

Part III – Purpose and Objectives of the Authority

6 Purpose of Establishment of the Authority

- (1) The Authority under this Ordinance is established because of:
- (a) the historical financial management and current critical financial situation of the TRFU;
 - (b) the lack of resolution of litigation, and threats of further litigation, in relation to the TRFU's exclusive governing authority over the game of rugby union in the Kingdom, which has caused:
 - (i) disharmony and polarised rugby union stakeholders, including players, supporters, and administrators, beyond resolution by mediation or negotiation;
 - (ii) threatened the achievement of national benefits, including social, cultural, and significant economic benefits, generated by the playing of the game of rugby union by players in and from the Kingdom; and
 - (iii) the TRFU to be at risk of having their membership of the IRB suspended, including but not limited to the TRFU's participation in the IRB's Rugby World Cup competition scheduled to be held in New Zealand in 2011.
- (2) As a consequence of sub-section (1), and in order to :
- (a) protect the game of rugby union as the national sport of the Kingdom;
 - (b) ensure the management of the game of rugby union is performed in accordance with internationally recognised standards and practices and the IRB Laws and Regulations; and
 - (c) ensure that all rugby union teams representing the Kingdom are fully competent to compete in all IRB competitions in accordance with IRB Laws, Bye-Laws and Regulations Relating to the Game, with continued access to training and financial assistance from the IRB;
- it is necessary and expedient in the national interest and the well-being of the people of the Kingdom, that the exclusive governing authority of the game of rugby union be placed for the time being under the interim governance and administration of the Authority established under this Ordinance.
- (3) Based on the determinations set out in sub-sections (1) and (2), the Authority shall for the duration of the interim administration period:
- (a) take over from the TRFU as the exclusive governing authority of the game of rugby union in the Kingdom;

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 1

Thursday 15 January

2010

GOVERNMENT ACT (CAP. 3)

(Section 7(a))

TONGA RUGBY UNION AUTHORITY ORDINANCE 2010
IN EXERCISE of the powers conferred by section 7(a) of the Government Act (Cap 3), the King and Privy Council makes the following Ordinance:

Part I – Preliminary

1 Citation

- (1) This Ordinance may be cited as the Tonga Rugby Union Authority Ordinance 2010.
- (2) This Ordinance shall come into force on a date to be proclaimed by Privy Council.

2 Interpretation

In this Ordinance, unless the context otherwise requires –

“**Authority**” means the Tonga Rugby Union Authority established under section 3(1);

“**Chairman**” means the person appointed by the Minister to be the Chairman of the Board of Directors of the Authority under section 4(1);

“**Chief Executive Officer**” means the Chief Executive Officer of the Authority appointed under section 4(3);

“**Deputy Chairman**” means the person appointed by the Minister to be the Deputy Chairman of the Board of Directors of the Authority under section 4(1);

“**Government**” means the Government of the Kingdom of Tonga.

“**interim administration period**” means the period of interim administration by the Authority set under section 6(4);

“**IRB**” means the International Rugby Board, the global governing body of the game of rugby union;

“**Minister**” means the Minister of Finance and National Planning;

“**Notices of Motion**” means any Motion not including a Motion that has the effect of amending this Ordinance;

“**TRFU**” means the Tonga Rugby Football Union Incorporated, as incorporated under the Incorporated Societies Act (Cap. 28).

Part II – Tonga Rugby Union Authority

3 Establishment

- (1) There shall be established under this Ordinance the Tonga Rugby Union Authority.
- (2) The Authority shall be a body corporate with perpetual succession and a common seal and which may sue and be sued, enter into contracts, acquire, purchase, take hold and enjoy real and personal property of every description and may, subject to the provisions of this Ordinance, convey, assign, surrender, and yield up, charge, mortgage, transfer or otherwise dispose of or deal with any real and personal property vested in it upon such terms and conditions as it thinks fit.
- (3) For the avoidance of any doubt, the Authority shall be an independent legal entity that is separate from Government with its own rights and duties, assets and liabilities as stipulated in this Ordinance.
- (4) The Authority shall, during the interim administration period, be the exclusive governing authority over the game of rugby union in the Kingdom.

4 Governance and Administration

- (1) The Authority shall be governed and administered by a Board of Directors consisting of a Chairman, Deputy Chairman and not less than three or more than five other directors, all of whom shall be appointed by the Minister.
- (2) The Board of Directors shall be responsible for achieving the objectives and performing the duties and powers of the Authority set out in this Ordinance.
- (3) The Board of Directors shall, with the consent of the Minister, appoint a Chief Executive Officer, upon terms and conditions mutually agreed to by the Board and the Chief Executive Officer, and he shall be responsible for the daily administration of the Authority, including implementing the resolutions duly made by the Board of Directors or in the Meetings of the Board of Directors and Members of the Authority, and he shall also act as secretary in all board meetings.
- (4) Every director, including the Chairman and Deputy Chairman, shall hold office for the duration of the interim administration period unless excused by the Minister. In such case, the Minister shall have the power to appoint a replacement for the remainder of the interim administration period.

- (5) The office of a director shall be vacated if the Minister determines that a director has:
 - (a) died;
 - (b) been convicted of an offence punishable by imprisonment;
 - (c) declared bankrupt by a court of competent jurisdiction;
 - (d) a permanent physical or mental incapacitation;
 - (e) brought the game of rugby union into disrepute by breaching the code of conduct made under section 17 of this Ordinance and, or, pursuant to a decision of the IRB judicial process; or
 - (f) resigned, by giving written notice to the Minister,

the Minister shall as soon as practicable, fill the vacancy by appointing a new director to hold office until the end of the interim administration period or such other lesser term appointed by the Minister.
- (6) The Chairman, or in his absence the Deputy Chairman, and three other directors, one of whom may be the Deputy Chairman shall form a quorum.
- (7) (a) The Board of Directors shall set their own rules and procedures.
 - (b) The rules and procedures of the Board of Directors shall include provisions to allow the IRB’s Regional General Manager for Oceania, or another person appointed by the IRB’s Chief Executive Officer, to be:
 - (i) entitled to notice of, and attend as an observer, at any, or all meetings of the Board of Directors, informal or otherwise;
 - (ii) provided copies of all Board documents at any time they are circulated or made available to the Board of Directors.

5 Members of the Authority

The Members of the Authority shall be as follows:

- (a) the Board of Directors appointed under section 4(1), which shall direct the affairs of the Authority;
- (b) the Tongatapu Rugby Sub-Union;
- (c) the Vava’u Rugby Sub-Union;
- (d) the Ha’apai Rugby Sub-Union; and
- (e) the ‘Eua Rugby Sub-Union

- (4) Lend and advance money or to give guarantees or become surety for the payment of moneys or the performance of contracts or obligations of any Member;
- (5) Appoint, promote, confirm, discipline and dismiss employees of the Authority, including players and team officials selected or appointed to representative teams of the Authority;
- (6) Remunerate, with appropriate remuneration approved by the Minister:
 - (a) any person who plays the game of rugby union in any of the representative teams of the Authority, including any officials appointed to coach, manage, or provide technical or logistical support to representative teams;
 - (b) directors, including for any travel undertaken on behalf of the Authority;
 - (c) the Chief Executive Officer;
 - (d) employees employed by the Authority, whether on a casual or contract basis; and
 - (e) any other person, engaged by the Authority, in pursuance of the objectives of the Authority.
- (7) To invest and deal with the moneys of the Authority not immediately required in such manner as may be determined and in particular to invest the same on mortgage or purchase of real leasehold or personal property or securities or by depositing the same with any bank at interest and such investments from time to time to vary; and
- (8) To do all or any of the acts or exercise all or any of the powers conferred upon the Authority jointly with any person partnership corporation company or society and to become jointly or jointly and severally liable with any such person partnership corporation company or society (whether incorporated or otherwise) on any such contract or obligation.

10 Meetings of the Authority

- (1) The Authority shall hold an annual general meeting of the Board of Directors and the Members of the Authority, as determined under this Ordinance, before 31 December of every year.
- (2) The Chief Executive Officer shall be responsible for giving at least 21 days notice to Members before any meeting under this section.
- (3) The agenda of the meetings of the Authority shall be:
 - (a) Roll Call of Members and Delegates attending;
 - (b) Welcome by the Chairman;
 - (c) Approval of Minutes of the previous Meeting of the Members;
 - (d) Receiving the Board of Director's Report;

- (b) govern and administer the game of rugby union in the Kingdom in accordance with this Ordinance;
 - (c) be the affiliated member of the IRB, to represent the Kingdom subject always to the IRB Laws, Bye-Laws and Regulations Relating to the Game; and
 - (d) be in existence only during the interim administration period.
- (4) For the purposes of this section, the "interim administration period" means the period commencing from the date this Ordinance comes into force until 28 February 2012, or such other earlier date declared by the Minister as the appropriate and reasonable date to return the exclusive governing authority of the game of rugby union to the TRFU.

7 Effect of Ordinance Coming into Force

By virtue of this Ordinance coming into force, the following shall be deemed to have legally and validly occurred:

- (1) Subject to sub-section (4), the Constitution and the powers and functions of the TRFU, as provided under its Constitution, shall be deemed to be lawfully and validly suspended by virtue of this Ordinance, and shall remain suspended until the end of the interim administration period;
- (2) All Office Holders under the TRFU, including the President, Vice-President, Honorary Solicitor, Auditor and Board of Directors shall be deemed to have resigned from their offices;
- (3) All rugby union clubs who were members of the TRFU before the coming into force of this Ordinance, shall be represented by the Authority through the appropriate and relevant rugby sub-unions set out in section 5 of this Ordinance as Members of the Authority;
- (4) Due to the uncertainties of the details and amounts of the long standing TRFU liabilities, the TRFU shall continue to be entitled or subject to:
 - (a) all properties, rights and liabilities of the TRFU;
 - (b) all transactions entered into by the TRFU;
 - (c) all contracts, leases or tenancy agreements entered into by the TRFU.

Provided that the Authority shall;

- (i) have the discretion to negotiate with, and enter into arrangements with the relevant parties and is permitted to assume any legal obligations that were incurred by the TRFU in order to achieve the objectives of this Ordinance;
- (ii) assess such TRFU liabilities and consider how it could assist in meeting any of the liabilities for the TRFU; and

- (iii) have the power to assume control of any and all rights and, or, obligations of the TRFU at its discretion.
- (5) (a) All persons who were employed by the TRFU and were discharging any of the functions vested in the TRFU, immediately prior to the coming into force of this Ordinance shall, in the interest of continuity, be deemed to be transferred to the services of the Authority.
- (b) The employees transferred under paragraph 5(a) shall:
 - (i) hold their posts under the Authority in an acting capacity only, and they shall hold those acting posts until the Authority recruits the management team and staff it deems appropriate to achieve its objectives; and
 - (ii) be eligible to apply, and if deemed suitable, to be appointed to any posts that would be advertised by the Authority.

8 Objectives of the Authority

The objectives of the Authority shall be to:

- (1) facilitate the preparation of the Tongan national rugby union representative team, known as the *'Ikaletahi*, for the IRB's Rugby World Cup competition scheduled to be held in New Zealand in 2011;
- (2) improve the game of rugby union constantly and promote it in the light of its unifying, educational, cultural and humanitarian values, particularly through youth and development programmes;
- (3) develop the game of rugby union at all levels of age groups and competition in the Kingdom;
- (4) raise the quality and standard of play of the game of rugby union to international standards;
- (5) develop coaching and refereeing aspects of the game of rugby union and the efficient administration of the game to international standards;
- (6) invite and receive overseas teams, and to organise and manage their visit;
- (7) organise, train and manage the national representative teams of the Authority;
- (8) send a national representative team to participate in any regional and international competition at any level if possible, and in so far as resources shall permit;
- (9) grant permission to a Member that wishes to tour another country;
- (10) endorse the holding of a rugby union competition organised by a Member or any other person;
- (11) maintain the educational, social and general interest of the Members in the game of rugby union;

- (12) promote the interests of Members in economic and social issues which have a direct effect upon the status of Members;
- (13) act as a channel of communication between Members and other organisations in the Kingdom;
- (14) foster friendship between Members, prevent all methods or practices which might jeopardise the integrity of matches or competitions or give rise to placing the game of rugby union in disrepute;
- (15) respect and prevent any infringement of the statutes, regulations, directives and, or, decisions of the IRB, the Authority as well as the IRB's Laws of the Game and Regulations Relating to the Game and to ensure that these are also respected by its Members;
- (16) adopt the necessary rules, policies, procedures and practices, and recruit the appropriate management and employees, with a view that they will be adopted and transferred back to the TRFU in accordance with section 18 of this Ordinance, to ensure the long term effective and efficient exclusive governing of the game of rugby union by the TRFU in the Kingdom; and
- (17) propose a new Constitution for the TRFU to be adopted in accordance with section 18 of this Ordinance as the new Constitution of the TRFU.

Part IV – Powers and Duties of the Authority

9 Powers of the Authority

In addition to the powers vested in the Authority by section 3(2), the Authority shall have the power to do all such acts deeds, matters and things as may be necessary or conducive to the furtherance of the objects set forth in section 8, and in particular and without limiting the generality of section 8, the Authority shall have the following powers:

- (1) Purchase, take on, lease or in exchange hire or otherwise acquire any leasehold or personal property or any rights and privileges in connection therewith and to hold, improve, manage, develop, let or lease sell, exchange or otherwise dispose of any such property, rights and privileges;
- (2) Construct, build, alter, improve, enlarge, pull down, remove or replace any buildings or other improvements which may be in upon and about any of the leasehold property of the Authority or any property in respect of which the Authority enjoys a licence to occupy or other occupation rights;
- (3) Borrow money in such manner as the Authority may think fit and to secure the repayment thereof by the issue of debentures or by mortgage or charge upon the whole or any part of the property and assets of the Authority (whether present or future) and to purchase redeem or pay off any such securities;

- (4) A special general meeting shall be convened at a reasonable time, and in any event within three months of the expiry of the interim administration period, consisting of the Members of the TRFU, as determined exclusively by the Interim Board of Directors, to adopt a new Constitution for the TRFU;
- (5) Elections shall take place to appoint a permanent Board of Directors and Office Holders under the new Constitution of the TRFU;
- (6) Once the new Board of Directors and Office Holders of the TRFU are appointed, the TRFU shall then continue as the exclusive governing authority of the game of rugby union in the Kingdom, and also be the affiliated member of the IRB subject always to the IRB Laws, Bye-Laws and Regulations Relating to the Game, to represent the Kingdom; and
- (7) The Authority shall then cease to exist.

Made at Nuku'alofa on this 13th day of January 2010.

HRH Princess Salote
Mafile'o Pilolevu Tuita

Princess Regent

- (e) Receiving the signed Audited Financial Statements of the Accounts of the Union for the previous financial year;
 - (f) Considering any Notices of Motions, provided that if the carrying of any such proposed Motion would materially affect any of the above mentioned business, then such Motion shall be dealt with prior to such business; and
 - (g) Transacting general business.
- (4) The Authority may hold special general meetings upon determination of the Minister, the Board of Directors, or upon requisition to the Minister by 10 representatives of the Members of the Authority, who are entitled to attend an annual and special general meeting of the Authority.
 - (5) The Members of the Authority shall be entitled to attend all annual and special general meetings of the Authority under this section by sending representatives as follows:

(a) Board of Directors	All Directors;
(b) Tongatapu Rugby Sub-Union	10 representatives (2 each representing the Hahake, Vaheloto, Hihifo, Kolofu'ou and Kolomotu'a Rugby Districts);
(c) Vava'u Rugby Sub-Union	2 representatives;
(d) Ha'apai Rugby Sub-Union	1 representative;
(e) 'Eua Rugby Sub-Union	1 representative.
 - (6) Each director and representative at an annual and special general meeting shall be entitled to exercise one vote.
 - (7) Every annual and special general meeting of the Authority under this section shall be chaired by the Chairman, or in his absence the Deputy Chairman, and if neither is present, the meeting shall appoint another director present to act as chair of the meeting.
 - (8) The quorum of any annual and special general meeting under this section shall not be less than 60%, and if no quorum is reached in a meeting under this section, then such meeting shall be adjourned for 14 days to be reconvened at the same time and place, and those directors and delegates present at such adjourned meeting shall be deemed to constitute a quorum for the purposes of holding that meeting.

11 Funds of the Authority

The funds of the Authority shall comprise of:

- (1) all money paid to the Authority by way of grant or loan;

- (2) all money contributed to the Authority or otherwise lawfully payable to the Authority;
- (3) all money received by the Authority for the sale or other disposal of any property of the Authority; and
- (4) all accumulations of money belonging to the Authority.

12 Accounts

- (1) The Authority shall keep proper accounts and other records in respect of its operations and shall cause to be prepared a statement of accounts in respect of each financial year.
- (2) The financial year of the Authority shall be from 1 October to 30 September.

13 Audit of accounts

- (1) The accounts of the Authority shall be audited annually by the Auditor-General or by such other person and on such terms and conditions as the Minister may appoint.
- (2) Nothing in this Ordinance shall prohibit the IRB from reviewing, and, or auditing the accounts of the Authority.

14 Reports

- (1) As soon as practicable after the end of each financial year the Authority shall transmit to the Minister —
 - (a) a copy of its statement of accounts for such year;
 - (b) a copy of the report made thereon by the Auditor-General or such other person as may be appointed under section 13; and
 - (c) a report on the activities of the Authority during such year.
- (2) The Minister shall cause the accounts and reports of the Authority to be laid forthwith before His Majesty in Privy Council and the Legislative Assembly.

15 Personal Liability

- (1) No director or employee of the Authority shall be personally liable for any act or omission performed in good faith in the course of operations of the Authority or any committee of the Authority.
- (2) The Authority shall hold all directors and employees of the Authority indemnified from any claims by a third party against such directors or employees, except when such directors or employees has failed to act in good faith while performing their duties and powers under this Ordinance.

16 Disputes Resolution

- (1) Any dispute or grievance arising in relation to the governance and administration of the game of rugby union by the Authority under this Ordinance shall be determined exclusively under this section and no person who is a party to such dispute or grievance shall have any right to recourse to any authority of competent jurisdiction.
- (2) Any disputes between Members of the Authority shall first be determined exclusively by the Board of Directors, and if any party shall be aggrieved by the decision of the Board of Directors, that party shall have a right to appeal in writing to the Minister within 14 days of the decision of the Board of Directors, and the decision of the Minister shall be final, and shall not be appealed to or reviewed by any other authority of competent jurisdiction.
- (3) Any grievance a Member may have with a director or the Board of Directors, shall be referred in writing to the Minister, and the Minister shall deal with such grievance in the appropriate manner, and the decision of the Minister shall be final, and shall not be appealed to or reviewed by any other authority of competent jurisdiction.
- (4) Nothing in this Ordinance shall prohibit the IRB from dealing with the Authority on any matter and, or, addressing any disputes it may have with, or involving, the Authority, pursuant to the IRB Laws, Bye-Laws and Regulations of the Game.

17 Rules

- (1) The Authority may, with the consent of the Minister, make rules generally for the purpose of carrying out the provisions of this Ordinance and in particular in respect of any matter which the Authority considers necessary or desirable for the furtherance of the functions of the Authority.
- (2) Any rules made under sub-section (1) shall come into effect on the date they are signed by the Minister, and the Board shall then forthwith disseminate the rules to the general public in a manner it deems fit.

18 Effect of Expiry of Interim Administration Period

Upon the expiry of the interim administration period, the following shall occur:

- (1) The TRFU and its Constitution, except the provisions relating to the TRFU's Board of Directors, shall be reactivated;
- (2) The Board of Directors of the Authority shall become the Interim Board of Directors of the TRFU, until a permanent Board of Directors is appointed under a new Constitution of the TRFU;
- (3) The Chief Executive Officer and employees of the Authority, including all properties, rights and liabilities, and contracts, leases and tenancy agreements, shall be deemed to be transferred to the TRFU, under the same terms and conditions that existed under the Authority;

5. Kau Memipa 'o e Ma'u Mafai

Kuo pau ko e Kau Memipa 'eni 'o e Ma'u Mafai:

- (a) ko e Poate 'o e Kau Talekita kuo fakanofa 'i he kupu 4(1), 'a ia kuo pau ke ne pule'i 'a e ngaahi ngaue 'a e Ma'u Mafai;
- (b) ko e 'Akapulu 'Iunioni-si'i 'a Tongatapu;
- (c) ko e 'Akapulu 'Iunioni-si'i 'a Vava'u;
- (d) ko e 'Akapulu 'Iunioni-si'i 'a Ha'apai; mo e
- (e) 'Akapulu 'Iunioni-si'i 'a 'Eua.

Konga III – 'UHINGA MO E NGAHI TAUMU'A 'O E MA'U MAFAI

6. Taumu'a hono fokotu'u 'o e Ma'u Mafai

- (1) Ko e Ma'u Mafai 'i he Lao ni kuo fokotu'u ia koe'uhi ko e:
 - (a) ngaahi founa pule'i fakapa'anga kimu'a mo e tukunga fakapa'anga fakatu'utamaki lolotonga 'o e TRFU;
 - (b) 'ikai ke 'i ai ha fakalelei 'o e ngaahi hopo, pea mo e ngaahi fakamanamana 'o e ngaahi hopo kehe, felave'i mo e ma'u mafai pule 'a e TRFU 'o felave'i mo e totonu 'a e TRFU ko e mafai pule totonu 'o e va'inga 'akapulu 'iunioni 'i he Pule'anga 'a ia kuo tupu ai:
 - (i) 'a e ngaahi faikehekehe pea mavahevehe ai 'a e ngaahi kupu kehekehe 'o e 'akapulu 'iunioni, kau ki ai 'a e kau va'inga, kau poupu, mo e kau pule, kuo hulu atu 'i hono fakalelei'i 'aki 'a e fakalelei va pe fakahoko ha ngaahi alea;
 - (ii) ha fakatu'utamaki ki hono a'usia 'o e ngaahi monu fakafonua, kau ki ai 'a e ngaahi monu fakasosiale, fakafonua, mo e ngaahi monu faka'ekonomika lahi, 'oku tupu mei hono va'inga'i 'o e va'inga 'akapulu 'iunioni 'e he kau va'inga 'i he mo mei he Pule'anga; pea
 - (iii) 'a e malava ke to'o fakataimi (suspend) 'a e memipa 'a e TRFU 'i he IRB 'o kau ai ka e 'ikai fakangatangata ki he kau atu ki he fe'auhi 'Akapulu Ipu 'a Mamani 'a e IRB 'oku teu fakahoko 'i Nu'usila 'i he 2011.
- (2) Ko e'uhi ko e kupusi'i (1), pea koe'uhi ke:
 - (a) malu'i 'a e va'inga ko e 'akapulu 'iunioni ko e sipoti fakafonua 'a e Pule'anga;
 - (b) fakapapau'i ko hono pule'i 'o e sipoti 'o e 'akapulu 'iunioni 'oku fakahoko ia fakatatau ki he ngaahi tu'unga mo e ngaahi founa kuo 'ilo'i fakavaha'apule'anga pea mo e ngaahi Lao mo e Tu'utu'uni 'a e IRB; pea

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

Fika 1

Tu'apulelulu, 15 Sanuali

2010

LAO 'O E PULE'ANGA (VAHE 3)

(Kupu 7(a))

LAO 'O E MA'U MAFAI KI HE 'AKAPULU 'IUNIONI 'O TONGA 2010

'I HE NGAUE'AKI 'o e ngaahi mafai kuo foaki 'i he kupu 7(a) 'o e Lao 'o e Pule'anga (Vahe 3), 'oku fa'u 'e he Tu'i mo e Fakataha Tokoni 'a e Lao ni:

Konga I - Talateu

1 Hingoa

- (1) 'E ui 'a e Lao ni ko e Lao 'o e Ma'u Mafai ki he 'Akapulu 'Iunioni 'o Tonga 2010.
- (2) Kuo pau 'e ngaue'aki 'a e Lao ni 'i ha 'aho 'e tu'utu'uni 'e he Fakataha Tokoni.

2 'UHINGA'I LEA

'I he Lao ni, tukukehe ka toe 'i ai ha 'uhinga kehe 'i hono tu'u'anga -

“**Ma'u Mafai**” 'oku 'uhinga ki he Ma'u Mafai ki he 'Akapulu 'Iunioni 'o Tonga 'oku fokotu'u 'i he kupu 3(1);

“**Sea**” 'oku 'uhinga ki he taha kuo fokotu'u 'e he Minisita ke hoko ko e Sea 'o e Poate 'o e Kau Talekita 'o e Ma'u Mafai 'i he kupu 4(1);

“**Ofisa Pule Ma'olunga**” 'oku 'uhinga ki he 'Ofisa Pule Ma'olunga 'o e Ma'u Mafai kuo fokotu'u 'i he kupu 4(3);

“**Tokoni Sea**” 'oku 'uhinga ki he taha kuo fokotu'u 'e he Minisita ke hoko ko e Tokoni Sea 'o e Poate 'o e Kau Talekita 'o e Ma'u Mafai 'i he kupu 4(1);

“**Pule'anga**” 'oku 'uhinga ki he Pule'anga Tonga;

“**vaha'a taimi pule fakataimi**” 'oku 'uhinga ki he vaha'a taimi pule fakataimi 'a e Ma'u Mafai 'oku fokotu'u 'i he kupu 6(4);

“**IRB**” 'oku 'uhinga ki he Poate 'Akapulu Fakavaha'apule'anga, ko e sino pule fakavaha'apule'anga ki he va'inga 'akapulu 'iunioni;

“**Minisita**” 'oku 'uhinga ki he Minisita Pa'anga mo e Palani Fakafonua;

“**Fanongonongo Fokotu’u**” ‘oku ‘uhinga ia ki ha Fokotu’u ‘oku fakahu ki ha fakataha lahi fakata’u pe makehe ‘a e Ma’u Mafai ka ‘e ‘ikai kau ai ha Fokotu’u ko hono taumu’a ‘e fiema’u ai ke fakatonutonu ‘a e Lao ni;

“**TRFU**” ‘oku ‘uhinga ki he ‘Iunioni ‘Akapulu ‘o Tonga, ‘i hono lesisita ‘i he Lao ki he Ngaahi Sosaieti Fakakautaha (Vahe 28).

Konga II - Ma’u Mafai ki he ‘Akapulu ‘Iunioni ‘o Tonga

3 Fokotu’u

- (1) Kuo pau ke fokotu’u ‘i he Lao ni ‘a e Ma’u Mafai ki he ‘Akapulu ‘Iunioni ‘o Tonga.
- (2) Kuo pau ko e Ma’u Mafai ko e sino’i kautaha ‘oku mo’ui tukufakaholo pea ‘oku ‘i ai hono faka’ilonga pau pea ‘e ngofua ke fakahoko faka’ilo pe faka’ilo, kau atu ki ha ngaahi aleapau, ma’u mai, fakatau, ma’u mo ngaue’aki ha kelekele pe koloa taautaha ‘i he fa’ahinga kotoa pea ‘e ngofua, fakatatau ki he ngaahi kupu ‘o e Lao ni, ‘oatu (convey), tuku atu (assign), momoi, pea fakahoko atu, malu’i, mokisi, hiki pe tuku atu (dispose) ‘i ha founa kehe pe ngaue ki ha koloa kelekele pe taautaha ‘oku foaki ki ai ‘i he ngaahi makatu’unga mo e ngaahi tu’utu’uni ‘oku ne pehe ‘oku fiema’u.
- (3) Koe’uhi ke ‘oua ‘e ‘i ai ha veiveiua, kuo pau ko e Ma’u Mafai ko e sino fakalao ta’u’ataina ‘oku mavahe mei he Pule’anga pea ‘oku ‘i ai ‘a ‘ene ngaahi totonu mo e fatongia, ngaahi koloa mo e ngaahi mo’ua ‘a ia ‘oku tu’utu’uni ‘e he Lao ni.
- (4) Kuo pau ko e Ma’u Mafai, ke ne hoko ko e ma’u mafai pule totonu ‘i he va’inga ‘akapulu ‘iunioni ‘i he Pule’anga, lolotonga ‘a e vaha’a taimi pule’i fakataimi.

4 Pule mo Fakalele

- (1) Kuo pau ke pule’i mo fakalele ‘a e Ma’u Mafai ‘e ha Poate ‘o e Kau Talekita ‘oku kau ki ai ha Sea, Tokoni Sea mo ha kau talekita kehe ‘oku ‘ikai si’i hifo ‘i he toko tolu pe laka hake ‘i he toko nima, ‘a ia kuo pau ke fokotu’u kinautolu ‘e he Minisita.
- (2) Kuo pau ko e fatongia ‘o e Poate ‘o e Kau Talekita ke fakahoko ‘a e ngaahi fatongia mo e ngaahi mafai ‘o e Ma’u Mafai ‘oku ha ‘i he Lao ni.
- (3) Kuo pau ke fokotu’u ‘e he Poate ‘o e Kau Talekita, ‘i he loto ki ai ‘a e Minisita, ha ‘Ofisa Pule Ma’olunga ‘i he ngaahi makatu’unga mo e ngaahi tu’utu’uni ‘e felotoi ki ai ‘a e Poate mo e ‘Ofisa Pule Ma’olunga, pea kuo pau ko hono fatongia ko hono fakahoko ‘a e ngaahi ngaue faka’aho ‘a e Ma’u Mafai, kau ki ai mo hono fakahoko ‘a e ngaahi tu’utu’uni ‘a e Poate ‘o e Kau Talekita pe fakataha ‘a e Poate ‘o e Kau Talekita mo e kau memipa ‘o e Ma’u Mafai, pea ‘e hoko ko e sekelitali ‘i he kotoa ‘a e ngaahi fakataha poate.

- (4) Kuo pau ke ma’u lakanga ‘a e talekita kotoa, ‘o kau ki ai ‘a e Sea mo e Tokoni Sea ‘i he lolotonga ‘o e vaha’a taimi pule’i fakataimi tukukehe kapau ‘e faka’ataa ‘e he Minisita. ‘I he taimi ko ia, kuo pau ki he Minisita ke ‘i ai hono mafai ke ne fakanofa ha taha fetongi ki he toenga ‘o e vaha’a taimi pule’i fakataimi.
- (5) Kuo pau ke faka’ata ‘a e lakanga ‘o ha talekita kapau kuo fakapapau’i ‘e he Minisita ko e talekita ko ia kuo:
 - (a) pekia;
 - (b) halaia ki ha hia ‘oku ala tautea ia ke ngaue popula;
 - (c) fakaha ‘e ha fakamaau’anga mafai totonu ko e tokotaha ko ia ‘oku ‘ikai malava ke ne totongi hono ngaahi mo’ua;
 - (d) ‘i ai ‘a ‘ene tonounou fakasino pe faka’atamai tu’upau;
 - (e) kuo ne fakamaa’i ‘a e va’inga ‘akapulu ‘iunioni ‘aki hono maumau’i ‘a e tu’utu’uni ki he ‘ulungaanga ‘oku fa’u ‘i he kupu 17 ‘o e Lao ni, mo, pe, fakatatau ki ha tu’utu’uni ‘a e founa faka-fakamaau’anga ‘a e IRB; pe
 - (f) fakafisi, ‘aki ‘ene fakahoko ha fanongonongo tohi ki he Minisita,
 - (g) kuo pau ki he Minisita ‘i he vave taha ‘e ala lava, ke fokotu’u ha taha ki he lakanga ‘ata ko ia ‘aki hono fakanofa ha talekita fo’ou ‘o a’u ki he ‘osi ‘a e vaha’a taimi pule’i fakataimi pe ha vaha’a taimi nounou ange ‘e fokotu’u ‘e he Minisita.
- (6) Kuo pau ko e tokolahi ke malava ai ha fakataha ko e Sea, pea kapau ‘oku ‘ikai ke ma’u fakataha ko e Tokoni Sea, mo ha talekita kehe ‘e tolu, ‘a ia ko e taha ai ‘e malava pe ko e Tokoni Sea.
- (7) (a) Kuo pau ki he Poate ‘o e Kau Talekita ke fa’u ‘enua ngaahi tu’utu’uni mo e ngaahi founa ngaue.
- (b) Kuo pau ke kau ki he ngaahi tu’utu’uni mo e ngaahi founa ngaue ‘o e Poate ‘o e Kau Talekita ‘a e ngaahi kupu ke faka’ata ‘a e Pule Lahi Fakavaha’afonua ‘a e IRB ki ‘Osenia, pe ha taha kehe kuo fokotu’u ‘e he ‘Ofisa Pule Ma’olunga ‘o e IRB, ke:
 - (i) ‘i ai ‘ene totonu ke fanongonongo ki ai, ke ‘i ai ko ha taha vakai ngaue (observer), ki ha konga, pe kotoa ‘o e ngaahi fakataha kotoa ‘a e Poate ‘o e Kau Talekita, pe ‘oku ‘ikai ke faka’ofisiale pe kehe ange;
 - (ii) ‘oatu ki ai ‘a e ngaahi tatau mo e ngaahi tohi ngaue ‘a e Poate ‘i he taimi ‘oku tufaki pe ‘oku faka’ata ai ki he Poate ‘o e Kau Talekita.

- (15) faka'apa'apa'i mo ta'ofi hono maumau'i 'a e ngaahi lao, ngaahi tu'utu'uni, ngaahi fakahinohino mo e, pe, ngaahi tu'utu'uni (decisions) 'a e IRB, Ma'u Mafai mo e Lao 'a e IRB ki he Va'inga pea mo e ngaahi Tu'utu'uni Felave'i mo e Va'inga pea fakapapau'i 'oku faka'apa'apa'i 'e hono kau memipa;
- (16) ngaue'aki 'a e ngaahi fakahinohino, ngaahi fakakaukau, ngaahi founa ngaue mo e ngaahi tu'unga ngaue 'oku fiema'u, pea fakangaue'i 'a e kau pule mo e kau ngaue taau, 'aki 'a e fakakaukau 'e ngaue'aki pe tuku atu ki he TRFU 'o fakatatau ki he kupu 18 'o e Lao ni, ke fakapapau'i ai 'a e totonu ke pule'i mau mo lelei 'a e va'inga 'akapulu 'iunioni 'e he TRFU 'i he Pule'anga; pea
- (17) fokotu'u atu ha Konisitutone fo'ou 'a e TRFU ke ngaue'aki 'o fakatatau ki he kupu 18 'o e Lao ni ko e Konisitutone fo'ou 'a e TRFU.

KONGA IV – Ngaahi Mafai mo e Fatongia 'o e Ma'u Mafai

9 Ngaahi Mafai 'o e Ma'u Mafai

Kuo pau ki he Ma'u Mafai 'o tanaki atu ki he ngaahi mafai kuo foaki ki he Ma'u Mafai 'i he kupu 3(2), ke ne ma'u 'a e mafai ke fakahoko 'a e ngaahi ngaue, ngaahi ngafa, ngaahi me'a (matters) mo e ngaahi me'a (things) 'a ia 'e ngofua ke fiema'u pe lelei ki hono fakahoko 'o e ngaahi taumu'a 'oku ha 'i he kupu 8, pea tautautefito mo 'ikai fakangatangata 'a e fakalukufua 'o e kupu 8, kuo pau ke ma'u 'e he Ma'u Mafai 'a e ngaahi mafai ko 'eni:

- (1) Fakatau, fakahoko, lisi pe fetongi'aki hono ngaue'aki totongi pe ma'u 'i ha founa kehe ange, fakatau ha koloa lisi pe taautaha pe ha ngaahi totonu mo e monu 'o felave'i mo ia pe tauhi, fakalelei'i, pule'i, langa hake, haea atu pe lisi, fakatau atu, fakafetongi pe tuku atu 'i ha founa kehe ha koloa, ngaahi totonu mo e ngaahi monu ko ia;
- (2) Langa, fokotu'u, liliu, fakalelei'i, fakalahi, veteki, to'o pe fetongi ha ngaahi fale pe ha ngaahi langa 'i he ngaahi kekelele lisi 'a e Ma'u Mafai pe ha koloa 'oku ma'u 'e he Ma'u Mafai ha laiseni ke ngaue'aki pe ha ngaahi totonu ke ngaue'aki kehe;
- (3) No ha pa'anga 'i ha founa 'oku pehe 'e he Ma'u Mafai 'oku fiema'u pea ke fakapapau'i hono totongi fakafoki 'aki hono tuku atu ha ngaahi tohi fakamo'oni mo'ua pe mokisi pe malu'i 'aki 'a e kotoa pe konga 'o e koloa 'o e Ma'u Mafai (lolotonga pe 'i he kaha'u) pea ke fakatau, fakafoki pe totongi fakafoki 'a e ngaahi malu'i ko ia;
- (4) Tuku atu mo 'oatu ha pa'anga pe tukupa pe hoko ko ha malu'i ki hono totongi ha pa'anga pe ko hono fakahoko 'o e ngaahi aleapau pe ngaahi fatongia 'o ha Memipa;
- (5) Fokotu'u, hiki lakanga, fakapapau'i, tautea'i mo tuli ha kau ngaue 'o e Ma'u Mafai, kau ki ai 'a e kau va'inga mo e kau 'ofisa 'o e ngaahi timi kuo fili pe fokotu'u ki he ngaahi timi fakafofonga 'o e Ma'u Mafai;

- (c) fakapapau'i ko e ngaahi timi 'akapulu 'iunioni kotoa pe 'oku ne fakafofonga'i 'a e Pule'anga 'oku nau taukei ke fe'auhi 'i he ngaahi fe'auhi 'a e IRB 'o fakatatau ki he ngaahi Lao, Lao-Si'i mo e Ngaahi Tu'utu'uni Felave'i mo e Va'inga 'a e IRB, pea hoko atu 'enau malava ke ma'u 'a e ngaahi tokoni fakamalohisino mo fakapa'anga mei he IRB;

'oku fiema'u pea taau ki he lelei fakafonua mo e tu'unga lelei 'a e kakai 'o e Pule'anga ke 'ave 'a e mafai pule totonu 'a e va'inga 'akapulu 'iunioni ke pule'i mo fakalele fakataimi 'e he Ma'u Mafai 'i he Lao ni.

- (3) Fakatatau ki he tu'utu'uni 'oku ha 'i he kupu si'i (1) mo e (2), kuo pau ki he Ma'u Mafai ke fakahoko lolotonga 'a e vaha'a taimi pule'i fakataimi:
 - (a) hoko atu mei he TRFU ko e mafai pule totonu 'o e va'inga 'akapulu 'iunioni 'i he Pule'anga;
 - (b) pule'i mo fakahoko ngaue 'a e va'inga 'akapulu 'iunioni 'i he Pule'anga ni 'o fakatatau ki he Lao ni;
 - (c) hoko ko e memipa fengau'e'aki 'o e IRB, ke ne fakafofonga'i 'a e Pule'anga 'o fakatatau ma'u pe ki he ngaahi Lao, Lao-Si'i mo e Tu'utu'uni Felave'i mo e Va'inga 'a e IRB; pea
 - (d) hoko ko ha sino ngaue 'i he lolotonga pe 'o e vaha'ataimi pule'i fakataimi.
- (4) Ko e 'uhi ko e ngaahi taumu'a 'o e kupu ni, ko e "vaha'a taimi pule'i fakataimi" 'oku 'uhinga ia ki he vaha'ataimi 'o kamata mei he 'aho 'e ngaue'aki ai 'a e Lao ni ki he 'aho 28 'o Fepueli 2012, pe ha toe 'aho kehe kimu'a ai, 'e tu'utu'uni 'e he Minisita ko e 'aho taau mo fakapotopoto ke fakafoki 'a e mafai pule'i totonu 'o e va'inga 'akapulu 'iunioni ki he TRFU.

7 Ola hono kamata ngaue'aki 'o e Lao ni

Koe'uhi ko hono kamata ngaue'aki 'a e Lao ni, kuo pau ke pehe 'oku fakalao mo totonu 'a e hoko 'a e ngaahi me'a ni:

- (1) Fakatatau ki he kupu si'i (4), kuo pau ke pehe 'oku to'o fakataimi 'a e Konisitutone mo e ngaahi mafai mo e ngaahi fatongia 'o e TRFU 'oku tu'utu'uni 'i he Konisitutone ko ia, kuo pau ke pehe kuo to'o fakalao fakataimi, pea kuo pau ke to'o fakataimi ia 'o a'u ki he ngata'anga 'o e vaha'a taimi pule'i fakataimi;
- (2) Kuo pau ke pehe kuo fakafisi 'a e kotoa 'o e Kau Ma'u Lakanga 'i he TRFU mei honau ngaahi lakanga, 'o kau ki ai 'a e Palesiteni, Tokoni Palesiteni, Fakafofonga Lao Fakalangilangi, 'Atita mo e Poate 'o e Kau Talekita.

- (3) Kuo pau ki he ngaahi kalapu 'akapulu 'iunioni kotoa pe 'oku memipa 'i he TRFU kimu'a hono ngaue'aki 'a e Lao ni, ke fakafofonga'i kinautolu 'e he Ma'u Mafai 'o fou 'i he ngaahi 'akapulu 'iunioni-si'i felave'i 'oku ha 'i he kupu 5 'o e Lao ni ko e Kau Memipa 'o e Ma'u Mafai.
- (4) Ko e 'uhi 'oku 'ikai ma'u kakato 'a e ngaahi fakaikiiki 'o e ngaahi mo'ua pa'anga fuoloa 'a e TRFU, kuo pau ki he TRFU ke hoko atu 'a 'enau ngaahi totonu ki he pe ha'i kinautolu ki he kotoa 'o e ngaahi:
- (a) koloa, totonu mo e mo'ua kotoa pe 'a e TRFU;
 - (b) ngaue fakapa'anga (transactions) kuo kau atu ki ai 'a e TRFU;
 - (c) aleapau, lisi pe ngaahi felotoi nofo totongi kuo kau atu ki ai 'a e TRFU.

Tukukehe kuo pau ki he Ma'u Mafai:

- (i) ke 'i ai hono mafai ke alea pea kau atu ki ha ngaahi fokotu'utu'u mo e ngaahi fa'ahi felave'i pea 'oku ngofua ke ne hoko atu ha ngaahi fatongia fakalao na'e kau atu ki ai 'a e TRFU ko e 'uhi ke fakakakato 'a e ngaahi taumu'a 'o e Lao ni;
 - (ii) ke sivi'i 'a e ngaahi mo'ua ko ia 'a e TRFU pea fakakaukau pe 'e anga fefe ke tokoni ki hono totongi 'a e ngaahi mo'ua ma'ae TRFU; mo
 - (iii) ke 'i ai hono mafai ke hoko atu 'a hono pule'i ha pe ko e kotoa 'o e ngaahi totonu pea, pe, mo e ngaahi fatongia 'o e TRFU 'i ha'ane tu'utu'uni.
- (5) (a) Ko e taha kotoa pe kuo hoko ko ha taha ngaue 'a e TRFU pea na'a nau fakahoko 'a e ngaahi fatongia 'oku 'i he TRFU, kimu'a hono ngaue'aki 'o e Lao ni, kuo pau ki he lelei fakalukufua hono hoko atu e ngaue, ke pehe 'oku 'ave kinautolu ke fakahoko fatongia ma'ae Ma'u Mafai.
- (b) Ko e kau ngaue kuo 'ave 'i he palakalafi (a) kuo pau:
- (i) ke nau ma'u honau lakanga 'i he malumalu 'o e Ma'u Mafai 'i ha tu'unga le'ole'o, pea kuo pau ke nau 'i he lakanga le'ole'o ko ia kae'oua leva ke hanga 'e he Ma'u Mafai 'o fakakau mai ha timi pule mo ha kau ngaue 'oku ne pehe 'oku fe'unga ke fakahoko 'a e ngaahi taumu'a; pea
 - (ii) ke nau ala lava ke kole, pea kapau 'oku ne pehe 'oku totonu, fakanofu ki he ngaahi lakanga 'e tuku atu 'e he Ma'u Mafai.

8. Ngaahi Taumu'a 'o e Ma'u Mafai

Kuo pau ko e ngaahi taumu'a 'o e Ma'u Mafai ke:

- (1) tokoni ki hono teuteu'i 'a e timi fakafofonga 'akapulu 'iunioni fakafonua 'a Tonga, 'oku 'iloa ko e 'Ikaletahi, ki he fe'auhi 'Akapulu Ipu 'a Mamani IRB 'oku teu fakahoko 'i Nu'usila 'i he 2011;
- (2) langa hake 'a e va'inga 'akapulu 'iunioni pea faka'ai'ai 'o fakatatau ki hono ngaahi sipinga fakatahataha, ako, fakafonua mo e va fakatangata, tautautefito ki he ngaahi polokalama ma'ae to'utupu mo e langa fakalalakala;
- (3) langa hake 'a e va'inga 'akapulu 'iunioni 'i he ngaahi kalasi mo e ta'u motu'a mo e fe'auhi kotoa 'i he Pule'anga;
- (4) hiki 'a e lelei mo e tu'unga 'a e va'inga'i 'o e va'inga 'akapulu 'iunioni ki he tu'unga fakavaha'apule'anga;
- (5) fakalalakala'i 'a hono faiako'i mo hono fakamaau'i 'o e va'inga 'akapulu 'iunioni mo hono fakahoko lelei 'o e va'inga ki he ngaahi tu'unga fakavaha'apule'anga;
- (6) fakaafe'i mo talitali 'a e ngaahi timi mei muli pea fokotu'utu'u mo fakalele 'enau 'a'ahi;
- (7) fokotu'utu'u, ako'i mo pule'i 'a e ngaahi timi fakafofonga 'a e Ma'u Mafai;
- (8) 'ave ha timi fakafonua ke kau atu ki he ngaahi fe'auhi fakavaha'afonua mo fakavaha'apule'anga 'i ha kalasi pe kapau 'e malava, 'o fakatatau mo ia 'e faka'ata 'e he ivi fakapa'anga;
- (9) tali 'a e kole 'o ha memipa 'oku faka'amu ke 'a'ahi ki ha fonua muli;
- (10) fakangofua hono fakahoko ha fe'auhi 'akapulu 'iunioni 'oku fokotu'utu'u 'e ha memipa pe ha taha kehe;
- (11) tauhi 'a e mahu'inga 'ia fakaako, fakasosiale mo fakalukufua 'a e kau memipa 'i he va'inga 'akapulu 'iunioni;
- (12) faka'ai'ai 'a e ngaahi me'a 'oku mahu'inga ki he kau memipa 'i he ngaahi me'a faka'ekonomika mo fakasosiale 'oku kaunga hangatonu ki ai 'a e tu'unga 'o e kau memipa;
- (13) hoko ko ha founga fetu'utaki 'i he vaha'a 'o e kau memipa mo e ngaahi sino kehe 'i he Pule'anga;
- (14) ohi ha va fakakaungame'a 'i he vaha'a 'o e kau memipa, ta'ofi 'a e ngaahi founga mo e ngaahi ngaue kotoa 'a ia te ne ala uesia 'a e molumalu 'o e ngaahi va'inga mo e ngaahi fe'auhi pe tupu ai hono fakamaa'i 'a e va'inga 'akapulu 'iunioni;

15 Mo'ua fakaetaautaha

- (1) Kuo pau 'e 'ikai ke 'i ai ha talekita pe taha ngaue 'o e Ma'u Mafai 'e mo'ua fakaetaautaha ki ha ngaue pe me'a na'e 'ikai fakahoko na'e hoko 'i he loto tau'ataina 'i he lolotonga 'a e ngaahi ngaue 'a e Ma'u Mafai pe ha Komiti 'o e Ma'u Mafai.
- (2) Kuo pau ke malu'i 'e he Ma'u Mafai 'a e kau talekita mo e kau ngaue kotoa 'o e Ma'u Mafai mei ha 'eke'i 'e ha fa'ahi 'a e taha talekita pe ngaue ko ia, tukukehe 'a e taimi 'oku 'ikai fakahoko ai 'a e ngaue 'e he talekita pe taha ngaue ko ia hono ngaahi fatongia pe ngaahi mafai 'i he Lao ni 'i he loto tau'ataina.

16 Fakalelei Va

- (1) Kuo pau koe ngaahi faikehekehe pe ta'efiemalie 'oku tupu 'o felave'i mo hono pule'i mo fakahoko ngaue 'o e va'inga 'akapulu 'iunioni 'e he Ma'u Mafai 'i he Lao ni 'e tu'utu'uni 'ata'ata pe 'i he kupu ni, pea kuo pau ko e taha kotoa ko ha fa'ahi ki he faikehekehe pe ta'efiemalie ko ia 'e 'ikai 'i ai ha'ane totonu ke fakatangi ki ha mafai taau kehe.
- (2) Kuo pau 'i ha faikehekehe 'i he vaha'a 'o e kau memipa 'o e Ma'u Mafai 'e fuofua tu'utu'uni ki ai 'a e Poate 'o e Kau Talekita, pea ka ta'efiemalie ha fa'ahi ki he tu'utu'uni 'a e Poate 'o e Kau Talekita, kuo pau ke 'i ai 'a e totonu 'a e fa'ahi ko ia ke tangi 'i he tohi ki he Minisita 'i loto 'i he 'aho 'e 14 mei he tu'utu'uni 'a e Poate 'o e Kau Talekita, pea 'e aofangatuku 'a e tu'utu'uni 'a e Minisita, pea kuo pau 'e 'ikai malava ke tangi pe toe vakai'i 'a e tu'utu'uni ko ia 'e ha mafai taau kehe.
- (3) Kuo pau ki ha ta'efiemalie ha memipa 'i ha talekita pe Poate 'o e Kau Talekita, ke fakaha 'i he tohi ki he Minisita, pea kuo pau ke tu'utu'uni 'a e Minisita ki he ta'efiemalie ko ia 'i he founa taau, pea kuo pau 'e aofangatuku 'a e tu'utu'uni 'a e Minisita pea, kuo pau 'e 'ikai malava ke tangi pe toe vakai'i 'a e tu'utu'uni ko ia 'e ha mafai taau kehe.
- (4) Kuo pau ke 'ikai 'i ai ha me'a 'i he Lao ni te ne ta'ofi 'a e IRB mei he' enau ngaue mo e Ma'u Mafai 'i ha fa'ahinga me'a pea, pe, fakalelei ha ngaahi va mo e pe 'oku kau ai 'a e Ma'u Mafai, 'o fakatatau ki he ngaahi Lao, Lao-Si'i mo e Tu'utu'uni 'o e Va'inga 'a e IRB

17 Ngaahi Tu'utu'uni

- (1) 'E ngofua ki he Ma'u Mafai, 'i he loto ki ai 'a e Minisita, ke fa'u ha ngaahi tu'utu'uni ki he taumu'a fakalukufua ko hono fakahoko 'a e ngaahi kupu 'o e Lao ni kae tautautefito ki he me'a 'oku pehe 'e he Ma'u Mafai 'oku fiema'u pe lelei ki hono fakahoko 'o e ngaahi fatongia 'o e Ma'u Mafai.
- (2) Kuo pau ko e ngaahi tu'utu'uni 'oku fa'u 'i he kupu si'i (1) 'e kamata ngaue'aki 'i he 'aho 'e fakamo'oni hingoa ki ai 'a e Minisita, pea kuo pau ke tufaki 'e he Poate 'a e ngaahi tu'utu'uni ki he kakai fakalukufua 'i he founa 'oku ne pehe 'oku taau.

(6) Totongi, ha vahenga taau kuo tali 'e he Minisita:

- (a) ki ha taha va'inga 'akapulu 'iunioni 'i ha timi fakafofonga 'a e Ma'u Mafai, 'o kau ai 'a e kau 'ofisa kuo fili koe kau faiako, kau pule, pe fakahoko 'a e ngaahi ngaue fakatekinikale pe fokotu'utu'uni ki he ngaahi timi fakafofonga;
 - (b) ki ha kau talekita, kau ki ai ha folau 'oku fakahoko 'o fakafofonga'i 'a e Ma'u Mafai;
 - (c) ki he 'Ofisa Pule Ma'olunga;
 - (d) ha kau ngaue 'a e Ma'u Mafai, 'o tatau ai pe, pe 'oku makatu'unga 'i he lau 'aho pe aleapau; mo
 - (e) ha taha kehe 'oku fakangaue'i 'e he Ma'u Mafai 'o fakatatau ki he ngaahi taumu'a 'a e Ma'u Mafai.
- (7) Ke 'inivesi mo ngaue ki he ngaahi pa'anga 'a e Ma'u Mafai 'a ia 'oku 'ikai fu'u fiema'u, ki he founa ko ia 'e malava tu'utu'uni pea tautautefito ki hono 'inivesi ia ki ha mokisi pe fakatau 'o e ngaahi kelekele lisi pe koloa taautaha pe ngaahi malui pe ko hono fakahu ki ha pangike ke tupu pea mo e ngaahi fakahu kehe 'e liliu, mei he taimi ki he taimi; pea
- (8) Ke fakahoko 'a e kotoa pe kong'a 'o e ngaahi ngaue pe fakahoko 'a e kotoa pe kong'a 'o e ngaahi mafai kuo foaki ki he Ma'u Mafai fakataha mo ha taha, paatinasipi, kautaha (corporation), kautaha (company) pe sosaieti pea hoko 'o mo'ua fakataha pe mavahevahe mo ha taha, paatinasipi, kautaha (corporation), kautaha (company) pe sosaieti (pe kuo lesisita pe 'ikai) ko ia 'i ha aleapau pe fatongia.

10. Ngaahi Fakataha 'a e Ma'u Mafai

- (1) Kuo pau ki he Ma'u Mafai ke fakahoko ha fakataha lahi fakata'u 'a e Poate 'o e Kau Talekita mo e Kau Memipa 'o e Ma'u Mafai, kimu'a 'i he 'aho 31 'o Tisema 'o e ta'u kotoa.
- (2) Kuo pau ko e fatongia 'o e 'Ofisa Pule Ma'olunga 'i he kupu ni ke fanongonongo ki he kau memipa 'i he 'aho 'e 21 kimu'a 'a e 'aho fakataha.
- (3) Kuo pau ko e 'asenita 'o e ngaahi fakataha 'o e Ma'u Mafai ko e:
 - (a) Tali ui 'a e Kau memipa mo e Kau Fakafofonga 'oku ma'u fakataha;
 - (b) Lea talitali 'a e Sea;
 - (c) Tali 'o e miniti 'o e fakataha fakamuimui 'o e kau memipa;
 - (d) Ma'u 'a e lipooti 'a e Poate 'o e Kau Talekita;
 - (e) Ma'u 'o e ngaahi Fakamatala Pa'anga 'o e Ngaahi 'Akauni 'a e Ma'u Mafai ki he ta'u fakapa'anga fakamuimui;

- (f) Fakakaukau'i 'a e Ngaahi Fanongonongo Fokotu'u, kapau ko hono fakahoko 'o e ngaahi fokotu'u fakaangaanga ko ia te ne uesia 'a e ngaahi me'a 'oku ha atu 'i 'olunga, kuo pau 'e fakakaukau'i 'a e fokotu'u ko ia kimu'a 'i he me'a ko ia; mo e
- (g) Ngaahi ngaue fakalukufua.
- (4) 'E ngofua ki he Ma'u Mafai ke fakahoko ha ngaahi fakataha lahi makehe 'i hono tu'utu'uni 'e he Minisita, Poate 'o e Kau Talekita, pe ko hono fokotu'u atu ki he Minisita 'e ha kau memipa 'e 10 'oku nau fakafofonga' i 'a e Kau Memipa 'o e Ma'u Mafai, 'a ia 'oku ngofua ke nau kau atu ki he fakataha lahi fakata'u mo e fakataha lahi makehe 'a e Ma'u Mafai.
- (5) Kuo pau ke 'i ai 'a e totonu 'a e Kau Memipa 'o e Ma'u Mafai ke nau kau atu ki he ngaahi fakataha lahi fakata'u mo e ngaahi fakataha lahi makehe 'a e Ma'u Mafai 'i he kupu ni 'i he'enua tuku atu ha kau fakafofonga 'o hange ko 'eni:
- (a) Poate 'o e Kau Talekita Kau Talekita katoa;
- (b) 'Akapulu 'Iunioni-si' i 'a
Tongatapu Kau fakafofonga 'e 10
(toko 2 ke fakafofonga' i 'a e
Vahenga 'Akapulu takitaha mei
Hahake, Vaheloto, Hihifo,
Kolofo'ou mo Kolomotu'a);
- (c) 'Akapulu 'Iunioni-si' i 'a
Vava'u Fakafofonga 'e toko 2;
- (d) 'Akapulu 'Iunioni-si' i 'a
Ha'apai Fakafofonga 'e toko 1;
- (e) 'Akapulu 'Iunioni-si' i 'a
'Eua Fakafofonga 'e toko 1.
- (6) Kuo pau ko e talekita pea mo e fakafofonga kotoa pe 'i ha fakataha lahi fakata'u mo ha fakataha lahi makehe ke 'i ai 'ene totonu ki he fo'i fili 'e taha.
- (7) Kuo pau ko e ngaahi fakataha lahi fakata'u mo e ngaahi fakataha lahi makehe kotoa 'a e Ma'u Mafai 'i he kupu ni 'e sea ai 'a e Sea, pea ka 'ikai ma'u fakataha ko e Tokoni Sea, pea kapau 'oku na li'aki fakatou'osi, kuo pau ki he fakataha ke nau fakanofu ha talekita 'e taha 'oku 'i ai ke ne hoko ko e sea 'o e fakataha.
- (8) Kuo pau ko e tokolahi pea malava ke fakahoko ai ha fakataha lahi fakata'u mo e fakataha lahi makehe 'i he kupu ni ke 'oua toe si' i hifo 'i he 60%, pea ka 'ikai ma'u 'a e tokolahi 'i ha fakataha 'i he kupu ni, pea 'e toloi leva 'a e fakataha 'i he 'aho 'e 14 ke toe fakahoko ki he taimi mo e feitu'u tatau, pea ko e kau talekita moe kau fakafofonga ko ia 'oku

nau lava ki he fakataha toloi ko ia kuo pau ke pehe kuo nau ma'u 'a e tokolahi kae malava ha fakataha ki he ngaahi taumu'a ko hono fakahoko 'a e fakataha ko ia.

11 Ngaahi Pa'anga 'o e Ma'u Mafai

Kuo pau ko e ngaahi pa'anga 'a e Ma'u Mafai 'oku kau ki ai 'a e kotoa:

- (1) 'o e pa'anga 'oku totongi ki he Ma'u Mafai 'i he me'a'ofa pe no;
- (2) 'o e ngaahi pa'anga 'oku totongi ki he Ma'u Mafai pe toe kehe ange 'oku fakalao ke totongi ki he Ma'u Mafai;
- (3) 'o e pa'anga 'oku ma'u 'e he Ma'u Mafai mei hono fakatau pe tuku atu kehe 'o ha koloa 'o e Ma'u Mafai; mo e
- (4) tanatanaki 'o e pa'anga kotoa 'a e Ma'u Mafai.

12 Ngaahi Fakamatala Pa'anga

- (1) Kuo pau ki he Ma'u Mafai ke tauhi 'a e ngaahi fakamatala pa'anga mo e ngaahi lekooti kehe 'o felave'i mo e ngaahi ngaue pea kuo pau ke fakatupu hono teuteu'i ha fakamatala ki he ngaahi 'akauni 'o felave'i mo e ta'u fakapa'anga kotoa.
- (2) Kuo pau ko e ta'u fakapa'anga 'a e Ma'u Mafai, mei he 'aho 1 'o 'Okatopa ki he 30 'o Sepitema.

13 'Atita'i 'o e ngaahi 'akauni

- (1) Kuo pau ke 'atita'i fakata'u 'a e ngaahi 'akauni 'o e Ma'u Mafai 'e he 'Atita Seniale pe ha taha kehe pea 'i he ngaahi makatu'unga mo e ngaahi tu'utu'uni 'e fokotu'u 'e he Minisita.
- (2) Kuo pau ke 'ikai ha me'a 'i he Lao ni te ne ta'ofi 'a e IRB mei hono vakai'i mo, pe, 'atita'i 'a e ngaahi 'akauni 'a e Ma'u Mafai.

14 Ngaahi Lipooti

- (1) Kuo pau ki he Ma'u Mafai 'i he vave taha 'e malava 'i he ngata'anga 'o e ta'u fakapa'anga kotoa ke 'ave ki he Minisita:
- (a) ha tatau 'o e ngaahi fakamatala fakapa'anga ki he ta'u ko ia;
- (b) ha tatau 'o e lipooti na'e teuteu'i 'e he 'Atita Seniale pe taha kehe 'a ia 'e ngofua ke fokotu'u 'i he kupu 13; mo e
- (c) lipooti ki he ngaahi ngaue 'a e Ma'u Mafai lolotonga 'a e ta'u ko ia.
- (2) Kuo pau ki he Minisita ke fakatupu hono fakahu 'a e ngaahi fakamatala fakapa'anga mo e ngaahi lipooti 'o e Ma'u Mafai ki he 'Ene 'Afio 'i he Fakataha Tokoni mo e Fale Alea.

18 Ola 'o e 'osi 'a e Vaha'a Taimi Pule'i Fakataimi

- (1) 'I he 'osi 'a e vaha'a taimi pule'i fakataimi, kuo pau ke hoko 'a e ngaahi me'a ni:
- (1) Kuo pau ke toe fakamo'ui 'a e TRFU mo hono Konisitutone, tukukehe 'a e kupu fekau'aki mo e Poate 'o e Kau Talekita 'a e TRFU.
 - (2) Kuo pau ke hoko 'a e Poate 'o e Kau Talekita 'o e Ma'u Mafai ko e Poate 'o e Kau Talekita fakataimi 'o e TRFU, kae 'oua kuo fokotu'u ha Poate 'o e Kau Talekita tu'uma'u 'i he Konisitutone fo'ou 'a e TRFU;
 - (3) Kuo pau ke hiki 'a e 'Ofisa Pule Ma'olunga mo e kau ngaue 'o e Ma'u Mafai ki he TRFU 'o kau ki ai 'a e kotoa 'o e ngaahi koloa, ngaahi totonu, ngaahi mo'ua, mo e ngaahi alepau, ngaahi lisi mo e ngaahi alepau nofo, 'i he ngaahi makatu'unga mo e ngaahi tu'utu'uni tatau 'i he Ma'u Mafai;
 - (4) Kuo pau 'e ui ha Fakataha Lahi Makehe 'o e kau memipa 'o e TRFU 'i ha taimi fakapotopoto, pea 'i ha fa'ahinga taimi pe 'i loto 'i he mahina 'e tolu 'o e 'osi 'a e vaha'a taimi pule'i fakataimi, 'a ia 'e tu'utu'uni 'ata'ata pe 'e he Poate 'o e Kau Talekita fakataimi, 'i ha taimi fakapotopoto ke tali hono ngaue'aki 'a e Konisitutone fo'ou 'a e TRFU;
 - (5) Kuo pau ke fakahoko ha fili ke fokotu'u ha Poate 'o e Kau Talekita tu'uma'u mo e kau ma'u lakanga 'i he Konisitutone fo'ou 'o e TRFU;
 - (6) 'I he fokotu'u pe 'a e Poate 'o e Kau Talekita mo e kau ma'u lakanga 'i he TRFU, kuo pau ke hoko atu 'a e TRFU ko e mafai pule totonu 'o e va'inga 'akapulu 'iunioni 'i he Pule'anga, pea hoko ko e memipa fengae'aki 'o e IRB fakatatau ma'u pe ki he ngaahi Lao, Lao-Si'i mo e Ngaahi Tu'utu'uni 'o e Felave'i mo e Va'inga, te ne fakafongai 'a e Pule'anga; pea
 - (7) Kuo pau 'e 'ikai ke toe hoko atu 'a e ngaue 'a e Ma'u Mafai.

Na'e fakahoko 'i Nuku'alofa 'i he aho 13 ni o Sanuali, 2010.

HRH Pilinisesi Salote
Mafile'o Pilolevu Tuita

Tu'i Fakale'o

BY AUTHORITY:
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Tonga Print Ltd. – 2010.