



Tonga

**DISTRICT AND TOWN OFFICERS
(AMENDMENT) ACT 2019**

Act 14 of 2019



DISTRICT AND TOWN OFFICERS (AMENDMENT) ACT 2019

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DISTRICT AND TOWN OFFICERS (AMENDMENT) ACT 2019¹

Act 14 of 2019

AN ACT TO AMEND THE DISTRICT AND TOWN OFFICERS ACT

I assent,
TUPOU VI,
21st March 2019.

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

1 Short Title

- (1) This Act may be cited as the District and Town Officers (Amendment) 2019.
- (2) In this Act, the District and Town Officers Act, as amended, shall be referred to as the “Principal Act”.

2 Section 6 amended

- (1) Section 6(1) of the Principal Act is amended by deleting the number “3” and replacing it with the number “4”.
- (2) Section 6(3) of the Principal Act is amended by –
 - (a) renumbering paragraph (a) as paragraph (b) and by inserting the word “and” at the end of the provision;
 - (b) renumbering paragraph (b) as paragraph (c) and by inserting the words –
 - (i) “by them” after the word “out”; and

- (ii) “or to give effect to the provisions of this Act.” after the word “Act”;
 - (c) inserting the following new paragraph (a) –
 - “(a) the organisation and conduct of district and town officers elections, including by-elections;”.
- (3) Section 6(4) of the Principal Act is hereby repealed and replaced with the following –
- “(4) The date for the election of District and Town Officers shall be the last Thursday of May in every election year and every fourth year thereafter, and the Electoral Commission shall notify the actual date by notice published in the Gazette by the last weekday of March of every election year.
Provided always that this date may be varied by the Commission in circumstances which they consider warrant such a change.”.
- (4) Section 6(5) of the Principal Act is amended by deleting the words “30 persons in the case of a district officer and 10 persons in the case of a town officer” and replacing them with the words “10 electors in the district or town to which the nomination relates”.
- (5) Section 6(6) of the Principal Act is hereby repealed and replaced with the following –
- “(6) Nomination shall be received by the Returning Officer for each district, who shall be appointed by the Electoral Commission, and notice of the identity and office address of such Returning Officers shall be published in the Gazette simultaneously with the notice required under subsection (4).”.
- (6) Section 6(7) of the Principal Act is hereby repealed and replaced with the following –
- “(7) District and Town Officers so elected shall hold office for 4 years but where the Minister responsible for internal affairs considers that a District or Town Officer has been guilty of misconduct or neglect of duty such as to warrant his dismissal from office he shall –
 - (a) prepare a detailed report on the matter;
 - (b) provide a copy of such report to the District or Town Officer concerned and allow him 28 days to respond to the report in writing; and
 - (c) having considered such response, may determine either to withdraw his report or dismiss the District or Town Officer, provided that the said officer may appeal the decision to dismiss to the Supreme Court within 28 days, and the decision of the Minister responsible for internal affairs shall

not take effect until after the appeal period has expired, or if an appeal has been made, after the appeal is finalized.”

- (7) Section 6(8) of the Principal Act is hereby repealed and replaced with the following -

“(8) In the event of a vacancy occurring in either an office of a District Officer or a Town Officer, the Electoral Commission shall hold a by-election to fill that vacancy.

Provided that no by-election shall be held, if the vacancy occurs within six months of the ordinary election date prescribed under subsection (4), however the Minister responsible for internal affairs may, upon consultation with the Electoral Commission, appoint an appropriate District Officer or Town Officer to fill the vacancy until the next elections.”.

- (8) Section 6 of the Principal Act is amended by inserting the following new subsection (9) –

“(9) For the purposes of sub-section (6) the term “Returning Officer” shall include an Assistant Returning Officer and the term “District” means the island districts of Tongatapu, Ha’apai, Vava’u, ‘Eua and the Niuas.”

Passed by the Legislative Assembly this **13th** day of **March** 2019.

ENDNOTES

¹ Gazette Extraordinary No.8 of 2019 (22 March 2019).