



PRESS RELEASE

Court of Appeal Dismisses Anti-Corruption Commissioner Case Against National Reserve Bank, Governor, Chairman and the Board of Directors

On 20 November 2025, the Court of Appeal allowed the appeal by the NRBT, its Governor, Chairman and Board declaring the proceedings as brought by the ACC (Anti-Corruption Commissioner) as “doomed to fail” and that “the claim should not have been brought”.

NRBT Governor Moeaki stated: “The highest Court’s decision is timely as we had maintained from the outset we acted lawfully, prudently and in good faith, consistent with our responsibilities as a mature and trusted financial institution of Tonga, in the face of allegations by the newly established ACC Commissioner. We hope the ruling will not only restore the reputation of NRBT, but reinforce its long-standing commitment to sound governance and integrity of its operations.”

On 12 September 2024, the NRBT’s Board resolved to:

- (i) grant commemorative payments to staff in recognition of its 35th Anniversary;
- (ii) before the payment decision was taken, the Governor first sought and obtained legal advice from its Senior Counsel confirming that the payout to staff complied with the NRBT Act;
- (iii) following the public announcement of the payment, a complaint was lodged with the ACC alleging a breach of the NRBT Act;
- (iv) despite the Bank’s full cooperation, the ACC proceeded to file legal action without proper investigation to establish a reasonable evidential basis for the allegations of illegality, reckless indifference, or bad faith.

The Court of Appeal in dismissing the ACC’s action against the NRBT, its Board and Governor made the following findings:

- (a) the Statement of Claim did not disclose a reasonable cause of action against the Bank;
- (b) the claim against the Directors said by the Commissioner to be based on the illegality to pay “the staff bonus (however described) was illegal” was rejected by the Court thereby dismissing the claim against the Directors and the Governor;
- (c) the Governor in seeking advice from the NRBT’s Senior Counsel before consideration by the Board for payment was clearly justified as the payment was not clearly illegal, but arguably, which is why the Governor acted properly and prudently in seeking advice;
- (d) the Commissioner, the Court held, neither pleaded any fact, nor adduced any evidence that could establish that he (the Governor) acted improperly in doing so;
- (e) that the Commissioner’s contention that the Directors must have known that the payment contravened the National Reserve Bank of Tonga Act or were

recklessly indifferent to it and so acted in bad faith, was said by the Court to be: “[is] untenable”.

The litigation brought by the ACC has also impacted on the public confidence in the National Reserve Bank of Tonga as to possible improper governance which was effectively rejected..

The decision is a timely reminder that when a Regulator, responsible for investigating for corrupt conduct must do so acting on credible evidence and not otherwise, after engaging in due process

Office of the Governor
25 November 2025.