

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 5

Monday 10th May

2010

TONGA DEFENCE SERVICES ACT 1992

(Section 141)

TONGA DEFENCE SERVICES (AMENDMENT) REGULATIONS 2009

IN EXERCISE of the powers conferred by section 141 of the Tonga Defence Services Act 1992, His Majesty, makes the following Regulations:

1. (1) These Regulations may be cited as the Tonga Defence Services (Amendment) Regulations 2009.
- (2) The Tonga Defence Services Regulations 1994 are in these Regulations referred to as the Principal Regulations.

2. Regulation 11 of the Principal Regulations is amended as follows:

(a) Sub-regulation (1) is deleted and substituted by the following:

“(1) Subject to this regulation, the age for the compulsory retirement of an officer of the Regular Force is:

(a) in the case of officers:

- (i) colonel and above, 60 years;
- (ii) lieutenant colonel, 56 years;
- (iii) major, 56 years;
- (iv) captain, 50 years;
- (v) lieutenant, 50 years; and
- (vi) second lieutenant, 40 years.

(b) in the case of other ranks:

- (i) warrant officer class 1, 60 years;
- (ii) warrant officer class 2, 55 years;
- (iii) staff sergeant, 50 years;
- (iv) sergeant, 45 years;
- (v) corporal, 40 years;
- (vi) lance corporal, 35 years; and
- (vii) private, 30 years.”

(b) In sub-regulation (2), by deleting “55” and substituting “60”.

3. Regulation 26(4) of the Principal Regulations is amended by deleting “55” and substituting “60”.

4. The Principal Regulations is amended by deleting regulation 48(1) and inserting the following:

- “48(1) (a) The numerical establishment of the Regular Force shall not be more than 1,500, made up as follows:
- (i) Services Headquarters;
 - (ii) Land Force;
 - (aa) Royal Guards
 - (bb) Royal Marines
 - (iii) Royal Navy;
 - (iv) Support Units;
 - (aa) Logistics Unit
 - (bb) Rural Development Unit
 - (cc) Military Police
 - (dd) Royal Corp of Musicians
 - (v) Air Wing; and
 - (vi) Services Training.
- (b) The Commander may determine the ratio of officers to other ranks in the Services and the numerical establishment of the Services units and sub-units of the Services.”

5. The Principal Regulations is amended by inserting the following regulation in the appropriate place:

“FEMALE PERSONNEL

- 78A (1) Female members of the Services may marry and continue to serve and shall maintain the same professionalism, discipline and physical fitness as their male counterparts.
- (2) Female members of the Services may be considered for His Majesty’s Commission upon the successful completion of relevant officers training and recommendation of the Commander.
 - (3) Notwithstanding this regulation, no female members of the Services shall serve on His Majesty’s ships.
 - (4) There shall be no sexual relationship between members of the Services.”

6. The Principal Regulations is amended by deleting regulation 79(1) and substituting it with the following:

- “79(1) The ranks of the officers of the Services in order of seniority, commencing with the most senior rank, are:

- (a) General Officers/Flag Officers
Brigadier General, equivalent or higher.
- (b) Field Officers
Colonel or its equivalent;
Lieutenant-Colonel or its equivalent; and
Major or its equivalent.
- (c) Tactical Officers
Captain or its equivalent;
Lieutenant or its equivalent; and
Second lieutenant or its equivalent.

7. These Regulations shall be effective from 28 July 2006.

Made at Nuku’alofa this 23rd day of April, 2010.

His Majesty George Tupou V

FAKALAHI KI HE KASETE 'A E PULE'ANGA TONGA KASETE MAKEHE

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KI HE KAU TAU MALU'I 'A TONGA 1992 (Kupu 141)

NGAAHI TU'UTU'UNI (FAKATONUTONU) KI HE KAU TAU MALU'I 'A TONGA 2009

'I HONO NGAUE'AKI 'a e ngaahi mafai kuo foaki 'i he kupu 141 'o e Lao ki he Kau Tau Malu'i 'a Tonga 1992, 'oku fa'u 'e he 'Ene 'Afio 'a e ngaahi Tu'utu'uni ko 'eni:

1. (1) 'E ui 'a e Ngaahi Tu'utu'uni ni ko e Ngaahi Tu'utu'uni (Fakatonutonu) ki he Kau Tau Malu'i 'a Tonga 2009.
- (2) 'Oku ui 'a e Ngaahi Tu'utu'uni ki he Kau Tau Malu'i 'a Tonga 1994 'i he Ngaahi Tu'utu'uni ni ko e Tefito 'i Tu'utu'uni.
2. 'Oku fakatonutonu 'a e tu'utu'uni 11 'o e Tefito 'i Tu'utu'uni 'o pehe ni:
 - (a) 'Oku tamate 'i 'a e tu'utu'uni si 'i (1) pea fetongi 'aki 'eni:

“(1) Fakatatau ki he tu'utu'uni ni, ko e ta'u motu'a ki he malolo tukupau 'o ha 'ofisa 'o e Kau Tau Tu'uma'u ko e:

(a) kau 'ofisa:

- (i) kenolo mo ma'olunga ai, ta'u 60;
- (ii) lafitani kenolo, ta'u 56;
- (iii) mesia, ta'u 56;
- (iv) kapiteni, ta'u 50;
- (v) lafitani, ta'u 50; mo e
- (vi) lafitani ua, ta'u 40.

(b) ngaahi tu'unga kehe:

- (i) 'ofisa fakamafai kalasi 1, ta'u 60;
- (ii) 'ofisa fakamafai kalasi 2, ta'u 55;
- (iii) sitafu satini, ta'u 50;
- (iv) satini, ta'u 45;
- (v) kopila, ta'u 40;
- (vi) lani kopila, ta'u 35; mo e
- (vii) palaiveiti, ta'u 30.”

- (b) 'I he tu'utu'uni si'i (2), tamate'i 'a e "55" pea fetongi'aki 'a e "60".
3. 'Oku fakatonutonu 'a e Tu'utu'uni 26(4) 'o e Tefito'i Tu'utu'uni 'aki hono tamate'i 'a e "55" pea fetongi'aki 'a e "60".
4. 'Oku fakatonutonu 'a e Tefito'i Tu'utu'uni 'aki hono tamate'i 'a e tu'utu'uni 48(1) pea fakahu atu 'eni:
- "48(1) (a) Kuo pau ko e tokolahi 'o e fokotu'utu'u 'o e Kau Tau Tu'uma'u ke 'oua na'a toe lahi hake 'i he 1,500, 'o anga pehe ni:
- (i) 'Ulu'i 'Ofisi 'o e Kau Tau;
- (ii) Tau 'Uta;
(aa) Ka'ate Faka-Tu'i
(bb) Malini Faka-Tu'i
- (iii) Tau Tahi Faka-Tu'i;
- (iv) 'Iuniti Poupou;
(aa) 'Iuniti Fakatekinikale
(bb) 'Iuniti Anga Fakalalakalaka 'o 'Uta
(cc) Kau Polisi Faka Kau Tau
(dd) Kau Ifi Kau Tau Faka-tu'i
- (v) Kau Tau ki he 'Ata; pea mo e
- (vi) Va'a Ako 'o e Kau Tau Malu'i.
- (b) 'Engofua ki he 'Eikitau ke ne tu'utu'uni 'a e tokolahi 'o e kau 'ofisa fakatautu ki he ngaahi tu'unga kehe 'i he Kau Tau, pea mo e tokolahi 'e fokotu'utu'u ki he ngaahi 'iuniti mo e 'iuniti si'i 'o e Kau Tau."
5. 'Oku fakatonutonu 'a e Tefito'i Tu'utu'uni 'aki hono fakahu atu 'a e tu'utu'uni ni 'i hono tu'u'anga totonu;

'KAU TAU FEFINE

- 78A (1) 'E ngofua ki he kau memipa fefine 'o e Kau Tau ke nau mali pea kei hoko atu 'enau ngaue pea kuo pau ke nau tauhi 'a e tu'unga fakapalofesinale, talangofua mo e ivi fakasino tatau mo honau kaunga ngaue tangata.
- (2) 'E ngofua ke fokotu'u atu 'a e kau memipa fefine 'o e Kau Tau ke fokotu'u 'e he 'Ene 'Afio ko ha 'ofisa komisoni 'i hano lava'i kakato 'a e ako fekau'aki mo e kau 'ofisa pea 'i hano fokotu'u atu mei he 'Eikitau.

- (3) Neongo 'a e tu'utu'uni ni, kuo pau ke 'ikai ngaue ha memipa fefine 'o e Kau Tau 'i he ngaahi vaka 'a 'Ene 'Afio.
- (4) Kuo pau ke 'ikai nofo fakamali (sexual relationship) ha ongo memipa 'o e Kau Tau."
6. 'Oku fakatonutonu 'a e Tefito'i Tu'utu'uni 'aki hono tamate'i 'a e tu'utu'uni 79(1) pea fetongi'aki eni:
- "79 (1) Ko e ngaahi tu'unga 'o e kau 'ofisa 'o e Kau Tau 'i hono fakahokohoko faka-tu'unga, 'o kamata mei he tu'unga ma'olunga taha, 'oku anga pehe ni:
- (a) Kau 'Ofisa Ma'olunga (General Officers) / Kau 'Ofisa Ma'olunga (Flag Officers)
- Pilikatia Seniale, pe tu'unga tatau mo ia pe toe ma'olunga ai;
- (b) Kau 'Ofisa Taki Ngaue (Field Officers)
- Kenolo pe tu'unga tatau mo ia;
Lafitani-Kenolo pe tu'unga tatau mo ia; mo e
Mesia pe tu'unga tatau mo ia.
- (c) Kau 'Ofisa Fakahoko Ngaue (Tactical Officers)
- Kapiteni pe tu'unga tatau mo ia;
Lafitani pe tu'unga tatau mo ia; mo e
Lafitani ua pe tu'unga tatau mo ia.
7. Kuo pau ke kamata ngaue'aki 'a e Ngaahi Tu'utu'uni ni mei he 'aho 28 'o Siulai 2006.

Na'e fa'u 'i Nuku'alofa 'i he 'aho ni, 'aho 23 'o 'Epeleli, 2010.

Ko 'Ene 'Afio Siaosi Tupou V