

APPENDIX 22

(FAKALAH I 22)

From: Tatafu Moeaki <tatafum@gmail.com>
To: gloria guttenbeil <gloria_guttenbeil@yahoo.co.uk>
Sent: Wednesday, 22 June 2011, 17:35
Subject: Re: Fw: Re: Query from the Royal Land Commission

Dear Gloria,

Thank you for your email of 13 June and our discussion of even subject on 15 June 2011 and wish to outline the followings as the first part of two updates from MLCI subsequent to our discussion of same. As follow up to being questioned by the Commission pursuant to our Minister's directives, the Ministry undertook to;

- [REDACTED] Sought Ministry of Police assistance to investigate and substantiate evidence in June 2010. To date, no further correspondence have been received from MoP and a subject of on-going follow up;
- [REDACTED] Solicit SG's counsel on MLCI's administration scope of the BL Act and Regulations including Ministerial interests and internal arrangements established;
- [REDACTED] SG had clarified in September 2010 MLCI's administration parameters of the BL Act and Regulations at the time and suggested MLCI that it is for the MLSNR to enforce our land laws and should therefore refer any related concerns to MLSNR;
- [REDACTED] MLCI having further considered the risks especially to Vava'u from the alleged land dealings and the need for appropriate mitigating measures within its administration responsibility of the business licence included in its amendments eventually approved as the BL Regulations Amendment 2010 gazetted on 25 October 2010. The amendments featured the followings;

o **9 Schedule 2 Amended**

Schedule 2 of the Principal Regulations is amended by deleting -

- (a) "Real Estate Services" from the Business Activities list; and*
- (b) the words "without operators" after the words "Rental/Leasing Services".*

o **10 Schedule 3 Amended**

Schedule 3 of the Principal Regulations is amended by -

- (b) inserting the following new items at the end -*
- "(B) Business Licence for Rental/Leasing Services*

Conditions

Activity under this licence shall not involve the business of renting of land.

- [REDACTED] In consequence, MLCI continued to issue business licence in accordance with the BL Regulations and to date can confirm the following active related licences;
 - o 7 Rental/Leasing Services (6 in Tongatapu and 1 in Vava'u);
 - o 27 Commission Agents (14 in Tongatapu and and 13 in Vava'u)
- [REDACTED] Should also note that only Nesha Rosic was given a Rental/Leasing Licence in Vava'u subject to a sequence of counsel from Crown Law, and also Hans Smeiser have a Commission Agent licence in Vava'u. MLCI could not identify any active licence to Gordon Allison and also Trevor Jefferson. Following receipt of the 'Interim Report,' this is a subject of MLCI follow-up including those possibly operating without a licence; and

- MLCI can further update the Commission by the first week of July 2011 as the second part of this update to provide more details on the requested 4 steps having followed up further as implied in the Interim Report.

Will be happy to furnish more should the Commission so require but will set to provide the second update in two weeks by the first week of July as already mentioned above.

Regards