalo"**, ke veteki 'a e Fale Alea 'i ha taimi pe pea fekau ke fakahoko ha fili fo'ou".

9 'Oku loto 'a e 'Ofisi 'o e 'Ateni Seniale ke fakapapau'i 'oku ne tui, ko e tu'utu'uni kuo fakahoko 'e he 'Ene 'Afio ko e Tu'i ke veteki 'a e Fale Alea 'i he kupu 38 mo e 77(2) 'o e Konisitutone, ko hono ngaue'aki ia 'o ha totonu taautaha Faka-Tu'i 'a ia 'oku 'ikai fakangatangata 'e he Konisitutone pe 'e he ngaahi lao 'o Tonga, pea ko ia ai 'e 'ikai lava ke toe vakai'i 'e he Fakamaau'anga.

---------- NGATA'ANGA 'O E FAKAMATALA TUKUATU ----------

Ki ha toe fakamatala, pe fakama'ala'ala, fetu'utaki mai:

Mr 'Aminiasi Kefu,

'Ateni Seniale Le'o mo e Talekita 'o e Ngaahi Talatalaaki Hia 'a e Pule'anga,

'Ofisi 'o e 'Ateni Seniale

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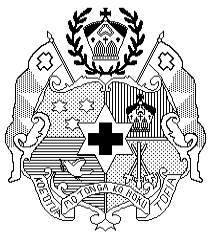

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ATTORNEY GENERAL'S OFFICE

MEDIA RELEASE

DISSOLUTION OF PARLIAMENT IS HIS MAJESTY'S UNFETTERED PERSONAL ROYAL PREROGATIVE

31 August 2017

1 The Attorney General's Office wishes to respond to the report in the *Kaniva* news website that was published on 29 August 2017, where it reported views made on *Facebook* by Mr Lopeti Senituli, former Government Chief Executive Officer for Internal Affairs and also Government advisor, urging the current Government to take legal action against His Majesty the King's decision to dissolve the Legislatie Assembly. Mr Senituli stated that the Government should apply to the Courtfor an injunction against the dissolution of the Legislative Assembly, and also apply to the Courts to review that decision.

2 It is not customary for the Attorney General's Office to engage in public debate over the law, especially when it is made in social media. However when such statements are made on a wrong interpretation of the law, that creates a real risk of misleading the public, and which may lead to contempt or ridicule of the Constitutional institutions of the Kingdom, and it has resulted in some traction with the public, especially with the international media, then it is a fundamental duty of the Attorney General to speak out to correct that error and potential misconception.

3 The Attorney General's Office also believes that the proper place for resolution of differences of legal opinion should be in the Courts and not in the court of public opinion.

4 Mr Senituli is of course entitled to make and express his opinions. It is also appreciated that these are lay opinions, but even more so the need for opinions on legal matters to be accurate and restrained.

5 It must be made very clear that no one is barred from taking any legal action to the Courts, regardless if it is a strong or weak case.

6 The Attorney General's Office's view is that any legal action that will be taken against the dissolution of the Legislative Assembly will be dismissed summarily by the Courts, and therefore no such legal action should be taken.

7 Mr Senituli opined that His Majesty the King's decision to dissolve the Legislative Assembly under clauses 38 and 77(2) of the Constitution may be subject to judicial scrutiny. He based his opinion on the Land Court case of Tupou Tongaliuaki Filo'auola Aleamotu'a v Fielakepa, [2015] Tonga LR 556 (Scott LCJ). He stated that the personal Royal prerogative must be exercised "according to the letter and the spirit of the constitution [sic] and laws of the land".

8 These are the reasons why this view is flawed in the law, and the misconception should be desisted imemdiately:

No provision in Constitution or laws of Tonga to support opinion

(1) Mr Senituli did not refer to any legal provision in the Constitution or the laws of Tonga to support his opinion.

Land Court held that His Majesty the King cannot be sued in Court on a challenge against exercise of a personal Royal prerogative

(2) The Land Court case relied upon by Mr Senituli ruled that His Majesty the King could not be made a defendant to the case because the Courts have no jurisdiction over His Majesty the King. The Land Court explained as follows:

> [21] A distinction must, in my view, be drawn between the exercise by His Majesty of unfettered royal prerogatives retained by him under the

> Constitution, such as the power to confer titles (Clause 44) and the exercise by him either upon the advice of a body or person, of the powers specified in the relevant statute (e.g. Clause 50A(1) or Clause 50B).
>
> [22] In *Tu'ipulotu v Kingdom of Tonga* (above) [[1997] Tonga LR 258] Hampton CJ held that in Tonga, as in England, the King in person (subject only to Clause 49) is immune from all actions at law whether civil or criminal:
>
> > "No proceedings are maintainable against the King in person. The Courts are the King's court and the Courts have no jurisdiction over him".
>
> While the decision relates to Judicial review proceedings in the Supreme Court in my view the principle is equally applicable to the Land Court.

And in paragraph [27] it added that:

> [27] Most of the previous cases dealing with the issue of contested hereditary titles may be found in Volume II, Tonga Law Reports. Some of those will be referred to later on in this judgment. In none of them, so far as can be seen from the report, was the Sovereign joined as a party. In my view the matters now before this Court for decision may be satisfactorily and comprehensively be dealt with without the need for any second defendant or third party to be joined.

<u>Land Court case dealt with a personal Royal prerogative that is limited by the law: appointment of successors to hereditary titles and hereditary estates</u>

(3) The Land Court case dealt with different laws to the laws that applies in the dissolution of the Legislative Assembly. The Land Court stated in this case that the power to appoint successors to hereditary titles and hereditary estates is a personal Royal prerogative, and the Courts cannot direct His Majesty the King on making such appointments. However, the Courts can review the exercise of this particular power because of the procedures prescribed by law under sections 38(1) and 40(1)

of the Land Act, and the rules of succession prescribed by clause 111 of the Constitution. The Land Court stated this by saying that:

> [25] In my opinion the powers and duties given to the King by Sections 40(1) and 38(1) [of the Land Act] are personal and not subject to direction by the Court. It follows that there is no basis for the King to be joined as a party when breaches of these sections are alleged.
> [26] To say however that decisions made by the King pursuant to sections 40(1) [and] 38(1) are not subject to order is not to say that they are not justiciable at all. The Court retains the right and indeed the duty to analyse the actions taken and, when it is of the view that the parameters within which the royal prerogative must be exercised have been exceeded it may, in its discretion, declare that to be the case.

<u>Privy Council confirmed that Land Court case dealt with a personal Royal prerogative limited by the law</u>

(4) The limitation by the law of the personal Royal prerogative to appoint successors to hereditary titles and hereditary estates was confirmed by the Privy Council in the appeal from this Land Court case. The Privy Council stated as follows:

> 11 Relevant to the interpretation to be given Clauses 104, 111 and 112 of the Constitution is HM King George Tupou I's address to parliament in 1875 as quoted by our distinguished predecessors in *Tu'ipulotu v Hon Niukapu* (supra) at 83:
>
> > I have made up my mind absolutely not the alter names or nominate chiefs so that the estate shall go with the title and the succession shall be from father to son forever. The Law of Succession is stated in the Constitution, and such succession shall be by blood relationship only …. Should there be any dispute it shall be tried by Justices of the Court in accordance with the usage of civilised Governments. You Chiefs

> of Tonga all of you who have titles estates when the Constitution came into force: I affirm to you the right of yourself and your children by marriage to hold and possess your titles and estates forever, as stated in the Constitution.
>
> 12 His Majesty [King George Tupou I] clearly contemplated that succession to the noble titles he had created to reinforce his reign and the unity and wellbeing of the Kingdom would henceforth **devolve according to law and not by royal pleasure**.

The personal Royal prerogative to dissolve parliament is not limited by the law

(5) The power to dissolve the Legislative Assembly under clauses 38 and 77(2) of the Constitution is a personal Royal prerogative that has no "parameters" prescribed by any law, unlike the personal Royal prerogative to appoint successors to hereditary titles and hereditary estates. Accordingly, there is no basis for the Courts to analyse whether the decision taken by His Majesty the King to dissolve the Legislative Assembly has exceeded any legal parameters prescribed by the law.

The wording of clauses 38 and 77(2) of the Constitution puts this principle beyond doubt. Clause 38 provides that the King may dissolve the Legislative Assembly **at his pleasure** and command that new representatives of the nobles and people be elected to enter the Assembly. Clause 77(2) also provides that "it shall be lawful for the King, **at his pleasure**, to dissolve the Legislative Assembly at any time and command that new elections be held".

9 The Attorney General's Office therefore wishes to confirm that it is of the view, that the decision by His Majesty the King to dissolve the Legislative Assembly under clauses 38 and 77(2) of the Constitution was an exercise of a personal Royal prerogative that is not limited by the Constitution or the laws of Tonga, and therefore such decision cannot be reviewed by the Courts.

---------- MEDIA RELEASE ENDS ----------

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