



Tonga

**NATIONAL SPATIAL PLANNING AND
MANAGEMENT (AMENDMENT) BILL
2019**



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NATIONAL SPATIAL PLANNING AND MANAGEMENT (AMENDMENT) BILL 2019

A BILL FOR AN ACT TO AMEND THE NATIONAL SPATIAL PLANNING AND MANAGEMENT ACT 2012 TO REMOVE THE REFERENCES TO THE JUDICIAL APPOINTMENTS AND DISCIPLINE PANEL

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 National Spatial Planning and Management (Amendment) Act 2019.
- (2) In this Act, the National Spatial Planning and Management Act 2012, shall be referred to as the “Principal Act”.

2 Section 55 amended

Section 55 of the Principal Act is amended -

- (a) in subsection (1), by deleting the words “the King in Council, after receiving advice from Judicial Appointments and Discipline Panel” and replacing it with the words “Cabinet upon the recommendation of the Minister”;

EXPLANATORY NOTES

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

- (1) 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 by Cabinet in recommending the appointment of members of the Planning Tribunal.
- (2) The amendment to section 65 of the Principal Act is to replace the Panel with Cabinet in terms of recommending in consultation with the remuneration authority the remuneration of members of the Planning Tribunal.

Section No.	Current Provision & Amendments	Explanation
2	<p>55 Tribunal</p> <p>(1) There shall be a Planning Tribunal which shall consist of a President and other Members appointed from time to time by the King in Council, after receiving advice from Judicial Appointments and Discipline Panel <u>Cabinet upon the recommendation of the Minister.</u></p> <p>(2) The President shall be a person who is qualified to be appointed a Judge of the Supreme Court, and the other Members of the Tribunal shall be such persons as the King in Council <u>Cabinet upon the recommendation of the Minister</u> considers to be fit and proper for service as Tribunal Members.</p> <p>(3) The President and other Members of the Tribunal shall, subject to any contractual arrangements, hold office during good behaviour.</p>	<p>Section 55 is amended to replace King in Council on the advice of the Judicial Appointments and Discipline Panel with Cabinet upon the recommendation of the Minister wherever it appears.</p>

	(4) The quorum for the Planning Tribunal shall be three including the Chairman or acting Chairman.	
3	<p>56 Acting Appointments</p> <p>The King in Council, after receiving advice from the Judicial Appointments and Discipline Panel Cabinet upon the recommendation of the Minister, may appoint an acting President or acting Member of the Tribunal in the event of the temporary absence or inability of the President of a Member.</p>	Section 56 is amended to provide that it is now the Cabinet upon recommendation of the Minister and not the King in Council after receiving from the Judicial Appointments that have the power to appoint acting appointments of the Planning Tribunal.
4	<p>65 Remuneration of Tribunal members</p> <p>The King in Council, after receiving advice from the Judicial Appointments and Discipline Panel Cabinet, shall determine the remuneration in consultation with the Remuneration Authority and other terms of service of the President and Members of the Tribunal and any acting President or acting Member, and shall have the power to dismiss them.</p>	Section 65 is amended to provide that it is now the Cabinet and not the King in Council, after receiving advice from the Judicial Appointments and Discipline Panel that will determine the remuneration of the Planning Tribunal members.

Hon. Sione Vuna Fa'otusia
Minister of Justice and Prisons