



LEGISLATIVE ASSEMBLY OF TONGA

PRESS STATEMENT FROM THE SPEAKER OF THE LEGISLATIVE ASSEMBLY OF TONGA

I wish to acknowledge the presence of the Almighty God, supreme ruler of the universe. His Majesty King Tupou VI, the King of Tonga, and with humble respect I wish to issue this statement.

The Legislative Assembly of Tonga has been dissolved by the King, at His pleasure, in the exercise of His Constitutional powers under clauses 38 and 77(2) of the Act of the Constitution of Tonga, and based on advice I had given in my role as Speaker of the Legislative Assembly of Tonga.

When I was appointed to this position on the 30th of December 2014, I was tasked by the King to perform my utmost in the execution of all my duties, as we have been accustomed to, and in accordance with the Act of the Constitution of Tonga.

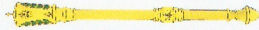
The Government of Tonga, is for the King, Nobles and the People. One of the core principles of democracy is the separation of powers, so that the arms of Government can keep checks and balances on the proper exercise of these vested powers.

I became increasingly concerned during the current parliamentary term with certain decisions and actions of the Executive that appears to disregard the Constitution and the rule of law, which has affected decisions and procedures of the Legislative Assembly, and the checks and balances of democracy that was made inherent in the governing structure of the Kingdom under the political reform of 2010.

I was extremely concerned when it became apparent from recent deliberations in the Legislative Assembly of Government's intentions towards the King of Tonga's Constitutional powers to grant Royal Assent to any law that govern His people. Royal Assent is the final safeguard for protecting the rights of the people that may be affected by any laws passed by the Legislative Assembly. This Constitutional power was exercised by His Late Majesty, King Taufa'ahau Tupou IV, when He refused to grant Royal Assent to an Act passed by the Legislative Assembly to remove the rights of Tongan landholders living abroad.

The Executive had previously trespassed on the King's powers to make treaties, conventions and agreements with foreign Governments under clause 39 of the Constitution, as it occurred with the case of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2015. This prompted the public to petition the Legislative Assembly. The Executive repeated this manner of decision making in 2017 with the Pacific Agreement on Closer Economic Relations (PACER) Plus.

I was also troubled because it has become apparent that Cabinet is attempting to concentrate powers in Cabinet by gradually weaning away the powers of the King in Privy Council, and placing it with Cabinet. Over the past few days, a Government Bill that would have had this effect had been submitted to the Office of the Legislative Assembly, which intended to remove the King in Privy Council's power to appoint the Commissioner of Police, and placing it with



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Cabinet. It is vital that appointment to positions such as Commissioner of Police and the Attorney General remain free of any risk of being politicised, and that these crucial offices remain independent and unencumbered in the performance of their respective duties.

One of the most important purposes of the political reform of 2010, was that the Legislative Assembly should work together as a unified Legislature and to effectively apply democratic principles. It is disturbing that these democratic principles have not been applied effectively and respected by most in their decision making and without having regard to their conscience and the oath they took as Members of the Legislative Assembly of Tonga.

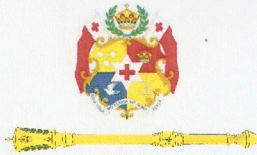
In a Motion to Impeach a Minister in 2015 under clause 75 of the Constitution, the Prime Minister requested that he be allowed to penalise this Minister. This request resulted in all Members of Cabinet voting against the Motion to Impeach, despite there being sufficient evidence (prima facie case) to support the motion. It was subsequently discovered when the issue resurfaced during deliberations in recent weeks that the Prime Minister did not in fact penalise the Minister, and thereby misleading the Legislative Assembly and the public. This has eroded the principles of democracy such as good governance, rule of law, accountability and transparency.

Motions of Impeachment have been submitted to the Office of the Legislative Assembly, but I believe without a doubt that they will yield the same results that I have previously mentioned. It will be a frivolous use of the Legislative Assembly's time, neglecting its primary function which is to make laws.

One of the issues of public concern was the Pacific Games 2019, which Tonga was to host. An Act had been passed in 2013, with subsequent Acts passed for the purpose of collecting revenue to assist Government in hosting the Pacific Games 2019. Since this Government came into office they gave assurances that Tonga would host the Pacific Games 2019. However, the Government suddenly announced in May this year, that Tonga was withdrawing from hosting the Pacific Games 2019, thereby deceiving and misleading the Legislative Assembly and the public.

I was also concerned with the related issue of the Foreign Exchange Levy Act 2015. This Bill was submitted to the Legislative Assembly with the purpose of collecting revenue to finance the preparations for Tonga's hosting of the Pacific Games 2019. This levy is still being collected despite Tonga's cancellation of hosting the Pacific Games 2019, and I am gravely concerned with the legality of the continued collection of this levy.

As of the 1st of July 2017, Government imposed a new tax threshold for income tax. Just a month following the announcement of the new threshold for income tax, Cabinet approved on 4th August 2017, a 5% Cost of Living Allowance to be awarded to Cabinet Ministers. This salary adjustment was prompted by the increase in the income tax imposed on the salaries of



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the Honourable Ministers. This salary adjustment is very unsatisfactory because Ministers are not the only persons affected by the imposition of this new tax threshold, but it affects everyone in the Kingdom, especially civil servants and those in the private sector.

I had advised His Majesty, King Tupou VI, Sovereign of Tonga, premised on the aforementioned reasons. I fully appreciate the magnitude of the dissolution of the Legislative Assembly of Tonga. I have the deepest respect for the Honourable Prime Minister, Cabinet, Members of the Legislative Assembly, and people of Tonga. I had given the advice in the spirit of patriotism, loyalty, devotion, and in fulfilling my duties as Speaker of the Legislative Assembly of Tonga to the very best of my abilities. I pray that all Members of the Legislative Assembly will always heed the wise words of the Father of Modern Tonga, King George Tupou I, in the opening of the Legislative Assembly on 4th November 1875:

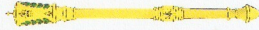
“As you are well aware, I seldom take pride in myself, if I have achieved any accomplishments in Tonga, it is only because the Lord is with me, I am but mere dust that the Lord has moulded to build Tonga, and all Glory is His...And therefore my fellow countrymen, I have revealed my intentions to you, the success of this nation depends on you, and the blessings or the curses upon Tonga hangs with this Legislative Assembly, May the Lord be with you all, to guide and help you in this work..”

We will move forward with the guiding hand of the Lord, and we are optimistic that we will work hand in hand in the best interest and to maintain peace and stability for our Nation that was entrusted to God, today and in the future. I am an unprofitable servant, and have done that which was mine duty.

CEASE OF ALL BUSINESS BEFORE THE LEGISLATIVE ASSEMBLY OF TONGA

Due to the dissolution of the Legislative Assembly of Tonga, all parliamentary business will cease. The same applies to all Standing Committees and Select Committees of the Legislative Assembly. All parliamentary business that was before the Legislative Assembly or has been submitted to the Office of the Legislative Assembly, that has not been tabled and resolved (resolution) have lapsed, such as Bills, Motions, Motions of Impeachment, Petitions, Committee Reports, Constituency Reports and Question Papers. All business in the Legislative Assembly's notice paper have also lapsed. However, any resolutions passed by the Legislative Assembly prior to this dissolution of the Legislative Assembly remains effective.

Members of the Legislative Assembly will continue in their representative roles until the general election.



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The Honourable Prime Minister and Ministers will continue in their role as caretaker government until a new government is appointed following the general election, and they shall perform their duties as caretaker government in accordance with the Act of the Constitution of Tonga and the Laws of Tonga.

Lord Tu'ivakanō
Speaker of the Legislative Assembly

Monday 28th of August 2017

