



I assent,

GEORGE TUPOU V,

6th January, 2009.

AN ACT

TO AUTHORISE THE ESTABLISHMENT, FUNDING AND OPERATION OF AN EMERGENCY FUND

[28 October, 2008]

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

1. (1) This Act may be cited as the Emergency Fund Act 2008

Short title

2. In this Act, unless the contrary intention requires –

Interpretations

“emergency” means an event, actual or imminent, which endangers or threatens to endanger life, property or the environment and which requires a significant and coordinated response;

“event” means any of the following –

- (a) a cyclone, earthquake, storm, storm surge, tornado, tsunami, volcanic eruption or other natural happening;
- (b) an explosion or fire, a chemical, fuel or oil spill, or a gas leak;
- (c) an infestation, plague or epidemic;
- (d) a public health emergency;
- (e) a failure of an essential service or infrastructure;
- (f) a terrorist attack against the Kingdom; or
- (g) any other event similar to an event referred to in paragraphs (a) to (f);

“Fund” means the Emergency Fund established under this Act;

“Minister” means the Minister of Finance;

“Public Fund” means the Public Fund established under the Public Finance Management Act 2002; and

“National Emergency Management Committee” means the National Emergency Management Committee established under the Emergency Management Act 2007.

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| Minister responsible
Fund to be appropriated | <p>3. The Minister shall be responsible for the administration of this Act.</p> <p>4. (1) The Minister shall, with the approval of Cabinet and the consent of Privy Council, appropriate a sum of at least \$5,000,000 pa'anga from any surplus in the Public Fund of the Kingdom to establish the Fund.</p> <p>(2) Interest on the Fund shall be allowed to accumulate and the annual amount of interest earned shall be added to the Fund.</p> <p>(3) Any person, including any donor government, institution or organisation, may make voluntary contributions to the Fund at any time.</p> <p>(4) The Minister may, with the approval of Cabinet and the consent of Privy Council, appropriate in any one financial year a sum of at least \$5,000,000 pa'anga, from the Public Fund of the Kingdom to the Fund.</p> | |
| Purpose of fund | <p>5. (1) The Fund and the accumulated interest shall be used exclusively for the purpose of providing timely and efficient relief and reconstruction in any emergency.</p> <p>(2) The Minister shall, with the approval of Cabinet and the consent of Privy Council, and after consultation with the National Emergency Management Committees, authorize expenditure from the Fund for the purposes specified in sub-section (1).</p> | |
| Criteria for relief | <p>6. The Minister shall, within six months of the commencement of this Act, in consultation with the National Emergency Management Committee and Cabinet, determine criteria for how funds are to be allocated under section 5(1) for relief and reconstruction and such criteria may be amended from time to time.</p> | |
| Balances may be invested | <p>7. The Minister may, with the approval of Cabinet and the consent of Privy Council, invest any balance or part thereof of the Fund for such period and on such terms as he thinks fit at any bank or in such other securities that are approved investments under the Public Finance Management Act 2002.</p> | |
| Accounts | <p>8. (1) The Minister shall cause an account to be kept called the Emergency Fund Account.</p> <p>(2) All moneys received and all payments made under this Act to the Fund shall be paid to the account set up under subsection (1).</p> | |
| | <p>(3) The financial year end date for the Fund shall be the 30th of June each year.</p> <p>(4) The Minister shall cause to be prepared financial statements for the Fund.</p> <p>(5) The financial statements shall include the names of each person to whom the Fund has made payment, and the amount paid, during the period to which the financial statements relate.</p> | |
| | <p>9. (1) The Fund shall be audited annually by the Auditor General.</p> <p>(2) The Minister shall cause the Fund's financial statement to be available for audit so that the audit can be concluded no later than five months after the Fund's financial year end date.</p> <p>(3) The Fund's financial statements and the report of the Auditor General shall be published in the Gazette and shall be laid before the Legislative Assembly by the Minister no later than six months after the Fund's financial year end date, or if the Legislative Assembly is not in session, at the commencement of the next session.</p> <p>(4) The financial statements required by this Act shall be prepared in accordance with generally accepted accounting practices.</p> <p>(5) Auditor General shall, in any year during which payments are made from the Fund, report on whether such payments were made in accordance with the criteria determined under section 6.</p> | Audit and reporting |

Passed by the Legislative Assembly this 28th day of October, 2008.



'Oku ou loto ki ai,
SIAOSI TUPOU V,
6 'o Sanuali, 2009.

KOE LAO

KE FAKAMAFAI'I 'A HONO FOKOTU'U, FAKAPA'ANGA MO
NGAUE'AKI 'O HA SINO'I PA'ANGA KI HE ME'A
FAKAFOKIFA

[28 'o 'Okatopa, 2008]

'OKU TU'UTU'UNI 'e he Tu'i mo e Fale Alea 'o Tonga 'i he Fakataha
Alea 'a e Pule'anga 'o pehe:

1. (1) 'E ui 'a e Lao ni ko e Lao ki he Sino'i Pa'anga ki he Me'a Fakafokifa **Hingoa nounou**
2008.
2. 'I he Lao ni, tukukehe 'o ka fiema'u ha 'uhinga kehe 'i hono **'Uhinga'i lea**
tu'unga –

“me'a fakafokifa” 'oku 'uhinga ki ha me'a 'oku hoko, mo'oni pe
'oku 'amanaki ke hoko, 'oku tu'u fakatu'utamaki pe 'oku tu'u
fakamanamana ke fakatu'utamaki ki he mo'ui, kotoa pe ko e 'ataakai
pea 'oku fiema'u ha ngaue malohi mo ma'opo'opo ke tali 'aki;

“me'a 'oku hoko” 'oku 'uhinga ki he ngaahi me'a ko 'eni –

- (a) ko ha saikolone, mofuike, afa, matangi malohi, 'ahiohio,
sunami, puna ha mo'ungaafi pe ha fakatamaki fakaenatula kehe;
- (b) ko ha pa ha afi, ha kemikale, lolo fefie pe mahua 'a e lolo,
pe mama ha kasa;
- (c) mahaki pipihi, mahaki faka'auha pe ko e to'umahaki;
- (d) ha tu'unga fakatu'utamaki 'i he mo'ui;
- (e) ko e 'ikai ke to e lava 'o ngaue ha sevesi matu'aki mahu'inga
pe ko ha ngaahi me'angaue fetu'utaki lalahi (infrastructure);
- (f) ko ha 'ohofi fakatautoitoi ki he Pule'anga ni; pe
- (g) ha me'a 'oku hoko 'oku tatau mo ha me'a 'oku hoko 'oku lau
ki ai 'i he palakalafi (a) ki he (f);

“Sino'i Pa'anga” ‘oku ‘uhinga ki he Sino'i Pa'anga ki he Me'a Fakafokifa kuo fokotu'u 'i he Lao ni;

“Minisita” ‘oku ‘uhinga ki he Minisita Pa'anga;

“Sino'i Pa'anga 'a e Pule'anga” ‘oku ‘uhinga ki he sino'i pa'anga 'a e Pule'anga kuo fokotu'u 'i he Lao ki he Pule'i 'a e Pa'anga 'a e Pule'anga 2002; mo e

“Komiti Fakafonua ki he Pule'i 'o e Me'a Fakafokifa” ‘oku ‘uhinga ki he Komiti Fakafonua ki he Pule'i 'o e Me'a Fakafokifa kuo fokotu'u 'i he Lao ki he Pule'i 'a e Me'a Fakafokifa 2007.

Minisita 'oku ne tokanga'i

3. Kuo pau ko e Minisita 'oku ne tokanga'i 'a hono fakahoko 'a e Lao ni.

Sino'i Pa'anga ke vahe'i

4. (1) Kuo pau ki he Minisita, 'i hono tali 'e he Kapineta mo e loto ki ai 'a e Fakataha Tokoni, ke ne vahe'i ha pa'anga 'o 'ikai to e si'i hifo 'i he pa'anga 'e \$5,000,000 mei ha pa'anga hulu (surplus) 'i he Sino'i Pa'anga 'a e Pule'anga ke fokotu'u 'a e Sino'i Pa'anga.

(2) Kuo pau ke faka'ata 'a e ngaahi 'initulesi 'i he Sino'i Pa'anga ke tupu pea ko e mahu'inga fakakatoa 'o e 'initulesi fakata'u 'oku ma'u 'e tanaki atu ia ki he Sino'i Pa'anga.

(3) 'E ngofua ki ha taha pe, kau ai ha tokoni mei ha pule'anga muli, ngaue'anga pe kautaha (institution) pe kautaha (organisation), ke fakahoko tau'ataina ha ngaahi totongi 'ofa ki he Sino'i Pa'anga 'i ha fahinga taimi pe.

(4) 'E ngofua ki he Minisita, 'i hono tali 'e he Kapineta mo e loto ki ai 'a e Fakataha Tokoni, ke ne vahe'i 'i ha ta'u fakapa'anga 'e taha, ha mahu'inga 'o 'ikai to e si'i hifo 'i he pa'anga 'e \$5,000,000, mei he Sino'i Pa'anga 'a e Pule'anga ki he Sino'i Pa'anga.

Taumu'a 'o e sino'i pa'anga

5. (1) Kuo pau ko e Sino'i Pa'anga mo e 'initulesi 'oku tupu 'i ai ke ngaue'aki 'o fakangatangata pe ki he taumu'a ki hono tuku atu ha tokoni mo e ngaue fakalelei (reconstruction) 'oku vave mo fakahoko lelei hili ha me'a fakafokifa.

(2) Kuo pau ki he Minisita, 'i hono tali 'e he Kapineta mo e loto ki ai 'a e Fakataha Tokoni, pea hili ha'ane alea mo e Komiti Fakafonua ki he Pule'i 'o e Me'a Fakafokifa, ke ne fakamafai ha fakamole mei he Sino'i Pa'anga ki he ngaahi taumu'a ko ia kuo fakamahino'i pau 'i he kupu si'i (1).

Ngaahi tu'unga ki he tokoni

6. Kuo pau ki he Minisita, 'i loto 'i he mahina 'e ono mei hono kamata ngaue'aki 'a e Lao ni, 'i ha'ane alea mo e Komiti Fakafonua ki he Pule'i 'o e Me'a Fakafokifa, ke ne fakapapau'i 'a e ngaahi tu'unga ki hono vahevahe 'o e Sino'i Pa'anga 'o fakatatau ki he kupu 5(1) ki he tokoni mo e ngaue fakalelei (reconstruction) pea 'e ngofua ke fakatonutonu 'a e ngaahi tu'unga ko ia mei he taimi ki he taimi.

7. 'E ngofua ki he Minisita, 'i hono tali 'e he Kapineta mo e loto ki ai 'a e Fakataha Tokoni, ke ne 'inivesi 'a e palanisi pe konga 'o e Sino'i Pa'anga ki ha vaha'a taimi pea 'i he ngaahi makatu'unga ko ia 'oku ne fakakaukau 'oku fe'unga, 'i ha pangike pe 'i ha to e malu'i kehe kuo tali ko e ngaahi 'inivesi 'i he Lao ki hono Pule'i 'a e Pa'anga 'a e Pule'anga 2002.

'E ngofua ke 'inivesi 'a e ngaahi palanisi

8. (1) Kuo pau ki he Minisita ke ne fokotu'u ha 'akauni ke tauhi 'o ui ko e 'Akauni ki he Sino'i Pa'anga ki he Me'a Fakafokifa. Ngaahi 'Akauni

(2) Kuo pau ko e pa'anga kotoa pe 'oku ma'u mo e ngaahi totongi kotoa pe kuo fakahoko 'i he Lao ni ki he Sino'i Pa'anga ke totongi ki he 'akauni kuo fokotu'u 'i he kupu si'i (1).

(3) Kuo pau ko e 'aho faka'osi 'o e ta'u fakapa'anga 'o e Sino'i Pa'anga ko e 'aho 30 'o Sune 'o e ta'u takitaha.

(4) Kuo pau ki he Minisita ke ne teuteu'i 'a e ngaahi fakamatala fakapa'anga 'o e Sino'i Pa'anga.

(5) Kuo pau ki he ngaahi fakamatala fakapa'anga ke kau ai 'a e ngaahi hingoa 'o e taha kotoa pe 'a ia na'e totongi ki ai ha pa'anga mei he Sino'i Pa'anga, mo e mahu'inga na'e totongi, 'i he vaha'a taimi ko ia 'oku felave'i mo e fakamatala pa'anga.

9. (1) Kuo pau ke 'atita'i fakata'u 'a e Sino'i Pa'anga 'e he 'Atita Seniale. 'Atita'i mo hono lipooti

(2) Kuo pau ki he Minisita ke ne tuku atu 'a e ngaahi fakamatala pa'anga 'o e Sino'i Pa'anga ke 'ataa ke 'atita'i koe'uhi ke 'osi 'a hono 'atita'i kimu'a 'o 'ikai to e tomui 'i he mahina 'e nima mei he 'aho faka'osi 'o e ta'u fakapa'anga 'o e Sino'i Pa'anga.

(3) Kuo pau ke pulusi 'i he Kasete 'a e ngaahi fakamatala pa'anga pea mo e lipooti 'a e 'Atita Seniale pea kuo pau ke tuku atu ki he Fale Alea 'e he Minisita 'o 'ikai ke to e tomui 'i he mahina 'e ono mei he 'aho faka'osi 'o e ta'u fakapa'anga 'o e Sino'i Pa'anga, pe 'o kapau 'oku 'ikai ke fakataha 'a e Fale Alea, ke 'i ai 'i he kamata 'a e to'u fakataha hoko.

(4) Kuo pau ki he ngaahi fakamatala pa'anga 'oku fiema'u 'i he Lao ni ke teuteu'i 'o fakatata ki ha ngaahi founda ngaue fakatauhi tohi kuo tali 'o ngaue'aki fakalukufua.

(5) Kuo pau ki he 'Atita Seniale, 'i ha ta'u pe 'a ia 'oku lolotonga fakahoko ha ngaahi totongi mei he Sino'i Pa'anga, ke ne lipooti pe na'e fakahoko 'a e ngaahi totongi ko ia 'o fakatatau ki he ngaahi tu'unga 'oku tu'utu'uni 'i he kupu 6.

Na'e tali 'i he Fale Alea 'i he 'aho 28 'o 'Okatopa, 2008.

BY AUTHORITY:

Metuisela Falesiva, General Manager
2008.