



Tonga

PUBLIC SERVICE ACT

Chapter 2.11

2020 Revised Edition



PUBLIC SERVICE ACT

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PUBLIC SERVICE ACT

AN ACT TO REFORM THE LAW RELATING TO THE PUBLIC SERVICE AND TO ESTABLISH THE PUBLIC SERVICE¹

Commencement [see endnotes²]

PART I - PRELIMINARY

1 Short title

This Act may be cited as the Public Service Act.

2 Application of this Act³

- (1) This Act shall apply to the following persons —
 - (a) All chief executive officers and employees in a Government Ministry, as listed in Part 1 of Schedule I; and
 - (b) All chief executive officers and employees in a Government Agency, as listed in Part 2 of Schedule I.
- (2) This Act shall not apply to persons listed under Schedule II.

3 Interpretation

In this Act, unless the context otherwise requires —

“**Chairman**” means the Chairman of the Public Service Commission appointed under this Act;

“**Chief Executive Officer**” means any person in charge of the administration of a Ministry, who is employed under a fixed contract of employment under this Act;⁴

“**Commission**” means the Public Service Commission established under this Act;

“**Commissioner**” means a member of the Public Service Commission;

“**daily paid worker**” means a person who is employed on a daily basis;

“**employee**” means all persons employed in the Public Service;

“**Ministry**” means any ministry, department or office listed in Schedule I of this Act;⁵

“**Non political**” or “**Apolitical**” means employees performing their duties in an impartial, ethical and professional manner without involving in any political activities including not associating with any association that has a political mandate which is or may be contrary to Government policy;⁶

“**Public Service**” means all persons employed in any Ministry listed in Schedule I.

“**relevant Minister**” means a Minister of His Majesty’s Cabinet who is appointed to be responsible for a Government Ministry;⁷ and

“**Tribunal**” means the Public Service Tribunal established under this Act.⁸

4 Prime Minister to administer Act

The Prime Minister shall be responsible for the Public Service and the administration of this Act.

4A Powers and Functions of the Prime Minister⁹

The powers and functions of the Prime Minister under this section shall be to —

- (a) appoint the Commissioners with the consent of Cabinet in accordance with due process;
- (b) ensure that the Commissioners comply with this Act; and
- (c) report to Cabinet on the activities of the Commission.

4B Objects of this Act¹⁰

The objects of this Act are to —

- (a) establish an apolitical public service that is effective and efficient in serving the Government and the public;
- (b) provide a legal framework for the effective and efficient management and leadership of the Public Service;

- (c) define the powers, functions and responsibilities of the Prime Minister, the Commission, relevant Ministers and Chief Executive Officers; and
- (d) establish rights and obligations of Public Service employees.

4C Principles of the Public Service¹¹

The Public Service shall apply the following principles —

- (a) The Public Service is apolitical, performing its functions in an impartial, professional and competent manner;
- (b) Adopts a merit based employment policy;
- (c) Shall be ethical and accountable for its actions to the public in providing satisfactory service;
- (d) Makes all decisions in a transparent and merit based manner;
- (e) Uses all Government resources responsibly and efficiently;
- (f) Is accountable and responsive to the Government in providing honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs;
- (g) Has leadership of the highest quality;
- (h) Establishes workplace relations that value communication, consultation and co-operation with employees on matters that affect their workplace;
- (i) Provides a fair, flexible, safe and rewarding workplace that is free from discrimination and recognizes the diverse background of employees;
- (j) Focuses on achieving results and managing performance;
- (k) Provides a fair system of review of decisions taken in respect of employees;
- (l) When dealing with members of the public and Government, demonstrate at all times respect, integrity, honesty, diligence, and accountability; and
- (m) Perform duties at all times in a manner that meets and promotes effectiveness, efficiency and transparency in a non political and impartial manner.

PART II - PUBLIC SERVICE COMMISSION

5 Establishment and operation of Commission¹²

- (1) There shall be established a Public Service Commission.
- (2) The Commission shall comprise of 5 members. In the event the Office of a Commissioner is vacated, the Office shall be filled within three consecutive months.

- (3) The Prime Minister, with the consent of Cabinet, shall appoint all the members of the Commission, one shall be the Chairman and one shall be the Deputy Chairman.
- (4) Subject to subsection (5), a person may be appointed as a Commissioner if he —
 - (a) has at least five years experience as a senior administrator or held appropriate executive management office for more than five years; and
 - (b) has special knowledge, experience, or skills relevant to the functions of the Commission.
- (5) The following persons shall not be appointed as a Commissioner —
 - (a) an un-discharged bankrupt;
 - (b) a person who had been convicted of an indictable offence;
 - (c) a person who is insolvent; or
 - (d) is an existing public servant or Minister.
- (6) The Commissioners shall serve for a term of up to 5 years, and may be re-appointed for another term. A Commissioner may serve a maximum of 2 terms.
- (7) The Office of the Commissioner shall be deemed vacated in the occurrence of any of the following —
 - (i) conviction of an indictable offence;
 - (ii) declared a bankrupt;
 - (iii) death;
 - (iv) resignation; or
 - (v) upon termination of appointment.
- (8) The Commission may set its own procedures.
- (9) The remuneration of the members of the Commission shall be determined by the Remuneration Authority.
- (10) The members of the Commission may serve on a part time basis.
- (11) The quorum of the Commission shall be three (3) members, one of whom shall be the Chairman, and in the absence of the Chairman, the Deputy Chairman shall be Chairman.
- (12) The Chairman shall be the head of the Commission and shall:
 - (a) be responsible for the efficient and effective operation of the Commission;
 - (b) call and attend regular meetings of the Commission; and
 - (c) preside over the meetings of the Commission.

- (13) The Prime Minister, with the consent of Cabinet, by notice in writing, remove any member of the Commission who —
- (a) is unable to perform the duties of a member of the Commission;
 - (b) gives written notice of his resignation; or
 - (c) commits serious misconduct.

6 Principal functions of the Commission¹³

The functions of the Commission are to —

- (a) develop systems, standards and procedures for the continual performance improvement and performance management of the Public Service;
- (b) act as adviser to Government on the management of the Public Service;
- (c) consult with the Prime Minister on a regular basis regarding the performance of the Public Service;
- (d) advise the Prime Minister on, and monitor the implementation of, public employment policies;
- (e) ensure that the Public Service upholds the Public Service Principles;
- (f) appoint, promote, confirm, discipline and dismiss employees and resolve employment disputes;
- (g) determine the respective designations and other terms and conditions, including the remuneration, for employment for employees subject to the approval of Cabinet;
- (h) promote, uphold and ensure adherence to the merit principle in the selection of persons as, and the promotion and transfer of, employees;
- (i) determine practices and procedures relating to the recruitment and appointment of persons as employees, the promotion of employees and the employment, transfer, secondment, redeployment, discipline and termination of employment of employees and any other matters relating to human resource management;
- (j) consult with and advise Chief Executive Officers in relation to the development and application of appropriate human resource practices and procedures in their respective Ministries;
- (k) consult with Chief Executive Officers in relation to the application of public employment policies in their respective Ministries;
- (l) co-ordinate training, education and development programs regarding the Public Service in conjunction with Chief Executive Officers;
- (m) assist as appropriate Chief Executive Officers in evaluating the performance of employees employed in their Ministries;
- (n) consult with Chief Executive Officers on the development of appropriate standards and programs of occupational health and safety;

- (o) conduct or cause to be conducted inquiries and investigations into, and reviews of, the management practices of Ministries;
- (p) assist as appropriate Chief Executive Officers in the performance of their functions relating to the management of their Ministries;
- (q) manage and mitigate disputes and grievances;
- (r) regularly consult stakeholders on matters regarding the interests of the employees;
- (s) assess or undertake, in consultation with the relevant Minister, an annual performance review of the Chief Executive Officers; and
- (t) such other functions as are imposed by or under this or any other Act, or as directed by the Prime Minister.

7 Powers of Commission

- (1) The Commission may —
 - (a) require free access at all times to all documents, books, accounts and records, of Ministries that relate to employment of employees and to inspect and inquire into and call for any information arising from those accounts and records;
 - (b) where it has reason to believe that an employee has been or may have been in contravention of this Act or any other Act, suspend that employee from all duties and responsibilities, pending an investigation;
 - (c) require any employee to supply any information or answer any questions relating to documents, books and accounts, money, or operations that relate to employees;
 - (d) by notice in writing, require any person having possession or control of any documents, books and accounts that relate directly to employees to deliver all or any of them, at a time and place and to such person specified in the notice; and
 - (e) enter any Government land or building (other than a dwelling-house) where employees are working.
- (2) The Commission may appoint any person in writing, to inquire into and report on any matter or matters specified in the instrument of appointment.
- (3) Any person who fails to comply with any direction given by the Commission under this section commits an offence and is liable upon conviction to a fine not exceeding \$5,000.¹⁴
- (4) The Commission may dismiss any employee convicted of an offence under this section.

8 Annual report and reporting obligations of Commission¹⁵

The Chairman shall by end of September of each calendar year furnish a report to the Prime Minister relating to the operations of the Commission, during the previous financial year, and on the efficiency and effectiveness of the Public Service.¹⁶

9 Delegation of powers¹⁷

- (1) The Commission may delegate in writing to a Minister or Chief Executive Officer any of the employment functions of the Commission and the delegate is subject to the same duties and responsibilities as the Commission under this Act.
- (2) When employment functions are delegated by the Commission under subsection (1), the delegate is subject to the same duties and responsibilities as are on the Commission under this Act.

10 Chief Executive Officer of the Commission¹⁸

- (1) The Commission shall appoint a Chief Executive Officer of the Commission, who will provide support services to the Commission.
- (2) The Chief Executive Officer shall be subject to the direction of the Chairman.

11 Employees of the Commission

The Commission may appoint such employees as may be necessary to enable it to carry out its functions and duties under this Act.

PART III - PUBLIC SERVICE

12 Employee matters to be under Act

All appointments, promotions, disciplinary matters and terminations in respect of the Public Service shall be made in accordance with this Act and any written policies of Government as directed by Cabinet, provided that employees of the Ministry responsible for education and training below the position of Chief Executive Officer shall be dealt with under the Education Act.¹⁹

13 Chief Executive Officers²⁰

- (1) There shall be a Chief Executive Officer(s) for each Ministry.
- (2) The Commission shall, after consultation with the relevant Minister, appoint in writing, a person to be the Chief Executive Officer of a Ministry.

- (3) An appointment made under subsection (2) shall, as soon as practicable after it is made, be notified in the Gazette.
- (4) The Chief Executive Officer shall be employed under a fixed contract of employment for a term of up to 4 years. At the end of the contract, the position shall be re-advertised and filled through the normal process. The present CEO may re-apply and may be re-appointed if successful in the recruitment process.
- (5) The Commission shall, after consultation with the relevant Minister, remove a Chief Executive Officer of a Ministry from Office due to non performance or misconduct.

13A Accountability of Chief Executive Officers²¹

- (1) A Chief Executive Officer shall be responsible to the relevant Minister for the performance of the Chief Executive Officer's functions under this Act in relation to his Ministry, and for its proper, efficient and economic administration.
- (2) A Chief Executive Officer shall comply with all Instructions applicable to the Chief Executive Officer or his Ministry and to all directions given under this Act by the Commission.

13B Functions of Chief Executive Officers²²

Subject to section 13A (1), a Chief Executive Officer shall have the following functions, to —

- (a) devise and implement financial and management plans for his Ministry, in accordance with Government planning and budget process, and monitor the Ministry's financial and administrative performance;
- (b) ensure the delivery of public services meets the needs of citizens in a cost efficient, service effective and diligent manner;
- (c) uphold and promote the Public Service Principles;
- (d) devise organisational structures and operational arrangements which are aligned to the Ministry's strategic plans;
- (e) ensure the attainment by the Ministry of any objective set by the relevant Minister in accordance with the approved budget;
- (f) assign duties to be performed by each employee in the Ministry;
- (g) direct the employees in the Chief Executive Officer's Ministry;
- (h) evaluate and manage the performance of employees in the Ministry;
- (i) assign designations to employees in the Ministry and to vary such designations in accordance with designation systems, standards and procedures determined by the Commission;

- (j) assist employees in the Ministry to undertake relevant training, education and development programs that meet the Ministry's priority skill needs;
- (k) devise and implement programs to ensure that employees have equal opportunities in relation to their employment in accordance with the merit principle;
- (l) ensure the application in his Ministry of appropriate health and safety standards and programs;
- (m) ensure that public complaints pertaining to service delivery is dealt with in a timely and effective manner; and
- (n) such other functions as are imposed on the Chief Executive Officer by or under this or any other Act.

13C Acting Chief Executive Officer²³

- (1) A relevant Minister may in writing, appoint a person to act as Chief Executive Officer of a Ministry during any period, or during all periods, when the Chief Executive Officer is absent from duty or from the country, or during a vacancy in the office.
- (2) That the post of Chief Executive Officer may be filled in an Acting capacity for not more than 12 months following which it must be filled at the end of the 12 months.
- (3) The relevant Minister may —
 - (a) with the approval of the Commission determine the terms and conditions, including the remuneration, of a person appointed to act in the office of the Chief Executive Officer; and
 - (b) at any time, in his absolute discretion, terminate such an appointment.
- (4) Where a person appointed to act as a Chief Executive Officer is otherwise employed under a contract of employment, that contract shall be deemed to have been varied for the duration of the period of his appointment under this section to the extent of the determination under subsection (3).
- (5) A person appointed to act as a Chief Executive Officer may resign office as Acting Chief Executive Officer in writing delivered to the relevant Minister.

13D Powers of Chief Executive Officers²⁴

A Chief Executive Officer has such powers as are necessary to enable him to carry out his functions, or exercise his powers, under this or any other Act and, subject to this Act.

13E Delegation by Chief Executive Officers²⁵

- (1) A Chief Executive Officer may, in writing, delegate any of the Chief Executive Officer's functions or powers under this Act, other than this power of delegation, to an employee employed in, or the holder from time to time of a particular designation or office in, his Ministry.
- (2) A function or power delegated under this section, when performed or exercised by the delegate, shall, for the purposes of this Act, be deemed to have been performed or exercised by the Chief Executive Officer.
- (3) A delegation under this section does not prevent the performance of a function or the exercise of a power by the Chief Executive Officer.
- (4) A delegation can be withdrawn in writing by the Chief Executive Officer.
- (5) Every Ministry shall keep a register of all delegations issued in writing.

13F Annual Reports by Chief Executive Officer²⁶

- (1) Subject to subsection (3), a Chief Executive Officer shall prepare for the relevant Minister a report of the operations of the Ministry, during the previous financial year, by the end of September of each calendar year, and any other necessary statements through the year as required by the relevant Minister.²⁷
- (2) The report under subsection (1) shall contain such information as is necessary to enable an informed assessment of the operations of the Ministry including a comparison of the performance of the Ministry with the relevant corporate plan.
- (3) A report under subsection (1) shall, at a minimum, contain information about —
 - (a) the functions and objectives of the Ministry;
 - (b) the legislation administered by the Ministry;
 - (c) the organisation of the Ministry;
 - (d) the Ministry's operations, performance against objectives, initiatives and achievements in the delivery of services to the community;
 - (e) the annual financial statements of receipts and payments, and statements of assets and liabilities, of the Ministry;²⁸
 - (f) the financial planning and performance of the Ministry; and²⁹
 - (g) human resource management programs.³⁰

14 Appointments to the Public Service

- (1) Subject to section 13 and section 18 any appointment of an employee to or within the Public Service is to be made by the Commission.

- (2) The Commission shall prior to making an appointment under this section consult with and take into consideration the views and requirements of the relevant Minister.

15 Redundancy³¹

The Commission may in consultation with the Chief Executive Officer, recommend to the relevant Minister that any post be made redundant.

16 Notice of resignation³²

Any employee wishing to resign from the Public Service shall give written notice of his resignation as required by policy.

17 Dismissal for cause

The Commission may dismiss an employee at any time for cause.

18 Daily paid workers

A Chief Executive Officer, with the consent of the relevant Minister, may engage such daily paid workers as may be required.

PART IV - CODE OF CONDUCT, DISPUTE AND DISCIPLINARY PROCEDURE

19 Code of Ethics and Conduct³³

The Commission shall, with the consent of Cabinet, issue a Code of Ethics and Conduct for the Public Service, which shall be published in the Gazette, and which all employees in the Public Service shall comply with.

19A Serious Breach of Code³⁴

- (1) An employee may report a serious breach of the Code of Ethics and Conduct to the Chief Executive Officer, if in relation to another employee, or to the Commission, if the report relates to the Chief Executive Officer or an issue that would be inappropriate to report to the relevant Chief Executive Officer.
- (2) Upon receipt of a report under subsection (1) the Chief Executive Officer or the Commission shall, unless the report is considered to be scandalous, frivolous or vexatious:
 - (a) investigate it; or

- (b) appoint another person to investigate it.
- (3) The Chief Executive Officer or the Commission shall ensure that the findings of an investigation are dealt with as soon as practicable.
- (4) A Chief Executive Officer or employee shall not victimise, or discriminate against an employee due to the employee reporting a serious breach, or an alleged serious breach of discipline to a Chief Executive Officer or the Commission.
- (5) Any person who contravenes subsection (4) commits an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment not exceeding one year or both.
- (6) The Chief Executive Officer or the Commission shall provide information about the protection available under this section to persons making reports.

20 Candidacy for Legislative Assembly, town officer or district officer³⁵

A Chief Executive Officer or employee in the Public Service shall resign upon registering as a candidate for election to the Legislative Assembly, the office of town officer or district officer.

21 Dispute resolution and disciplinary matters

- (1) The procedure to determine disputes and disciplinary matters under this Act shall be prescribed by Regulations.
- (2) A person who is dissatisfied with a determination may appeal to the Public Service Tribunal.

PART VA – PUBLIC SERVICE TRIBUNAL³⁶

21A Establishment of Tribunal³⁷

- (1) There shall be a Public Service Tribunal established under this Act.
- (2) The Tribunal shall hear appeals regarding any decision made by the Commission regarding an employee under this Act or any regulations made under this Act.

21B Appointment of Tribunal members³⁸

- (1) The Tribunal shall consist of a Chairman and two other members, of which two shall constitute a quorum.

- (2) The Prime Minister shall with the consent of Cabinet, appoint the Chairman of the Tribunal, who shall be a private law practitioner who is a senior counsel with a valid law practitioner's licence.
- (3) The Chairman shall hold office, for a term of three years or until he resigns as Chairman by notice in writing to the Prime Minister.
- (4) The Prime Minister shall, with the consent of Cabinet, appoint the other members of the Tribunal.
- (5) Subject to subsection (6), a person may be appointed as a member if he —
 - (a) has at least 5 years experience as a senior administrator; or
 - (b) has special knowledge, experience, or skills relevant to the functions of the Tribunal.
- (6) The following persons shall not be appointed as a member —
 - (a) an un-discharged bankrupt;
 - (b) a person who had been convicted of an indictable offence;
 - (c) a person who is insolvent; or
 - (d) is an existing public servant or Minister.
- (7) A member of the Tribunal shall be appointed for a term of three years and shall be eligible for re-appointment.
- (8) The Prime Minister may, with the consent of Cabinet, by notice in writing, remove any member who —
 - (a) is unable to perform the duties of a member of the Tribunal; or
 - (b) gives written notice of his resignation.
- (9) A member who has a personal or any other interest in a matter before the Tribunal shall disclose the fact to the Chairman.
- (10) The remuneration of the members of the Tribunal shall be determined by the Remuneration Authority

21C Appeals³⁹

- (1) Any person who is dissatisfied with a decision of the Commission may appeal to the Tribunal.
- (2) An appeal under subsection (1) —
 - (a) shall be in writing; and
 - (b) shall be lodged with the Secretariat of the Tribunal within 14 days after the person making the application has been served with written notice of the Commission's decision.
- (3) The Tribunal may, upon application in writing before the due date, extend the time for making an appeal.

21D Procedures of the Tribunal⁴⁰

The Tribunal may set its own procedures for the conduct of hearings.

21E Secretariat to the Tribunal⁴¹

- (1) The Prime Minister shall appoint a Secretariat to the Tribunal.
- (2) The Secretariat shall —
 - (a) receive notices of appeal from decisions of the Commission;
 - (b) liaise with the Chief Executive Officer of the Office of the Commission and the appellant and other relevant party;
 - (c) organise and attend hearings of the Tribunal;
 - (d) attend to day to day enquiries; and
 - (e) such other functions as directed by the Tribunal.
- (3) The Prime Minister's Office shall provide the Secretariat.

21F Decisions of the Tribunal

- (1) The Tribunal may make an order to affirm, vary, or set aside the Commission's decision.
- (2) The Tribunal shall —
 - (a) make a written decision on an appeal as soon as practicable after the hearing has been completed; and
 - (b) cause a copy of its decision to be served on each party to the proceeding within 7 days of the decision.
- (3) A decision referred to in subsection (2) shall include the Tribunal's reasons for the decision and its findings on material questions of fact and reference to the evidence or other material on which those findings were based.
- (4) Subject to subsection (6), all decisions of the Tribunal shall be public records.
- (5) An authenticated copy of the decision shall be received in court proceedings in accordance with section 49 of the Evidence Act (Cap. 15).
- (6) In releasing information or allowing access to information under subsection (4), the Tribunal shall ensure that —
 - (a) the identity and affairs of the applicant and any other person concerned shall be concealed; and
 - (b) confidential information are not disclosed.

PART V - MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC SERVICE

22 Regulations

The Prime Minister may with the consent of Cabinet, make Regulations for the proper and efficient administration of this Act.

23 Policy Manual⁴²

Subject to the provisions of this Act the Commission may with the approval of Cabinet, publish in the Gazette a Public Service policy manual.

23A Employment instructions⁴³

- (1) The Commission may, by notice in the Gazette, issue Employment Instructions, not inconsistent with this Act, relating to —
 - (a) the functions and powers of the Commission under this Act; or
 - (b) the good management of the Public Service.
- (2) Without limiting the generality of subsection (1), Employment Instructions may provide the implementation instructions of policies.

23B Leadership Code⁴⁴

The Commission shall publish in the Gazette a Leadership Code to be enforced in the Public Service.

24 Obligation to report

A Head of Department or employee who has knowledge of any circumstance which may cause him to consider that a contravention of this Act or any other enactment has occurred shall report those circumstances to the Commission.

25 Transition

An employee in the Public Service holding office before the commencement of this Act shall, after the commencement of this Act continue to hold office in accordance with the provisions of this Act.

26 Transition for Chief Executive Officer⁴⁵

Every Chief Executive Officer who was appointed before the coming into force of the Public Service (Amendment) Act 2010⁴⁶ shall continue in such employment for the remainder of the term of his appointment and may be reappointed in accordance with this Act.

26A Transition for Commissioners⁴⁷

Any Commissioner who was appointed before the coming into force of the Public Service (Amendment) Act 2010⁴⁸ shall continue in office for the remainder of the term of his appointment, and may be re-appointed in accordance with this Act.

27 Act to prevail

Subject to the Constitution, the provisions of this Act shall prevail when any of its provisions conflict with the provision of any other law

SCHEDULE I⁴⁹*(Section 2)***PART 1: GOVERNMENT MINISTRIES IN THE PUBLIC SERVICE**

1. Prime Minister's Office;
2. Ministry of Foreign Affairs
3. Ministry of Infrastructure and Tourism;⁵⁰
4. Ministry of Lands and Natural Resources;⁵¹
5. Ministry of Education and Training
6. Ministry of Health;
7. Ministry of Finance and National Planning;
8. Ministry of Trade and Economic Development;⁵²
9. Ministry of Internal Affairs;
10. Ministry of Public Enterprises;
11. Ministry of Justice;
12. Ministry of Revenue and Customs;⁵³
13. Bureau of Statistics;⁵⁴
14. Ministry of Agriculture, Food, Forests and Fisheries; and⁵⁵
15. Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Communications and Climate Change.⁵⁶

PART 2: GOVERNMENT AGENCIES⁵⁷

- 1 Office of the Lord Chamberlain;
- 2 Palace Office;
- 3 Audit Office;
- 4 Public Service Commission;
- 5 Attorney General's Office.

SCHEDULE II ⁵⁸*(Section 2)*

1. Cabinet Ministers appointed under the Constitution;
2. Lord Chancellor appointed under the Constitution;
3. Lord Chief Justice appointed under the Constitution;
4. Governors appointed under the Constitution;
5. Judges of the Court of Appeal and the Supreme Court appointed under the Constitution;
6. Judges and Land Assessors of the Land Court appointed under the Land Act;
7. Magistrates appointed under the Magistrate's Court;
8. Attorney General appointed under the Constitution;
9. Auditor General appointed under the Public Audit Act;
10. Ombudsman appointed under the Ombudsman Act;⁵⁹
11. Lord Chamberlain;
12. Lord Privy Seal;
13. Commissioners appointed under the Public Service Act;
14. Commissioners appointed under the Royal Commissions Act;
15. Members of the Tonga Police appointed under the Tonga Police Act;
16. Members of the Prisons Department appointed under the Prisons Act;
17. Members of the Tonga Fire Services appointed under the Tonga Fire Services Act;
18. Members of the His Majesty's Armed Forces appointed under His Majesty's Armed Forces Act;⁶⁰ and
19. Employees of the Legislative Assembly appointed under the Legislative Assembly Act.
20. Anti-Corruption Commissioner appointed under the Anti-Corruption Commissioner Act;⁶¹
21. Employees of the Office of the Anti-Corruption Commissioner;⁶²
22. Employees of the Office of the Ombudsman;⁶³
23. The Private Secretary to His Majesty the King. ⁶⁴
24. Secretary of Foreign Affairs⁶⁵

ENDNOTES

¹ Act 34 of 2002

Amending Acts

Amending Acts	Commencement
Act 34 of 2010	27 September 2010
Act 42 of 2010	24 November 2010
Act 4 of 2012	30 July 2012
Act 22 of 2013	11 November 2013
Act 25 of 2013	3 March 2014
Act 15 of 2014	27 October 2014
Act 4 of 2015	25 June 2015
Act 9 of 2016	30 June 2016
Act 13 of 2016	2 December 2016
Act 13 of 2018	4 March 2019
Act 20 of 2018	4 March 2019
Act 8A of 2019	22 March 2019
Act 4 of 2020	3 August 2020

² By GS 11/2003 the following provisions commenced as follows –

Sections	Commencement
1, 2, 3, 4, 5, 7, 9, 10, 11, 22, 23, 25, 27 and Schedules I and II	1 May 2003
6, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24 and 26	1 July 2003

³ Substituted by Act 4 of 2012

⁴ Inserted by Act 34 of 2010

⁵ Amended by Act 34 of 2010

⁶ Inserted by Act 34 of 2010

⁷ Inserted by Act 34 of 2010

⁸ Inserted by Act 34 of 2010

⁹ Inserted by Act 34 of 2010

¹⁰ Inserted by Act 34 of 2010

¹¹ Inserted by Act 34 of 2010

¹² Inserted by Act 34 of 2010

¹³ Substituted by Act 34 of 2010

¹⁴ Amended by Act 34 of 2010

¹⁵ Amended by Act 34 of 2010

¹⁶ Amended by Act 13 of 2018

¹⁷ Amended by Act 34 of 2010

¹⁸ Amended by Act 34 of 2010

¹⁹ Substituted by section 143 of the Education Act 2013, Act 25 of 2013

²⁰ Substituted by Act 34 of 2010

²¹ Inserted by Act 34 of 2010

²² Inserted by Act 34 of 2010

²³ Inserted by Act 34 of 2010

²⁴ Inserted by Act 34 of 2010

²⁵ Inserted by Act 34 of 2010

²⁶ Inserted by Act 34 of 2010

²⁷ Amended by Act 13 of 2018

²⁸ Inserted by Act 13 of 2018

²⁹ Amended by Act 13 of 2018

³⁰ Amended by Act 13 of 2018

³¹ Amended by Act 34 of 2010

³² Amended by Act 34 of 2010

³³ Amended by Act 34 of 2010

³⁴ Inserted by Act 34 of 2010

³⁵ Substituted by Act 34 of 2010

³⁶ Inserted by Act 34 of 2010

³⁷ Inserted by Act 34 of 2010

³⁸ Inserted by Act 34 of 2010

³⁹ Inserted by Act 34 of 2010

⁴⁰ Inserted by Act 34 of 2010

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- ⁴¹ Inserted by Act 34 of 2010
- ⁴² Amended by Act 34 of 2010
- ⁴³ Inserted by Act 34 of 2010
- ⁴⁴ Inserted by Act 34 of 2010
- ⁴⁵ Substituted by Act 34 of 2010
- ⁴⁶ Commencement; 27 September 2010
- ⁴⁷ Inserted by Act 34 of 2010
- ⁴⁸ Commencement: 27 September 2010
- ⁴⁹ Substituted by Act 4 of 2012
- ⁵⁰ Amended by Act 4 of 2015
- ⁵¹ Substituted by Act 15 of 2014
- ⁵² Amended by Act 4 of 2015, Act 9 of 2016 and Act 20 of 2018.
- ⁵³ Substituted by Act 15 of 2014
- ⁵⁴ Substituted by Act 15 of 2014
- ⁵⁵ Inserted by Act 15 of 2014
- ⁵⁶ Inserted by Act 15 of 2014 and Substituted by Act 4 of 2015
- ⁵⁷ Amended by Act 13 of 2016
- ⁵⁸ Substituted by Act 4 of 2012
- ⁵⁹ Amended by Act 13 of 2016
- ⁶⁰ Cap.24.06; Amended by Act 22 of 2013
- ⁶¹ Inserted by Act 13 of 2016
- ⁶² Inserted by Act 13 of 2016
- ⁶³ Inserted by Act 13 of 2016
- ⁶⁴ Inserted by Act 8A of 2019.
- ⁶⁵ Inserted by Act 4 of 2020