



*Tonga*

**TONGA POLICE (AMENDMENT) BILL  
2019**





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## TONGA POLICE (AMENDMENT) BILL 2019

### A BILL FOR AN ACT TO AMEND THE POLICE ACT 2010 TO REMOVE THE REFERENCE TO THE JUDICIAL APPOINTMENTS AND DISCIPLINE PANEL

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

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#### **1 Short Title and Interpretation**

- (1) This Act may be cited as the Tonga Police (Amendment) Act 2019.
- (2) In this Act, the Tonga Police Act 2010, as amended, shall be referred to as the “Principal Act”.

#### **2 Section 10 amended**

Section 10 of the Principal Act is amended by deleting the words “Having received advice from the Judicial Appointments and Discipline Panel, the King in Privy Council” and replacing it with the words “Cabinet upon recommendation of the Public Service Commission”.

**3 Section 14 amended**

Section 14(1) of the Principal Act is amended by deleting –

- (a) the words “absent from duty or from the Kingdom or is, for any other reason,”;  
and
- (b) the words “the King in Privy Council, having received advice from the Judicial Appointments and Discipline Panel,” and replacing it with the words “Cabinet upon recommendation of the Public Service Commission”.

Passed by the Legislative Assembly this                      day of                      2019.

### Explanatory Notes

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

This Bill is consequential to the Act of Constitution of Tonga (Amendment) Bill 2019. The principal intention of the amendment is to reflect the replacement of the Judicial Appointments and Discipline Panel.

Section No.	Current Provision & Amendments	Explanation
2	<p><b>10 Appointment process</b></p> <p><del>Having received advice from the Judicial Appointments and Discipline Panel, the King in Privy Council</del> <b><u>Cabinet upon recommendation of the Public Service Commission</u></b>—</p> <p>(a) shall appoint the Commissioner;</p> <p>(b) shall determine his terms of appointment; and</p> <p>(c) in accordance with section 13 may dismiss him.</p>	<p>Section 10 is amended to provide that it is now the Cabinet upon recommendation of the Public Service Commission that have the authority to appoint the Police Commissioner.</p>
3	<p><b>14 Acting Commissioner</b></p> <p>(1) If there is a vacancy in the office of Commissioner or if the Commissioner is <del>absent from duty or from the Kingdom or is, for any other reason,</del> unable to perform the functions of the Commissioner, <del>the King in Privy Council, having received advice from the Judicial Appointments and Discipline Panel</del> <b><u>Cabinet upon recommendation of the Public Service Commission,</u></b> shall appoint a person to act as Commissioner as soon as practicable after the vacancy, absence or inability occurs.</p> <p>(2) The acting Commissioner shall have all the powers, functions,</p>	<p>Section 14 is amended to provide that it is now the Cabinet upon recommendation of the Public Service Commission that have the authority to appoint an Acting Police Commissioner.</p>

	<p>duties and responsibilities of the Commissioner.</p> <p>(3) The validity of anything done by a person purporting to act in accordance with this section cannot be called into question only because —</p> <p>(a) there is a defect or irregularity in or in connection with his appointment; or</p> <p>(b) the occasion for his so acting had not arisen or had ceased.</p>	
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**Hon. Sione Vuna Fa'otusia**  
**Minister of Justice and Prisons**