

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 8

4th April

2003

AN ORDINANCE

for

THE PROTECTION OF THE KING, ROYAL FAMILY, GOVERNMENT AND PEOPLE OF THIS KINGDOM FROM ABUSE OF PRESS FREEDOM

BE IT ORDAINED by the King and the Privy Council in pursuance of the powers conferred by the Act of the Constitution of Tonga and by the Government Act as follows:

1. This Ordinance may be cited as the Protection from Abuse of Press Freedom Ordinance 2003.

2. In this Act unless the contrary intention appears –

"import" means to bring into the Kingdom by any means and in any form including electronic transmission;

"publication" means any publication, or part thereof, listed in the Schedule.

3. (1) It shall be unlawful for any person to –

- (a) publish;
- (b) sell or offer for sale;
- (c) distribute;
- (d) copy or reproduce;
- (e) possess; or
- (f) import

any publication to which this Ordinance applies.

(2) Any person who commits an offence under this Ordinance is liable upon conviction to a fine not exceeding \$1,000 or imprisonment for any period not exceeding 2 years.

4. (1) Nothing in this Ordinance shall apply to any person to whom the following provision apply –

- (a) any person to whom a publication shall be sent without his knowledge or consent;
 - (b) any person who has in his possession any publication at the time this Ordinance comes into effect.
- (2) The protection under subsection (1) (a) shall only apply where the person concerned within 24 hours delivers the publication to an officer in the nearest Police Station or Customs Office.
5. (1) The Commander of Police, the Commissioner of Revenue or any officer authorised in writing by any of them may search without warrant, detain, open and examine anything or person which he suspects on reasonable grounds to contain any publication and such officer shall take possession of any publication found by him.
- (2) Subsection (1) shall not authorise the opening of any letter, package, parcel or container except in the presence of the person, or the authorised agent of the person, to whom it is addressed.
6. (1) The Cabinet may by regulation delete from or add to the list of publications in the Schedule.
- (2) Any action may only be done under subsection (1) if in the opinion of Cabinet such action is for the protection of the King, the Royal Family, the Government or the people of this Kingdom.
- (3) An action done under this section shall not be subjected to any judicial review.
7. Prosecutions under this Act shall be instituted by the Police.

SCHEDULE

Taimi 'o Tonga newspaper Lali Media Limited publications

Made at Nuku'alofa this 4th day of April, 2003.

By Order

Hon. Ma'afu
Acting Clerk to Privy Council

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

Fika 8

4 'Epeleli

2003

KO E LAO FAKATAHA TOKONI

ki he

MALU'I 'O E TU'I, FALE 'ALO, PULE'ANGA MO E KAKAI 'O E PULE'ANGA MEI HE NGAUE HALA'AKI 'O E TAU'ATAINA 'O E NGAHI NUSIPEPA

KUO TU'UTU'UNI 'e he Tu'i mo e Fakataha Tokoni 'i he fakahoko 'o e ngaahi mafai 'oku hilifaki 'e he Lao ki he Konisitutone 'o Tonga mo e Lao ki he Pule'anga 'o pehe:

1. 'E ui 'a e Lao Fakataha Tokoni ko 'eni ko e Lao Fakataha Tokoni ki he Malu'i mei he Ngaue Hala'aki 'o e Tau'atina 'o e Ngaahi Nusipepa 2003.
2. 'I he Lao Fakataha Tokoni ko 'eni tukukehe 'o ka 'i ai ha 'uhinga kehe –

"hu mai mei tu'apule'anga" 'oku 'uhinga ki he hu mai ki he pule'anga ni 'i ha founga 'o kau ki ai ha fakamafola faka'eilikitolonika;

"paaki" 'oku 'uhinga ki ha paaki, pe konga 'o ia, 'oku lisi 'i he Tepile.

3. (1) Kuo pau ke ta'e fakalao ki ha taha ke –
 - (a) pulusi;
 - (b) fakatau atu pe tuku atu ke fakatau;
 - (c) tufaki;
 - (d) hiki pe hiki tatau;
 - (e) ma'u; pe
 - (f) hu mai mei tu'apule'anga

ha paaki 'oku kau ki ai 'a e Lao Fakataha Tokoni ni.

- (2) Ko ha taha 'oku ne fakahoko ha hia 'i he Lao Fakataha Tokoni ko 'eni 'e ala hilifaki ki ai 'o ka halaia ke mo'ua tautea pa'anga 'o 'ikai lahi hake he \$1,000 pe ngaue popula 'o 'ikai laka hake 'i he vaha'a taimi ko e ta'u 'e 2.

- (a) ko ha taha 'oku 'ave ki ai ha paaki ta'e 'i ai ha'ane 'ilo pe loto ki ai;
- (b) ko ha taha 'oku ne ma'u ha paaki 'i he taimi na'e kamata ngaue'aki ai 'a e Lao Fakataha Tokoni ko 'eni.
- (2) 'E toki ngaue'aki pe 'a e malu'i 'i he kupusi'i (1)(a) ki ha taha 'oku ne 'ave 'a e paaki 'i loto he houa 'e 24 ki ha 'ofisa 'i ha Ngaue'anga Polisi pe 'ofisi 'o e Potungaue Tute 'oku offi taha.
5. (1) Ko e Komanita Polisi, Komisiona ki he Pa'anga Hu Mai pe ko ha 'ofisa 'oku fakamafai'i 'i ha tohi 'e ha taha 'iate kinau 'e ngofua ke ne hua ta'e 'i ai ha tohi kumi koloa, puke, fakaava mo sivi ha me'a pe taha 'a ia 'oku ne mahalo'i 'i he ngaahi 'uhinga lelei 'oku 'i ai ha ngaahi paaki pea kuo pau ke 'ave 'e he 'ofisa ko ia 'a e ngaahi paaki na'a ne ma'u.
- (2) Ko e Kupusi'i (1) kuo pau ke ne 'ikai fakamafai 'a e fakaava 'o ha tohi, kofukofu, puha iiki pe me'a fa'o'anga koloa tukukehe 'okapau 'e 'i ai 'a e taha, pe ko e fakafofonga kuo fakamafai'i 'o e taha, 'oku fakatu'asila ki ai.
6. (1) 'E ngofua ki he Kapineti 'i ha tu'utu'uni ke tamate'i mei he pe tanaki ki he lisi 'o e ngaahi paaki 'i he Tepile.
- (2) 'E ngofua ke fakahoko ha ngaue 'i he kupusi'i (1) 'okapau 'oku pehe 'e he Kapineti ko e ngaue ko ia ko hono malu'i 'o e Tu'i, Fale 'Alo, Pule'anga pe ko e kakai 'o e Pule'anga ni.
- (3) Ko ha ngaue 'i he kupu ni kuo pau ke 'ikai malava ke to e sivi'i 'e he Fakamaau'anga 'a e founga ngaue na'e fakahoko.
7. Ko e talatalaaki 'i he Lao Fakataha Tokoni ni kuo pau ke fakahoko 'e he kau Polisi.

TEPILE

Nusipepa Taimi 'o Tonga

Ngaahi paaki 'a e Lali Media Limited

Na'e fakahoko 'i Nuku'alofa 'i he 'aho 4 'o 'Epeleli, 2003.

'I he Fekau,

Hon. Ma'afu
Kalake Le'ole'o 'a e Fakataha Tokoni.

BY AUTHORITY:

SIALE V. PAHULU, Acting Government Printer,
2003.