



# TONGA PARLIAMENTARY REPORTERS' HANDBOOK



**PACMAS**  
Pacific Media Assistance Scheme



*Cover image: His Majesty King Tupou VI after the State Opening of Parliament.  
Image credit: Melemanu Fiu Bloomfield / Legislative Assembly of Tonga.*



*His Majesty King Tupou VI during the State Opening of Parliament.*

*Image credit: Melemanu Fiu Bloomfield / Legislative Assembly of Tonga.*

## **Preliminary remarks**

The media is a vital and important component of people’s daily lives. Some people make decisions based on what they read, watch or hear from whichever media source they choose to obtain information. The type of information people receive, whether right or wrong, depends on what the media sends out.

In parliamentary reporting, context and analysis are essential. Reporters should have a working knowledge of parliamentary proceedings (Standing Orders, rules of procedure, etc.) so parliamentary debates and deliberations are reported accurately and fairly. A parliamentary reporter or correspondent is also expected to be able to put developments into perspective.

As the “Fourth Estate”, the media acts as the eyes and ears of the public in Parliament. The expectation is that they will provide the public with fair and unbiased coverage. The “Fourth Estate” is a term that was coined in the 18th century. It refers to the power of the press to influence political and social debate, outside the other three “estates”. In modern politics these are the Executive (the government), the Legislature (parliament) and the Judiciary (the courts).

This handbook will guide you through the challenges of parliamentary reporting, explain what is expected of you ethically and legally, and set out the environment in which you will work.

It will give you an overview of the Tongan political system, its procedures and rules, how it operates and who the key players are.

It will also provide practical tips on how to gather and craft your stories in a simple, fair and balanced manner.

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Aerial photo of the old Tongan Parliament.  
Image credit: Mr. Si'oto Fine.

## Introduction: the role of the media

Media and politics are inseparable, and the role of the media is vital; political leaders and the public both rely heavily on the media.

People who work in media have significant responsibilities, due to the importance of the media and the freedom afforded to its practitioners by the Tongan Constitution (the Constitution). Journalists should make sure that people's democratic rights to fair, accurate and unbiased information are observed.

Journalists should have a thorough understanding of the roles and functions of the Legislative Assembly, its rules of procedure, and the privileges and roles of members. Parliamentary reporters should also be aware of relevant legislation, to ensure they do not breach any laws or regulations. Any journalist who covers parliamentary proceedings must have a working knowledge and understanding of the Constitution and legislation that relates to the media.



*Late King George V reading the message from the throne during the state opening of Parliament.  
Image credit: Melemanu Fiu Bloomfield / Legislative Assembly of Tonga.*

## I. Constitutional and legal framework

The media in Tonga is specifically mentioned in the Constitution. There are also Acts of parliament that define regulations that govern the operations of the media, but there is no single piece of legislation that deals with the media. A media code of ethics exists in Tonga, but the code is not legislated. Censorship, the concept of parliamentary privilege, and defamation are matters journalists will confront from time to time. Importantly, many of these issues are covered by common law.

### I.a The Constitution: freedom of speech

The protection of freedom of speech is specified in the Constitution. It is one of the strongest statements of the principle among Pacific Islands constitutions. Clause 7(1) states “...There shall be freedom of speech and of the press for ever but nothing in this clause shall be held to out-weigh the law of defamation, official secrets or the laws for the protection of the King and the Royal Family”. This constitutional provision ensures that freedom of speech in Tonga is guaranteed indefinitely.

### I.b Legislation related to the media

The Constitution guarantees the freedom of speech through clause 7; however, there is no single overarching piece of legislation that regulates the media, as in other Pacific jurisdictions. Fiji’s *Media Industry Development Act 2010* or Samoa’s *Media Council Act 2015* are examples of such pieces of legislation. Nevertheless, there are several pieces of legislation that regulate the operation of the media in Tonga.

The *Communications Act 2015* replaced the Broadcasting Act, which oversees the broadcast media in Tonga. Its provisions specifically relate to radio, television and online broadcast. Section 98 deals with censorship, section 99 deals with defamation, section 104 deals with political and controversial content, and section 105 provides for offences.

It is also important to note that that section 104 gives the minister responsible for communications the power to determine the extent and manner in which a licensee may provide political or controversial content. Although this section may seem to infringe on freedom of the press, reporters should always make sure to provide accurate and balanced reporting to avoid breaking the law.

Sections 9 and 10 of The Defamation Act clearly provide for the types of statements that are absolutely privileged and those that are partly privileged for parliamentarians.

(See Appendix 2 for clauses 98, 99, 104 and 105 of the *Communications Act 2015*.)

### I.c Media code of ethics

There is no provision in any Act for a media code of ethics in Tonga. However, the Tonga Media Council (TMC) has their own media code of ethics. Unfortunately, not all the media organisations in Tonga adhere to the code of ethics.

A recently established media body, the Media Association of Tonga, has their own media code of ethics: the Code of Ethical Practice and Behavior for Media and News Reporting (see Appendix 3).

Both codes of ethics can be used as guidelines to assist media that exercise self-censorship. This is important because journalists need to provide reports that are accurate, fair and balanced. Self-censorship is when journalists exercise control over what they say or print in order to avoid criticism or even being charged with defamation

Journalists sometimes get carried away when reporting and this is when a code of ethics is important. A code makes sure everyone follows the same rules; following the rules protects journalists from certain legal issues.

Tonga's neighbour Fiji has the *Media Industry Development Act 2010*, which deals with their Media Code of Ethics and Practice, and Samoa has the *Media Council Act 2015*, which has the primary purpose of promoting professional journalism.

The code of ethics outlines clear and easy steps to follow when covering parliamentary matters.

## **I.d The “little Constitution”: the rules of procedure and Standing Orders of the Legislative Assembly**

The rules of procedure of the Legislative Assembly are the written rules that regulate the proceedings of Parliament. They are enacted in accordance with clause 62 of the Constitution (see Appendix 4). The rules of procedure regulate how debates are carried out in the Assembly and how members discuss issues; for example, how a vote of no confidence is carried out, or how the impeachment process works.

The Standing Orders stipulate the entitlements afforded to members. These include basic salary, allowances, constituency entitlements, insurance and so on.

Any member that breaches the rules may be held in contempt by the Speaker or the Legislative Assembly.

Media organisations should train their parliamentary reporters and pay extra attention to the rules of procedure. There are not many restrictions on parliamentary reporting but some exist – for example, not everything said within Parliament can be reported on and published; it is therefore essential that reporters understand the rules.

Reporters should also note that different rules apply to different settings of the Legislative Assembly's work. They should, for instance, make the distinction between the *Assembly* as such – that is, the formal gathering of all members of parliament (MPs) in plenary sitting – and the *Committee of the Whole House* – where all MPs gather in the House, but as a committee working on technical parliamentary aspects. The two settings can easily be confused, as all members are meeting in the same place.

However, the rules for the Assembly are stricter than for the Committee of the Whole House. Some actions are prohibited in the Assembly, but allowed by the Committee of the Whole House. For example, the Assembly allows a member to speak only once, whereas in the Committee of the Whole House a member can speak more than once and can take off their coats with the permission of the Chair of the Committee of the Whole House.

There are times when the Speaker may make a ruling that part of the debate is *off the record*. Reporters should be careful to adhere to these orders when they occur.

The Legislative Assembly can also suspend its rules. Rule 3 allows the Legislative Assembly to suspend the rules of procedure in situations that can be justified as necessary for Parliament to fulfil constitutional mandate.

Rule 3 “Any of these Rules may be suspended in whole or in part by the Legislative Assembly”.

If the rules are suspended, the situation at hand will not represent a breach of Parliament’s legal framework. For example, according to rule 39, once a matter has been voted and passed, the Assembly is not allowed to debate it again. However, under specific circumstances the Legislative Assembly may need to raise the matter again – in which case rule 39 can be temporarily suspended.

(Relevant sections of the Constitution are included at Appendix 4.)

## **I.e Defamation and the principle of parliamentary privilege**

The principle of parliamentary privilege is sometimes misunderstood, which can lead to confusion and challenges from discontented parties. Parliamentary privilege is one of the fundamental and vital components that parliaments need in order to function and freely carry out their parliamentary duties.

Parliamentary privilege in Tonga comprises all the privileges, powers and immunities of the Legislative Assembly and its members, as stipulated in law or recognised by the Tongan courts in common law.

The term “parliamentary privilege” refers to two significant aspects of the law relating to Parliament:

- the privileges or immunities of the Houses of Parliament
- the powers of the House to protect the integrity of its processes.

These immunities and powers are very extensive. They are deeply embedded in the history of free legislatures, especially assemblies which follow the Westminster model of parliament; they could not have survived without them.

These principal powers and privileges are:

- freedom of speech in Parliament
- exclusive cognisance (jurisdiction) over internal affairs
- power to discipline members
- power to punish for contempt.

Parliamentary privilege gives members of parliament protection from being prosecuted or sued for what they say in Parliament. *The Defamation Act* does not apply to what is said inside Parliament; however, its provisions apply to statements made outside of Parliament. This is a very tricky situation for the media because they are not covered by this immunity. If they repeat a member’s defamatory remarks outside of Parliament in their report, journalists can be sued for or charged with defamation.

Reporters must make sure the quotes they use are not defamatory, otherwise they may be prosecuted for slander and libel. Some journalists may argue that what they report is in the public interest, but sometimes journalists are prosecuted, so “when in doubt, leave it out”.

Examples of parliamentary privileges include:

- immunity under clause 73 of the Constitution where the proceedings of the Legislative Assembly cannot be examined in court
- power under clause 70 of the Constitution that grants to the Assembly the power to punish people for obstructing the work of the Assembly
- power under clause 62 of the Constitution for the Legislative Assembly to set its own rules of procedure.

Reporters should also note that apart from the privileges afforded to members of parliament, nobles have their own. When it comes to matters relating to the King or the Royal Family, or titles or inheritances of nobles, only nobles can discuss and vote on such issues.

(See Appendix 5 for relevant clauses of the Constitution.)



*His Majesty King Tupou VI during the first ever virtual opening of Parliament 2020.*

*Image credit: Melemanu Fiu Bloomfield / Legislative Assembly of Tonga.*

## II. Tonga's parliamentary system

Tonga is the last remaining kingdom in the South Pacific. Ruled by the Tui Kanokupolu dynasty since the 17th century, Tonga has one of the oldest written constitutions in the world. King Tupou I was responsible for the Constitution of 1875. Prior to the Constitution of 1875, Tonga had its own form of what is now known as a parliament. This consisted of the King and his chiefs and it was called “fakataha”, which in English means “meeting”. It was not until 1875 that commoners were elected to Parliament. The Kings had all the executive powers before 1875.

In 2010 King George Tupou V surrendered the King's royal privilege to appoint the prime minister and cabinet ministers, and transferred that authority to the Legislative Assembly. Tonga became a constitutional monarchy and a parliamentary democracy with a unicameral legislative assembly, consisting of 26 elected members: nine nobles' representatives and 17 people's representatives.

### II.a The political–institutional cycle: elections

Elections are possibly the main events in Tonga's political cycle, and, as such, reporters must fully understand the process.

#### Parliamentary elections

Since the 2010 political reform, a general election has been conducted every four years. The procedures and process for the election of members of parliament is governed by electoral laws and regulations.

According to clause 64 of the Constitution:

“Every Tongan subject of twenty-one years of age or more who is not a noble, is not insane or imbecile and is not disabled by the twenty-third clause shall, if registered as an elector, be entitled to vote in an election for representatives of the people to the Legislative Assembly and on the day appointed for election shall be exempt from summons for debt. A person resident outside of Tonga who is qualified to be an elector may vote at an election only if he is registered as an elector and present in Tonga for the election.”

Clause 65 of the Constitution clearly states that a candidate must have resided in Tonga for a period of three months within the six months before the election. They must also pay any outstanding court fines and must register in an electoral constituency.

#### Election of the Prime Minister and Speaker by MPs

The first official meeting of the members of the Legislative Assembly after a general election is to elect from among themselves: the Prime Minister (clause 50A and Schedule of the Constitution); the Speaker and the Deputy Speaker (clause 61 of the Constitution and rules 4 and 5 of the rules of procedure). The meeting is presided over by an Interim Speaker appointed by His Majesty (subsection 8 of the Schedule of the Constitution). Prior to 2010, the King had the power to appoint the Speaker for an indefinite term.

In the first meeting, members are not required to take their oath. During the meeting, the seat traditionally allocated for the Prime Minister in the Legislative Assembly is left empty.

The election of the Prime Minister is conducted by a secret ballot in accordance with the Schedule of the Constitution and rule 4 (1) of the rules of procedure.

Once the election has been conducted, the Legislative Assembly then recommends to the King the Prime Minister designated for appointment. The Legislative Assembly elected the Prime Minister of Tonga for the first time in 2010.

The election of the Speaker and Deputy Speaker is also conducted by secret ballot (if there is more than one nomination) in accordance with rule 4(2) of the rules of procedure. The Speaker and Deputy Speaker are elected from the noble representatives only.

## II.b Who is who in Parliament?

Parliamentary reporters should familiarise themselves with key office holders in Parliament.



L-R Gloria Pole'o ( Chief Clerk), Lord Fakafanua (Speaker), and Sione Fatanitavake Vikilani (Deputy Clerk).

Image credit: Melemanu Fiu Bloomfield / Legislative Assembly of Tonga.

### Speaker

The Speaker is the presiding officer and the highest authority of the Legislative Assembly. They preside over the Assembly's debates, determine which member may speak, and are responsible for maintaining order during parliamentary proceedings. The Speaker can only be elected from among the nobles' representatives.

The Speaker shall remain in office until:

- a) the King appoints an Interim Speaker following the next general election in accordance with subsection 8 of the Schedule to this Constitution;
- b) the Speaker's appointment is revoked under subclause (3) of the Constitution; or

- c) the Prime Minister, with the approval of at least half of the members of the Legislative Assembly, recommends to the King to revoke the Speaker's appointment.

The King shall appoint a Speaker within seven days of the Speaker's position becoming vacant.

### **Deputy Speaker**

The Deputy Speaker performs the same duties as the Speaker when the Speaker is absent from Parliament.

Like the Speaker, the Deputy Speaker is also elected from the nobles' representatives.

### **Clerk**

The Clerk of the Legislative Assembly is the Chief Executive Officer of the Office of the Legislative Assembly – and as such, the head of the parliamentary Secretariat. The Clerk is appointed by the Speaker with the approval of the Legislative Assembly. The statutory duties of the Clerk under section 20 of the *Legislative Assembly Act* include:

- providing procedural, legal and administrative services to the Speaker and members of the Legislative Assembly
- employing (in conjunction with the Speaker and with the approval of the Assembly), supervising and setting general guidelines for all staff employed at the offices of the Assembly
- providing a Secretariat to the Assembly and its committees
- advising the Speaker and members on parliamentary law and procedure.

The Clerk of the Legislative Assembly is the officer in charge of the secretariat and is the best person to contact for issues that need clarification from the Legislative Assembly.

Other contacts for the media include the Deputy Clerk and the editor of Hansard, who is also responsible for updating the Legislative Assembly's website and sending out press releases.

### **Chairman of the Committee of the Whole House**

The Chairman is elected by members of parliament following the general election and the opening of parliament. The Committee of the Whole House is a particular mode of meeting in the sense that all members (the "whole house") are meeting in plenary, in order to work on technical parliamentary matters usually dealt with in committee – such as reviewing bills.

The Chairman serves for four years. If the Chairman is absent, the Speaker can nominate any member as Chairman.

The Chairman also has additional powers in relation to members who breach the rules of procedure or otherwise behave badly in the Committee of the Whole House. These powers are set out in rule 49(2) of the rules of procedure:

- b) the Committee of the Whole House, the Chairman may –
  - i) order that member to vacate the Legislative Assembly for a period not exceeding one day; or
  - ii) refer the matter to the Legislative Assembly to be dealt with according to subrule (3).

## II.c The core Constitutional functions of Parliament

As the parliament of Tonga, the Legislative Assembly is invested with core constitutional duties: overseeing the Executive, making the law, representing the citizens and approving the annual budget.

### Parliamentary oversight

One of the main roles of the Legislative Assembly is to hold the government accountable. In turn, Parliament must keep MPs accountable as well.

### Question time

Question time is the formal process by which MPs question ministers in the Assembly on governmental policies or current matters. It is conducted every Thursday of the parliamentary week from 2pm (rule 104)<sup>1</sup>.

Question time presents the best opportunity for members to raise issues directly to ministers in the presence of the Assembly and the public.

However, members have other opportunities throughout the day to ask questions. Depending on what is on the day's agenda, MPs may also raise issues concerning their constituents' interests, their constituency at large, or other matters they consider important. These matters are usually heard in the morning. This is a very good opportunity for journalists to obtain news stories.

### Written questions

The written questions that members send to ministers are not read in parliament. Ministers' written replies must be provided to members within 14 days through the Office of the Legislative Assembly (rule 105).

### Vote of no confidence

In the 2010 political reform, the vote of no confidence was introduced so the Legislative Assembly could hold the Executive to account. The vote of no confidence is the process by which the Assembly removes the Prime Minister and his Cabinet from office. It has significant institutional and political consequences.

If a vote of no confidence is passed, the Prime Minister and Cabinet ministers will be removed from government; they will, however, retain their seats as members of parliament. Non-elected members will no longer be members of parliament.

The motion of no confidence cannot be held within 18 months after a general election, six months before the next general election or within 12 months after the date of the last vote of confidence (clause 50B(2)(b) of the Constitution).

The Assembly held its first vote of no confidence in 2012, 18 months after the general election.

(Rules 84A to 84G in the Rules of Procedure is where you find the vote of no confidence).

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<sup>1</sup> The specific time in this rule needs to be corrected to align with the Assembly's new sitting time.

## Impeachment of MPs

Members of parliament are responsible for holding the government to account; however, this means that MPs must also act in an ethical manner and adhere to a strict code of conduct. In extreme cases of misconduct, parliamentarians can be impeached.

Impeaching a member is a serious matter and should not be taken lightly. It is a tool used to ensure that members conduct Parliament's business with integrity. It is also used to protect the status of Parliament as an honest, accountable and transparent institution. Any member of parliament – whether of his or her own volition or by a written complaint from any Tongan subject – can move the Assembly, in accordance with clause 75 of the Constitution, to impeach another member of the Legislative Assembly.

This is the only time the Lord Chief Justice will preside. They will chair the trial of the impeached person and conduct the proceedings according to clause 11 of the Constitution.

(See Appendix 7: clause 75 of the Constitution and rules 87 to 96 of the rules of procedures and Standing Orders.)



*Soft closing of Parliament.*

*Image credit: Melemanu Fiu Bloomfield / Legislative Assembly of Tonga.*

## II.d The legislative process

### Bills and debates on legislation

Reporters should familiarise themselves with the legislative process, as one of the core constitutional roles of the Assembly is to make laws for the Kingdom. Clause 56 of the Constitution empowers the King and the Assembly to enact laws. To make a law, the draft law (a Bill) must be approved by the Legislative Assembly then submitted for His Majesty's Royal Assent.

Members are entitled to prepare and submit Bills to the Assembly (rule 125).

There are two types of Bills:

1. Government or Public Bills.

These Bills are submitted by a government (Cabinet) minister who will be responsible for the Bill.

2. Private Bills.

These Bills are submitted by members of parliament who are not Cabinet ministers. Notwithstanding this requirement, the Legislative Assembly passed a motion in September 2020 to amend the Rules to allow Cabinet ministers to also submit private bills.

A Bill must be read and voted on three times in the Legislative Assembly. A Bill is considered rejected if it fails to pass any of the readings. Specific procedures for the passage of Bills through the Legislative Assembly are outlined in Part 5, Divisions 7 – 10 of the rules of procedure.

It is important for journalists to know and understand when a Bill is referred to the Committee of the Whole House and to a Standing Committee and from there to a public hearing. The general public will have a say in a Bill when it reaches the public hearing or public submission stages.

### **First reading**

The Speaker will ask the Clerk to read the short title of the Bill. The Speaker will then put the first reading to the vote of the Legislative Assembly without amendment or debate.

The Legislative Assembly shall not debate or work on a Bill after its first reading for two weeks, or more if the Assembly decides more time is needed, to allow members to scrutinise the Bill and for the public to make submissions.

### **Committee hearing and reports**

One of the reforms to parliamentary procedure in 2010 was to allow the general public, through public hearings and consultations, to discuss a bill currently being debated in parliament.

Bills must be referred by the Speaker to the relevant standing committees and these committees may carry out the public consultations.

After carrying out its inquiry, the relevant committee submits a report of its findings and recommendations to the Assembly (rule 132(1)). Committee reports have a lot of information, but journalists cannot report on it unless it is tabled in parliament. Sometimes these reports are leaked before they are tabled. The choice to publish is up to the journalist and media outlet: if they choose to run a story from a leaked committee report, they may be charged with contempt of parliament. The rule of thumb, therefore, is “when in doubt ask or leave it out”.

### **Second reading**

A Bill that has been read a second time will not be amended or debated at the end of that reading.

If a member requests to debate a provision of a Bill after its second reading, it will be referred to the Committee of the Whole House for debate, provided that the debate on that Bill in the Committee of the Whole House will not be limited to the provision it was committed for.

If no member requests to debate a Bill after its second reading, it will be read a third time.

## **Committee of the Whole House**

Bills are debated by members in the Committee of the Whole House. The Chairman will put a motion that a Bill be discussed by section in numerical order, unless the Committee of the Whole House agrees to discuss the Bill in its entirety. The Chairman may require the member introducing the Bill to explain the purpose of each provision of the Bill before it is discussed. After the debates, the Chairman will put the Bill to a vote.

## **Resubmission of a Bill to Legislative Assembly from Committee of the Whole House**

The Chairman will report the Bill, with any amendments made, to the Legislative Assembly when discussion is completed. The Speaker will put the second reading of the Bill to a vote and if the Bill is approved then the third reading will occur.

## **Third reading**

The Speaker will put the third reading of the Bill to the vote of the Legislative Assembly. If the Bill is approved, it will be deemed to be an Act passed by the Legislative Assembly.

## **Signature and certification of Acts passed**

The Speaker will sign an Act passed by the Legislative Assembly in accordance with rule 146 of the rules of procedure.

The Clerk will certify at the top of the first page of the Act the date it was passed. Within one month of the date an Act was passed by the Legislative Assembly, the Clerk will submit it to the relevant office to be presented to His Majesty for His Royal Assent.

## **Parliamentary tools**

### **Motions**

A motion is a formal proposal made by a member to the Assembly requesting a particular action be taken. For example, a member may move a motion for the Assembly to pass an Act or lower the cost of domestic airfares. To discuss and approve issues in the Assembly, members must frame issues as “motions”. Motions may either be written or unwritten.

Journalists should understand the difference between a motion and a motion for an order.

A “motion for an order” is when the motion is worded and intended for the Legislative Assembly to direct or order the government to take action on the motion (Rules of Procedure section 85 and 86). For example, a member may move a motion for an order for parliament to direct the government and the Minister of Finance to provide \$50,000 to the Tonga Rugby Union.

Members cannot submit a new motion to the Legislative Assembly after 31 August, except motions for impeachment or a vote of no confidence.



*The Speaker, Lord Fakafanua, receiving a petition from Tonga College ex-students.  
Image credit: Melemanu Fiu Bloomfield / Legislative Assembly of Tonga.*

## Petitions

### Letters of petition

Clause 8 of the Constitution allows people to send letters of petition to the King or the Legislative Assembly. Petitions are the most direct way for the public to raise specific issues with the Legislative Assembly.

#### 8. Freedom of petition

All people shall be free to send letters or petitions to the King or Legislative Assembly and to meet and consult concerning matters about which they think it right to petition the King or Legislative Assembly to pass or repeal enactments provided that they meet peaceably without arms and without disorder.

The Tongan translation of clause 8 does not restrict the petition to passing or repealing enactments but literally translates “anything or any matter” that they want to ask in their petition.

The Legislative Assembly has generally allowed all petitions to be tabled and discussed if they conform to the rules of procedure and are respectful, decorous and temperate in nature (rule 123(1)(b)).

### The approval of the annual Budget

The national Budget is one of the most important annual milestones within the Legislative Assembly. Parliament has to approve the government’s Budget before the end of the financial year on 30 June. The Minister of Finance must ensure that the Budget Estimate is submitted to the Assembly no later than 30 days before the end of the financial year (rule 183 of the rules of procedure, and section 7(3) of the *Public Finance Management Act*) – that is, before 1 July.

When delivering the Budget, the Minister of Finance is given unlimited time to speak in Parliament. This and the introduction of a Bill are the only times a member may be given unlimited time to speak.

When analysing the Budget, journalists should not only consider Budget allocations (the projected expenditures); they should also take note of the resources mobilised to fund the budget – the revenue. They will need to identify fiscal revenue (money raised through taxes). They will also need to be aware of external resources from donor partners who helped to fund the national Budget.

The parliamentary process for approving the Budget is the same with any Bill because the Budget Estimate is a Government Bill. The Minister of Finance introduces the Budget before members debate it. The Budget has to be passed by the Legislative Assembly before the end of the current financial year to allow government to operate in the next financial year.

Copies of the Budget are distributed to MPs prior to its introduction. Journalists should have a copy so they can follow the debate and find leads and other stories.

### **Budget statement and Budget Estimates**

These are two important documents that are introduced by government through an Appropriation Bill – the budget for the financial year to come. The documents contain information about government policies and priority areas, projects to be funded and so on. The Budget statement is an explanation of the government’s overall plans and budget allocations for the financial year.

The other document, the Budget Estimates, looks at the details of the Budget line by line. Once the Budget has been approved and is being implemented, journalists can use this document as a reference when following up on stories about government spending throughout the year.

At the end of the financial year, government departments must submit their annual reports to Parliament and, again, journalists can use the initial Budget Estimates to cross-check how closely budget planning matched its execution.

## **III. Parliamentary reporting**

To be an effective parliamentary reporter in Tonga, a journalist must have an appreciation of the legal and constitutional framework of the Kingdom. The journalist must also understand how Parliament works. This information has now been covered. The next step for the reporter is to use their knowledge to gather information and produce stories.

### **III.a Sources of news in Parliament**

Journalists sometimes do not fully realise the abundance of information that is available in Parliament. Journalists can find out details about government departments, Bills, petitions, motions, impeachments, budget matters, projects, people’s needs and more.

The following is a guide for when and where reporters can find news sources in Parliament.

## **Internal parliamentary reporting**

A primary source of information reporters can use are tools and instruments developed and published by the Legislative Assembly itself.

### **Broadcasting of Parliament**

In Tonga, Parliament is broadcast live on radio only and not television. Television stations can request footage from Parliament. Live streaming is still restricted to the State Opening and Closing of Parliament. Reporters are free to record and either re-broadcast or take sound bites from the recorded debates, but they should also be aware of parliamentary privileges.

### **Hansard**

Hansard is the official record of parliamentary debates. It is named after Thomas Hansard, a London publisher, who was the first official printer to the British Parliament in the early 19th century. It is a verbatim (word for word) transcript of deliberations in Parliament, which are also recorded in audio and visual forms. Hansard for the Legislative Assembly includes a summary of the day's debates. This is very useful for reporters.

The Hansard record is not sent to MPs for correction and no one is authorised to take out or add a word to the record unless the Speaker makes such ruling in the Assembly.

Hansard is published and distributed to members of parliament the next day and it is available on the Legislative Assembly's website.

### **Question Time**

Question Time is the formal process by which MPs question ministers in the Assembly on governmental policies or current matters, and is conducted every Thursday of the parliamentary week.

It represents the best opportunity for members to raise issues directly to ministers in the presence of the Assembly and the public.

### **Written questions**

The written questions that members send to ministers are not read in parliament, and minister's written replies must be provided to members within 14 days through the Office of the Legislative Assembly (rule 105).

## III.b Parliamentary reporting: the task

Journalists have a duty to report current developments in Parliament fairly and impartially, but they should also give readers, listeners and viewers some background knowledge.

It is useful to remind people of how a story got to its current stage.

Getting access to sources (such as copies of Bills) is essential for providing background information, which enhances your coverage and gives context to your reports.

Every Bill that comes before the Parliament is accompanied by Explanatory Notes, which summarise what the Bill proposes and the effects it intends to create.

Parliament's research department also produces a Bill analysis for every Bill presented to Parliament. This is a simple, easy-to-read summary of the Bill and its main content. It is available from the library and research unit of Parliament and is published on Parliament's website ([www.parliament.gov.to](http://www.parliament.gov.to)).

Tapping into background information will greatly benefit any journalist's reporting; however, skilled journalists look further. They know that the public appreciates analysis rather than just the bare bones of what the government says and what the opposition says.

For example, a reporter can build on a story by quoting relevant experts (academics or others) on the likely effect of a Bill, the possible consequences of a government decision, or the need for further investigation of an issue. This gives context to the story and makes it easier for readers to get access to, and perhaps engage with, the information that is being shared.

Journalists must not assume the public has been following the details of every story that comes out of Parliament. Reporters should get into the habit of providing a succinct paragraph or two to explain the story. This becomes particularly important for stories that are reported on over an extended period.

### News conferences

Members of parliament rely on the media to reach their constituencies.

The government calls most press conferences to announce government policies, clarify statements or rebut any claims against government.

Because there is not an official opposition in the Tongan Parliament, the non-Cabinet members may align with political groups which may call their own press conferences. Normally they will make a statement before answering questions from the media. Journalist can always follow leads from press conferences.

### “Doorstops”

Culture may prevent journalists from approaching MPs for comments or impromptu interviews. Within Parliament journalists need to get permission from the Clerk and the member they want to interview.

From time to time, the government or an individual member may contact the media to make an announcement or answer questions on a certain subject.

When trying to get a story, journalists must be very careful that their behaviour cannot be interpreted as harassing an MP.

## **Social media**

The Legislative Assembly uses Facebook and Twitter to share information. Social media is one of the fastest growing news sources – for the public and for journalists as well. However, it is not always reliable, and journalists should be extra careful. Sometimes the rush to reach a deadline tempts journalists to use information they get from social media without checking the facts first. Again, the rule of thumb: “When in doubt leave it out.”

It is very important for journalists to get social media usernames correct. Sometimes an account may look official or have a name very similar to a real source, but the account may be fake or for a different person of the same name.

It is always good practice for journalists to check and double-check any news or leads that they get from social media. Make sure that information is correct. Journalists who factcheck will avoid writing false reports or defaming people by writing false information.

## **III.c Tips for parliamentary reporters**

Parliamentary reporters should make sure they keep their own views and opinions out of what is being reported. Journalists are in no position to say which MP has the best argument; they should present their reports in a fair and balanced way so the audience can draw their own conclusions. Parliamentary reporters must strive for objectivity, accuracy, fairness, impartiality and professionalism.

Checking information and verifying sources are particularly important when reporting on Parliament. Verifying facts in the political arena can be difficult, but serious attempts must be made to verify the accuracy of claims and counterclaims.

Journalists should act ethically. They should also have a copy of the Media Association of Tonga’s Code of Ethics as a guideline.

### **Understand the rules of procedure and Standing Orders**

All parliamentary reporters should have copies of the rules of procedure and Standing Orders. They must familiarise themselves with them in order to comprehend the processes in Parliament. This knowledge helps journalists keep track of, for example, where things are up to as far the passage of legislation is concerned.

### **Know the legislation**

Journalists must know and understand Tongan legislation. The key pieces of legislation are the Constitution, the Legislative Assembly Act, the Communication Act, the Media Operator’s Act, the Defamation Act and the Electoral Act.

Clauses of interest are included in the appendices. Copies of all Tongan Legislations can be found at the Tonga Attorney Generals Office website (<https://ago.gov.to/>).

## **Get the facts right and be comprehensible**

It is crucial to proofread reports, as a minor error could be very damaging. The public will make up their minds about the issues of the day from what they read, hear and see in the media. Radio reporters should be extra careful because the audience will only listen to a story once, as opposed to newspaper stories, where readers can always refer back to details.

## **Understand the political context**

Politicians use the media to reach their voters, and, therefore, they wish to always be presented in the best possible light. The onus is on the journalist to be cautious when interviewing MPs or covering news conferences. MPs will always put their views and opinions forward regarding an issue; if journalists are not careful, they may commit defamation or be in contempt of parliament.

## **Keep it simple**

Journalists often forget that people in their target audience may not understand parliamentary terms and language. Reporters should use simple terms and give explanations that will not confuse people. If jargon cannot be avoided, use it, but explain in plain language what it means.

## **The MP–reporter relationship**

The relationship between the MP and the reporter is one built on mutual needs. The MP wants a good relationship with the reporter so that they can get their messages across to their constituencies. The reporter, on the other hand, needs news and information from the MP so they can keep writing stories.

Reporters should be careful with the information MPs give them. They should always try to investigate the information and present a fair and balanced report. The MP will always give their side of the story and the onus is on journalists to make sure that what they report is fair and correct.

Although journalists have easy access to MPs and ministers in Tonga, sometimes getting the information they want is a bit difficult, especially from ministers. Journalists must also understand why certain information cannot be released, such as committee reports.

The role of a parliamentary reporter is a crucial one, which, if carried out fairly and impartially, contributes to the political health of the nation.

## IV. Appendices

### Appendix 1: Freedom of speech

After the 2003 amendment, the Tongan Constitution now reads:

#### 7 Freedom of the press

- (1) It shall be lawful for all people to speak write and print their opinions and no law shall ever be enacted to restrict this liberty. There shall be freedom of speech and of the press for ever but nothing in this clause shall be held to outweigh the law of slander or the laws for the protection of the King and the Royal Family.
- (2) It shall be lawful, in addition to the exceptions set out in sub-clause (1), to enact such laws as are considered necessary or expedient in the public interest, national security, public order, morality, cultural traditions of the Kingdom, or privileges of the Legislative Assembly and to provide for contempt of Court and the commission of any offence.
- (3) It shall be lawful to enact laws to regulate the operation of any media.

Clause 7(3) was inserted in 2003. The Chief Justice in *Taione v Kingdom of Tonga* [2005] TLR 67 concluded, “clause 7(3) of the Constitution is not inconsistent with the entrenching provisions of clauses 7 and 79 of the Constitution and so is valid, provided that it must be read as subject to the implied term that laws can only be made under it if they are necessary in terms of a pressing social need, and provided they are no more than proportionate to the legitimate aim being pursued and do not involve prior restraint of freedom of expression, except in cases of clear and present danger.”

### Appendix 2: Communications Act 2015

#### 98 Censorship

A licensee shall not supply any content which:

- (a) is indecent or obscene;
- (b) displays excessive violence;
- (c) is blasphemous;
- (d) is treasonous or seditious;
- (e) is defamatory; or
- (f) will contravene the Laws of the Kingdom.

#### 99 Defamation Act

For the purposes of the Defamation Act (Cap. 33), any content supplied by a licensee, in the case of:

- (a) audio content, shall be deemed to be in the form of sound or speech; and
- (b) audio visual content, shall be deemed to be in the form of visual, speech and sound.

#### 101 National Interest

Subject to the approval of Cabinet, the Minister or any person delegated by him, may by declaration require a licensee, to supply without charge, such content relating to national interest matters as the Minister, or such person delegated by him, may determine.

## **104 Political and controversial content**

Subject to the approval of Cabinet, the Minister may determine, by declaration, the extent and manner in which a licensee may provide political or controversial content.

## **105 Offence**

A licensee who supplies content applications services contrary to the provisions of this Act or its subsidiary legislation, or its license, commits an offence and shall, on conviction, be liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 3 years or both.

# **Appendix 3: Media Association of Tonga (MAT) – Code of Ethical Practice and Behavior for Media and News Reporting**

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- 3 Plagiarism
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- 6 Hijacking and other forms of kidnapping
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### I INTRODUCTION, DEFINITIONS AND COVERAGE

Respect for truth and the public's right to information are over-riding principles for all journalists and media practitioners. The maintaining of public trust, freedom of speech and the credibility of the news media are issues that drive journalists to pursue their professional practice. Journalists are committed to ethical and professional standards in the performance of their trade as outlined in this **Code of Ethical Practice and Behavior**.

It is understood that undergirding any code of ethics is a social morality that is common in any society.

In this case, the MAT Code of Ethics is underpinned by a Christian morality by which an overwhelming majority of Tongans subscribe to (Christianity). The main pillars of Tongan socio-cultural values are also added to the basis upon which this code of ethics for journalists and media practitioners are based: respect, humility, passionate commitment, and maintaining good relations.

All members of the union engaged in gathering, transmitting, disseminating and commenting on news and information shall observe the following code of ethics in their professional activities.

This Code of Ethical Practice and Behavior for Media and New Reporting applies to all those who regularly commission, collect, write, produce and edit content for public dissemination in Tonga. The Code relates not just to professional publishers, journalists and other media workers but also to nonprofessional publishers and individuals who create or aggregate news, information and commentary, as a significant element of their publishing activities. The Code applies to print publishers, radio and television broadcasters, digital content providers and advertisers.

### II GENERAL PRINCIPLES

#### 1 Accuracy, balance and fairness

a) Report and interpret news stories with scrupulous honesty, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress significant available facts or give distorting emphasis. Opinions and views must be stated clearly so as not to mislead consumers.

b) Do your utmost to provide balanced coverage by providing a fair opportunity for any individual or organizations mentioned in a news story to respond to allegations or criticism before publication.

Failing that, you should provide a reasonable opportunity for response after the news item has been published.

c) Do not allow personal interest, belief, commitment or perceived benefit to sway your accuracy, fairness or journalistic independence. Strive for objectivity.

d) Distinguish clearly between fair comment, conjecture and fact.

## **2 Identifying what is news and what is commentary**

- a) The news is the way society receives current information on events happening both locally and around the world. There are several ways people can get their daily news including online, television, print, or radio.
- b) News is considered to be whatever is relevant and happening to the public, especially that which causes special attention or coverage.
- c) Commentary is the discussion or explanation of events or situations that contributes to the audience's understanding of what is happening as well as the writer's point of view. The most common type of commentary in journalism would be in sports, where a commentator will give a live play-by-play on the happenings of the sports event. Most commentaries outside of sports are considered to be the writer's personal opinions on whatever matter is being discussed. It provides several perspectives and gives the audience new ways of looking at the subject at hand.

## **3 Plagiarism**

Plagiarism is a serious offense when a writer steals the work of another writer and portrays it as their own. Although it is not considered an actual crime, it is a severe strike against ethics and goes against copyright infringements.

## **4 Intended disinformation and unintended misinformation**

- a) Anonymous bomb threats and other serious threats must be reported immediately to the police. Do not publish or broadcast any such threats unless requested to do so by the police or a civilian authority for reasons of public safety. If such a threat causes widespread inconvenience or other consequences affecting the public (with the exception of airline delays), it may be reported.
- b) Aim to always attribute information to its source and make sure that source has the authority to speak for the organization or individual they claim to represent. Check press releases from unfamiliar sources, individuals or groups to ensure they truly represent a statement from that individual, group or organization. This can be crucial in times of elections or national crisis when the generation of misinformation may be a tool used by elements trying to generate propaganda, disruption or instability. When press releases are unsigned, check to ensure they are authentic and endorsed by the issuing body.
- c) Material obtained from a single confidential source must be provable or verified by at least one other source to avoid manipulation of the news or public opinion. Consider the possible motives of the initial source and find an alternative attributable source. This includes instances where the confidential source is someone in authority or well-known but who wishes their name withheld.
- d) Double-check reports of "probable or impending disruptions" to ensure something is happening. In times of political disruption or insurrection, even reports from authoritative and official bodies, such as the police and military, should be carefully checked.

## **5 Harassment and pursuit**

Journalists and broadcasters must not seek interviews, information or pictures by intimidation, harassment or persistent pursuit. Nor should they invade individuals' privacy by deception, eavesdropping or covert technological means (including the taking of pictures in private places by long lens photography). Information and picture-gathering by such methods can be justified only in very rare circumstances where the material sought ought to be published in the public interest and could not be obtained in any other way.

## **6 Hijacking and other forms of kidnapping**

- a) No information should be published which is likely to endanger the lives of hostages or which might prejudice attempts by law enforcement authorities to deal with a hijacking or kidnapping.
- b) Journalists should not become involved in ongoing kidnappings or hijackings in such a way as to become a publicity or safety factor in the incident.
- c) Journalists should not continue direct contact with hijackers, kidnappers, or others involved in any ongoing criminal action where lives are in immediate peril without permission from law enforcement authorities.

## **7 Public and personal standards**

- a) Do not plagiarize.
- b) Do your utmost to provide swift and fair correction of errors. Small errors may be corrected with a story designated as a correction, however in cases of serious misreporting or false information, full retraction must firmly identify and retract the false statements of the previous, incorrect report.
- c) Journalists are morally obligated to protect their confidential sources and any confidences or agreements they willingly accepted.

## **8 Conflicts of interest and receipt of gifts**

- a) When offered gifts at cultural, government or commercial events:
  - i) Under no circumstance shall journalists accept monetary or any other form of gift in the course of their work.
  - ii) At all times, journalists will seek to uphold the independence of journalism, avoiding any circumstance that could seem to be bribery.
- b) Journalists are required to exercise their judgment cautiously on the matter of what constitutes a "gift". The definition of gift does not include, for example, light refreshments offered to all those attending a public event. But it does include items of particular value and anything offered specifically to journalists that may be intended to influence editorial coverage.
- c) Disclose any conflicts of interest that affect or could be perceived to affect the accuracy, fairness or independence of your report. This includes business reporting where the reporter may have shares or an interest in the welfare of a company or investment mentioned. Never use your journalistic position for personal gain.

- d) Do not accept any benefit or gratuity that might be seen as personal gain in conflict with fair and unbiased news coverage at the time or in the future. When assistance is given in covering a news event, such as free accommodation or transportation, it should be revealed or added on at the end of the story.
- e) Cash allowances must never be directly accepted in any circumstances. It is common during political campaigns for politicians to offer cash allowances to reporters. If they or others seeking coverage wish to provide such assistance to the news media, it must be done openly through the parent media body and should be revealed in the news items produced.
- f) Do not allow the purchase or potential purchase of advertising or other commercial considerations undermine or influence your news selection, accuracy, fairness or independence.
- g) Advertising or advertiser sponsored material with news value should be clearly distinguishable from editorial material and, where necessary, labelled accordingly.
- h) Refrain from covering a story that might involve a relative or family member thus compromising the integrity of the story one way or another. In such a case get someone else who will not be in a conflict of interest do the coverage.

## **9 Purchase of information**

- a) Payments or other benefits should not be provided to anyone allegedly involved in, or convicted of a crime. Payment should not be made to their relatives, friends, neighbors or associates for information about the crime. Rewards for information may be justified in the rare exception where the information is of compelling public interest and can be obtained in no other way.
- b) Do your utmost to disclose any direct or indirect payment or benefit supplies for purchase of information, interviews, pictures or stories.

## **10 Privacy**

- a) Publication of information about the private lives or concerns of individuals without their consent is acceptable only if the intrusion relates to legitimate public interest outweighing the normal right to privacy. But this does not deny the fact that the public individual concerned needs to be given an opportunity to tell his side of the story.
- b) Prominence in public life does not disqualify individuals from the right to privacy about their personal affairs unless these matters affect their performance or fitness for the public role or office they seek or hold.
- c) Avoid identifying innocent relations of persons convicted or accused of crime unless the connection is relevant to the story reported.

## **11 Subterfuge**

- a) Try to always use fair, responsible and honest means in obtaining material. Identify yourself and your employer before obtaining any interview for publication or broadcast. Use of subterfuge (e.g. false identity or covert recordings) should be avoided. It can be justified only in rare circumstances when the material sought should be published because of compelling public interest and cannot be obtained in any other way.

- b) The invasion of privacy by use of long lens photography can only be justified when the photograph provides information of compelling public interest.
- c) Never exploit a person's vulnerability or ignorance of media practice.

## **12 Confidential sources**

Journalists of all media have a moral obligation to protect confidential sources of information, and to respect confidences knowingly and willingly accepted in the course of their occupation. If you have accepted someone's request for "off the record" information, you should respect and honor what you've agreed to.

## **13 Quoting sources**

- a) When quoting or interviewing a source on the record, use the correct name and title of a person who provides information for a story with the expectation that the information may be published.
- b) When recording an interview or taking notes, inform the interviewee that you are doing so.
- c) When a news source speaks off the record:
  - i) Reach an explicit understanding that information may be used so long as the source is not identified.
  - ii) Consider the motive of the source in offering information on an anonymous/confidential basis (i.e. whether a particular self-interest lies behind the decision of the source to provide information).
  - iii) Try to verify or factcheck information provided by an anonymous source.
  - iv) Respect the confidential nature of information provided knowingly and willingly by the source.
  - v) Take reasonable steps to protect the identity of sources, including any documents, which should be stored in a secure place.

## **III FOR PROPRIETORS AND MANAGERS**

### **14 Understand the law as it affects media in Tonga**

All persons managing the output of news, entertainment and educational media in Tonga should read and be familiar with the Constitutional commitment to freedom of speech and freedom of the press, as well as relevant legislation such as the Communications Act 2015. They should take reasonable steps to ensure that awareness is communicated throughout their organizations.

## **15 Self-regulation and handling of complaints**

- a) Training and awareness – the owner or responsible person in each media organization shall take all reasonable steps to ensure that editorial and production personnel are aware of their obligations under the Code. He or she will ensure that relevant provisions of the Code are applied in the course of normal business.
- b) When a mistake is identified – publish a correction and apology as soon as possible; offer an opportunity of reply to anyone significantly affected by an editorial error; and publish the findings of any legal action taken in relation to a matter unless, as a result of mediation, the parties agree not to publish.
- c) Complaints handling – each publisher and broadcaster is advised to establish an in-house process for receiving and responding to complaints relating to alleged breaches of the Code. This includes the identification of a responsible person to receive and respond to complaints, and guidelines for doing so. All reasonable effort shall be made to respond to the complaint within five working days from the date the complaint is received even though final resolution of the matter may take longer. Responses to a complaint will be offered honestly and in good faith.

## **16 Separation of editorial and commercial activities**

If a news organization finds it necessary for editorial staff to help identify advertising or sponsorship prospects:

- a) Editorial staff must refer any interested advertiser or sponsor to their sales manager; editorial staff must not negotiate directly or finalize an agreement.
- b) Any spotter's commission or other reward must be issued by, and at the discretion of their employer, never by the advertiser or sponsor to editorial staff.

## **IV SOCIAL and COMMUNITY STANDARDS**

All persons and organizations subject to this Code of Practice should be aware of Part IX of the Communications Act 2015. This gives the relevant Minister power to make declarations on 'broadcasting and content standards', including what the Minister deems to be unsuitable content, and the representation of Tongan culture and national identity.

### **17 Ethical principles**

Under this Code of Practice, media practitioners undertake to uphold ethical standards and to take account of social and community standards when exercising their Constitutional rights to freedom of speech and freedom of the press.

### **18 Respect for Tonga's tradition, culture and values**

Take care to balance the Constitutional right to free speech and freedom of the press with respect for Tonga's tradition, culture and community values. Avoid causing unnecessary offence, harm or distress through the use of inappropriate images, language or behavior (according to generally accepted community standards).

## **19 Religion**

- a) While all public institutions are properly subject to scrutiny, inquiry and comment, journalists, newspaper and broadcasting organizations should approach and refer to religious bodies in a balanced, fair and seemly manner, recognizing the respect and reverence in which they, their representatives and their beliefs are likely to be held by adherents.
- b) Journalists and broadcasters should avoid giving offense to believers of all faiths by casual, gratuitous and expletive references to deities, which are unnecessary or unjustified by the context.
- c) Recognition of the need for sensitive and balanced treatment of religions and religious affairs is particularly necessary in a society of differing faiths.

## **20 Discrimination**

- a) Care must be taken to avoid releasing material, statements or references which could adversely affect vulnerable groups or which could promote or encourage hatred, prejudice, discrimination or violence.
- b) Do not place unnecessary emphasis on personal characteristics including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, and religious beliefs, physical or intellectual disability. However, where it is relevant to explaining the story or of compelling public interest, you may report information in these areas.

## **21 Taste and decency**

- a) Care should be taken in presentation of content that might distress or offend a significant proportion of the public.
- b) Approach cases involving personal grief, shock or tragedy with care and discretion. Suicides should be respected as a private and personal tragedy and not reported unless they involve prominent figures or generated newsworthy consequences.
- c) Crimes should not be reported in such a way as might encourage or incite imitation by others.
- d) No one should be subjected to undue intimidation or harassment in the pursuit of information.

## **22 Children and juveniles**

- a) The names of persons under the age of 18 who are charged with crimes or involved in other offenses are not to be released. Care must be taken not to release details which might lead to the identification of persons under the age of 18.
- b) Discretion should be exercised when interviewing children under the age of 18 about subjects which might have legal or moral consequences, or where such interviews could place them in a detrimental position threatening their safety or well-being. Consent of parents must be sought.
- c) Generally, children should not be approached or photographed at school without the consent of school authorities and parents.

## **23 Victims of sexual offenses**

- a) Information that either identifies or could reasonably lead to the identification of victims of sexual offenses should not be published without their informed consent.
- b) Names of people convicted of sexual offenses be exposed, except if there is a court order to the contrary, but not vilified to act as deterrent.

## **24 Suicide, violence and other sensitive matters**

### a) When reporting suicide:

- i) Verify with an appropriate authority, such as police, official health services or the Coroner, that suicide was the cause of death, and always cite the relevant authority in news coverage.
- ii) Do not report details of the event, including the means by which death occurred, and do not publish any explicit images of the event.
- iii) Use language with due consideration for the family and friends of the deceased person.
- iv) Do not glorify the act of suicide or the method used.
- v) Where possible, include in any editorial coverage the address of a medical or other suicide prevention service, which could offer help to other persons who may consider taking their own lives.

### b) When covering shocking, sensitive or emotionally painful situations:

- i) Report with integrity, exercising the fundamental right of free speech and expression but avoid the use of language or images that may cause unnecessary offence or worsen sensitive situations.
- ii) Respect the generally accepted tradition, culture and community values of Tonga.
- iii) When visiting hospitals or other medical facilities, always identify yourself as a journalist and seek official permission before approaching patients.
- iv) Respect people's privacy and dignity, especially vulnerable children.
- v) Take reasonable precautionary measures to protect your own safety in these situations and be mindful of the trauma you may experience. Refer to advice and resources available from the Dart Centre Asia Pacific to assist with preparation for and the coverage of stories of this nature (refer to 3.6 in the Selection of Information Resources section of the Addendum to this Code).

## **V ADVERTISING GUIDELINES**

### **25 Definitions and standards**

- a) "Advertisement" means any programme or article, or part of a programme or article, which promotes to the public or segment thereof, a product or service for the commercial advantage of any person, or which promotes a behaviour or line of conduct for the benefit of any person, or which advocates an idea, belief, or political opportunity, and for which in each case payment is made whether in money or otherwise. The following media guidelines apply to advertisements.
- b) Broadcasters and publishers are responsible for maintaining standards which are consistent with:
- i) The observance of good taste and decency taking into account community standards and the context of the advertisement;
  - ii) The maintenance of law and order;
  - iii) The privacy of the individual; and
  - iv) The interests of child listeners and viewers.
- c) Broadcasters and publishers are also responsible for maintaining standards consistent with the principles of advertising which require that advertisements:
- i) Comply with the guidelines stipulated in other parts of this Code; and
  - ii) Are prepared with a due sense of social responsibility to consumers and society; and
  - iii) Respect the principles of free and fair competition.
- d) The definitions and standards given in paragraphs 25(b) and (c) should be used to interpret the guidelines listed in paragraphs 26 to 37.

### **26 Identification**

Advertisements shall be clearly distinguishable as such whatever their form and whatever the medium used. When an advertisement appears in a medium which contains news or editorial matter, it must be presented so that it is readily recognized as an advertisement.

### **27 Truthful presentation**

Advertisements shall not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false or misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

### **28 Research, tests and surveys**

Advertisements shall not use tests and surveys, research results or quotations from technical and scientific literature, in a manner which is misleading or deceptive.

## **29 Decency**

Advertisements shall not contain anything which clearly offends against generally prevailing community standards of decency taking into account the context, medium, audience and product (including services).

## **30 Offensiveness**

Advertisements shall not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offense taking into account the context, medium, audience and product (including services).

## **31 Fear**

Advertisements shall not exploit the superstitious, nor without justifiable reason, play on fear.

## **32 Violence**

Advertisements shall not contain anything which lends support to unacceptable violent behavior.

## **33 Denigration**

Advertisements shall not denigrate identifiable products or competitors.

## **34 Testimonials**

Advertisements shall not contain or refer to any personal testimonial unless it is genuine, current, related to the experience of the person giving it and representative of typical and not exceptional cases. The claims in the testimonial shall be verifiable.

## **35 Privacy**

Unless prior permission has been obtained an advertisement shall not portray or refer to any persons, whether in a private or a public capacity, or refer to any person's property, in a way likely to convey the impression of a genuine endorsement.

## **36 Advocacy advertising**

Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion shall be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue shall be clear.

## **37 Safety**

Advertisements shall not, unless justifiable on educational or social ground, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.

## **VI FOR BROADCASTERS AND DIGITAL CONTENT PROVIDERS**

All persons and organizations subject to this Code of Practice should be aware of Section 2(1) of the Communications Act 2015, which deems broadcasting to be a ‘content applications service’, along with subscription content, and online information, information, entertainment and educational services.

The ethical principles and standards outlined below apply to radio and television broadcasters as well to digital content providers that regularly commission, write, produce and edit content for public dissemination in Tonga.

## **VII ADDITIONAL CODE SPECIFIC TO BROADCASTING**

### **38 Taste and decency**

Recognize currently accepted general standards of decency in language with consideration of the context in which the language and behavior occur (including humor, satire and drama), and the timing of transmission and likely audience of the program.

### **39 Impartiality and balance**

Show fairness, impartiality and balance in any programme, series of programmes, or in broadly released programmes when dealing with political matters, current affairs and public controversy.

### **40 Deceptive practices**

Abstain for using any deceptive programme, practice or technique (including transmission of “reconstruction” or library film or recordings) which are not clearly identified as such.

### **41 Interviews**

- a) Interviews for radio and television must be arranged, conducted and edited fairly and honestly. Potential participants are entitled to know in advance the format, subject and purpose of their interview and whether it will be live or recorded.
- b) The presentation and editing of an interview must not distort or misrepresent the views of the person interviewed or give a false impression of dialogue. Pre-recorded interviews must not be presented as live interviews.

### **42 Violent or distressing content**

- a) Violence shown graphically or realistically indicated by sound must be justifiable in its context and intensity as being necessary to the programme. Violence combined with sexuality should not be transmitted in a manner designed to titillate its audience. Explicit detail and prolonged focus on sexuality violent contact must be avoided.

- b) Editors, producers and broadcasters of news, current affairs and documentaries should take care in deciding whether the inclusion of graphic detail and intense violent or distressing material is warranted by its relevance and aid to public understanding of the subject.
- c) Special consideration must be given to possible transmission of particularly disturbing images including:
  - i) Torture or ill-treatment of people or animals;
  - ii) Close ups of dead or mutilated bodies;
  - iii) Images of people in extreme pain or on the point of death;
  - iv) Violent or ill treatment of children; and
  - v) Warning of disturbing or offensive content.
- d) Warnings should be broadcast before or at the beginning of any programme containing language or pictures which are likely to be disturbing or offensive to normal viewers or listeners considering the time of transmission and the likely audience.

### **43 Crime and disorder**

Programmes likely to promote civil insurrection or encourage crime or public disorder, must not be broadcast.

### **44 Cartoons**

- a) Cartoons depicting human characters should not include excessive violence or scenes of gore or torture.
- b) Fantasy cartoons featuring fantasy characters or comic story lines should not depict torture or excessive suffering.

### **45 Supplied material**

When a strong editorial reason warrants the inclusion in any programme of recorded or prepared material supplied by, on behalf of, official bodies, companies or campaigning organizations, its source should be revealed.

### **46 Product reference and placement**

Undue prominence should not be given in news, factual or entertainment programmes, to commercial products or services. Their appearance or reference to them should be given no more prominence than editorial consideration warrants.

### **47 Competition fair dealing**

Ensure that in programmes and promotions providing prizes or rewards there is no collusion between broadcasters and contestants which result in unfair advantage for one contestant over another.

## **VIII ELECTION REPORTING**

### **48 Election reporting guidelines**

When reporting elections:

- a) Ensure that news reports do not favor one political candidate or party over others.
- b) Do not permit a political candidate to dictate or influence improperly the journalists' work.
- c) Grant equal coverage – including opportunities to present arguments on-air or in print – to the principal political parties; and grant a level of coverage to smaller parties and independent candidates appropriate to their status in the electorate.
- d) If political candidates make critical comments about their rivals or the policies of their rivals, the candidates concerned should be offered the opportunity to respond.
- e) If political candidates are invited to speak about general policies (e.g. the economy, foreign affairs), they should not also make comments about their individual electoral districts, unless their rivals are also offered similar opportunities.
- f) Ensure that any complaints relating to the accuracy or impartiality of news coverage are referred immediately to your supervisor or manager.

## **Appendix 4: Rules of procedure**

From the Constitution:

### **62 Rules of procedure**

- (1) The Legislative Assembly shall make its own rules of procedure for the conduct of its meetings.
- (2) Any member of the Legislative Assembly may, in accordance with its rules of procedure –
  - (a) introduce a Bill in the Assembly;
  - (b) propose a motion for debate in the Assembly; or
  - (c) present a petition to the Assembly, and it shall be dealt with in accordance with the Assembly's rules of procedure.

## Appendix 5: Select clauses from the Constitution of Tonga

### 67 Privilege of nobles

It shall be lawful for only the nobles of the Legislative Assembly to discuss or vote upon laws relating to the King or the Royal Family or the titles and inheritances of the nobles and after any such bill has been passed three times by a majority of the nobles of the Legislative Assembly it shall be submitted to the King for his sanction.

### 70 Offences against the Assembly

(1) Any person who —

- a) acts disrespectfully in the presence of the Legislative Assembly;
- b) by any act or omission, interferes with, obstructs or impedes the Legislative Assembly in the performance of its function;
- c) interferes with, obstructs or impedes any member or officer of the Legislative Assembly in the discharge of his duty;
- d) defames the Legislative Assembly;
- e) threatens any member or his property; or
- f) rescues a person whose arrest has been ordered by the Legislative Assembly, may, by resolution of the Legislative Assembly, be imprisoned for any period not exceeding thirty days and if he is a member of the Assembly he may be suspended from the Assembly for up to thirty days in substitution for or in addition to any other penalty.

(2)

- a) A penalty of imprisonment imposed in accordance with this clause is not affected by a prorogation, the dissolution or expiration of the Legislative Assembly.
- b) A resolution of the Legislative Assembly ordering the imprisonment of a person in accordance with this clause may provide for the discharge of the person from imprisonment.
- c) Notwithstanding the power to imprison under sub-clause (1) the Legislative Assembly may impose a fine —
  - i) not exceeding \$5,000, in the case of a natural person; or
  - ii) not exceeding \$50,000, in the case of a corporation for an offence against the Legislative Assembly determined by the Assembly to have been committed by that person under this clause.
- (d) It shall not be lawful to both imprison and fine a person for an offence under this clause.
- (e) The Legislative Assembly may give such directions and authorise the issue of such warrants as are necessary or convenient for carrying this clause into effect.

## **73 Immunity from arrest**

The members of the Legislative Assembly shall be free from arrest and judgment whilst it is sitting except for indictable offences and no member of the House shall be liable for anything he may have said or published in the Legislative Assembly.

From the Constitution:

## **75 Impeachment**

- (1) It shall be lawful for a member of the Legislative Assembly, of his own volition or as the result of a written complaint made to him by any Tongan subject, to move the Assembly, in accordance with the rules of procedure, for the impeachment of any Minister or representative of the nobles or of the people for any of the following offences—

Breach of the laws or the resolutions of the Legislative Assembly, maladministration, incompetency, destruction or embezzlement of Government property, or the performance of acts which may lead to difficulties between this and another country.

- (2) The impeached person shall be given a copy of the accusation in writing seven days before the day of the trial.
- (3) The trial shall be conducted in accordance with the eleventh clause and the Lord Chief Justice shall preside.
- (4) After the witnesses have been heard the impeached person shall withdraw and the Assembly shall consider their decision and upon a decision being made he shall be brought before the Assembly and the decision announced to him. If he be found guilty it shall be lawful to dismiss him from office but if acquitted it shall not be lawful to impeach him again on the same charge as is provided in the twelfth clause.

## **Appendix 6: Vote of no confidence**

From the rules of procedure

### **84A Motion for a Vote of No Confidence in the Prime Minister**

- (1) A member who wishes to move a Motion for a Vote of No Confidence in the Prime Minister, shall submit to the Speaker of the Legislative Assembly a Notice of his intention to move a Motion for Vote of No Confidence in the Prime Minister, at least five (5) working days but no more than fourteen (14) working days prior to its tabling in the Legislative Assembly.

- (2) Any Notice under sub-rule (1) shall be made in the Form set out in Schedule 5 of these Rules.

## **84B Substance of a Notice of Intention to move a Motion for a Vote of No Confidence in the Prime Minister**

- (1) The Notice of Intention to move a Motion for a Vote of No Confidence in the Prime Minister shall be signed by an Elected Member of the Legislative Assembly.
- (2) A Notice of Intention to move a Motion for a Vote of No Confidence in the Prime Minister shall be submitted to the Speaker of the Legislative Assembly together with —
  - i. the Motion for a Vote of No Confidence in the Form in Schedule 6 of these Rules; and
  - ii. authenticated documents supporting the grounds of the motion.

## **84C. Signatories to a Motion for Vote of No Confidence in the Prime Minister**

A Motion for a Vote of No Confidence in the Prime Minister shall be signed by at least ten (10) Elected Members of the Legislative Assembly before it is submitted to the Speaker of the Legislative Assembly.

## **84D. Service of Notice of Intention of moving a Motion for Vote of No Confidence in the Prime Minister**

The Speaker of the Legislative Assembly shall, upon receipt of a Notice of Intention of moving a Motion for a Vote of No Confidence in the Prime Minister submitted in accordance with the time allowed under Rule 84A(1), as soon as possible, serve this Notice on every Member of the Legislative Assembly, together with the Motion for Vote of No Confidence in the Prime Minister and all other documents submitted in support of such Motion.

## **84E. The Speaker's power to refer a Motion for a Vote of No Confidence in the Prime Minister to the Standing Committee on Privileges**

- (1) The Speaker may refer a Motion for a Vote of No Confidence in the Prime Minister to the Standing Committee on Privileges to consider the Motion in accordance with Rule 176(b).
- (2) The Standing Committee on Privileges shall fully consider and report to the Speaker and the Legislative Assembly, on the Motion for Vote of No Confidence in the Prime Minister, before the Motion is debated on in accordance with Rule 84F.

Provided that Rule 173A shall not apply to members of the Committee while reviewing a motion for a vote of no confidence in the Prime Minister.

## **84F. Debate upon a Motion for a Vote of No Confidence in the Prime Minister**

- (1) The Speaker shall, in compliance with the time allowed under Rule 84A(1), table a Motion for a Vote of No Confidence in the Prime Minister for debate in the Legislative Assembly.

- (2) When a motion for Vote of No Confidence in the Prime Minister is debated in the Legislative Assembly, there shall be no other matter debated in the Legislative Assembly until the Motion is concluded.  
Provided that no motion for a vote of no confidence in the Prime Minister shall be tabled or discussed when the Annual Estimates are being discussed.
- (3) The procedure for deliberation on a Motion for Vote of No Confidence in the Prime Minister shall be in accordance with the Rules of Procedure and as set out under PART 4, Division 3 of these Rules.

#### **84G. Vote on a Motion for a Vote of No Confidence in the Prime Minister**

- (1) A Motion for a Vote of No Confidence in the Prime Minister shall be put to a vote within five (5) working days from the time it was first tabled for debate in the Legislative Assembly.
- (2) For a Motion of No Confidence in the Prime Minister to be successful, it shall be passed by more than half of the votes casted.
- (3) The vote for a Motion of a Vote of No Confidence in the Prime Minister shall be by ballot with a show of hands.

From the Constitution:

#### **50B Votes of No Confidence**

- (1) If the Legislative Assembly passes a motion described as a “Vote of no confidence in the Prime Minister” in accordance with this clause, then upon delivery of that resolution to the King by the Speaker, the Prime Minister and all Ministers shall be deemed to have resigned and their appointments revoked.
- (2) A vote of no confidence in the Prime Minister –
- (a) shall not be moved unless at least 5 working days’ notice of the intention to move such a motion has been given to the Speaker; and
- (b) shall be of no effect if made within 18 months after a general election has been held, nor within 6 months before the date by which an election shall be held in accordance with clause 77(1), or within 12 months after the date on which the last such motion was voted upon in the Legislative Assembly.
- (3) If within 48 hours of the revocation of the appointment of the Prime Minister and all Ministers in accordance with sub-clause (1) following a vote of no confidence in the Prime Minister, the Legislative Assembly passes a motion that recommends the appointment of another elected representative as Prime Minister, then upon delivery of that resolution to the King by the Speaker, the King shall appoint the person so nominated as the Prime Minister.

- (4) If no recommendation is delivered to him in accordance with sub-clause (3) following a vote of no confidence in the Prime Minister, the King shall –
- (a) dissolve the Legislative Assembly and command that a general election be held on a date not more than 90 days thereafter;
  - (b) appoint as interim Prime Minister the elected representative who the King considers best able to lead an interim government, who shall not be the Prime Minister in respect of whom a motion of no confidence was passed in the Legislative Assembly, until a Prime Minister is appointed after the general election; and
  - (c) in consultation with the interim Prime Minister, appoint interim Ministers to hold office until Ministers are appointed after the general election.



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