

When Tonga's Minister for Tourism, Hon. Fineasi Funaki told the Tongan Parliament on that the House had corruption in it, the Speaker of the House, Hon. Tu'ilakepa, responded by admitting that the integrity of the Tongan parliament had been tarnished by the members themselves.

The October 28, 2008 claim by a cabinet minister of corruption and the admission by the Speaker that the integrity of the House had been tarnished, in any parliament in the world would have warranted an investigation and, perhaps, even a call for the resignation of some members of parliament for contempt of parliamentary proceedings. But in Tonga that was not to be. The issues that sparked this exchange were swept under the mat of the House.

Hon. Funaki's outburst in parliament had followed the tabling of a motion by six people's representatives, 'Akilisi Pohiva, 'Isileli Pulu, Clive Edwards, 'Etuete Lavulavu, 'Uliti Uata and Teisina Fuko, calling for his impeachment.

The impeachment allegation was related to the alleged misappropriation of a foreign aid cheque of Tongan pa'anga \$3,000 donated by the Chinese Embassy to help the Ministry of Tourism with the hosting of the Pacific Tourism Ministers meeting that was held in Nuku'alofa in October 2007. But the cheque was apparently deposited into the minister's personal bank account.

The case was reported to the Prime Minister by the chief executive officer for the Ministry of Tourism, Edgar Cocker, whose whistle blowing letter was leaked to the press. The government reacted promptly by authorizing the auditor general to investigate the matter.

The auditor general reported back to the Prime Minister and recommended that the Minister of Tourism Hon. Fineasi Funaki should resign.

The Prime Minister, however, made a decision to punish the minister by making him work without pay for three months. When the PM made his announcement to this effect on Radio Tonga on the evening of March 20, 2008 he said that his decision was based on a number of factors that were highlighted in the auditor general's report, including:

1. that the minister did not secretly deposit the donation in his account. Instead he discussed it with his staff;

2. the purpose for depositing the donation in his account was for the ease of withdrawing it whenever they needed petty cash, because to give it to the Treasury, he said would take them a very long time to get petty cash money;
3. there was no intention to cheat;
4. that the practice was illegal.

The people's representatives however wanted to impeach the minister, a move that was like opening up a can of worms.

Petition vanished

The Minister of Tourism told the House that he appreciated the quest by the PRs to enforce the rule of law but at the same time he believed that there was corruption and wrongdoing in the Tongan parliament by one of the PRs themselves. He said that when 200 people signed a petition against the PR 'Akilisi Pohiva claiming that he had signed dud cheques the petition had been struck out. This was because the House Petition Review Committee had withheld the petition against the PR 'Akilisi Pohiva and then moved for an Amendment to the Rules for Proceeding of the Legislative Assembly. He claimed that the whole process was "cleverly engineered".

What he was referring to was that the Petition Review Committee chaired by Hon. Afu'alo Matoto, with members were Hon. 'Alisi Taumoepeau, Noble Fielakepa, Noble Luani, Sione Teisina Fuko, Sione Feingatau 'Iloa and Samiu Vaipulu, had made a recommendation to the Law Committee to amend the rules for proceeding.

Then on September 9, 2008, the chair of the Law Committee, Hon. 'Alisi Taumoepeau presented to the House a proposed Amendment to the Rules for Proceeding of the Legislative Assembly, relating to how petitions to the House were to be dealt with.

But the Prime Minister had requested more time to study the proposed amendment, and since then there had been no report of the proposed amendment ever resurfacing in the House.

As a journalist, I contacted the Deputy Clerk of the House on November 3, 2008, a few days before parliament closed its 2009 session and queried him about the petition against 'Akilisi Pohiva. The clerk confirmed that it had not been tabled into the House.

‘Akilisi Pohiva, the No. 1 Tongatapu People’s Representative is the leader of the six people representatives who tried to impeach the Minister for Tourism, but Pohiva is not far from scandal either.

Political Reform

If the integrity of the Tongan Parliament was in any doubt during the last few days of the 2008 parliamentary session, then on the night of the final sitting on November 3 it was completely destroyed when some members discovered that a sub-clause that had not been passed by the House had appeared in a Gazetted Amendment of an Act.

Before the House closed its 2009 session, it came under pressure to pass a Constitutional and Electoral Reform Act. A Commission for Political Reform was waiting to be established to make preparation for the political reform for Tonga that is supposed to be in place by 2010.

An Act to Amend the Constitutional and Electoral Commission Act 2008 (No. 17 of 2008), was found to have a sub clause “(6) (c)” that was not in the Bill that was passed by the House in the previous week.

The new sub clause would have forced the king to appoint the commissioners for political reform before a deadline of November 8.

After this discovery, the House on November 3 agreed to delete the sub clause, with only one member voting against the repeal — the PR ‘Akilisi Pohiva.

Very few, with the exception of the Speaker Hon. Tu’ilakepa, believed that the sub clause was in the amendment that was passed in the House. The person who presented the bill, People’s Representative Clive Edwards, as well as the acting chairman of the Law Committee Hon. Siosi ‘Aho, the Deputy Prime Minister Hon. Dr Villiami Tangi and the Prime Minister Hon. Dr Feleti Sevele, were all confident that it was not in the bill that the House had passed.

So who cheated? Who inserted sub clause “(6) (c)” into the bill without the approval of the House, before it went for the consent of the Princess Regent Princess Pilolevu and then to the Crown Law Department to be Gazetted?

The sub clause sets a deadline for Privy Council to appoint the commissioners for political reform. It reads: “(6) (c) The appointment of Commissioners under sub-clause (1) shall

be made within 7 days of the receipt of recommendations under paragraph (b).”

The Speaker told the House that the insertion of sub clause “c” was made by a PR and a Cabinet Minister in the Law Committee. He said that when the Bill had its first reading in the Whole House Committee on Monday October 27 it already had sub clause “c” in it.

But other members of the House held opposite views.

People’s Representative Clive Edwards said that even though he was not in the House when his Private Bill was passed, he held a different view from the Speaker. He thought the clause was not in there when it was read in the House.

He moved for the House to repeal the sub clause “(6) (c)”.

The Speaker called for votes and the repeal was carried 16-1. ‘Akilisi Pohiva was the lone vote against. On the second and third readings in the Legislature it was carried 15-1, with ‘Akilisi Pohiva again the lone dissent.

Although the Amendment was repealed to correct the error, there was no suggestion that the House should find out who amended the Bill. There was not even a mention of the possibility that there might have been contempt of parliamentary proceedings.

