

THE KING - His Majesty King Tupou VI

Role of the King

The King has two roles as:

1. Head of State of the Kingdom of Tonga
2. Hau 'o e Fonua - the Supreme Head of the traditional kingship of the Kingdom of Tonga

The Constitution of Tonga acknowledges that these two roles of the Monarch are combined within the dignity and body of the one person.

The form of Government for the Kingdom is a **Constitutional Monarchy under His Majesty** and successors, as provided under the Constitution.

Head of State -

The Monarch as Head of State may exercise key constitutional functions in accordance with the Constitution, by himself or in Privy Council, including:

By the King alone -

- being Commander-in-Chief of the armed forces of Tonga
- initiating elections for representatives of the nobles and the people to sit in the Legislative Assembly
- calling and dissolving the Legislative Assembly

- making treaties with Foreign States, in accordance with the laws of the Kingdom, appointing diplomatic representatives overseas and receiving foreign Ministers (cl 39);
- bringing matters of concern to the attention of the Legislative Assembly in writing (cl 40);
- assenting to legislation that has been passed by the Legislative Assembly (clauses 41, 56, 67, 68 & 79);
- conferring titles of honour and honourable distinctions (cl 44);
- proclaiming martial law in the event of civil war or war with a foreign state (cl 46);
- appointing and dismissing the Prime Minister (chosen by the Legislative Assembly) and other Cabinet Ministers (nominated by the Prime Minister) (cl 51);
- appointing, on the advice of the Prime Minister, the Governors of Ha'apai and Vava'u (cl 54);
- appointing the Speaker of the Legislative Assembly (on the recommendation of the Legislative Assembly) (cl 61); and also the following functions that are to be exercised by the King and Privy

All of these powers, and indeed all other powers where His Majesty is acting as Head of State, are exercised within the Constitution, statute law, common law and constitutional conventions.

Traditional Role - Hau 'o e Fonua

The King's traditional role of *Hau 'o e Fonua* (the second role referred to in paragraph 11 above) has always been in existence, is fundamental to Tongan society and is expressed in a wide variety of ways. One way is in the Constitution which His Majesty King George Tupou I granted in 1875 to the Nobles and People of Tonga. The Constitution protects the Monarchy and its relationship with the Nobility and People by many methods, including the following:

- succession to the throne is determined by hereditary rules and no member of the royal family likely to succeed to the throne may marry without the Monarch's consent (cls 32 & 33);
- Sovereign of all the Chiefs and people (cl 41), the Monarch may grant hereditary estates (cl 104) and confer title and estate upon any person

where an estate has reverted to the Monarchy (cl 112); and

- the person of the Monarch is "sacred" (cl 41), the Monarch's own lands and property may be dealt with as the Monarch pleases (cl 48) and the dignity of the Monarch is protected in

several ways in the Constitution.

THE KING AND PRIVY COUNCIL

The Privy Council consist of advisors appointed by His Majesty from time to time to advise him on matters general or particular, as His Majesty decides.

In addition, the Constitution establishes as a Committee of the Privy Council, the Judicial Appointments and Discipline Panel, comprising a fixed membership, including the Law Lords appointed from time to time, whose purpose is to advise upon His Majesty's Judicial related functions (cl 83C).

Matters that must be decided by The King in Privy Council under the Constitution are also listed above and include -

- granting pardons to people convicted of criminal offences (cl 37);
- hearing appeals from the Land Court (cl 50(2));
- approving (along with unanimous Cabinet) changes to the Constitution (cl 79);
- the appointment of Judges after receiving advice from the Judicial Appointments and Discipline Panel (cls 85, 86);
- approving the terms of leases of more than 99 years (cl 114).

In addition, other Acts provide powers and functions for His Majesty, alone or in Privy Council, especially relating to foreign affairs, formal matters and

some emergency powers.

The Constitution now provides in clause 50A(3) that -

The Prime Minister shall regularly and as required report to the King upon matters that have arisen with the government and upon the state of the country.

The Cabinet will be advised in due course, and from time to time, of the administrative arrangements for the Privy Council

ENDS

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