



Tonga

**ANTI-CORRUPTION COMMISSIONER
(AMENDMENT) (NO.2) ACT 2023**

Act 5 of 2023



ANTI-CORRUPTION COMMISSIONER (AMENDMENT) (NO.2) ACT 2023

Arrangement of Sections

Section

1	Short Title and Interpretation.....	5
2	Reference to Police Commander amended	5
3	Reference to Police Force amended.....	6
4	Section 4 amended	6
5	Section 5 amended	6
6	Section 21 amended	6
7	Section 33 amended	6
8	Section 54 amended	6
9	Section 74 amended	7
10	Section 78 amended	7
11	New Section 79A inserted	7
12	Section 80 Amended.....	7
13	Section 90 amended	8
14	Schedule 1 amended	8



ANTI-CORRUPTION COMMISSIONER (AMENDMENT) (NO.2) ACT 2023

Act 5 of 2023

**AN ACT TO AMEND THE ANTI-CORRUPTION COMMISSIONER ACT
[CAP 2.01]**

I assent,
TUPOU VI,
29th of June 2023.

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

1 Short Title and Interpretation

- (1) This Act may be cited as the Anti-Corruption Commissioner (Amendment) (No.2) Act 2023.
- (2) In this Act, the Anti-Corruption Commissioner Act [Cap 2.01], as amended, shall be referred to as the “Principal Act”.

2 Reference to Police Commander amended

The Principal Act is amended by deleting the words “Police Commander” wherever appearing and replacing them with the words “Commissioner of Police”.

3 Reference to Police Force amended

The Principal Act is amended by deleting the words “Police Force” where ever it appears in section 2, 31, 37 and 78(1)(a) and replacing it with the words “Tonga Police”.

4 Section 4 amended

Section 4(3) of the Principal Act is amended by –

- (a) inserting the words “and its staff” after the word “Commissioner”; and
- (b) deleting the words “Public Service Act 2002” replacing it with the words “Public Service Act [Cap 2.11]”.

5 Section 5 amended

Section 5 of the Principal Act is amended by repealing subsections (1) and (2) and replacing it with the following new sub-sections –

- “(1) The King in Privy Council, shall appoint an Anti-Corruption Commissioner, after receiving advice from the Judicial Appointments and Discipline Panel following due process of recruitment.
- (2) A person appointed as Commissioner shall hold office during good behaviour and as provided in Schedule 1.”.

6 Section 21 amended

Section 21(1) of the Principal Act is amended by inserting the words “to the Supreme Court” after the word “apply”.

7 Section 33 amended

Section 33 of the Principal Act is amended by inserting the words “or released” after the word “Commissioner”.

8 Section 54 amended

Section 54 of the Principal Act is amended –

- (a) in subsection (1) by deleting the phrase “the Prime Minister for tabling in Privy Council and the Legislative Assembly” and replacing it with “King in Privy Council and to the Speaker of the Legislative Assembly for tabling in the Legislative Assembly”;
- (b) in subsection (2) –
 - (i) in the English version only, by –

- (A) deleting the full-stop after paragraph (h) and replacing it with a semi-colon “;”;
- (B) renumbering paragraph (g) as paragraph (f);
- (C) renumbering paragraph (h) as paragraph (g);
- (ii) in the Tongan version only, by deleting the full-stop after paragraph (g) and replacing it with a semi-colon “;”;
- (iii) by inserting the following new paragraph (h) –
 - “(h) a description of its financial activities during that year including a report of the actual expenses incurred compared with the budget appropriated for each activity and provide an explanation for variances, if any.”.

9 Section 74 amended

Section 74(4) of the Principal Act is amended by inserting the words “for the Tonga Police,” after the words “sufficient authority”.

10 Section 78 amended

Section 78(2) of the Principal Act is amended –

- (a) in the English version only by deleting “Police Act” and replacing it with “Tonga Police Act [Cap 7.07]”; and
- (b) in the Tongan version only by deleting the words “Lao ki he Polisi (Vahe 35)” and replacing it with the words “Lao ki he Polisi Tonga [Vahe 7.07].”.

11 New Section 79A inserted

“79A Accounting and Audit

- (1) The Commissioner shall keep proper accounts and other records in relation to its finances and shall prepare in respect of each financial year, a statement of accounts.
- (2) The accounts of the Commissioner shall be audited annually by the Auditor General.”.

12 Section 80 Amended

Section 80 of the Principal Act is amended by renumbering the current section as subsection (1) and inserting the following new subsection (2) –

- “(2) The remuneration and other monetary benefits of the Commissioner’s staff shall be fixed by the Commissioner in consultation with the Remuneration Authority.”.

13 Section 90 amended

Section 90 of the Principal Act is amended by deleting the word “Cabinet” and replacing it with “the King in Privy Council.”

14 Schedule 1 amended

Schedule 1 of the Principal Act is amended –

- (a) in section 2(1) by deleting the words “His Majesty’s Cabinet” and replacing it with the words “The King in Privy Council, after receiving advice from the Judicial Appointments and Discipline Panel”; and
- (b) by repealing section 3 and replacing it with the following new section –

“3 Commissioner to hold no other office

The Commissioner shall not hold any office for profit, other than his office as the Commissioner, or engage in any occupation for reward outside the duties of his office, without prior approval of the King in Privy Council, provided it does not conflict with the proper administration of his functions as a Commissioner.”;

- (c) in section 6 (1)(c) by deleting the words “Prime Minister” and replacing it with the words “King in Privy Council”.

Passed by the Legislative Assembly this **30th** day of **March** 2023.