Tonga

HIS MAJESTY'S DIPLOMATIC SERVICES ACT 2025

Act 27 of 2025

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HIS MAJESTY'S DIPLOMATIC SERVICES ACT 2025

Act 27 of 2025

AN ACT TO ESTABLISH THE OPERATIONS AND FUNCTIONS OF THE DIPLOMATIC SERVICES, SO AS TO MAKE BETTER PROVISION FOR THE CONDUCT AND IMPLEMENTATION OF DIPLOMATIC AND CONSULAR RELATIONS, INCLUDING THE CONTROL OF IMMIGRATION

I assent,
TUPOU VI,
28 August 2025.

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

PART I – PRELIMINARY

1 Short Title

This Act may be cited as His Majesty's Diplomatic Services Act 2025.

2 Interpretation

In this Act unless the context otherwise requires —

"Board" means the Diplomatic Services Board established under section 6 of this Act;

"Minister" means the Minister for His Majesty's Diplomatic Services under this Act;

"Secretary" means the Chief Executive Officer appointed by His Majesty The King under this Act as the Secretary of His Majesty's Diplomatic Services;

"head of mission" means a person who is appointed by His Majesty The King to be –

(a) High Commissioner for the Kingdom of Tonga at any of its overseas posts; or

(b) Ambassador Plenipotentiary and Extraordinary of the Kingdom of Tonga accredited to any foreign State;

"overseas representative" means a diplomatic or consular and any other accredited personnel, appointed pursuant to clause 39 of the Constitution, accredited to any foreign State or international organization;

"officers of the Diplomatic Service" all staff employed under His Majesty's Diplomatic Services; and

"diplomatic functions" includes representing the Kingdom of Tonga sovereign interests, conduct of diplomatic and consular relations, immigration coordination and any activity advancing the Kingdom's foreign policy as directed by the Minister and Secretary.

3 Objectives

The objectives of this Act are to –

(a) govern the conduct of diplomatic relations, ensuring alignment with the national interest, regional commitments and international law obligations;

(b) facilitate effective consular services to assist Tongan subjects abroad;

(c) administer immigration services for Tongan subjects; and

(d) to define and expand such diplomatic relations, pursuant to clause 39 of the Constitution, as His Majesty, may from time to time, determine.

4 Application of the Act

The provisions of this Act apply both in and outside the Kingdom and shall apply to the following persons –

(a) the Secretary;

(b) overseas representatives of the Kingdom of Tonga; and

(c) officers of the diplomatic services.

PART II – ESTABLISHMENT OF HIS MAJESTY'S DIPLOMATIC SERVICES

5 Establishment of His Majesty's Diplomatic Services

(1) His Majesty The King may establish and maintain the diplomatic and consular services of the Kingdom.

(2) The Diplomatic Services in accordance with subsection (1) shall be –

(a) established and maintained out of the public revenue; and

(b) shall be known as His Majesty's Diplomatic Services

PART III – DIPLOMATIC SERVICES BOARD

6 Establishment of the Diplomatic Services Board

(1) His Majesty shall establish a Board consisting of His Majesty and the members of the Privy Council.

(2) His Majesty may from time to time appoint a person or persons to be an additional member or additional members of the Board.

7 Functions of the Board

The functions of the Board are to –

(a) develop and direct a strategic foreign policy framework;

(b) oversee the operations of the Diplomatic Service ensuring adherence to professional management standards and operational accountability; and

(c) govern and enforce the operations of the Diplomatic Service.

PART IV– ADMINISTRATION

8 Administration

The Minister shall be responsible for the administration of this Act.

9 Functions of the Minister and the Staff of the Diplomatic Services

The Minister shall have the following functions –

(a) lead the formulation, coordination and execution of the Kingdom's foreign policy, ensuring alignment with the Constitution;

(b) administer and manage the Kingdom's bilateral and multilateral relations, negotiate treaties and expand diplomatic relations under the oversight of the Prime Minister and Cabinet and strategic guidance of His Majesty;

(c) determine protocols for the appointment of ambassadors, consular officials and honorary representatives;

(d) manage and enforce immigration responsibilities to ensure border security and the national interest; and

(e) undertake all such initiatives as may be directed by Cabinet to advance, promote and defend the Kingdom's foreign policy objectives.

10 Delegation of powers, functions or duties

The Minister may delegate in writing any powers, functions or duties under the provisions of this Act or of any Regulations made thereunder, or for such periods of purposes as may be specified, to the Secretary and may any time revoke or vary any such delegation.

11 Functions of the Secretary of the Diplomatic Services

(1) The Chief Executive Officer of the Diplomatic Services shall be known as the Secretary of the Diplomatic Services and shall have the following functions under this Act to –

(a) ensure the functions and duties of the Diplomatic Services are carried out;

(b) administer the effective, efficient and operational management of the Diplomatic Services;

(c) give advice to His Majesty, Prime Minister and Cabinet, and the Minister on matters of foreign policy; and

(d) give effect to any lawful directions from His Majesty, Prime Minister and Cabinet, or the Minister.

PART V – OVERSEAS REPRESENTATIVE

12 Appointment of overseas representative

In accordance with clause 39 of the Constitution, His Majesty may –

(a) appoint any suitable person to be His representative in other nations; and

(b) from time to time recall such representative from office.

13 Duties of an overseas representative

All overseas representative for the Kingdom shall act –

(a) as the representative of His Majesty and the Kingdom in that foreign State;

(b) as the channel of communication between the Kingdom and foreign State; and

(c) to implement such directives received from the Minister and Secretary to advance the national interest of the Kingdom in that foreign State.

14 Locally engaged staff

Any Head of Mission or Head of Post may, on conditions determined by the Secretary, employ person as members of the local staff of the overseas mission or overseas post concerned.

15 Superannuation schemes for locally engaged staff

(1) The Minister may, with the concurrence of the Minister of Finance, determine the superannuation rights of persons employed under section for locally engaged staff.

(2) All contributions, retiring allowances, annuities, and other amounts payable by the Government pursuant to any determination under subsection (1) shall be paid out of the public money.

PART VI – POWER TO REGULATE

16 Authority to make regulations

The Minister with the consent of the Board may make Regulations, not inconsistent with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for securing the good government of the Diplomatic Services, or for the better carrying out or giving effect to this Act.

PART VII – TRANSITIONAL

17 Transitional Matters

(1) The Ministry of Foreign Affairs as listed in Schedule 1 of the Public Service Act is hereby repealed and replaced by His Majesty’s Diplomatic Service established under Schedule 2 of the Public Service Act.

(2) All employees, assets, records and obligations of the Ministry of Foreign Affairs are transferred to His Majesty's Diplomatic Services upon the commencement of this Act.

(3) Employment terms, conditions and accrued entitlements of transferred staff shall remain unchanged unless otherwise amended by subsequent Regulations under this Act.

(4) All actions, appointments, treaties, agreements or arrangements made by the Ministry of Foreign Affairs prior to this Act shall remain valid and binding under His Majesty's Diplomatic Services.

(5) All ongoing diplomatic arrangements, consular services or international obligations shall continue as valid and binding under His Majesty's Diplomatic Services.

(6) Reference to the "Ministry of Foreign Affairs" in existing legislation, treaties or documents shall be construed as reference to His Majesty's Diplomatic Services.

(7) Any Disciplinary proceedings, appeals, or investigations involving Ministry of Foreign Affairs staff initiated under the Public Service Act shall conclude under that Act's framework unless formally transferred to His Majesty's Diplomatic Services by mutual agreement.

Passed by the Legislative Assembly on this **5th** day of **August** 2025.