



Tonga

**COMMISSIONER FOR PUBLIC  
RELATIONS (AMENDMENT) BILL 2012**





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## COMMISSIONER FOR PUBLIC RELATIONS (AMENDMENT) BILL 2012

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Tonga

## COMMISSIONER FOR PUBLIC RELATIONS (AMENDMENT) BILL 2012

**A BILL FOR AN ACT TO AMEND THE COMMISSIONER FOR PUBLIC  
RELATIONS ACT TO CHANGE THE NAME OF OMBUDSMAN ACT  
AND BRING IT UNDER THE UMBRELLA OF THE GOOD  
GOVERNANCE COMMISSION AND FOR RELATED MATTERS**

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

### **1 Short title, interpretation**

- (1) This Act may be cited as the Commissioner for Public Relations (Amendment) Act 2012.
- (2) In this Act, the Commissioner for Public Relations Act 2001, as amended, is referred to as the Commissioner for Public Relations Act.

### **2 Change from Commissioner for Public Relations Act to Ombudsman Act**

The name of “Commissioner for Public Relations Act” is changed to “Ombudsman Act”.

### **3 General amendment from Commissioner for Public Relations Act to Ombudsman Act**

The Ombudsman Act is amended by deleting in every place where it occurs, the words “Commissioner for Public Relations” and “Commissioner” and replacing them with “Ombudsman”.

### **4 Section 2 amended**

Section 2 of the Ombudsman Act is amended by deleting the definition of “Commissioner”.

### **5 Section 3 replaced**

Section 3 of the Ombudsman Act is repealed and replaced with –

#### **“3 Ombudsman**

- (1) The Good Governance Commission, with the consent of Cabinet, shall appoint an Ombudsman for a term of 3 years under a contract of employment.
- 2) In the event of the absence or incapacity of the Ombudsman or if the office of Ombudsman is vacant, to the Director of the Good Governance Commission shall temporarily perform the duties of the Ombudsman.

#### **3A Ombudsman a component of Good Governance Commission**

- (1) The Ombudsman and his office shall be organised, supervised and administered as a component of the Good Governance Commission as provided in the Good Governance Commission Act 2012.
- (2) The Ombudsman shall comply with directions made under section 11(1)(b) of the Good Governance Commission Act 2012.
- (3) This Act shall be read subject to the Good Governance Commission Act 2012.”.

### **6 Section 4 amended**

Section 4 of the Ombudsman Act is amended by deleting “Cabinet” and replacing it with “Good Governance Commission”.

### **7 Section 5 repealed**

Section 5 of the Ombudsman Act is repealed.

**8 Section 8 amended**

Section 8 of the Ombudsman Act is amended by repealing subsection (1) and replacing it with –

“(1) There shall be paid to the Ombudsman out of public money as salary and allowances such sums as are determined by Cabinet and included in the contract of employment.”.

**9 Section 17 amended**

Section 17(1) of the Ombudsman Act is amended by inserting at the end “except for the purpose of giving effect to this Act”.

**10 Sections 11 and 29 amended**

Sections 11(8) and 29 of the Ombudsman Act are amended by repealing “His Majesty in Council” and replacing it with “Cabinet”.

**11 Section 30 inserted**

The following section is inserted in the Ombudsman Act –

**“30 Reports etc**

The Ombudsman may from time to time, in the public interest, or in the interests of any person, Department or organisation, publish reports or other information relating to the exercise of his functions or to any particular case or cases investigated by him, whether or not the matters to be dealt with have been the subject of a report tabled in the Legislative Assembly under this Act.”

**12 Schedule replaced**

The Schedule of the Ombudsman Act is repealed and replaced with –

**“SCHEDULE**

(Section 2)

**ORGANISATIONS TO WHICH THIS ACT APPLIES**

1. Tonga Communications Corporation
2. Tonga Power Limited
3. Tonga Airports Limited
4. Ports Authority Tonga
5. Tonga Water Board
6. Tonga Print Limited
7. Tonga Post Limited
8. Tonga Broadcasting Commission

9. Waste Authority Limited
10. Tonga Forest Products Limited
11. Tonga Development Bank
12. Tongatapu Market Limited
13. Tonga Export Quality Management
14. Small Industries Centre Limited
15. National Reserve Bank
16. International Dateline Hotel Company Limited
17. Tonga Investment
18. Sea Star Limited
19. Shipping Corporation of Polynesian Limited”.

### 13 Transitional

Any investigation, action, enquiry, proceeding or the like in progress by the Commissioner for Public Relations before the commencement of this Act shall continue in the name of the Ombudsman.

Passed by the Legislative Assembly this            day of            2012.



## **Explanatory Memorandum**

**(This note does not form part of the Bill, and is intended only to explain its purpose and effect.)**

### **Section 2**

This section changes the name of the Act to use a name more familiar and descriptive of what the Act is about.

### **Section 3**

This section makes the general change through the Act to reflect the name change to Ombudsman. This at first looks like an unusual foreign name, but now worldwide the office that investigates and deals with complaints against government, like here, is call the Ombudsman.

### **Section 4**

Section 4 deletes the definition because the term is no longer used in the Act.

### **Section 5**

This section inserts 2 new sections that give a role to the Good Governance Commission which is being established by a separate Act. The basic idea of the Good Governance Commission Act is to provide an overall structure, plan and leadership to a number of government bodies that operate in the law enforcement and administration fields, such as the Ombudsman. The amended section 3 now say that the Commission appoints the Ombudsman (with Cabinet approval) and the Director of the Commission will act as Ombudsman if there is any temporary vacancy.

The new section 3A says that the Ombudsman is to be organised, supervised and administered as a component of the Good Governance Commission – it will operate semi-independently under the Ombudsman Act, but now it will be better organised and can share resources (to save costs) with other related agencies.

### **Section 6**

This section amends section 4 of the Ombudsman Act to provide now that the Good Governance Commission must approve any other work that the Ombudsman can perform – this is because within the Commission the Ombudsman may also hold other roles.

### **Section 7**

This section repeals the old section 5 that dealt with term of office – this is now covered in section 3 and under the contract of employment will specify all the terms under which the Ombudsman will work.

### **Section 8**

This section simply spells out that salary (still decided by Cabinet) is to be included in the employment contract.

**Section 9**

Section 9 inserts words into section 17 of the Act to make certain that the Ombudsman is allowed to share information for the purposes of the Act that now includes relations with the Good Governance Commission.

**Section 10**

Section 10 amends section 29 to replace the reference to His Majesty in Council with the Cabinet, for making regulations under the Act – this has now in all the laws become a function of the Cabinet.

**Section 11**

Section 11 inserts a new section 30 into the Ombudsman Act that allows the Ombudsman to publish reports, in addition to the report to the Legislative Assembly.

**Section 12**

This section updates the Schedule that specifies which organisations (as well as Government itself) are covered by the Ombudsman Act – the old list was out of date and included many that have ceased to exist.

**Section 13**

This section ensures that work in progress will carry on under the new name of Ombudsman.

**Neil Adsett**  
**Attorney General**