



*Tonga*

**COMMUNICATIONS COMMISSION  
(AMENDMENT) ACT 2016**

**Act 15 of 2016**





# COMMUNICATIONS COMMISSION (AMENDMENT) ACT 2016

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## AN ACT TO AMEND THE COMMUNICATIONS COMMISSION ACT 2015

I assent,  
TUPOU VI,  
2<sup>nd</sup> February 2017.

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

### 1 Short Title and Interpretation

- (1) This Act may be cited as the Communications Commission (Amendment) Act 2016.
- (2) In this Act, the Communications Commission Act 2015, shall be referred to as the “Principal Act”.

### 2 Section 2 amended

Section 2 of the Principal Act is amended –

- (a) by deleting –
  - (i) the words “**Appointments Committee**” and its definition and replacing it with the following –

““**Appointments Committee**” or “**Committee**” means the Appointments Committee established under section 8;”;

- (ii) the number “7” in the definition for “Commissioner” and replacing it with “7A”;
  - (iii) the word “ICT” and its definition and replacing it with the following –  
    ““ICT” means Information and Communications Technology;”;  
    and
  - (iv) the word “**Member**” and its definition and replacing it with the following –  
    ““**Member**” means each of the Members of the Commission;”;  
    and
- (b) by inserting the following new words and its definitions in the appropriate places –
- ““**Chief Executive Officer**” means the Government Chief Executive Officer responsible for communications;”;
  - and
  - ““**Deputy–Chairperson**” means the person appointed as a Deputy - chairperson under section 9(4);”.

### 3 Section 7 amended

Section 7 of the Principal Act is amended –

- (a) by repealing subsection (4); and
- (b) by renumbering subsection (5) as subsection (4).

### 4 New section 7A inserted

The Principal Act is amended by inserting the following new section 7A immediately after section 7 –

#### “7A Commissioner

- (1) A person shall be appointed as the Commissioner of the Commission in accordance with section 9.
- (2) The Commissioner shall be –
  - (a) responsible for the supervision and day-to-day management of, and implementing the decisions of, the Commission;
  - (b) the head of the staff of the Commission; and
  - (c) the secretary to the Commission.”.

### 5 Section 8 amended

Section 8 of the Principal Act is amended by deleting subsection (1) and replacing it with the following -

“(1) An Appointments Committee is hereby established to make recommendations to the Minister on the appointments of Members of the Commission and the Commissioner.”.

## 6 Section 9 amended

Section 9 of the Principal Act is amended –

- (a) by deleting subsection (1) and replacing it with the following –

“(1) The Appointments Committee shall –

  - (a) recommend four people to be appointed as Members under section 7 as soon as practicable after the commencement date; and
  - (b) recommend a person to be appointed as the Commissioner under section 7A.”;
- (b) in subsection (3) by deleting the words “subsection (1)” and replacing it with the words “subsection (1)(a), and for the purpose of recommending a person as the Commissioner under subsection (1)(b)”;
- (c) by deleting subsection (4) and replacing it with the following new subsections (4), (5) and (6) –

“(4) The Chairperson, Deputy-Chairperson and Members of the Commission, shall be appointed by the Minister, with consent of Cabinet.

(5) Such appointments in subsection (4), shall be published by notice in the Gazette by the Minister.

(6) The Commissioner, shall be appointed by the Commission, with the consent of the Minister.”.

## 7 Section 10 amended

Section 10 of the Principal Act is amended –

- (a) in subsection (1) by –
  - (i) deleting the word “appoint” and replacing it with the word “recommend”; and
  - (ii) inserting the words “or as a Deputy-chairperson” after the word “Chairperson”; and
- (b) in subsection (2) by –
  - (i) deleting the words “a person for appointment as the ICT Expert” and replacing them with the words “two people for appointment as the two Members of the Commission under section 7(1)(c), one being an ICT Expert,”; and
  - (ii) inserting in paragraph (c) the words “information and communications technology,” after the word “of”.

**8 Section 11 amended**

Section 11(1) of the Principal Act is amended –

- (a) by deleting –
  - (i) the number “8” and replacing it with the number “9”;
  - (ii) in paragraph (a) the word “member” and replacing it with the word “Member”;
  - (iii) paragraph (b); and
  - (iv) in paragraph (d) the word “members” and replacing it with the word “Members”; and
- (b) by renumbering paragraph (c) as paragraph (b), paragraph (d) as paragraph (c) and paragraph (e) as paragraph (d).

**9 Section 14 amended**

Section 14(4) of the Principal Act is amended by deleting the word “members” and replacing it with the word “Members”.

**10 Section 15 amended**

Section 15 of the Principal Act is amended by deleting the word “members” and replacing it with the word “Members”.

**11 Section 18 amended**

Section 18(1) of the Principal Act is amended by –

- (a) renumbering paragraph (b) as paragraph (c); and
- (b) inserting the following new paragraph (b) immediately after paragraph (a) –  
“(b) the Commissioner; or”.

**12 Section 22 amended**

Section 22(b) of the Principal Act is amended by deleting the words “Part X” and replacing it with the words “Part XI”.

**13 Section 23 amended**

Section 23(3) of the Principal Act is amended by –

- (a) deleting the words “Part VI” and replacing them with the words “Part VII”; and
- (b) deleting the words “Part X” and replacing it with the words “Part XI”.

**14 Section 27 amended**

Section 27(1)(j) of the Principal Act is amended by deleting the words “Division 2B (Review mechanisms) of Part X” and replacing them with the words “Division 4 (Review mechanism) of Part XI”.

Passed by the Legislative Assembly this 27<sup>th</sup> day of October 2016.