

# **CONSTITUTION OF NIUE**

**AND**

**ASSOCIATED DOCUMENTS**

**AS AT**

**31 DECEMBER 2019**

Government of Niue  
Alofi 2020

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## **EDITORIAL NOTE**

The Constitution is the primary document of the Government of Niue. It is durable in nature and is reproduced here with associated constitutional documents in a separate volume to assist the work of the Members of the Niue Assembly and all those involved in and with the Government of Niue.

This volume of the Consolidated Niue Legislation 2019 contains the Constitution of Niue, the Niue Constitution Act 1974, the Letters Patent constituting the Office of Governor-General of New Zealand, the Niue Assembly Standing Orders, and the Public Service Regulations 2004. The Constitution of Niue and the Niue Assembly Standing Orders are reproduced here in both English and Niuean.

Tony Angelo and Weichu Huang  
Wellington  
January 2020

## THE CONSTITUTION OF NIUE

The Constitution of Niue is found in two documents: The Niue Constitution Act 1974 deals with the relationship of partnership that exists between the states of Niue and New Zealand; the document called the Constitution of Niue provides the key rules for the Government of Niue.

The Constitution is very neat and a model for small state government. The executive power is vested in the Head of State, the Sovereign in Right of the Realm of New Zealand as provided in the Constitution and in the Letters Patent of the Governor-General.

The executive power is exercised in Niue by a Cabinet of four Ministers led by the Premier. Implementation of government policy is assured by the public service, which is employed by an independent body, the Niue Public Service Commission, and headed by the Secretary to the Government.

The legislative power belongs to the twenty-member Niue Assembly. The Members of the Assembly are elected for a three-year term by fourteen village constituencies and six national constituencies. The Assembly is chaired by a Speaker who is not a member of the Assembly or of the Government. The law-making process is elaborated in the Constitution and in the Standing Orders of the Assembly. The process follows the practice of three readings for each legislative proposal. A more extensive procedure is involved if the proposal is to affect land rights, the Public Service, or to change the Constitution. At a delegated level, regulations are made by Cabinet.

Judicial powers in Niue are exercised by the High Court, the Court of Appeal and her Majesty in Council. The Constitution enables the powers of the High Court to be exercised by Commissioners or by Justices of the Peace.

The law of Niue has its origins in the law of New Zealand. Since becoming a self-governing state in free association with New Zealand in 1974, the laws have increasingly reflected the particular needs and circumstances of Niue. Those laws are now available for easy access in this set of the *Laws of Niue* as at December 2019.

## TABLE OF CONSTITUTIONAL INSTRUMENTS

This table lists the key texts of the Niue Constitution as at 31 December 2019.

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<b>Title</b>	<b>Main Instrument Amendment</b>
<b>Constitution of Niue</b>	<b>Schedule to 1974/42 (NZ) 1992/162</b>
<b>Niue Constitution Act 1974</b>	<b>1974/42 (NZ)</b>
<b>Letters Patent constituting the Office of Governor-General of New Zealand</b>	<b>SR 1983/225 SR 1987/8 SR 2006/224</b>
<b>Seal of New Zealand Proclamation</b>	<b>SR 1977/29</b>

# THE CONSTITUTION OF NIUE

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## THE CONSTITUTION OF NIUE

### PART I

#### THE EXECUTIVE GOVERNMENT OF NIUE

#### **1 Executive authority vested in the Crown**

The executive authority of Niue is vested in Her Majesty the Queen in right of New Zealand, and the Governor-General of New Zealand is accordingly the representative of Her Majesty the Queen in relation to Niue.

#### *The Cabinet*

#### **2 Cabinet of Ministers of Niue**

(1) There shall be a Cabinet of Ministers of Niue (hereinafter referred to as the Cabinet) which shall consist of the Premier of Niue (who shall be a member of the Niue Assembly) and 3 other members of the Niue Assembly.

(2) Subject to this Constitution, the executive authority of Niue may be exercised on behalf of Her Majesty by the Cabinet, which shall have the general direction and control of the executive government of Niue and shall have such other functions and powers as are conferred on it by law.

#### **3 Ministers to be collectively responsible**

(1) The members of the Cabinet (hereinafter referred to as Ministers) shall be collectively responsible to the Niue Assembly.

(2) Subject to Article 7 of this Constitution, the Ministers shall continue in office until their successors are appointed pursuant to Article 5(2) of this Constitution.

#### **4 Premier of Niue**

(1) There shall be a Premier of Niue, who shall be elected to that office by an absolute majority of the members present and voting at a meeting of the Niue Assembly.



## Constitution of Niue

(2) The Niue Assembly shall proceed to elect the Premier at the first meeting of the Assembly after a general election and also in each of the following circumstances –

- (a) If the Premier ceases to be a member of the Assembly for any reason other than the dissolution thereof; or
- (b) If the Premier tenders his resignation by writing under his hand addressed to the Speaker or is deemed to have tendered his resignation pursuant to Article 6(3) or Article 7(3) of this Constitution.

### **5 Appointment of Ministers after election of Premier**

(1) As soon as practicable after his election to that office, the Premier elect shall nominate to the Speaker, with their consent, 3 other members of the Niue Assembly for appointment as Ministers.

(2) Upon receiving those nominations, the Speaker shall appoint as Ministers the Premier elect and the members so nominated.

(3) Appointment under subclause (2) of this Article shall be made by the Speaker by instrument under the Seal of Niue.

(4) If the Premier elect has not within 7 days after but excluding the date of his election to that office submitted to the Speaker his nominations for appointments to the Cabinet pursuant to this Article, his election to that office shall have no effect, and, subject to Article 26(1)(d) of this Constitution, a meeting of the Niue Assembly shall be held as soon as practicable for the purpose of again electing a Premier.

### **6 Vote of confidence in Cabinet**

(1) At any meeting of the Niue Assembly –

- (a) The Premier, or another Minister acting on behalf of the Premier, may give notice of his intention to move a vote of confidence in the Cabinet, either generally or on any measure proposed by the Cabinet for adoption by the Assembly;
- (b) Any 4 or more members of the Assembly who are not Ministers may give notice of their intention to move a vote of no confidence in the Cabinet.

(2) Any motion of which notice is given under subclause (1) of this Article shall be voted on at a meeting of the Niue Assembly held not earlier than 5 days nor later than 10 days after but excluding the date of the giving of the notice.

(3) If the motion of confidence is lost, or, as the case may be, the motion of no confidence is carried, the Premier shall be deemed to have tendered his resignation from his office at the expiration of 5 days after but excluding the date of the meeting of the Niue Assembly, unless before the expiration of that period he requests the Speaker to dissolve the Assembly.

### **7 Vacation of office by Ministers**

(1) Any Minister, other than the Premier, shall vacate his office if –

- (a) His appointment to that office is revoked by the Speaker, acting on the request of the Premier, by instrument under the Seal of Niue; or
- (b) He ceases to be a member of the Niue Assembly for any reason other than the dissolution thereof; or
- (c) He resigns his office by writing under his hand delivered to the Speaker.

(2) Within 7 days after the occurrence of any vacancy in the office of Minister, other than the Premier, the Premier shall nominate to the Speaker, with the consent of the member, a member of the Niue Assembly for appointment as a Minister, and the Speaker shall by instrument under the Seal of Niue appoint the member so nominated.

(3) If the Premier does not, within 7 days after but excluding the date of the occurrence of a vacancy in the office of a Minister, other than the Premier, nominate a Minister pursuant to subclause (2) of this Article, he shall be deemed to have tendered his resignation from his office as Premier at the expiration of that period of 7 days.

## **8 Temporary Ministers**

(1) Whenever it appears to the Premier that any Minister will, by reason of illness or absence from Niue, be unable to discharge his functions in Niue for a period of 7 days or longer, the Premier shall nominate to the Speaker, with the consent of the member, a member of the Niue Assembly for appointment as a temporary Minister, and the Speaker shall, by instrument under the Seal of Niue, appoint that member accordingly.

(2) Every such temporary Minister shall be appointed in place of the Minister who is unable to discharge his functions in Niue, and, subject to subclause (3) of this Article, shall hold office, as if he had been appointed under Article 5 of this Constitution.

(3) Every such temporary Minister, unless he sooner vacates his office pursuant to Article 7 of this Constitution, shall remain in office until the Minister in whose place he is appointed is again able to discharge his functions in Niue.

## **9 Acting Premier**

(1) Whenever, by reason of illness or absence from Niue, the Premier is temporarily prevented from discharging his functions in Niue, the Speaker, acting on the request of the Cabinet, may, by instrument under the Seal of Niue, appoint another Minister to discharge the functions of Premier until such time as the Premier is capable of again discharging his functions or has vacated his office.

(2) Where the Premier dies or tenders his resignation to the Speaker after a dissolution of the Niue Assembly and before the appointment of the Ministers after the general election following that dissolution, the Speaker, acting on the request of the Cabinet, shall, by instrument under the Seal of Niue, appoint another Minister to discharge the functions of Premier until the Ministers are appointed after that general election.

## **10 Official oath**

Every Minister shall, before assuming the functions of his office, take and subscribe before the Speaker the following oath –

I,....., being chosen and accepted as Premier of Niue (or a Minister), swear by Almighty God that I will to the best of my judgment, at all times when thereto required, freely give my counsel and advice for the good management of the affairs of Niue, and that I will not directly or indirectly reveal such matters as may be debated in the Cabinet or any committee of the Cabinet and committed to my secrecy, but that I will in all such things be a true and faithful Premier of Niue (or Minister). So help me God.

**11 Allocation of responsibilities to Ministers**

(1) The Premier shall from time to time, by writing under his hand countersigned by the Clerk of the Cabinet and published in the *Niue Gazette*, allocate to any Minister (including himself) the primary responsibility for any Department or function of Government, and may from time to time in like manner vary any such allocation.

(2) The Premier shall have the primary responsibility for any Department or function of Government in respect of which, for the time being, no allocation under subclause (1) of this Article is in effect.

**12 Meetings of Cabinet**

(1) No business shall be transacted at any meeting of the Cabinet unless at least 3 Ministers are present.

(2) The Cabinet shall not be disqualified for the transaction of business by reason only that there is a vacancy among its members, or that, in any case where Article 8 of this Constitution applies, no appointment has been made pursuant to that Article. No proceedings of the Cabinet shall be questioned on the ground that some person who acted as a Minister in relation to those proceedings was not qualified so to act.

(3) Notice of every meeting of the Cabinet and a copy of every paper to be considered at that meeting shall be given to each Minister, and to the Secretary to the Government.

(4) The Secretary to the Government shall have the right to attend any meeting of the Cabinet and to speak on any matter under consideration by the Cabinet, and he shall so attend if required to do so by the Premier.

(5) The decision of the Cabinet on any matter shall be taken only by the Ministers present at a meeting of the Cabinet.

(6) Subject to this Article, the Cabinet shall regulate its own procedure in such manner as it thinks fit.

**13 Rules, other enactments, and decisions of Cabinet**

Any rule or other enactment of the Cabinet shall have effect, and any other decision of the Cabinet shall be duly authenticated, when that rule or other enactment, or the record of that decision, has been signed by the Premier, whether or not he was present at the meeting of the Cabinet at which the rule or other enactment or decision was made, and by the Clerk of the Cabinet.

**14 Clerk of the Cabinet**

There shall be an officer of the Niue Public Service to be called the Clerk of the Cabinet, who shall be responsible for arranging the business for, and keeping the minutes of, meetings of the Cabinet, and for conveying decisions of the Cabinet to the appropriate person or authority, and shall perform with respect to the Cabinet such secretarial and other functions as may be required.

*The Seal of Niue*

**15 Seal of Niue**

(1) There shall be a Public Seal of Niue (in this Constitution referred to as the Seal of Niue), to be in such form or forms as the Cabinet from time to time approves.

(2) The Seal of Niue shall be in the custody of the Speaker.

(3) The Seal of Niue may be used by the Speaker for the authentication of any public document in relation to the Government of Niue or for the execution of any document required by law to be executed under the Seal of Niue.

(4) Judicial notice shall be taken of the Seal of Niue in all Courts.

## PART II

### THE LEGISLATIVE GOVERNMENT OF NIUE

#### *The Niue Assembly*

#### **16 Niue Assembly**

(1) There shall be in and for Niue a legislative Assembly to be called the Niue Assembly.

(2) The Niue Assembly shall consist of –

(a) The Speaker; and

(b) Twenty members to be elected by secret ballot under a system of universal suffrage in the following manner –

(i) Fourteen members, each of whom shall represent a village constituency, shall be elected by the electors of that constituency;

(ii) Six members shall be elected by the persons qualified to be electors of Niue voting on a common roll, which, for the purpose of electing those members, shall comprise the rolls of the several village constituencies.

(3) Subject to this Article and to Articles 17, 18, 19, 24 and 25 of this Constitution, the boundaries of village constituencies, the qualifications and disqualification of electors and of candidates, the mode of electing members of the Niue Assembly, and the terms and conditions of their membership shall be as prescribed by law:

Provided that –

(a) There shall be 14 village constituencies; and

(b) Every person qualified to be an elector for the election of members of the Niue Assembly shall be entitled to vote in one, and one only, village constituency; and

(c) Any determination or redetermination of the boundaries of any village constituency shall, so far as practicable, having due regard to local community interest, be made in accordance with the principle that the number of electors in that village constituency should not be substantially greater or smaller than the number of electors in any other village constituency.

(4) Unless the context otherwise requires, every reference in this Constitution to a member of the Niue Assembly shall be construed as a reference to a member elected pursuant to subclause (2)(b) of this Article, and shall, in any case where the Assembly has been dissolved, be read as a reference to a person who was a member of the Assembly immediately before that dissolution.

#### **17 Nationality and residential qualifications of electors and candidates**

(1) Without limiting the provisions of any law prescribing any additional qualifications, a person shall be qualified to be an elector for the election of members of the Niue Assembly, or to be a candidate at any such election, if, and only if, that person –

(a) Is either –

(i) a New Zealand citizen; or

(ii) a Permanent Resident of Niue as defined by Act;

and,

(b) Has at some period resided continuously in Niue for not less than 3 years; and

- (c) Has been ordinarily resident in Niue throughout the period of 12 months immediately preceding an application for enrolment as an elector or, as the case may be, nomination as a candidate.

(2) For the purposes of this Article, a person shall be deemed to be ordinarily resident in Niue if, and only if –

- (a) He is actually residing in Niue; or
- (b) Having been actually resident in Niue with the intention of residing there indefinitely, he is outside Niue but has, and has had ever since he left Niue, an intention to return and reside there indefinitely:

Provided that any person who has been outside Niue continuously for any period of more than 3 years shall be deemed not to have such an intention, unless during the whole or substantially the whole period of that absence he was undergoing a course of education or of technical training or instruction, or was in the service of the Government of Niue.

[Amended 1992/162]

## **18 Public servants may become candidates or be elected**

(1) Employees of the Niue Public Service who become candidates for election as members of the Niue Assembly shall be granted leave of absence for the purposes of their candidature in accordance with such terms and conditions as may be prescribed by law.

(2) If any such employee is elected as a member of the Assembly, he shall, on being declared so elected, be deemed to have been granted leave of absence without salary from his employment in the Niue Public Service for the period during which he is a member.

## **19 Members disqualified from becoming public servants or interested in Government contracts**

The seat of any member of the Niue Assembly shall become vacant –

- (a) If he becomes an employee of the Niue Public Service, or, being an employee of that Service at the time of his election, he accepts paid employment in that Service, or;
- (b) If he otherwise becomes interested in the execution or enjoyment of any contract under which any public money is payable, except to such extent as may be permitted by law.

## **20 Speaker of Niue Assembly**

(1) The Speaker of the Niue Assembly shall be elected to that office by an absolute majority of the members present and voting at a meeting of the Niue Assembly.

(2) Only a person who is qualified for election as a member of the Niue Assembly may be elected as Speaker.

(3) If any person elected as Speaker is, at the time of that election, a member of the Niue Assembly, he shall vacate his office as a member when he enters upon the duties of the office of Speaker.

(4) The election of the Speaker shall take place, before the despatch of any other business, at the first meeting of the Assembly after each general election, and, at a meeting of the Assembly called for that purpose, as soon as possible after any vacancy in the office of Speaker has occurred.

(5) Before a person who has been elected Speaker enters upon the duties of his office, he shall take and subscribe before the Clerk of the Niue Assembly at a

meeting of the Assembly the Oath of Allegiance prescribed in Article 21 of this Constitution, and the provisions of that Article shall apply with the necessary modifications as if the references therein to a member were a reference to the Speaker.

(6) The Speaker may resign his office by writing under his hand addressed and delivered to the Clerk of the Niue Assembly, and shall vacate his office –

- (a) On the entry into office of a new Speaker elected when the Assembly first meets after a general election; or
- (b) If he ceases to be qualified for election as a member of the Assembly; or
- (c) If he becomes a candidate at any election of a member or members of the Assembly.

(7) If at any meeting of the Assembly the Speaker is absent or the office of Speaker is vacant, the members of the Assembly present at that meeting shall elect one of their number, not being a Minister, to preside over that meeting until the Speaker is again present, or, as the case may be, until a Speaker has been elected and has entered upon the duties of his office.

(8) If, at any time when the Assembly is not meeting, the Speaker is, by reason of illness or absence from Niue, temporarily prevented from performing his functions, or the office of Speaker is vacant, then, until the Assembly again meets, or, as the case may be, the Speaker is again able to perform his functions, those functions shall be performed by a member of the Assembly, not being a Minister, who has presided over a meeting of the Assembly pursuant to subclause (7) of this Article. If more than one member of the Assembly is so qualified and is available to perform the functions of the Speaker, those functions shall be performed by the member who most recently presided over a meeting of the Assembly, pursuant to that subclause.

(9) If it appears that no person is, for the time being, qualified and available to perform the functions of the Speaker –

- (a) A meeting of the Assembly shall be called as soon as possible, and the Clerk of the Niue Assembly shall perform such of the functions of the Speaker as are required to be performed for the purpose of enabling that meeting to be held, and the provisions of Article 22(6) of this Constitution shall not apply to that meeting; or
- (b) In any case where the Assembly has been dissolved and the ensuing general election has not taken place, a meeting of those persons who were members of the Assembly immediately before its dissolution shall be called as soon as possible for the purpose of electing one of their number to perform the functions of the Speaker until the Speaker is again able to perform his functions, or, as the case may be, the new Assembly first meets; and the Clerk of the Niue Assembly shall do everything necessary to ensure that the meeting is called and to certify to the result of the election. The person elected shall, for the purpose of subclauses (7) and (8) of this Article, be deemed to be a person who has presided over a meeting of the Assembly.

(10) Every document, including the certificate on any Bill, signed by the Speaker in the performance of his functions shall be countersigned by the Clerk of the Niue Assembly, and, where pursuant to this Article, any such document or certificate is signed by a member performing the functions of the Speaker, it shall be so stated on the document or in that certificate.

## **21 Members to take Oath of Allegiance**

Except for the purpose of enabling this Article to be complied with and for the election of a Speaker, no member of the Niue Assembly shall be permitted to sit or vote therein until he has taken and subscribed the following oath before the Speaker namely:

I,....., swear by Almighty God that I will be faithful and bear true allegiance to Her (or His) Majesty [*Specify the name of the reigning Sovereign, as thus: Queen Elizabeth the Second*, Her (or His) heirs and successors according to law, and that I will justly and faithfully carry out my duties as member of the Niue Assembly. So help me God.

## **22 Procedure of Niue Assembly**

(1) The Niue Assembly shall meet at such places and at such times as the Speaker, acting on the request of the Premier, from time to time appoints in that behalf: Provided that, if more than 6 weeks has elapsed since the time of the last meeting of the Assembly, any 4 or more members of the Assembly who are not Ministers may request the Speaker to appoint a place and time for a meeting of the Assembly, and the Speaker shall appoint a place and time in that behalf, such time to be not earlier than 5 days nor later than 10 days after but excluding the date of the making of the request.

(2) The Speaker shall preside at every meeting of the Niue Assembly at which he is present.

(3) Except where this Constitution otherwise provides, every question before the Niue Assembly shall be decided by a majority of the votes of the members present.

(4) Subject to any law requiring any member of the Assembly to refrain from voting on any matter concerning a contract in whose execution and enjoyment he is interested, every member present when any question is put to the Niue Assembly shall vote thereon.

(5) The Speaker or other presiding officer shall not have a casting vote and the Speaker shall not have a deliberative vote, but a member presiding in place of the Speaker shall have a deliberative vote.

(6) Subject to Article 20(9)(a) of this Constitution, no business shall be transacted at any meeting of the Niue Assembly if the number of members then present, including any member presiding in place of the Speaker, is less than 10.

(7) The powers of the Niue Assembly shall not be affected by any vacancy in its membership.

(8) No Bill shall be passed unless it has been read 3 times in the Assembly.

(9) Any Bill or other business before the Assembly at its dissolution shall lapse.

(10) Subject to this Constitution, the Niue Assembly may from time to time make Standing Orders for the regulation and orderly conduct of its proceedings and the despatch of business.

## **23 Languages**

(1) The Speaker or any member of the Niue Assembly may speak in the Assembly either in the Niuean language or in the English language: Provided that the Clerk of the Niue Assembly shall, at the request of the Speaker or of any member made through the Speaker, arrange for the remarks of the Speaker or of any member to be translated into the English language or the Niuean language, as the case may be.

(2) Every Bill introduced into the Niue Assembly and every Act shall be in the Niuean language and also in the English language: Provided that the Assembly may, by resolution, determine that any Bill or Act shall be in the Niuean language or English language only.

(3) The records of proceedings in the Niue Assembly or in Committees thereof shall be in the Niuean language, and such of those records as are specified in the Standing Orders of the Assembly or as the Assembly may by resolution determine shall also be in the English language.

(4) The Niuean version and the English version of this Constitution and, subject to subclause (5) of this Article, the Niuean version and the English version of any record of proceedings in the Niue Assembly or any Committee thereof and of any enactment shall be equally authentic:

Provided that if in any case there is any apparent discrepancy between any provision of the Niuean version and of the English version of this Constitution or of any such record or of any enactment, then, in construing that provision, regard shall be made to all the circumstances that tend to establish the true intent and meaning of that provision.

(5) In the case of any record of proceedings in the Niue Assembly or any Committee thereof the Assembly may by resolution determine, and in the case of any enactment it may be expressly provided, that where there is any conflict between the Niuean version and the English version of any such record or of any such enactment, one version only, being either the Niuean version or the English version, shall prevail.

## **24 Privileges of Niue Assembly and its members**

(1) The validity of any proceedings in the Niue Assembly or in any Committee thereof, and the validity of any certificate duly given by the Speaker under Article 34 or Article 35 of this Constitution shall not be questioned in any Court.

(2) Neither the Speaker nor any member or officer of the Niue Assembly in whom powers are vested for the regulation of procedure or the conduct of business or the maintenance of order shall in relation to the exercise by him of any of those powers be subject to the jurisdiction of any Court.

(3) Neither the Speaker nor any member of the Niue Assembly nor any person entitled to speak therein shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Assembly or in any Committee thereof.

(4) No person shall be liable to any proceedings in any Court in respect of the publication by or under the authority of the Niue Assembly of any report, paper, vote, or proceeding.

(5) Subject to this Article, the privileges of the Niue Assembly and of the Committees thereof and the privileges of members and the Speaker of the Assembly and of the persons entitled to speak therein may be determined by Act; and any such Act may define offences relating to breach of privilege or contempt of the Assembly, and may make provision for the trial and punishment of such offences by the High Court, but not otherwise.

## **25 Remuneration of Premier, other Ministers, other members of the Niue Assembly, and the Speaker**

(1) The Niue Public Service Commission may from time to time, and shall when there is a general alteration of the levels of remuneration of employees of the Niue Public Service, report and make recommendations to the Assembly as to the levels of remuneration and other entitlements of the Premier, other Ministers, the members of the Assembly who are not Ministers, and the Speaker.

(2) The Premier, the other Ministers, the members of the Niue Assembly who are not Ministers, and the Speaker may receive such remuneration and allowances and such other benefits as may be prescribed by Act.

(3) If, in the opinion of the Speaker, any Bill, or any amendment to any Bill, deals with a matter to which this Article relates, that Bill or that amendment may not be introduced unless –



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- (a) There is before the Assembly a report and recommendations made by the Niue Public Service Commission pursuant to this Article; and
- (b) The issues raised by that Bill or by that amendment are, in the opinion of the Speaker, substantially similar to those considered in the Commission's report and recommendations.

### **26 Dissolution of the Niue Assembly**

(1) The Speaker shall, by notice in the *Niue Gazette* dissolve the Niue Assembly –

- (a) At the expiration of 3 years from the date of the last preceding general election, if it has not been sooner dissolved;
- (b) At any time after the expiration of 2 years and 9 months from the date of the last preceding general election, if the Premier so requests;
- (c) If, pursuant to Article 6(3) of this Constitution, the Premier requests him to dissolve the Assembly;
- (d) If a new election of Premier has been held pursuant to Article 5(4) of this Constitution and that new election has become of no effect pursuant to that subclause.

(2) There shall be a general election of the members of the Niue Assembly at such time, being not less than 4 weeks nor more than 6 weeks after the date of every dissolution of the Assembly, as the Speaker shall, at the request of the Premier, appoint, or, if the Premier makes no such request within 7 days of any dissolution, as the Speaker, acting in his own discretion, shall appoint, by notice in the *Niue Gazette*.

### **27 Clerk of the Niue Assembly**

(1) There shall be an officer of the Niue Public Service to be called the Clerk of the Niue Assembly, who shall be responsible for –

- (a) Arranging the business and keeping the records of the proceedings of the Niue Assembly; and
- (b) Arranging for the signing of documents and giving of certificates by the Speaker, whenever any signature or certification by the Speaker is required pursuant to this Constitution or to any enactment, and keeping the records of all documents and certificates so signed or given.

(2) The Clerk of the Niue Assembly shall perform with respect to the Speaker and to the members of the Assembly such secretarial and other functions as may be required.

## *The Making of Laws*

### **28 Power to make laws**

(1) Subject to this Constitution, the Niue Assembly may make laws for the peace, order, and good government of Niue.

(2) The powers of the Niue Assembly shall extend to the making, in relation to Niue, of laws having extraterritorial operation, that is to say, affecting or concerning any person or matter or thing outside Niue or any act done or omitted outside Niue.

(3) Without limiting the generality of the powers conferred by this Article, those powers shall include the power to repeal or revoke or amend or modify or extend, in relation to Niue, any law in force in Niue.

(4) Except to the extent to which it is inconsistent with this Constitution, no Act and no provision of any Act shall be deemed to be invalid solely on the ground that it is inconsistent with any law in force in Niue.

**29 Introduction of Bills, etc, into Niue Assembly**

Subject to this Constitution and to the Standing Orders of the Niue Assembly, any member of the Assembly may introduce any Bill or propose any motion for debate in or present any petition to the Assembly, and the same shall be considered and disposed of in accordance with the Standing Orders.

**30 Restrictions with regard to financial measures**

Except with the recommendation or consent of the Premier or another Minister acting on behalf of the Premier, the Niue Assembly shall not proceed upon any Bill (including an amendment to any Bill) which, in the opinion of the Speaker, would dispose of or charge any of the public revenues of Niue, or revoke or alter, otherwise than by way of reduction, any disposition thereof or charge thereon, or impose or alter or abolish any toll, rate, due, fee, fine, or tax.

**31** [Repealed 1992/162]

**32 Special provisions with regard to measures affecting the Niue Public Service**

(1) The Niue Assembly shall not proceed upon any Bill or upon an amendment to any Bill, after its introduction, if, in the opinion of the Speaker, that Bill or that amendment makes provision concerning –

- (a) The pay, allowances, discipline, control and management of the Niue Public Service; or
- (b) The appointment, promotion, transfer, retirement, removal, suspension, and dismissal of employees of the Niue Public Service, including the review of or appeals against any decisions in relation thereto –

unless the Assembly has before it a report, made by the Niue Public Service Commission pursuant to this Article, on the legal, constitutional, and policy issues raised by that Bill or by that amendment.

(2) If, pursuant to this Article, the Assembly by resolution decides to request the Niue Public Service Commission to report in relation to a Bill or to an amendment, the Speaker shall cause to be sent to the Niue Public Service Commission a copy of that resolution, and an account of the Assembly's discussions thereon, together with a copy of that Bill, or as the case may be, of that amendment and of the Bill to which it relates; but, if the Assembly takes a contrary decision, the Bill or the amendment to which that decision relates shall lapse.

(3) When, pursuant to this Article, the Assembly has received the report of the Niue Public Service Commission in relation to a Bill or an amendment to a Bill, and a new or revised amendment is thereafter introduced, the requirements of this Article shall not apply in relation to that new or revised amendment, unless, in the opinion of the Speaker, it raises legal, constitutional, or policy issues which were not raised by the previous request to that Commission or by its report.

**33 Special provisions with regard to measures affecting Niuean land**

(1) The Niue Assembly shall not proceed upon any Bill or upon an amendment to any Bill, after its introduction, if in the opinion of the Speaker, that Bill or that amendment makes provision concerning –

- (a) The customary title to Niuean land; or
- (b) The alienation of Niuean land; or
- (c) The purchase, taking, or other acquisition of Niuean land for any public purpose; or
- (d) [Repealed 1992/162]

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unless the Assembly has before it a report, made by a Commission of Inquiry, having such powers and authority to summon witnesses and to receive evidence as are conferred on a Commission of Inquiry by law, on the legal, constitutional, and policy issues raised by the Bill or by that amendment.

(2) If the Assembly by resolution decides that any Bill or amendment to which this Article applies is worthy of consideration by a Commission of Inquiry pursuant to this Article, the Cabinet shall as soon as possible consider whether and in what manner it should act to enable effect to be given to the Assembly's decision; but, if the Assembly takes a contrary decision in relation to any such Bill or amendment, that Bill or that amendment shall lapse.

(3) Whenever the Assembly has by resolution decided that any Bill or amendment to which this Article applies is worthy of consideration by a Commission of Inquiry pursuant to this Article –

- (a) The Cabinet may establish a Commission of Inquiry with appropriate terms of reference, or may make any necessary alteration in the terms of reference of a Commission of Inquiry already established to inquire into any matter affecting Niuean land; and the Premier shall as soon as possible inform the Assembly of any arrangement that has been made by the Cabinet to enable effect to be given to the Assembly's decision; and
- (b) Whenever it appears that such an arrangement has been made by the Cabinet, the Speaker shall cause to be sent to the Commission of Inquiry designated by the Cabinet for the purpose of considering the Bill or the amendment to which the Assembly's resolution relates a copy of that resolution and an account of the Assembly's discussions thereon, together with a copy of the Bill or, as the case may be, a copy of the amendment and of the Bill to which it relates, and the Commission of Inquiry shall, pursuant to this Article, in due course make its report to the Assembly.

(4) When, pursuant to this Article, the Assembly has received the report of a Commission of Inquiry in relation to a Bill or to an amendment to a Bill and a new or revised amendment is thereafter introduced, the requirements of this Article shall not apply in relation to that new or revised amendment, unless, in the opinion of the Speaker, it raises legal, constitutional, or policy issues which were not raised by the previous report of that Commission of Inquiry.

(5) In this Article –

“alienation” in relation to Niuean land, means the making or grant of any transfer, sale, gift, lease, licence, easement, profit, mortgage, charge, encumbrance, trust, or other disposition, whether absolute or limited, and whether legal or equitable; and includes a contract to make any such alienation; and also includes the surrender or variation of a lease, licence, easement, or profit and the variation of the terms of any other alienation as hereinbefore defined;

“customary title” means title in accordance with the customs and usages of Niue;

“Niuean land” means land in Niue vested in the Crown but held by Niueans according to the customs and usages of Niue; and includes any land granted by the Crown in fee simple before the 1st day of April 1916 and any customary land declared to be Niuean freehold land or native freehold land by an order of any Court before the 1st day of November 1969.

### **34 When Bills become law**

(1) Subject to the requirements of Article 35 of this Constitution in those cases to which that Article applies, a Bill shall become law if, and only if –

- (a) It has been passed by the Niue Assembly; and

- (b) The Speaker, being satisfied that it has been passed in accordance with this Constitution and with the Standing Orders of the Assembly, has endorsed on a copy of the Bill a certificate of compliance with the requirements of this Article, and has, in the presence of the Clerk of the Niue Assembly, signed that certificate and sealed that copy with the Seal of Niue, and inscribed thereon the date of that signing and sealing; and
- (c) The Clerk of the Niue Assembly has, in the presence of the Speaker, countersigned the certificate on that copy of the Bill.
  - (2) A Bill which becomes law in accordance with the requirements of this Article, shall be an Act of the Niue Assembly.
  - (3) Subject to its provisions, an Act shall come into force on the date of its certification and sealing.

### **35 Power of the Niue Assembly to repeal or amend this Constitution**

- (1) A Bill repealing or amending or modifying or extending any of the provisions of the Niue Constitution Act 1974 or of this Constitution or making any provision inconsistent with any of those provisions shall become law if, and only if –
  - (a) It has been passed by the Niue Assembly in compliance with the following requirements –
    - (i) On both the final reading, and on the reading which preceded it, the Bill receives the affirmative votes of not less than two-thirds of the total membership of the Assembly, as provided in Article 16(2)(b) of this Constitution; and
    - (ii) The vote on the final reading takes place at least 13 weeks after but excluding the day of the vote on the reading which preceded it; and
  - (b) It has thereafter been submitted to a poll, conducted in a manner prescribed by law, of the persons who at the time of that poll were entitled to vote as electors at a general election of members of the Niue Assembly, and has at that poll received the support –
    - (i) In the case of any Bill repealing or amending or modifying or extending any of the provisions of sections 2 to 9 of the Niue Constitution Act 1974 or of Articles 1 and 69 of this Constitution or of this Article, by two-thirds of the votes validly cast; and
    - (ii) In any other case, of a majority of the votes validly cast; and
  - (c) The Speaker, being satisfied that it has been passed in accordance with this Constitution and with the Standing Orders of the Assembly, has endorsed on a copy of the Bill a certificate of compliance with the requirements of this Article, and has, in the presence of the Clerk of the Niue Assembly, signed that certificate and sealed that copy with the Seal of Niue, and inscribed thereon the date of that signing and sealing; and
  - (d) The Clerk of the Niue Assembly has, in the presence of the Speaker, countersigned the certificate on that copy of the Bill.
    - (2) A Bill which becomes law in accordance with the requirements of this Article shall be part of this Constitution and shall be described as a constitutional amendment.
    - (3) Subject to its provisions, a constitutional amendment shall come into force on the date of its certification and sealing.

**36 New Zealand Parliament not to legislate for Niue, and New Zealand subordinate legislation not to apply to Niue, except with consent**

(1) No Act, and no provision of any Act, of the Parliament of New Zealand passed on or after Constitution Day shall extend to Niue as part of the law of Niue, unless –

- (a) The passing of that Act or the making of that provision, so far as it extends to Niue, has been requested and consented to by resolution of the Niue Assembly; and
- (b) It is expressly declared in that Act that the Niue Assembly has requested and consented to the enactment of that Act or of that provision.

(2) No subordinate legislation made after Constitution Day pursuant to any Act of the Parliament of New Zealand shall extend to Niue as part of the law of Niue unless –

- (a) At the date of its making, the Act pursuant to which that subordinate legislation was made extends to Niue as part of the law of Niue; and
- (b) The extension to Niue of that subordinate legislation has been requested and consented to by the Cabinet of Ministers of Niue; and
- (c) It is expressly declared in that subordinate legislation that the Cabinet of Ministers of Niue has requested and consented to that extension.

(3) Any Act of the Parliament of New Zealand which, pursuant to this Article, extends to Niue as part of the law of Niue, shall have the same force and effect as if it were an Act of the Niue Assembly.

(4) In this Article the term “subordinate legislation” means any Order in Council, Proclamation, regulations, rules, or other subordinate legislation.

**PART III**

[Repealed and replaced 1992/162]

**THE JUDICIARY**

*The High Court of Niue*

**37 High Court established**

(1) There shall be a Court of record, to be called the High Court of Niue, for the administration of justice in Niue.

(2) Except as provided in this Constitution or by law, the High Court shall have all such jurisdiction (both criminal jurisdiction, and civil jurisdiction including jurisdiction in relation to land) as may be necessary to administer the law in force in Niue.

(3) There shall be 3 Divisions of the High Court, namely –

- (a) A Civil Division;
- (b) A Criminal Division; and
- (c) A Land Division.

(4) A Judge of the High Court may exercise any of the jurisdiction and powers of a Judge of any Division.

(5) Subject to the subclauses (1), (2), (3) and (4) of this Article and to Article 38, each Judge of the High Court, or any 2 or more Judges, may, at any time in Niue or beyond Niue, exercise all the powers of the High Court.

**38 Jurisdiction of Divisions of the High Court**

(1) Each Division of the High Court shall hear and determine –

- (a) Such proceedings as are, under or by virtue of any enactment, to be heard and determined by that Division;

- (b) Such other proceedings as may from time to time be determined by the Chief Justice, either generally or in any particular proceedings or classes of proceedings.

(2) The Land Division shall have all the jurisdiction and powers in relation to land that immediately before the commencement of this Article were conferred on the Land Court of Niue, and shall have such other jurisdiction as may be conferred on it by enactment.

### **39 Judges of the High Court**

(1) The High Court shall consist of one or more Judges, each of whom shall be appointed under the provisions of this Constitution.

(2) If only one Judge is so appointed, he shall be the Chief Justice of Niue, but if more than one Judge is appointed, one of them shall be appointed as the Chief Justice of Niue.

(3) A person shall not be qualified for appointment as a Judge of the High Court under this Article, unless he possesses such qualifications as may, subject to this Constitution, be prescribed by Act.

### **40 Acting Chief Justice of the High Court**

Where any vacancy exists in the office of Chief Justice, or it appears that the Chief Justice is, for any reason, for the time being unable to perform the functions of his office, those functions may be performed by another Judge of the High Court, and if there is more than one such Judge who is able to perform those functions, then by the Judge who is senior in terms of the date of his appointment to that office, and that Judge may continue to perform those functions until a new Chief Justice is appointed, or, as the case may be, until the Chief Justice is again able to perform the functions of his office.

### **41 Temporary Judges**

The Cabinet may at any time appoint any person of any age who is otherwise qualified for appointment to hold office as Chief Justice or as another Judge for such time, not exceeding one year, as is specified in the warrant of appointment.

#### *Appointment, Tenure of Office, and Salaries of Judges*

### **42 Appointment of Judges**

The Chief Justice and other Judges of the High Court shall be appointed as follows –

- (a) The Chief Justice of the High Court shall be appointed by the Governor-General, acting on the advice of Cabinet tendered by the Premier;
- (b) The other Judges of the High Court shall be appointed by the Governor-General, acting on the advice of Cabinet tendered by the Chief Justice of the High Court and the Minister of Justice.

### **43 Tenure of office of Judges**

(1) Except in the case of an appointment made under Article 41, no person who has attained the age of 68 years shall be appointed to or continue to hold office as the Chief Justice or other Judge of the High Court.

(2) Nothing done by the Chief Justice or other Judge of the High Court in the performance of his functions shall be deemed to be invalid by reason only that he has reached the age at which he is required by this Article to retire or that his term has expired, as the case may be.

(3) The Chief Justice or any other Judge of the High Court may resign his office in writing under his hand addressed to the Governor-General.

**44 Salaries of Judges**

(1) The salaries of the Chief Justice and other Judges of the High Court shall be determined by Act and shall be a charge on the Niue Government Account.

(2) The salaries of those Judges shall not be diminished during their period of office, unless as part of a general reduction of salaries applied proportionately to all persons whose salaries are determined by enactment.

**45 Removal of Judges from office**

(1) The Chief Justice and any other Judge of the High Court shall not be removed from office except by the Governor-General acting on the advice of Cabinet tendered by the Premier and given in accordance with a recommendation contained in a resolution of the Niue Assembly.

(2) The only ground upon which the Chief Justice and any other Judge may be removed from office is that of inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or misbehaviour.

*Commissioners of the High Court*

**46 Commissioners of the High Court**

(1) Cabinet may appoint Commissioners of the High Court of Niue, who shall hold office for such time as shall be specified in their warrants of appointment.

(2) No person who has attained the age of 68 years or who is a Member of the Niue Assembly shall be appointed to or continue to hold office as a Commissioner of the High Court.

(3) Subject to subclause (2), the office of Commissioner of the High Court may with the approval of the Public Service Commission be held concurrently with any office in the Niue Public Service, or any other position or employment, but a Commissioner of the High Court who is a member of the Niue Public Service shall not in the exercise of his functions be under the control of the Niue Public Service Commission.

(4) Nothing done by a Commissioner of the High Court in the performance of his functions shall be deemed to be invalid by reason only that he has reached the age at which he is required by this Article to retire, or that his term of office has expired.

(5) A Commissioner of the High Court may resign by writing under his hand addressed to the Premier.

**47 Temporary Commissioners**

The Cabinet may at any time appoint any person of any age who is otherwise qualified for appointment to hold office as a Commissioner of the High Court for such time, not exceeding one year, as is specified in his warrant of appointment.

**48 Jurisdiction of Commissioners of the High Court**

(1) A Commissioner of the High Court shall possess and may exercise such of the functions of a Judge of the High Court (whether judicial or administrative, but excluding those vested exclusively in the Chief Justice) as may be prescribed by Act, either generally or with respect to any particular Commissioner or Commissioners of the High Court, and all references in any enactment to a Judge of the High Court shall be construed as applying to a Commissioner of the High Court within the limits of the jurisdiction conferred on him.

(2) An Act may provide for appeals from a Commissioner of the High Court to a Judge of that Court.

**49 Remuneration of Commissioners of the High Court**

(1) Commissioners of the High Court shall receive such salaries and allowances as may from time to time be prescribed by enactment; but if any Commissioner is appointed on terms which do not require him to devote the whole of his time to performing the duties of that office, he shall receive by way of salary and allowances, the amount that is appropriate, having regard to the extent of the duties performed by him and to the terms and conditions of his appointment.

(2) The salaries of Commissioners shall be a charge on the Niue Government Account.

(3) During the term of office of any Commissioner, his salary may be increased whether to take account of any increase in general levels of remuneration or for any other reason, but his salary shall not during the term of his office be reduced, unless as part of a general reduction of salaries applied proportionately to all persons whose salaries are determined by enactment.

**50 Removal of Commissioners from office**

(1) A Commissioner of the High Court shall not be removed from office except by Cabinet, acting in accordance with a recommendation of the Chief Justice.

(2) The only ground upon which a Commissioner may be removed from office is that of inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or of misbehaviour.

*Justices of the Peace*

**51 Justices of the Peace**

(1) The Cabinet may appoint Justices of the Peace for Niue, who shall hold office for such time as may be prescribed in their warrants of appointment.

(2) Any two Justices of the Peace for Niue, acting together, shall possess and may exercise in Niue any of the functions that are by law conferred generally on Commissioners of the High Court; and Article 48 of this Constitution, with the necessary modifications shall apply as if references therein to a Commissioner of the High Court were a reference to any two Justices of the Peace for Niue; but this subclause shall not apply in the case of any Justice of the Peace who is a member of the Niue Assembly or who has attained the age of 68 years.

(3) A Justice of the Peace for Niue shall not be removed from office except by Cabinet acting in accordance with a recommendation of the Chief Justice.

(4) Justices of the Peace shall receive, in respect of any duties they perform, such remuneration as may from time to time be prescribed by enactment.

*Court of Appeal*

**52 Court of Appeal established**

(1) There shall be a Court of Appeal of Niue, which shall be a superior Court of record.

(2) Subject to articles 53 and 54, the Judges of the Court of Appeal shall be

(a) The Chief Justice and other Judges of the High Court who shall be a member of the Court by virtue of their office; and

(b) Such other persons, possessing such qualifications as shall be prescribed by Act, as may from time to time be appointed by the Governor-General acting on the advice of the Cabinet tendered to him by the Premier.

(3) The Chief Justice shall be the President of the Court of Appeal, but in his absence the Judge present who is highest in seniority shall preside.



(4) Judges of the Court of Appeal shall take seniority according to their respective dates of their first appointment as Judges whether of the High Court or of the Court of Appeal or of any Court in any place outside Niue.

(5) An appointment under paragraph (b) of subclause (2) of this Article shall be for a period of time or for the trial or hearing of one or more particular causes or matters, as may be specified in the instrument of appointment.

**53 Number of Judges**

(1) Any three Judges of the Court of Appeal may at any time in Niue or beyond Niue, exercise all the powers of the Court: Provided that the Court may have its judgment delivered by any one of the Court's members who is available, and, if there is no such member, then through the Registrar of the Court of Appeal.

(2) The judgment of the Court of Appeal shall be in accordance with the opinion of the majority of the Judges present.

**54 Judges not to sit on appeals from own decision**

A Judge of the Court of Appeal shall not sit on the hearing of an appeal from any decision made by him or by a Court on which he sat as a member.

**55 Determination of Court of Appeal**

(1) Except as provided in subclause (2) of this Article, or as may be provided by enactment, the determination of the Court of Appeal shall be final.

(2) Nothing in this Article shall limit the right of Her Majesty in Council, upon the petition of any person aggrieved by any decision of the Court of Appeal to admit that person's appeal therefrom upon such conditions as Her Majesty in Council shall think fit to impose.

**55A Jurisdiction of Court of Appeal**

(1) Subject to the provisions of this Constitution, the Court of Appeal shall have jurisdiction to hear and determine any appeal from a judgment of the High Court.

(2) Subject to the provisions of this Constitution, and such time limits as may be prescribed by enactment within which an appeal shall be commenced, and except where under any Act a judgment of the High Court is declared to be final, an appeal shall lie to the Court of Appeal from a judgment of the High Court –

- (a) As of right, if the High Court certifies that the case involves a substantial question of law as to the interpretation or effect of any provision of this Constitution;
- (b) As of right, from any conviction by the High Court in the exercise of its criminal jurisdiction whereby the appellant has been sentenced to death or to imprisonment for life or for such term, or to such fine, and from any such sentence (not being a sentence fixed by law) as shall be prescribed by Act;
- (c) As of right, when the matter in dispute on the appeal amounts to not less than such value as shall be prescribed by Act;
- (d) With the leave of the High Court in any other case, if in the opinion of that Court the question involved in the appeal is one which by reason of its general or public importance, or of the magnitude of the interest affected, or for any other reason, ought to be submitted to the Court of Appeal for decision;
- (e) In such other cases as may be prescribed by Act.

(3) Notwithstanding anything in subclause (2) of this Article, and except where under any Act a judgment of the High Court is declared to be final, the Court of Appeal may, in any case in which it thinks fit and at any time, grant special leave to appeal to that Court from any judgment of the High Court, subject to such conditions as to security for costs and otherwise as the Court of Appeal thinks fit.

(4) In this Article the term “judgment” includes any judgment, decree, order, writ, declaration, conviction, sentence, or other determination.

### **55B Transmission of order of Court of Appeal**

The determination of the Court of Appeal on any appeal from the High Court shall be transmitted to the Registrar of the High Court by the Registrar of the Court of Appeal under the seal of the Court of Appeal, and judgment shall thereupon be entered by the High Court in conformity with that determination, or such other proceedings by way of a new trial or otherwise shall be taken in the High Court as are required by that determination.

#### *Oath of Allegiance and Judicial Oath*

### **55C Oath of Allegiance and Judicial Oath**

(1) The Chief Justice, and other Judges of the High Court, and every Judge of the Court of Appeal, and every Commissioner, and Justice of the Peace for Niue, shall, as soon as may be after his acceptance of office, take and subscribe the following oaths –

(a) An Oath of Allegiance in the following form –

“I,....., swear by Almighty God that I will be faithful and bear true allegiance to Her (or His) Majesty [Specify the name of the reigning Sovereign, as thus: Queen Elizabeth the Second] as the Head of State of Niue, Her (or His) heirs, and successors, in accordance with the Constitution and the law. So help me God”;

(b) The Judicial Oath in the following form –

“I,....., swear by Almighty God that I will well and truly serve Her (or His) Majesty (Specify as above) as the Head of State of Niue, Her (or His) heirs, and successors in accordance with the Constitution and the law, in the office of.....; and I will do right to all manner of people, without fear or favour, affection or ill will. So help me God.”

(2) The oaths required to be taken by this Article shall be taken before the following persons –

(a) In the case of the Chief Justice, before the Governor-General;

(b) In the case of any other Judge of the High Court, or any Judge of the Court of Appeal, before the Governor-General or before the Chief Justice;

(c) In the case of the Commissioner of the High Court or a Justice of the Peace, before the Chief Justice or any Judge of the High Court, or the Speaker of the Niue Assembly.

(3) If any person mentioned in this Article declines or neglects, when the oaths required to be taken by him under this Article are duly tendered, to take those oaths, he shall if he has already entered on his office vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no person shall be compelled in respect of the same appointment to the same office to take any oath more than once:

Provided that no proceedings before any such person may be questioned in any Court solely on the ground that that person failed to take the oaths prescribed by this Article.

PART IV

THE PUBLIC REVENUES OF NIUE

**56 Legislative control of public revenue and expenditure**

- (1) No taxes shall be imposed except by law.
- (2) All revenue received by the Government of Niue shall be paid into an appropriate public fund or account; and every such fund or account, unless established by existing law, shall be established by or pursuant to Act.
- (3) All expenditure of public money, unless authorised by existing law, shall be authorised by Act.

**57 Niue Government Account**

- (1) There shall be a Niue Government Account.
- (2) All taxes and other revenues and money raised or received by the Government of Niue shall be paid into the Niue Government Account unless required or permitted by law to be paid into any other public fund or account.

**58 Annual estimates and appropriations**

- (1) Except as provided in Article 59(4)(b) of this Constitution or where authorised by a specific appropriation contained in any existing law or in any Act, all expenditure of public money in any financial year shall be charged to votes specified in the Appropriation Act and in accordance with the estimates for that year.
- (2) Each Appropriation Act shall relate to one financial year, and shall lapse at the end of that year.

**59 Cabinet to supervise expenditure**

- (1) It shall be the responsibility of the Cabinet to make proposals to the Assembly as to the projected levels of public revenue and of public expenditure in each financial year, and as to all other budgetary matters. In particular, the Premier or another Minister shall introduce or take responsibility in the Assembly for all Bills relating to financial measures, and for the submission of a detailed statement of estimated expenditure in respect of each financial year.
- (2) The Cabinet shall also be accountable to the Assembly for all public expenditure, and for relating such expenditure to the appropriations made by the Assembly pursuant to Article 58 of this Constitution, or to any discretion to approve expenditure pursuant to subclause (4) of this Article, and shall lay the accounts for each financial year before the Assembly.
- (3) Any delegation by the Cabinet, whether or not to be one or more of its own members, of the power to approve public expenditure shall, subject to existing law, be made by or pursuant to Act, and shall be without prejudice to the generality of the Cabinet's continuing responsibilities under this Article.
- (4) Subject to such lower limits and such restrictions as may from time to time be prescribed by any enactment, the Cabinet may approve the expenditure of such sums as it considers necessary –
  - (a) In anticipation of provision to be made in the Appropriation Act for any financial year; but the total amount issued and paid under this paragraph in relation to any vote in any financial year shall not exceed the unexpended balance of the corresponding vote in the Appropriation Act for the preceding financial year, together with an amount equal to one-fourth of that vote, and all money so spent shall be included in the estimates for that year; or
  - (b) Where, during the period between the passing of the Appropriation Act for any financial year and the end of that financial year, it is desirable that money

should be expended in excess of or without the appropriation of the Niue Assembly, but the total amount of all sums issued and paid under this paragraph in any financial year shall not exceed 1½ percent of the total amount of all sums appropriated by the Appropriation Act for that financial year.

(5) All expenditure made under subclause (4)(b) of this Article shall be charged as unauthorised expenditure to the appropriate fund or account.

(6) A statement of the unauthorised expenditure for any financial year shall be included in the accounts for that year laid before the Assembly.

## **60 Audit**

(1) The Audit Office of New Zealand shall be the auditor of the Niue Government Account and of all other public funds or accounts, and of the accounts of all Departments and Offices of executive government, and of such other public or statutory authorities or bodies as may be provided by law.

(2) The Audit Office shall, at least once annually, prepare and forward to the Speaker of the Niue Assembly for presentation to the Assembly a report containing such information as is required to be submitted by any enactment, together with such other information relating to the Niue Government Account, or to such other funds or accounts which under this Constitution or under any enactment are required to be audited by the Audit Office, as that office considers desirable.

## **PART V**

### **HEALTH, EDUCATION AND OTHER SOCIAL SERVICES**

## **61 Health, education and other social services**

(1) The Cabinet shall be responsible for establishing and maintaining in Niue such hospitals and other institutions and for providing such other services as it considers necessary for the public health.

(2) The Cabinet shall be responsible for establishing and maintaining in Niue such public schools and for making such other provision as it considers necessary to provide educational opportunities for the people of Niue.

(3) The Cabinet shall be responsible for establishing and maintaining such other institutions and services and for making such other provision as it considers necessary to provide a reasonable standard of living for the people of Niue and to secure their economic, social, and cultural welfare.

(4) Nothing in this Article shall be construed as limiting the powers conferred on the Cabinet by Article 2 of this Constitution to exercise on behalf of Her Majesty the executive authority of Niue.

## **PART VI**

### **THE NIUE PUBLIC SERVICE**

## **62 Niue Public Service**

(1) There shall be a Niue Public Service comprising such employees as may be necessary to assist the Cabinet in exercising the executive authority of Niue and to perform such other functions or exercise such powers as may be prescribed by law.

(2) Except as provided in subclause (4) of this Article, no person shall be employed in the service of the Government of Niue unless he is an employee of the Niue Public Service.

(3) Except as may otherwise be provided by Act, employment by a public corporation or other statutory authority or public body constituted under the law of Niue shall, for the purposes of this Article, be considered as employment in the service of the Government of Niue.

(4) Subclause (2) of this Article shall not apply to service remunerated by way of fees or commission only, or honorary service, or service as –

- (a) A Judge or Commissioner of the High Court or a Justice of the Peace for Niue, or any other judicial officer appointed by or pursuant to existing law or Act; or
- (b) A Minister, or any other member or the Speaker of the Niue Assembly; or
- (c) A member of the Niue Public Service Commission.

[Amended 1992/162]

### **63 Secretary to the Government**

(1) There shall be an officer of the Niue Public Service to be called the Secretary to the Government, who shall be the permanent head of the Niue Public Service and the chief administrative officer of the Government of Niue.

(2) In addition to the other functions and powers conferred upon him by law, the Secretary to the Government shall be responsible to the Cabinet for the general direction of the work of all departments and offices of the executive government. The head of each Department or office shall account for the work of that Department or office to the Secretary to the Government, as well as to the Minister primarily responsible for that Department or office or, as the case may be, for the function performed by that Department or office.

(3) Notwithstanding anything in Article 69(2) of this Constitution, the Niue Public Service Commission shall consult the Premier and shall obtain the concurrence of the Cabinet before it appoints any person to be Secretary to the Government.

(4) Notwithstanding anything in any enactment, no appeal by any employee of the Niue Public Service shall lie against the promotion or appointment of any person to the office of Secretary to the Government.

#### *Niue Public Service Commission*

### **64 Niue Public Service Commission**

(1) There shall be a Public Service Commission for Niue, to be called the Niue Public Service Commission.

(2) The Commission shall consist of 3 members who shall be appointed by the Cabinet.

(3) The Chairman of the Commission shall be appointed by the Cabinet from amongst the members of the Commission.

(4) Each member of the Commission, and the Chairman, shall be appointed for a term of 3 years but may from time to time be reappointed.

(5) Each member of the Commission shall receive such salary allowances and benefits as the Cabinet determines from time to time.

(6) A member of the Commission may resign his office at any time by written notice to the Premier, or may be removed from office by the Cabinet on the ground that he is unable to discharge the functions of his office (whether by reason of infirmity of body or mind or from any other cause) or misbehaviour.

[Amended 1992/162]

### **65 Acting members of Commission**

(1) In the event of the incapacity, by reason of illness or absence or any other cause, of any member of the Commission, the Cabinet may appoint a person to act in place of that member during that incapacity.

(2) Any person acting in place of a member of the Commission pursuant to this Article shall be deemed for all purposes to be a member of the Commission, and no appointment of any such person, and no act done by him in his capacity as a member of the Commission shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

[Amended 1992/162]

**66 Procedure of Commission**

(1) At all meetings of the Niue Public Service Commission, 2 members shall form a quorum.

(2) The Commission shall have power to invite such other persons as it thinks fit to assist in its deliberations.

(3) At least 2 members of the Commission shall concur in any decision of the Commission.

(4) Any matter which may be decided by the Commission at a meeting may also be decided by a minute of the Commission signed by all the members.

(5) Subject to this Constitution, the Commission shall regulate its own procedure.

**67 Delegation of powers**

(1) Without prejudice to its continuing responsibility for the organisation and management of the Niue Public Service, the Commission may from time to time, either generally or particularly, delegate any of its powers in relation to the Niue Public Service (including this power of delegation) to any of its members or any other person or to the Secretary to the Government.

(2) Subject to any general or special directions given by the Commission, a person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by enactment and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this Article shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Any delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office.

(5) The delegation of any powers under this section shall not prevent the exercise of those powers by the Commission or by any person making the delegation.

[Amended 1992/162]

*Management of Niue Public Service*

**68 Functions and powers of Commission**

(1) The Niue Public Service Commission shall be the employing authority for the Niue Public Service, and, subject to this Constitution, shall have the general oversight and control of its organisation and management, and shall be responsible for reviewing the efficiency and economy of all departments and offices of the executive government.

(2) Subject to this Constitution and to any enactment, the Commission may prescribe and determine the terms and conditions of employment of members of the Niue Public Service, and may issue such instructions or exercise such other powers as may be necessary to enable it to perform the functions and carry out the duties described in this Constitution or conferred on it by law.

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(3) In the performance or exercise of its functions, powers, and duties in relation to the Niue Public Service, the Commission may conduct such inquiries and investigations as it considers necessary, and, for the purpose of conducting any such inquiry or investigation, the Commission shall have such powers and authority to summon witnesses and to receive evidence as are conferred on a Commission of Inquiry by law.

(4) Except as provided in Article 69(2) of this Constitution, the Commission shall be responsible to the Cabinet for the carrying out of its duties and the performance and exercise of its functions and powers, and the Commission shall, as necessary, inform and advise the Cabinet in relation to any matter affecting the Niue Public Service.

(5) The Commission shall as soon as practicable after the 31st day of March in each year furnish to the Cabinet a report on the state of the efficiency and economy of the Niue Public Service and on the work of the Commission for the year ending with that date. A copy of that report shall be laid before the Niue Assembly.

### **69 Appointments to Niue Public Service**

(1) All employees of the Niue Public Service shall be appointed by the Niue Public Service Commission and, subject to this Constitution and to any enactment, shall hold office on such terms and conditions as may from time to time be prescribed or determined by the Commission.

(2) In all matters relating to decisions about individual employees (whether they relate to the appointment, promotion, demotion, transfer, disciplining, or cessation of employment of any employee or any other matter) the Commission shall not receive any direction from the Cabinet, but shall act independently.

(3) In establishing and revising the terms and conditions of employment in the Niue Public Service, the factors to be taken into account shall include –

- (a) The need for the Niue Public Service to recruit and retain an efficient staff, and, in particular, to provide varied careers and adequate advancement for Niueans with special skills;
- (b) The need to afford reasonable opportunities of employment in Niue for the people of Niue, and in so doing to have regard to the employment opportunities and levels of remuneration available in New Zealand;
- (c) The need to act consistently with Government economic and social policy, bearing in mind that the terms and conditions of employment in the Niue Public Service are a major element in the general wellbeing of Niue.

(4) The pay and allowances of employees of the Niue Public Service shall be paid from the Niue Government Account out of money appropriated by the Niue Assembly.

### *Reports and Recommendations to Assembly*

### **70 Commission to make certain reports and recommendations to Assembly**

(1) Pursuant to Article 25 of this Constitution, the Niue Public Service Commission shall from time to time consider whether circumstances require the making of a report and recommendations to the Assembly as to the levels of remuneration and other entitlements of the Premier, the other Ministers, the members of the Assembly who are not Ministers, and the Speaker, and the Commission shall make such a report and recommendations, whenever there is a general alteration of the levels of remuneration of employees of the Niue Public Service.

(2) The Commission shall send to the Speaker any report and recommendations made under subclause (1) of this Article.

(3) Whenever, pursuant to Article 32 of this Constitution, the Niue Public Service Commission is requested to report on the legal, constitutional, and policy issues raised by any Bill or amendment, it shall as soon as possible, and in any case within one month after receiving the papers relating to the Bill or amendment, respond to that request, either by furnishing its report to the Speaker, or, if it requires further time or information before forming a final opinion, by making that known to the Speaker.

## PART VII

### TRANSITIONAL PROVISIONS

#### **71 Existing law to continue**

Subject to this Constitution –

- (a) The existing law shall, until repealed, and subject to any amendment thereof, continue in force on and after Constitution Day;
- (b) All rights, obligations, and liabilities arising under the existing law shall continue to exist on and after Constitution Day, and shall be recognised, exercised, and enforced accordingly.

**72-80** [Spent]

#### **81 Seal of Niue**

Until the Cabinet approves a different form or forms, the Seal of Niue established by Article 15 of this Constitution shall be in the form or forms approved by the Executive Committee for the Seal of Niue established by section 7 of the Niue Act 1966 (as substituted by section 3 of the Niue Amendment Act 1971).

## PART VIII

### INTERPRETATION

#### **82 Interpretation**

- (1) In this Constitution, unless the context otherwise requires –
- “Act” means an Act of the Niue Assembly, as that term is used in Article 34 of this Constitution;
- “Cabinet” means the Cabinet of Ministers of Niue established by Article 2 of this Constitution;
- “Chief Justice” means the Chief Justice of the High Court of Niue appointed under Article 42 of this Constitution; and includes any other Judge of the High Court authorised under Article 40 of this Constitution to perform the office or exercise any function of the Chief Justice;
- “Clerk of the Cabinet” means the Clerk of the Cabinet appointed pursuant to Article 14 of this Constitution;
- “Clerk of the Niue Assembly” means the Clerk of the Niue Assembly appointed pursuant to Article 27 of this Constitution;
- “Constitution” means this Constitution; and includes the Act of the Parliament of New Zealand intitled the Niue Constitution Act 1974; and also includes any constitutional amendment, as that term is used in Article 35 of this Constitution, when that constitutional amendment has come into force;
- “Constitution Day” means the date on which this Constitution comes into force;
- “Court of Appeal” means the Court of Appeal of Niue established by Article 52 of this Constitution;
- “enactment” means –



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- (a) Any Act of the Niue Assembly and any Ordinance; and any regulation, rule, bylaw, or other instrument of a like nature made pursuant to any such Act or Ordinance;
- (b) Any Act of the Parliament of New Zealand which extends to Niue as part of the law of Niue; and any Order in Council, Proclamation, regulation, rule, ministerial warrant, bylaw, or instrument of a like nature, made pursuant to any Act to which this paragraph applies, if that Order in Council, Proclamation, regulation, rule, ministerial warrant, bylaw, or other instrument extends to Niue as part of the law of Niue;

“existing law” means any law in force in Niue immediately before Constitution Day; and includes any enactment passed or made before Constitution Day and coming into force on or after Constitution Day;

“High Court” means the High Court of Niue established by Article 37 of this Constitution;

“Judge” in relation to the High Court, means any Judge of that Court including the Chief Justice;

“law” means any law for the time being in force in Niue; and includes this Constitution and any enactment;

“Member of the Niue Assembly,” or “Member” used in relation to the Niue Assembly, means any person elected as a member of the Assembly pursuant to Article 16 of this Constitution; but does not include the Speaker; and, in any case where the Assembly has been dissolved, shall have the extended meaning given to that term by subclause (4) of that Article;

“Minister” means a member of the Cabinet; and includes the Premier; and also includes any member of the Niue Assembly appointed as a temporary Minister pursuant to Article 8 of this Constitution;

“Niue Assembly” or “Assembly” means the Niue Assembly established by Article 16 of this Constitution;

“Niue Public Service” means the Niue Public Service established by Article 62 of this Constitution;

“Niue Public Service Commission” or “Commission” means the Niue Public Service Commission established by Article 64 of this Constitution;

“Ordinance” means an Ordinance of the Niue Island Assembly or of the Island Council of Niue;

“Premier” means the member of the Niue Assembly elected as Premier pursuant to Article 4 of this Constitution after he has been appointed as a Minister pursuant to Article 5 of this Constitution; and includes the Minister discharging the functions of Premier pursuant to subclause (1) or subclause (2) of Article 9 of this Constitution;

“Secretary to the Government” means the Secretary to the Government of Niue appointed pursuant to Article 63 of this Constitution;

“Speaker” means the Speaker of the Niue Assembly elected pursuant to Article 20 of this Constitution; and includes any member of the Niue Assembly performing the functions of Speaker pursuant to that Article.

(2) Where in this Constitution any person is required to subscribe an oath, he shall be permitted, if he so desires to comply with that requirement by making and subscribing an affirmation, and the form of oath prescribed by this Constitution shall be appropriately modified accordingly.

(3) Where under this Constitution the holder of any office is an employee of the Niue Public Service, any reference to the holder of that office shall be construed as including, to the extent of his authority, a reference to any other employee of the Niue Public Service for the time being authorised to exercise or perform all or any of the powers, duties, and functions of that office.

[Amended 1992/162]

# Ko e Fakatufono -Tohi Fakave a Niue

## VEHEVEHEAGA

### VALA I

- KO E FAKATUFONO PULE FAKATONU A NIUE
- 1 Pule Malolo faka-Fakatufono kua Fakave ki loto he malolo faka-Patuiki

#### *Ko e Fono He Tau Ikipule*

- 2 Ko e Fono He Tau Ikipule a Niue
- 3 Tau Ikipule kua taha ni e totouaga he ha lautolu a tau malolo kotofa
- 4 Palemia ha Niue
- 5 Kotofaaga he tau Ikipule he mole e fifiliaga he Palemia
- 6 Viliaga falanaki ke he Fono he Tau Ikipule
- 7 Fakaotiaga he tau Kotofaaga he tau Ikipule
- 8 Tau Hukui Ikipule
- 9 Hagai Palemia
- 10 Omonuo fakamooli
- 11 Tufatufaaga he tau gahua kotofa ke he tau Ikipule
- 12 Tau Fonoaga he Fono He Tau Ikipule
- 13 Tau Poakiaga, falu a la fono mo e tau fifiliaga he Fono He Tau Ikipule
- 14 Fakamau Kupu he Fono He Tau Ikipule

#### *Fakamailoga a Niue*

- 15 Fakamailoga a Niue

### VALA II

#### KO E FONU TAUTE FAKATUFONO-TOHI A NIUE

#### *Ko e Fono Ekepule Niue*

- 16 Fono Ekepule Niue
- 17 Higoa he motu mo e talahauaga he tau nonofoaga he tau tagata vili mo e tau tagata fakatu ke vili ki ai
- 18 Tau tagata gahua fakatufono kua maeke ke fakatu vili po ke fifili ki ai
- 19 Tau Ekepule kua nakai talia ke eke mo tau tagata gahua he Fakatufono po ke fia manako ke he falu gahua Fakatufono
- 20 Fakatonu Fono he Fono Ekepule
- 21 Tau Ekepule ke eke e Omonuo he mahani Fakamooli
- 22 Fakaholoaga gahua he Fono Ekepule Niue
- 23 Tau vagahau
- 24 Tau mena ataina ki ai e Fono Ekepule Niue mo e tau Ekepule ha ha i ai
- 25 Palepale he Palemia, Tau Ikipule, tau Ekepule he Fono Ekepule Niue mo e Fakatonu Fono
- 26 Tukuaga he Fono Ekepule Niue
- 27 Fakamau Kupu he Fono Ekepule Niue

#### *Ko e Talagaaga he tau Fakatufono-tohi*

- 28 Malolo Kotofa ke taute fakatufono tohi
- 29 Tukuaga he tau Fakatufono-tohi Fakalatalata mo e falu a mena kehekehe ki mua he Fono Ekepule Niue
- 30 Tau fakakaupaaga pauaki ke lata mo e tau vahega fekau faka tupe
- 31 [Uta kehe]
- 32 Tau tauteaga fifili hagaa ke he tau mena kua lauia ai e Kau Gahua Fakatufono a Niue
- 33 Tau tauteaga fifili ma e tau tauteaga kua lauia ai e tau vala kekeke Niue
- 34 Ko e magaaho ka fakamooli ai e tau Fakatufono-tohi Fakalatalata ke eke mo tau Fakatufono-Tohi
- 35 Pule Malolo ha ha he Fono Ekepule Niue ke uta kehe po ke fakahui e Fakatufonotohi Fakave nai
- 36 Nakai maeke e Fono Ekepule (Palemene) Niu Silani ke talaga e tau fakatufono-tohi ma Niue, mo e nakai maeke ke fakagahua e tau la fono-tohi Niu Silani a to talia ki ai

### VALA III

#### KO E FAAHI GAHUA FAKAFILIAGA

#### *Ko e Fakafiliaga Lahi a Niue*

- 37 Ko e fakatuaga he Fakafiliaga Lahi
- 38 Tau Fakafili mo e tau Komisina Fakafili he Fakafiliaga Lahi
- 39 Tau Malolo Fakafili ha ha he tau Komisina Fakafili he Fakafiliaga Lahi

#### *Ko e Fakafiliaga Fonua Niue*

- 40 Fakatuaga he Fakafiliaga Fonua
- 41 Tau Fakafili mo e tau Komisina Fakafili he Fakafiliaga Fonua
- 42 Tau malolo Fakafili ha ha he tau Komisina Fakafili he Fakafiliaga Fonua

#### *Ko e Fakafiliaga Fonua Tokoluga a Niue*

- 43 Fakafiliaga Fonua Tokoluga a Niue
- 44 Tau Fakafili he Fakafiliaga Fonua Tokoluga

#### *Kotofaaga, Magahala he Kotofaaga, mo e tau Palepale he tau Fakafili mo e tau Komisina Fakafili*

- 45 Kotofaaga he tau Fakafili mo e tau Komisina Fakafili
- 46 Magahala he Kotofaaga he tau Fakafili mo e tau Komisina Fakafili
- 47 Tau Fakafili mo e tau Komisina Fakafili Hukui
- 48 Hukui Iki Fakafili Lahi he Fakafiliaga Lahi mo e Hukui Iki Fakafili Lahi he Fakafiliaga Fonua

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- 49 Utakeheaga he tau Fakafili mo e tau Komisina Fakafili mai he tau kotofaaga
- 50 Tau Palepale he tau Fakafili mo e tau Komisina Fakafili
- Tau Ole mai he Fakafiliaga Lahi ke liu Fakafili*
- 51 Ole he Fakafiliaga Lahi ke liu fakafili ke he Fakafiliaga Ole Liu Fakafili a Niu Silani
- 52 Fakafanoaga he Poakiaga he Fakafiliaga Ole Liu Fakafili ke lata mo e ole liu fakafili
- Tau Lagomatai Fakafili*
- 53 Tau Lagomatai Fakafili
- Omonuo he Mahani Fakamooli mo e Omonuo*
- 54 Omonuo he Mahani Fakamooli mo e Omonuo Faka-Fakafiliaga
- Talahauaga mai he Iki Fakafili Lahi ke lata mo e a falu a Fakatufono-tohi Fakalatalata*
- 55 Iki Fakafili Lahi ke fai talahauaga ke lata mo e falu a Fakatufono-tohi Fakalatalata
- 55A Malolo Pule Fakafiliaga Liu Fakafili
- 55E Utaaga he tau Poakiaga Tohi he Fakafiliaga Liu Fakafili
- 55I Omonuo he Mahani Fakamooli mo e Omonuo Faka-Fakafiliaga
- VALA IV  
TAU TUPE MOUA HA NIUE
- 56 Levekiaga Faka-Fakatufono he tau tupe moua mo e tau tupe fakamole
- 57 Fakaputuaga Tupe he Fakatufono Niue
- 58 Fakalatalataaga mo e Tufatufaaga he tau tupe ma e tau taha
- 59 Ko e Fono He Tau Ikipule ke kitekite e fakamoleaga he tau tupe
- 60 Siviaga he tau tupe
- VALA V  
FAAHI MALOLO TINO, FAAHI GAHUA FAKAAKO MO E FAAHI FIAFIA TINO
- 61 Faahi Malolo Tino, Faahi Gahua Fakaako mo e Faahi Fiafia Tino
- VALA VI  
KO E KAU GAHUA FAKATUFONO NIUE
- 62 Kau Gahua Fakatufono Niue
- 63 Tohi Kupu he Fakatufono
- Kau Pule Gahua Niue*
- 64 Kau Pule Gahua Niue
- 65 Tau Tagata Hukui he Kau
- 66 Puhala Gahua he Kau
- 67 Ko e foakiaga he tau malolo kotofa
- Gahuahuaaga he Kau Gahua Fakatufono Niue*
- 68 Tau gahua mo e tau malolo kotofa he Kau
- 69 Tau kotofaaga ke he Kau Gahua Fakatufono Niue
- Tau Fakailoaga mo e Pulega atu ke he Fono Ekepule*
- 70 Ko e tau fakailoaga mo e tau pulega atu he Kau Pule Gahua ke he Fono Ekepule
- VALA VII  
TAU FAKATOKATOKAAGA MA E MATUTAKIAGA
- 71 Ke fakatumau e tau Fakatufono-tohi a Niue
- 72-80 Ko e falu vala he tohi fakave nei kua nakai tuai fakaaoga
- 81 Ko e Fakamailoga a Niue
- VALA VIII  
FAKAMAAMAAGA
- 82 Fakamaamaaga

## FAKATUFONO-TOHI FAKAVE

### VALA I

#### KO E FAKATUFONO PULE FAKATONU A NIUE

- 1 Pule Malolo faka-fakatufono kua fakave ki loto he malolo faka-Patuiki** Ko e pule malolo faka-fakatufono a Niue kua fakave ke he Patuiki Fifine Lilifu ke he tonuhia a Niu Silani, ti ko e Kovana Lahi Niu Silani ko ia kua talahau ai ko e hukui he Patuiki Fifine Lilifu ke lata ai mo Niue.

#### *Ko e Fono He Tau Ikipule*

- 2 Fono He Tau Ikipule a Niue**

(1) To ha ha i ai e taha Fono He Tau Ikipule a Niue, (kua talahau ai pehe ko e Fono He Tau Ikipule) ti ki a ha ha i ai e Palemia a Niue (ko ia ni ko e taha ekepule he Fono Ekepule) mo e toko 3 foki e ekepule mai he Fono Ekepule Niue.

(2) Ke lata mo e Fakatufono-tohi Fakave nai, ko e pule malolo fakafakatufono a Niue to maeke ke faka-gahua ai he Fono He Tau Ikipule ma e higoa he Patuiki Lilifu, ha kua ha i ai e tau fakatonuaga katoatoa mo e levekiaga pule malolo faka-fakatufono ha Niue mo e taute e falu a gahua mo e tau malolo kotofa, tuga he toka i loto he tau fakatufono-tohi.

### **3 Tau Ikipule kua taha ni e totouaga he ha lautolu a tau malolo kotofa**

(1) Ko lautolu he Fono He Tau Ikipule (kua fakahigoa ai ko e tau Ikipule) to taha ni a lautolu ke he mahani faka-fehagai mo e falanaki atu ke he Fono Ekepule Niue.

(2) A to kehe kaeke ko e munitua ke he Matakupu 7 he Fakatufono-tohi Fakave nai, ko e tau Ikipule ki a fakatumau ai a lautolu he kotofaaga a to kotofa ai e tau hukui ha lautolu ke lata mo e Matakupu 5 (2) he Fakatufono-tohi Fakave nai.

### **4 Palemia ha Niue**

(1) To ha ha i ai e taha Palemia ha Niue, ko ia ne fifili ai ke he numela tokologa he tau Ekepule kua nakai taumaleku e tokologa mai ia lautolu e tau Ekepule kua ha ha i ai ke he fono he Fono Ekepule Niue mo e eke vili ai i loto he fonoaga.

(2) Ko e poakiaga ke he Fono Ekepule Niue ke fifili e Palemia he fonoaga fakamua he Fono Ekepule, he mole e viliaga lahi mo e pihia foki he tau magaaho kehekehe nai.

(a) Ka fakaoti e kotofaaga Ekepule he Palemia he Fono Ekepule, ha ko e taha kakano kehe ka e nakai ko e tukuaga he Fono Ekepule; po ke

(e) Ka eke ke tuku atu he Palemia haana a tohi fakaoti kotofa, kuataute e tohi ia ti tuku atu ai ke he Fakatonu Fono po ke kaeke kua fakaoti tuai ke lata mo e Matakupu 6 (3) po ke Matakupu 7(3) he Fakatufono-tohi Fakave nai.

### **5 Kotofaaga he tau Ikipule he mole e fifiliaga he Palemia**

(1) Ko e magaaho tote ia ni he mole e fifiliaga haana ke he kotofaaga, ko iae Palemia fifili, kua poaki nei ki a ia ke fakatu higoa ke he Fakatonu Fono, ha kua talia e lautolu, toko 3 e tau ekepule he Fono Ekepule Niue ke lata mo e tau kotofaaga Ikipule.

(1) Ka moua e ia e tau higoa fakatutu na, ko ia e Fakatonu Fono, kua poaki nei kia ia ke kotofa mo tau Ikipule e Palemia fifili mo e tau ekepule ne kua fakatu higoa ki ai.

(2) Ko e tau kotofaaga ne eke ai i lalo he vala kupu (2) he Matakupu nai, to taute ai he Fakatonu Fono ke he mahani he tohi kua taute ai i lalo he Fakamailoga a Niue.

(3) Kaeke ke nakai eke ai he Palemia fifili, ke he tau aho ne 7, ka e nakai totou e aho ne fifili ai a ia ke he kotofaaga, e poaki ke tuku atu e ia ke he Fakatonu Fono e tau higoa fakatutu haana ma e tau kotofaaga ke he Fono He Tau Ikipule ke lata mo e Matakupu nai, ti ko e haana a fifiliaga ke he kotofaaga na to nakai tuai nofo ai ha malolo, ti kia fakahoko vave e taha fono he Fono Ekepule Niue ke liu foki fifili ai e Palemia, mo e onoono atu ke he Matakupu 26 (1) (o) he Fakatufonotohi Fakave nai.

### **6 Viliaga falanaki ke he Fono He Tau Ikipule**

(1) He ha Fonoaga he Fono Ekepule Niue –

(a) Ko e Palemia po ke taha Ikipule kua eke mo hukui he Palemia, kua maeke ia ia, ke taute taha fakailoaga hagai ke he haana manatu ke pulega e taha viliaga falanaki ke he Fono He Tau Ikipule ke taute pauaki po ke taha mena taute kua pulega ki ai e Fono He Tau Ikipule ke talia ki ai e Fono Ekepule;

(e) Ko e toko 4 po ke tokologa atu foki e tau ekepule he Fono Ekepule, ko lautolu nakai ko e tau Ikipule, kua maeke ia lautolu ke taute taha fakailoaaga he ha lautolu a manatu ke pulega e taha viliaga kua faka-hagaao ko e nakai fai falanakiaga e Fono Ekepule ke he Fono He Tau Ikipule.

(2) Ko e ha kupu pulega ne fai fakailoaaga kua eke ai i lalo he vala kupu (1) he Matakupu nai kua poaki ia ke vili ki ai i loto he taha fonoaga he Fono Ekepule Niue ne kua fono ai he vaha loto he nakai tote hifo e 5 a tau aho po ke lakafia e 10 e tau aho he mole, ka e nakai lafi ki ai e aho ne eke ai e fakailoaaga.

(3) Kaeke kua kaumahala e kupu pulega kua fai falanakiaga, po ke tuga ni he pulega ki ai kua kautu tuai e kupu pulega nakai fai falanakiaga, ti ko ia e Palemia kua talahau pehe ai kua fakaoti tuai e ia haana a kotofaaga he mole e 5 e tau aho, ka e nakai lafi ki ai ai e aho ne fono ai e Fono Ekepule Niue, a to kehe ka nakai la katoa e tau aho na ti ko ia e Palemia kua ole atu kehe Fakatonu Fono ke tuku e Fono Ekepule ka e taute e viliaga lahi.

## **7 Fakaotiaga he tau kotofaaga he tau Ikipule**

(1) Ko e taha he tau Ikipule, ka e nakai ko e Palemia, kua poaki nai kia ia ketoka haana a gahua kaeke-

(a) Ko e haana a kotofaaga ke he haana gahua na kua uta ke he tuai he Fakatonu Fono ke he mahani he tohi ha ko e ole atu he Palemia he taha tohi kua fakamailoga aki e Fakamailoga a Niue; po ke

(e) Kua okioki tuai a ia mai he kotofaaga ekepule he Fono Ekepule Niue ha ko e ha kakano kehe ka e nakai ka tuku e Fono Ekepule; po ke

(i) Kua fakaoti tuai e ia haana a gahua ke he taha tohi kua tohi ke he matalima tohi haana mo e tuku atu ke he Fakatonu Fono.

(2) He vaha loto he 7 e aho he mole ne tokanoa ai e taha pu gahua he taha Ikipule, ka e nakai ko e Palemia, ko ia e Palemia he mogoia ke pulega fakatu higoa ekepule ha kua talia he ekepule na, ki a ia e Fakatonu Fono, ko e ekepule mai he Fono Ekepule ke kotofa ai ke eke mo taha Ikipule, ti ko ia e Fakatonu Fono kua poaki ki ai, ke kotofa e ekepule ia ne kua fakatu higoa ki ai ke eke mo Ikipule, ke he taha tohi kua fakamailoga aki e Fakamailoga a Niue.

(3) Kaeke ke nakai fakailoa ai he Palemia he vaha loto he tau aho ne 7 he mole, ka e nakai lafi ki ai e aho ne tokanoa ai e pu gahua he taha Ikipule, ka e nakai ko e Palemia, ke pulega kotofa ai taha mo Ikipule ke lata mo e vala kupu (2) he Matakupu nai, to talahau ai pehe kua fakaoti tuai e ia haana a kotofaaga ko e Palemia he oti e magaaho ko e 7 e tau aho na.

## **8 Tau Ikipule Hukui**

(1) Kaeke kua kitia ai he Palemia kua nakai maeke he ha Ikipule, ha kuagagao po ke fano kehe ai mai i Niue, ke taute ai e haana a tau gahua kotofa i Niue ke he magahala ko e 7 e tau aho po ke leva atu foki, ko e Palemia, kua poaki ki ai ke pulega fakatu higoa atu kehe Fakatonu Fono ke eke mo Ikipule Hukui e taha ekepule he Fono Ekepule Niue, ke he haana taliaaga, ti ka e poaki ai nai ke he Fakatonu Fono ke kotofa ai e ekepule na ke he taha tohi kua eke ai i lalo he Fakamailoga a Niue tuga he pulega ke eke pihia.

(2) Ko e ha Ikipule Hukui leveki pehe na, ki a kotofa ai ke hukui e Ikipule ne kua nakai maeke ke taute e haana a tau gahua kotofa i Niue, ka e muitua ke he vala kupu (3) he Matakupu nei, kia gahua ai a ia tuga mo e mena kua kotofa pauaki ni a ia i lalo he Matakupu 5 he Fakatufono-tohi Fakave nai.

(3) Ko e ha kotofaaga Ikipule Hukui Leveki, a to kehe ai ni kaeke kua toka e ia haana kotofa ke lata mo e Matakupu 7 he Fakatufono-tohi Fakave nai, to tumau a ia ke he kotofaaga a to maeke he Ikipule ne hukui e ia ke liu taute e haana a tau gahua kotofa i Niue.

## **9 Palemia Hukui Leveki**

(1) Ko e ha magaaho ni, ha ko e gagao po ke fano ke he mai i Niue e Palemia, ti nakai maeke ai a ia ke eke ai haana a tau gahua kotofa i Niue, ko e Fakatonu Fono, ha kua ole atu e Fono He Tau Ikipule, to maeke ia ia ke he taha tohi kua tohi ai i lalo he Fakamailoga a Niue, ke kotofa e taha Ikipule ke taute e tau gahua kotofa he Palemia a to hoko mai e magaaho kua maeke ai he Palemia ke liu taute haana a tau gahua kotofa, po ke kua fano kehe tuai a ia mai he haana a kotofaaga.

(2) Ha kua mate tuai e Palemia, po ke kua tuku atu tuai e ia ke he Fakatonu Fono e haana manatu fakaoti e kotofaaga haana he mole atu e tuku he Fono Ekepule Niue ka e fakahoko e viliaga lahi, mo e fakamua to kotofa ai e tau Ikipule he mole e viliaga lahi, mo e fakamua to kotofa ai e tau Ikipule he mole e viliaga lahi ne mui mai he tukuaga na, ko ia e Fakatonu Fono, ha kua ole atu he Fono He Tau Ikipule, kua poaki ai nai ke taute e ia ke ha taha tohi kua eke ai i lalo he Fakamailoga a Niue, ke kotofa e taha Ikipule ke taute e tau gahua kotofa he Palemia a to hoko e magaaho ke kotofa ai e tau Ikipule he mole atu e viliaga lahi na.

## **10 Omonuo Fakamooli**

Ko e tau Ikipule taki tokotaha oti, fakamua to eke ai e tau gahua kotofa he haana a kotofaaga, to taute ai e ia e omonuo nai ki mua he Fakatonu Fono.

Ko au ko, \_\_\_\_\_ kua fifili tuai au mo e talia ai ke eke mo Palemia a Niue (po ke Ikipule) kua omonuo nai au ke he Atua Malolo oti kana to eke e au ke he haaku a fifiliaga tonu kua mua ue atu, ke he tau magaaho oti kua lata ke pihia ai, to foaki mo e fakamakai e au haaku a tau fakatonuaga oti ke moua mai e levekiaga mitaki he tau gahua he motu ko Niue, mo e to nakai fakakite fakatonu e au po ke ha puhala kehe e tau mena kua lata ke tutala galo ki ai i loto he Fono He Tau Ikipule po ke taha Komiti he Fono He Tau Ikipule mo e tuku mai ai ke he haaku a mahani galo, to eke au ke he tau mena oti pehe na mo Palemia mitaki mo e fakamooli ha Niue (po ke Ikipule). Ko e mena ia kia lagomatai mai au ma Atua na e.

## **11 Tufatufaaga he tau gahua kotofa ke he tau Ikipule**

(1) Ko e Palemia kia eke ai, mai he taha magahala ke he taha magahala, ke he taha tohi kua tohia ai he lima haana mo e fakamooli ai e higoa he Fakamau Kupu he Fono He Tau Ikipule mo e lolomi ai i loto he Kasete Niue, e tufatufaaga he tau gahua kotofa ke he ha Ikipule (lafi ki ai foki a ia) e taha levekiaga gahua he ha Faahi Gahua Fakatufono po ke tau gahua he Fakatufono mo e maeke ai ke he puhala taha ia ke fakakehekehe e ha tufatufaaga pehe na.

(2) Ko e Palemia ka ha ha i ai e tonuhia poaki ke taute e ha gahua leveki ke lata mo e ha Faahi Gahua he Fakatufono po ke ha fekau he Fakatufono kaeke ko e tau gahua ia kua nakai tufa po ke nakai la tufa tuga ne talahau ai he vala kupu (1) he Matakupu nai.

## **12 Tau Fono he Fono He Tau Ikipule**

(1) To nakai maeke ke taute ai ha gahua i loto he ha fonoaga he Fono He Tau Ikipule a to ha ha i ai e toko 3 e tau Ikipule i loto he fonoaga.

(2) To nakai maeke ke tiaki po ke uta kehe e ha tauteaga he Fono He Tau Ikipule mai he tau tauteaga he tau gahua ha kua pehe ko e fai taha ia lautolu kua nakai la kotofa, po ke ha mena kua lakafia atu ke he Matakupu 8 he Fakatufono tohi Fakave

nei, ti nakai fai kotofaaga kua taute ai ke lata mo e Matakupu na. To nakai fai gahua faka fonoaga he Fono He Tau Ikipule ke huhu hagarao pehe kua nakai aoga ha kua fai tagata hukui i loto he Fono ne gahua tuga ni ko e taha Ikipule ka e nakai lata ke ha ha i ai e talahauaga ko e hukui mooli.

(3) Ko e tau Fakailoaga he tau fonoaga takitaha oti mo e taha lagaki he tau pepa fono oti ka tutala ki ai he fonoaga na, kua poaki ai nei ke tufa atu ke he tau Ikipule takitaha mo e Tohi Kupu he Fakatufono.

(4) Ko e Tohi Kupu he Fakatufono to ha ha ia ia e tonuhia ke fakalataha atu ke he ha fonoaga he Fono He Tau Ikipule mo e maeke ke vagahau ai ke he ha mena kua tutala ki ai e Fono, mo e kua nakai maeke a ia ke noa nakai fakalataha atu a ia kaeke kua manako e Palemia ki ai.

(5) Koe fifiliaga he Fono He Tau Ikipule ke he ha mena tutala to maeke ke taute ni he tau Ikipule kua ha ha i ai he fonoaga he Fono He Tau Ikipule.

(6) Mo e fakataai atu ke he Matakupu nai, to maeke ni he Fono He Tau Ikipule ke utauta ha lautolu a tau tauteuteaga kupu mo e tau fakatokaaga puhala gahua ke he ha puhala kua manatu a lautolu kua lata.

### **13 Tau Poakiaga, falu a la fono, mo e tau fifiliaga he Fono He Tau Ikipule**

Ko e ha poakiaga po ke ha tauteaga faka fakatufono-tohi kua eke ai he Fono He Tau Ikipule mo e tau fakamauaga he ha fifiliaga he Fono He Tau Ikipule to maeke ni ke fakamau mo e taofi tonu ki ai ka eke kua fakamooli ai he Palemia e ha poakiaga, falu a tauteaga faka fakatufono po ke fakamauaga he fifiliaga na, pete ni po kua ha ha i ai a ia po ke nakai ha ha i ai i loto he fonoaga he Fono He Tau Ikipule ne eke po ke taute ai e poakiaga po ke taha fakatufono po ke fifiliaga, mo e fakamooli ai foki he Fakamau Kupu he Fono He Tau Ikipule.

### **14 Fakamau Kupu he Fono He Tau Ikipule**

Kua poaki ai nei ke ha ha i ai e taha tagata gahua he Kau Gahua Fakatufono Niue ke fakahigoa ai ko e Fakamau Kupu he Fono He Tau Ikipule, ko ia ke lago ki ai e gahua ke fakatokatoka e tau mena taute, mo e fakamau e tau kupu tutala he tau fonoaga he Fono He Tau Ikipule mo e fakafano e tau fifiliaga fakamau he Fono He Tau Ikipule ke he tau tagata kua lata ke fakafano ki ai po ke tau kotofaaga faka fakatufono, mo e maeke foki ke taute mo e mah`fii lilifu atu ke he Fono He Tau Ikipule e tau gahua faka-fakamau kupu mo e falu foki he tau gahua kua lata ke taute ai.

### *Fakamailoga a Niue*

### **15 Fakamailoga a Niue**

(1) To ha ha i ai e taha Fakamailoga faka-Fakatufono Niue (i loto he Fakatufono-tohi Fakave nai kua fakahigoa ai ko e Fakamailoga a Niue), ke he taha talagaaga po ke tau talagaaga kua talia ki ai e Fono He Tau Ikipule mai he taha magahala ke he taha magahala.

(2) To toka ai ke he levekiaga he Fakatonu Fono e Fakamailoga a Niue.

(3) Ko e Fakamailoga a Niue to maeke ke fakaaoga ai he Fakatonu Fono kelata mo e fakamooliaga tohi matalima he ha tohi faka-fakatufono kua hagarao ke he Fakatufono Niue po ke tauteaga he ha tohi kua taute ai faka-fakatufono tohi ke eke ai i lalo he Fakamailoga a Niue.

(4) Ki a mailoga ai he faka-fakafiliaga e Fakamailoga a Niue i loto he tauFakafiliaga oti.



VALA II

KOE FONO TAUTE FAKATUFONO-TOHI A NIUE

*Ko e Fono Ekepule Niue*

**16 Fono Ekepule Niue**

(1) Kua poaki ai nei ke ha ha i ai i Niue ma Niue e taha Fono taute fakatufono-tohi ke fakahigoa ai ko e Fono Ekepule Niue.

(2) Kua poaki ai nei ke ha ha he Fono Ekepule Niue –

(a) Ko e Fakatonu Kupu; mo e

(e) Toko uafulu e tau ekepule ke fifili ai he taha vili galo i lalo he puhaviliaga fakalalolagi katoa ke he puhala nai;

(i) Toko hogofulu-ma-fa e tau ekepule, takitaha a lautolu ke ekemo hukui ha tau maaga, ti fifili ni he tau tagata vili he maaga a lautolu takitaha ia;

(ii) Toko ono e tau ekepule ke fifili he tau tagata oti he motu ko Niue kua tonuhia ke vili, ti eke ai ke lata mo e fifiliaga ia lautolu e tau ekepule ia, to vili he tau tagata ne tohia ki loto he tau pepa fakamau higoa tagata vili he tau maaga oti a lautolu na.

(3) Ka e nakai noa mo e muitua atu ke he Matakupu nai, pihia mo e tau Matakupu 17, 18, 19, 24 mo e 25 he Fakatufono-tohi Fakave nai, ko e tau katofia he tau maaga ke lata mo e mahani he viliaga, ko e tonuhia mo e nakai tonuhia he tau tagata vili mo e tau tagata fakatutu ke vili ki ai, ko e puhala ke fifili aki e tau ekepule he Fono Ekepule Niue, mo e fakatokatokaaga mo e tau tauteaga he ha lautolu a tau kotofaaga to tuga ni he fakakite mai ai faka-fakatufono tohi:

Ka e to eke ai pehe –

(a) To ha ha i ai 14 e tau maaga ke lata mo e mahani he viliaga; mo e

(e) Ko e tau tagata takitokotaha oti kua tonuhia ke eke mo tagata vilima e viliaga he tau ekepule he Fono Ekepule Niue to lata ni ke vili i loto he taha, ti taha maka ni, e maaga; mo e

(i) Ha fifiliaga po ke liu fai fifiliaga ke he tau katofia he ha maaga to maeke ia ke taute ke he mena kua maeke ki ai, mo e kitekiteaga ke lata mo e gahuahuaaga mitaki he tau mena kua aga ki ai e tau tagata vili he ha maaga, mo e kua lata ke onono atu fakamatafeiga ke he mena ne pehe ki a nakai lakafia atu mamao e tokologa po ke tote hifo lahi e toko gahoa ke he numela tagata vili he ha maaga ke he.

(4) A to kehe ai ni kaeke kua hagarao kehe e kakano kupu, ko e tau talahauaga takitaha he Fakatufono-tohi Fakave nai hagarao ke he taha ekepule he Fono Ekepule Niue ko e haana kakano ko e fakahagarao ke he taha ekepule ne fifili ke lata mo e vala kupu (2) (e) he Matakupu nai, ti kaeke ko e talahauaga hagarao ke he taha tagata he Fono Ekepule fakamua he nofo ia ti tuku e Fono Ekepule ka e fakahoko e vili, kua hagarao pihia foki e kupu nei.

**17 Tohiaaga ke he motu mo e tau talahauaga ke moua e tonuhia ke eke mo tagata vili mo e tagata fakatu mo vili ekepule**

(1) To nakai fai fakakaupaaga e tau poakiaga he ha fakatufono ne tohia ai efalu a tonuhia lafi atu ke moua he tagata e fakaataaga ke eke a ia mo tagata vili ke he viliaga he Fono Ekepule ha Niue, po ke ke fakatu ke eke mo tagata ke vili ki ai, he ha viliaga ekepule, to maeke ni kaeke ko e tagata ia –

(a) (i) Ko e tagata Niu Silani; po ke

(ii) Ko e tagata nofomau i Niue ke tuga ne tohia ai he Fakatufonotohi; mo e

(e) Ko e tagata kua fai magahala ne nofomau ai a ia i Niue ke molea e3 e tau tau; mo e

- (i) Ko e tagata nofo i Niue kua katoa e 12 e mahina kamata mai he aho ne taute ai e tohi ole ke eke mo tagata vili po ke kamata he aho ne fakatu mo tagata ke vili mo ekepule.

(2) Ke lata mo e kakano he Matakupu nai, ko e taha tagata to maeke ketalahau ai ko e tagata nofo mau i Niue kaeke, mo e kaeke hokoia ni –

- (a) Ko ia kua nofo mooli i Niue; po ke

- (e) Nukua nofo mooli a ia i Niue mo e manatu ke nofo ni mo e ai faiamanakiaga ke nofo he taha motu po ke kautu kehe, po ke kua nofo a ia i tua a Niue ka e kua tali mai he toka e ia a Niue, ko e manatu ke liu mo e nofo ai ke he leva nakai fai amanakiaga ke kehe mai he haana a nofo tumau ai:

Ka e kaeke kua ha ha i ai e ha tagata kua nofo kehe mai i Niue ke he ha magahala kua molea e 3 e tau tau, to talahau ai kua nakai fai manatu pihia (ke nofo i Niue), a to kehe ni kaeke ko e magahala katoa ia po ke katoatoa he magahala ia ne nofo kehe ai pihia ha ko e fano he fakaako po ke falu gahua fakaako, po ke i loto he fekafekauaga he Fakatufono Niue.

### **18 Tau tagata gahua Fakatufono kua maeke ke fakatu vili po ke fifili ki ai**

(1) Ko e ha tagata gahua he kau Gahua Fakatufono Niue kua fakatu higoa vili ke eke mo ekepule he Fono Ekepule Niue, to maeke ke foaki atu ki a ia e magahala ke fano kehe mai he haana a gahua ke he muituaaga kua lata moe haana manako ke he kotofaaga ka e muitua ai ke he tau tauteaga mo e tau fakatokatokaaga faka fakatufono-tohi.

(2) Kaeke ko e ha tagata gahua pehe na kua fifili ai mo ekepule he Fono Ekepule, to maeke ai a ia, ha kua fifili tuai, ke talahau kua foaki atu tuai ki a ia e magahala ke fano kehe ai mai he haana a gahua mo e nakai fai palepale ke moua e ia mai he haana a fekafekauaga i loto he kau Gahua Fakatufono Niue he magahala kua nofo higoa ekepule ai a ia.

### **19 Tau Ekepule kua nakai talia ki ai ke eke mo tau tagata gahua he Fakatufono po ke fia manako ke he falu a gahua faka-Fakatufono**

Ko e nofoa he ha ekepule he Fono Ekepule Niue kua poaki nai ke tokanoa ai –

- (a) Kaeke kua eke a ia mo taha tagata gahua he kau Gahua Fakatufono Niue, po ke ko ia ko e taha kua gahua tuai he gahuaaga ia he magaaho ne fifili ai a ia ti talia e ia e fekafeakuaga palepale ia i loto he fekafekauaga ia; po ke
- (e) Ka e kaeke foki kua fai mena aoga ke he mahani he tau mena moua ne moua ia ke he tauteaga po ke fakamakai lahi ke he ha gahua kua maeke ke moua palepale mai he tau tupe he Fakatufono, ka e kehe ai kaeke kua hokotia atu pihia ha kua fakaata ai faka Fakatufonotohi.

### **20 Fakatonu Fono he Fono Ekepule Niue**

(1) Ko e kotofaaga Fakatonu Fono he Fono Ekepule Niue kua poaki peheke fifili ai a ia ke he kotofaaga na e lautolu e tau ekepule kua tokologa lahi ha ha he fonoaga mo e taute ai e vili i loto he Fono Ekepule Niue.

(2) Ko e taha tagata ni kua tonuhia ke vili ki ai ke eke mo e ekepule he Fono Ekepule Niue kua lata ke fifili mo Fakatonu Fono.

(3) Kaeke ko e ha tagata kua fifili ai mo Fakatonu Fono, he magaaho ne taute ai e viliaga na, ko e ekepule a ia he Fono Ekepule Niue, ti ko e poaki nai ke toka e ia e haana a kotofa ko e ekepule, he mogo ke hu atu ai a ia ke he tau gahua kua toka ai ke he kotofaaga he Fakatonu Fono.

(4) Ko e fifiliaga he Fakatonu Fono kua poaki ai nai ke taute ai fakamua to taute ai e ha gahua kehe ha fonoaga fakamua he Fono Ekepule he mole e tau viliaga lahç,oti, mo e, he taha fonoaga he ha Fono Ekepule kua ui pauaki ma e fekau na he mogoa ia ni kua tokanoa ai e kotofaaga Fakatonu Fono.

(5) Ko e tagata kua fifili ai ke eke mo Fakatonu Fono, ko e fakamua to kamata gahua ai a ia he haana a tau gahua kotofa, ko e poakiaga ki a ia ke taute mo e eke ai e ia i mua he Fakamau Kupu he Fono Ekepule Niue i loto he taha fonoaga he Fono Ekepule Niue e Omonuo he Mahani Fakamooli ne fakakite mai he Matakupu 21 he Fakatufono-tohi Fakave nai, mo e tau talahauaga ha ha he Matakupu na to lata ia foki fakalataha mo e tau fakahuihuiaga ke tuga mo e mena ko e tau talahauaga ha ha i ai kua haggao ia ke he taha ekepule, ka ko e haggao foki ke he Fakatonu Fono.

(6) To maeke he Fakatonu Fono he ha magaahe ni ke fakaoti e haana a gahua ke he taha tohi he matalima haana mo e tuku atu ke he Fakamau Kupu he Fono Ekepule Niue, ti ki a toka e ia haana a kotofa –

- (a) He huaga atu he Fakatonu Fono fifili foou he magaahe ka fono fakamua ai e Fono Ekepule he mole atu taha Viliaga Lahi; po ke
- (e) Kaeke kua fakaoti a ia nakai tuai tonuhia ke lata mo e mahani heviliaga ke moua e tau ekepule he Fono Ekepule; po ke
- (i) Kaeke kua eke tuai a ia mo taha tagata fakatu higoa ki ai ke he viliaga he taha ekepule po ke tau ekepule ma e Fono Ekepule.

(7) Kaeke kua nakai ha ha i ai e Fakatonu Fono he taha fonoaga he Fono Ekepule, po ke tokanoa ai e kotofaaga he Fakatonu Fono, ko e tau Ekepule he fonoaga na, ke fifili e lautolu e taha mai ia lautolu, ka e nakai ko e taha Ikipule, ke takitaki e fonoaga na, a to maeke he Fakatonu Fono pauaki ke liu fakalataha ai, po ke a to hoko e magaahe ke fifili ai e Fakatonu Fono mo e hu atu ai a ia ke he haana a tau gahua kotofa he haana kotofaaga.

(8) Kaeke he ha magaahe kua nakai fai fono ai e Fono Ekepule, ko e Fakatonu Fono, ha kua gagao po ke fano kehe mai i Niue, mo e nakai maeke fakaku ia ia ke taute e haana a tau gahua, ko e tau gahua ia to maeke ai ke taute ai he taha Ekepule he Fono, nakai ko e taha Ikipule, kua takitaki ai e fonoaga he Fono ke lata mo e Vala Kupu (7) he Matakupu nei. Ka molea e tokotaha e Ekepule kua tutonuhia mo e ataina ke eke e tau gahua he Fakatonu Fono, ko e tau gahua ia to taute ai he Ekepule ne fakamuiaki e takitaki ke he taha Fono he Fono Ekepule ke lata mo e vala kupu na.

(9) Kaeke kua kitia ko e nakai fai tagata kua tonuhia ke taute e gahua he Fakatonu Fono

- (a) Kua poaki ai nai ke ui fakamafiti e taha fono he Fono Ekepule, ti ko e Fakamau Kupu he Fono Ekepule Niue, ke taute e ia e tau gahua kotofa he Fakatonu Fono, tuga he manako ke eke ai ke lata ke maeke ai e fonoaga na ke fakahoko, ti ko e tau talahauaga he Matakupu 22(6) he Fakatufono-tohi Fakave, to nakai fakaaoga ai ke he fonoaga na; po ke
- (e) Kaeke kua tigahau e Fono Ekepule he tuku ke maeke he taha viliagalahi ke fakahoko ka e nakai la fakahoko ia e viliaga lahi ia, kua poaki ai nai pehe ke fakahoko fakamafiti ai e taha fono he tau tagata ne talahau ko e tau ekepule he Fono Ekepule fakamua to tuku e Fono Ekepule ke lata mo e viliaga lahi ke fifili taha mai ia lautolu ke taute e tau gahua he kotofaaga Fakatonu Fono ke he tau magahala kua nakai maeke ai he Fakatonu Fono kotofa pauaki ke taute e tau gahua ia, po ke, ke lata mo e magahala tokanoa to liu e Fono Ekepule foou ke fakahoko e fonoaga fakamua, ti ko e Fakamau Kupu he Fono Ekepule Niue ke lago ki ai e tau fekau oti kua haggao ke he uiaga he taha fono motuhia pihia, mo e ko ia foki ke fakamooli e fakamauaga he fono haggao ke he fifiliaga he

taha ke taute a tau gahua he Fakatonu Fono. Ko e tagata ka fifili ke taute e tau gahua ia to talahau ai pehe, ke lata mo e tau vala kupu (7) mo e (8) he Matakupu nei, ko ia taha he tau tagata ne kua takitaki e taha fonoaga he Fono Ekepule.

(10) Ko e tau pepa oti, fakalataha mo e ha fakamooliaga ke he ha FakatufonoFakalatalata, ka fakamooli he Fakatonu Fono ke he matalima tohi haana ke lata mo e tauteaga he haana a matagahua, ki a nakai noa mo e fakamooli ai foki he Fakamau Kupu he Fono Ekepule ke he haana matalima tohi, ti kaeke ko e tau pepa kua fakamooli ai he taha Ekepule ne taute e kotofaaga he Fakatonu Fono, ki a tohi ai fakalataha he fakamooliaga he tau pepa ia ko e pihia e tauteaga.

## **21 Tau Ekepule ke taute e Omonuo he Mahani Fakamooli**

A to kehe ni ke lata mo e gahua ke maeke ai e Matakupu nai ke fakatatai mo e fifiliaga he Fakatonu Fono, to nakai fai ekepule he Fono Ekepule Niue kua maeke ke fakaata ke nofo po ke vili ai i loto he Fono Ekepule a to taute fakamua e ia e omonuo na i lalo ki mua he Fakatonu Fono pehe:

Ko au ko,.....kua omonuo nai au ke he Higoa he Atua Malolo Ue Atu pehe, to mahani fakamooli au mo e fua e mahani pipiki mau mooli ke he Patuiki Fifine (po ke Taane) Lilifu

[ talahau e higoa he Patuiki kua pule ai, tuga he pehe Patuiki Fifine ko Elisapeta ke Uaaki ] mo e Haana a tau hukui mo e tau ohi, ke lata mo e fakatufono-tohi, mo e to taute e au haaku a tau gahua kotofa ko e taha Ekepule he Fono Ekepule Niue mo e mahani tonu mo e fakamooli. Ko e mena ia ki a lagomatai mai au, ma Atua na e.

## **22 Fakaholoaga Gahua he Fono Ekepule Niue**

(1) Ko e Fono Ekepule Niue kua poaki nai ke fakalataha ai ke fono ke he ha mena mo e he ha magaaho kua fifili ki ai he Fakatonu Fono ke lata mo e ole atu he Palemia ki a ia ke eke pihia mai he taha magaaho kua fifili ke lata mo e mena ia:

Ka e kaeke kua mole atu e 6 e tau faahi tapu mai he fonoaga fakahiku he Fono Ekepule, ti ko e toko 4 po ke tokologa atu foki e tau ekepule he Fono Ekepule, nakai ko lautolu ko e tau Ikipule, to maeke ke ole atu ke he Fakatonu Fono ke kotofa e taha mena mo e magaaho ke fai fono ai e Fono Ekepule, ti ko e Fakatonu Fono to maeke ia ia ke kotofa e mena mo e magaaho ke lata mo e ole ia, ko e magaaho ke nakai tote hifo he 5 e tau aho po ke nakai leva ke molea e 10 e tau aho ka e ai totou e aho ne taute ai e ole.

(2) Ko e Fakatonu Fono kua poaki nai ke takitaki e ia e tau fonoaga takitaha oti he Fono Ekepule ne kua ha ha i ai a ia.

(3) A to kehe ai ni kaeke kua fakatoka kehe pauaki he Fakatufono-tohi Fakave nai, ko e tau kupu huhu po ke tau fekau oti kua tuku ki mua he Fono Ekepule Niue ke fifili ki ai kua poaki ai nai ko e fakamau ke he mena ne fifili ki ai ke he loga he tau vili he tau Ekepule kua ha ha he fonoaga mo e vili ki ai.

(4) Ka e kehe ni kaeke ko e muiua atu ke he ha fakatufono-tohi, kaeke ko e fai fakatufono-tohi hagamoo ke he fakakaupaaga ke he ha ekepule ke nakai fakaata ke fai vili kaeke ko e fekau ke he taha mena taute ke he puhala taute maveheaga tohi ne kua ha ha i ai ko ia ko e ekepule ne fai mena aoga ke moua e ia ha ko e tauteaga pihia, ko e poaki ha nai ke taute vili e tau ekepule oti ne ha ha i loto he ha fonoaga he Fono Ekepule ke lata mo e tau fekau oti ne tuku ke vili ki ai.

(5) Ko e Fakatonu Fono po ke taha tagata kua takitaki e fono to nakai fai vili fakaoti fekau ke eke e ia, ti nakai fai vili pauaki e Fakatonu Fono, ka ko e ekepule kua takitaki e fono ma e higoa he Fakatonu Fono to fai vili pauaki ke eke e ia.

(6) A to kehe ke lata mo e Matakupu 20(9) (a) he Fakatufono-tohi Fakave nai, to nakai fai gahua ke taute ai he ha fonoaga he Fono Ekepule Niue kaeke kua ha ha i ai e tau ekepule ne fakalataha atu ke he fonoaga ko e tote hifo he toko 10 a lautolu,

totou ki ai foki he numela ia e ha ekepule kua takitaki e fono ma e higoa he Fakatonu Fono.

(7) Ko e tau malolo pule he Fono Ekepule Niue to nakai lauia ai ha kua pehe ko e taha nofoa ekepule kua tokanoa.

(8) To nakai maeke e ha Fakatufono Fakalatalata ke fakamooli ai, a to totou laga 3 ai i loto he Fono Ekepule.

(9) Ko e ha Fakatufono Fakalatalata po ke ha fekau ne kua ha ha i mua he Fono Ekepule he magaaho ka tuku ai e Fono Ekepule ke lata mo e fakahokoaga he taha viliaga lahi kua pehe ke fakaoti noa mo e tiaki ai.

(10) Mo e muiua atu ke he Fakatufono-tohi Fakave nai, ko e Fono Ekepule to maeke ai mai he taha magahala ke he taha magahala ke taute e taha Tohi He Tau Poakiaga Fakaholoaga Fono ke lata mo e fakatokatokaaga mo e fakahakohakoaga mitaki he tau fakaholoaga he tau gahua po ke tau fono.

### 23 Tau Vagahau

(1) Ko e Fakatonu Fono po ke ha ekepule he Fono Ekepule Niue to maeke ke vagahau ai ke he vagahau faka-niue po ke vagahau faka-Peritania :

Ka e ko e poakiaga ke he Fakamau Kupu he Fono Ekepule ke taute e tau fakatokaaga kua lata, ka ole he Fakatonu Fono, po ke he ha ekepule kua ole ai ke he Fakatonu Fono, ke fakatoka pehe ko e tau vagahau he Fakatonu Fono po ke ha vagahau he ha ekepule ke liliu ke he vagahau faka-Peritania po ke liliu ke he vagahau faka-Niue, ko e mena fe ni kua lauia ai.

(2) Ko e tau Fakatufono Fakalatalata oti kua tuku ki mua he Fono Ekepule Niue mo e tau Fakatufono-tohi oti kua poaki nai ke tohia ai ke he vagahau fakaNiue mo e pihia foki ke he vagahau faka-Peritania.

Ka e maeke kaeke ko e Fono Ekepule ne manako, ha ko e taha kupu pulega kua fakamau, ke fakatoka ni pehe ko e ha Fakatufono Fakalatalata po ke Fakatufonotohi to maeke ke tohia ai ke he vagahau faka-Niue hokoia po ke vagahau fakaPeritania hokoia ni.

(3) Ko e fakamauaga he tau kupu fono i loto he Fono Ekepule po ke i loto he tau Komiti ha ha i ai, kua poaki nai ai ke tohia ai ke he vagahau faka-Niue ti ko e tau fakamauaga pehe na tuga he fakakite mai ai he Tohi He Tau Poakiaga Fakaholoaga Fono he Fono Ekepule po ke ha kua maeke ha ko e taha kupu pulega he Fono Ekepule ke fakatoka ke maeke foki ke tohia ke he vagahau faka-Peritania.

(4) Ko e liliuaga ke he vagahau faka-Niue mo e liliuaga ke he vagahau faka-Peritania he Fakatufono-tohi Fakave nai, a to kehe kaeke ko e muiua ke he vala kupu (5) he Matakupu nai, ko e liliuaga ke he vagahau faka-Niue mo e liliuaga ke he vagahau faka-Peritania he ha fakamauaga he tau kupu fono i loto he Fono Ekepule po ke ha Komiti ha ha i ai mo e ha fakatufono-tohi to maeke ke tatai ni e aoga ha laua :

Ka e, kaeke kua pehe, he ha mena kua kitia tonu ai e nakai fetataiaki he vaha loto he ha talahauaga ha ha he liliuaga ke he vagahau faka-Niue mo e liliuaga ke he vagahau faka-Peritania he Fakatufono-tohi Fakave nai, po ke he ha fakamauaga po ke he ha fakatufono-tohi ne kua ha ha i ai kua tauteute e talahauaga na, to fai kitekiteaga ke he tau mena oti kua pehe to fakatupu ai e manatu mooli mo e kakano he talahauaga na.

(5) Ko e ha mena kua lauia ai e ha fakamauaga he tau kupu tutala he Fono ekepule Niue po ke he ha Komiti kua ha ha i ai, ko e Fono Ekepule to maeke, ha ko e taha kupu pulega ke fakatoka ai mo e kaeke ko e ha fakatufono-tohi to taute fakamooli pehe, kaeke kua ha ha i ai e ha fekehekeheaki he vaha loto he liliuaga ke he vagahau faka-Niue mo e liliuaga ke he vagahau faka-Peritania he ha fakamauaga pehe na po ke ha fakatufono-tohi, to taha ni e liliuaga ka talahau ko e mooli mo e tonu, ko e vagahau faka-Niue po ke liliuaga ke he vagahau fakaPeritania ke maeke ke fakatumau ki ai.

**24 Tau mena ataina ki ai e Fono Ekepule Niue mo e tau ekepule ha ha i ai**

(1) Ko e malolo mo e tonu ha ha i ai he ha tauteaga i loto he Fono Ekepule Niue, po ke i loto he ha Komiti ha ha i ai, mo e malolo he ha tohi fakamooli kua foaki atu he Fakatonu Fono i lalo he Matakupu 34 po ke Matakupu 35 ha ha he Fakatufono-tohi Fakave nai, to nakai maeke ke fai kupu huhu ki ai e ha Fakafiliaga.

(2) To nakai maeke he Fakatonu Fono, po ke ha ekepule, po ke ha tagata gahua he Fono Ekepule Niue kua tuku atu ki ai e tau malolo pule ke fakatonutonu e fakaholoaga po ke mahani he tauteaga he tau gahua, po ke levekiaga he puhala hako, to nakai lauia ai, ha ko e tauteaga e ia he tau malolo pule na, ke he ha Fakafiliaga.

(3) To nakai maeke he Fakatonu Fono, po ke ha ekepule he Fono Ekepule Niue ne kua ha ha i ai e tonuhia ke vagahau ai i loto he fono ke lata mo e ha tauteaga he fono, ke lauia he ha Fakafiliaga haggao ke he ha mena kua talahau ai po ke ha viliaga kua taute e ia i loto he Fono Ekepule po ke ha Komiti ha ha i ai.

(4) To nakai fai tagata ke lauia ai he ha tauteaga i loto he ha Fakafiliaga kaeke ko e taha mena kua haggao ke he ha fakailoaga lolomi he lomiaga fakapuloa i lalo he malolo pule he Fono Ekepule Niue he ha fakailoaga, he ha pepa, he viliaga po ke ha tutalaaga ke he mahani he fono.

(5) Mo e maitua atu ke he Matakupu nai, ko e tau mena ataina ki ai e Fono Ekepule Niue mo e tau Komiti ha ha i ai mo e tau mena ataina ki ai e tau ekepule mo e Fakatonu Fono he Fono Ekepule mo e tau tagata kua fakaataina ke vagahau i loto he tau Fonoaga, to fakamau ia ke he taha Fakatufono-tohi, ti ko e ha Fakatufono-tohi pihia to maeke ai, ka e kehe ai ni ka lauia ai ha mena he Matakupu 31 he Fakatufono Fakave nai, ke fakakite fakatonu e tau holifono haggao ke he holia he ataina po ke ai fakalilifu ke he Fono Ekepule, mo e maeke ai ke taute e tau fakatokaaga ke lata mo e fakalilifuaga mo e fakahala he tau holifono pehe na i loto he Fakafiliaga Lahi ka e nakai ko e ha puhala kehe.

**25 Palepale he Palemia, Tau Ikipule ne toe tau tau ekepule ne toe he Fono Ekepule Niue mo e Fakatonu Fono**

(1) Ko e kau pule gahua Fakatufono Niue to maeke, mai he taha magahalake he taha magahala, mo e kua poaki ai ke, kaeke kua ha ha i ai e taha hikihikiaga he tau tutuaga he tau palepale he Kau Gahua Fakatufono Niue, ke fakailoa mo e fai talahauaga pulega ke he Fono Ekepule ke lata mo e tau tutuaga he tau palepale mo e falu a palepale kua lata ke moua ai he Palemia, tau Ikipule ne toe, tau ekepule he Fono Ekepule ka e nakai ko e tau Ikipule, mo e Fakatonu Fono.

(2) Ko e Palemia mo e tau Ikipule ne toe, tau ekepule he Fono Ekepule Niue ne nakai ko e tau Ikipule, mo e Fakatonu Fono kua pehe to maeke ke moua e lautolu e tau palepale, tau palepale lafi ki luga mo e falu a mena kehekehe ne kua lata ke moua ha ko e tau kotofaaga ia ke tuga ka fakakite mai ai he taha Fakatufono-tohi.

(3) Kaeke, ha ko e manatu he Fakatonu Fono, ko e ha Fakatufono Fakalatalata, po ke ha fakahuiaga ke he ha Fakatufono Fakalatalata, kua haggao ke he taha mena kua haggao ki ai e Matakupu nai, ti ko e Fakatufono Fakalatalata na, po ke fakahuiaga na, to nakai maeke ke tuku ki mua he fono a to-

(a) Ha ha i ai i mua he Fono Ekepule e taha fakailoaga mo e talahauaga pulega mai he Kau Pule Gahua Fakatufono Niue ke lata mo e Matakupu nai, mo e

(e) Ko e kakano he kupu ne talahau ai i loto he Fakatufono Fakalatalatana, po ke fakahuiaga na, ke he manatu he Fakatonu Fono, kua haggao tatai ni mo e tau mena kua fifili ki ai he fakailoaga he Kau Pule Gahua mo e tau talahauaga pulega he Kau ha ha i ai.

**26 Tukuaga he Fono Ekepule Niue**

(1) Ko e Fakatonu Fono kua poaki nai ki a ia, ke he taha fakailoaga i loto he Kasete Niue, ke tuku e Fono Ekepule Niue ka e fakahoko taha viliaga lahi kaeke –

- (a) Kua katoa ai e 3 e tau tau mai he aho ne taute ai e viliaga lahi, kaeke kua nakai la tuku ai fakamua to hoko ke he 3 e tau tau ia;
- (e) mai he aho ne hoko ai e viliaga lahi kua mole ki tua, kaeke kuamanako pihia ki ai e Palemia;
- (i) Kaeke, ha ko e munitua ke he Matakupu 6 (3) he Fakatufono-tohi Fakave nai, ko e Palemia ne ole ki a ia ke tuku e Fono Ekepule ka e fakahoko taha viliaga lahi;
- (o) Kua taute ai e taha viliaga foou he Palemia ke lata mo e Matakupu 5(4) he Fakatufono-tohi Fakave nai, ti nakai moua mai he viliaga foou na, e tuaga aoga po ke fai kakano ke lata mo e vala kupu na.

(2) Ko e poaki a nai ke eke ai e taha viliaga lahi ke lata mo e mouaaga he tau ekepule he Fono Ekepule Niue he ha magaaho, ke nakai tote hifo ai he 4 e tau faahi tapu po ke molea ai e 6 e tau faahi tapu he mole atu e aho ne tuku ai e Fono Ekepule, tuga he poaki ai nei ke he Fakatonu Fono, ha ko e ole he Palemia, ke kotofa, po ke kaeke ko e Palemia kua nakai taute ai e ia e ha ole pehe na he ha magaaho to molea ai ko e 7 e tau aho mai he aho ne tuku ai e Fono Ekepule, tuga he taute ai he Fakatonu Fono ke he haana ni a manatu, ke kotofa ai, ke he taha fakailoaga i loto he Kasete Niue.

**27 Fakamau Kupu he Fono Ekepule Niue**

(1) To ha ha i ai e taha tagata gahua he kau Gahua Fakatufono Niue ke fakahigoa ai ko e Fakamau Kupu he Fono Ekepule Niue, ko ia kua poaki nai ki ai ke leveki mo e fua e tau gahua ke –

- (a) Fakatokatoka e tau gahua mo e leveki e tau fakamauaga he tau tutalaaga mo e toka e tau fakamauaga he tau mena tutala he Fono Ekepule Niue; mo e
- (e) Fakatokatoka, ke lata mo e fakamooli matalima tohi he tau tohi moe tuku atu e tau tohi fakamooli mai he Fakatonu Fono kaeke ko e ha magaaho kua lata ke fai higoa fakamooli po ke ha fakamooliaga kua lata ke eke he Fakatonu Fono ke lata mo e ha talahauaga he Fakatufono-tohi Fakave nai po ke ha fakatufono-tohi, mo e leveki e tau pepa oti mo e tau tohi fakamooli kua fakamooli ai po ke foaki.

(2) Ko e Fakamau Kupu he Fono Ekepule Niue kua poaki nai ki a ia ke eke mo e mahani kua tonu ki mua he Fakatonu Fono mo e ke he tau ekepule he Fono Ekepule e tau gahua fakamau mena oti mo e falu a gahua ke tuga ka manako ki ai.

*Ko e Talagaaga he Tau Fakatufono-tohi*

**28 Malolo kotofa ke taute fakatufono-tohi**

(1) Ka e munitua ke he Fakatufono-tohi Fakave nei, maeke e Fono Ekepule Niue ke taute Fakatufono-tohi ma e fakatupuaga he mafola, holo tonuhia mo e mitaki he Fakatufono ma Niue.

(2) Ko e malolo kotofa he Fono Ekepule Niue kua maeke ke hokotia ia foki ke fakaholo atu e taute fakatufono-tohi ke lata mo e falu a mena i fafo ha Niue; pehe e mena ia, ko e tau fakatufono-tohi ke lauia po ke haggao atu ke he ha tagata po ke ha mena i fafo ha Niue po ke ha mena kua taute i fafo ha Niue.

(3) Mo e nakai fakakaupa e tau malolo kotofa katoa ne toka i loto he Matakupu nei, ko e tau malolo kotofa ia to hokotia atu foki ke he malolo ke moumou po ke utakehe, po ke fakahui po ke fakafou po ke lalafi ki luga, ke lata mo Niue, e ha Fakatufono-tohi ha ne fakagahua ai i Niue po kua haggao tonu ki Niue.

(4) A to kehe ai ni kaeke ko e nakai muitua ke he taha mena he Fakatufonotohi Fakave nai, nakai maeke e ha Fakatufono-tohi ke pehe kua nakai aoga ha ko e nakai o tatai mo e tau fakatufono-tohi ne fakagahua i Niue.

**29 Tukuaga he tau Fakatufono Fakalatalata mo e falu mena kehekehe ki loto he Fono Ekepule Niue**

Ka nakai kehe mai mo e Fakatufono-tohi Fakave nei po ke tau Poakiaga Fakaholoaga Fono he Fono Ekepule Niue, maeke e ha Ekepule he Fono Ekepule ke tuku e ha Fakatufono Fakalatalata po ke ha tohi kupu pulega ke fakatutala fetoko ki ai, po ke tuku e ha ole ke he Fono Ekepule, ko e tau mena ia to pulega ni ki ai mo e taute ai e taha fakaotiaga ke lata mo e tau Poakiaga Fakaholoaga Fono.

**30 Tau fakakaupaaga pauaki ke lata mo e tau vahega fekau faka Tupe**

A to kehe ai ni kaeke ko e moua mai ha ko e pulega po ke taliaaga he Palemia, po ke taha Ikipule ne eke pihia ha ko e taute ma e higoa he kotofaaga he Palemia, to nakai maeke e Fono Ekepule Niue ke fai fifiliaga ke he ha Fakatufono Fakalatalata (lafi ki ai e ha fakahuiaga ke he ha Fakatufono Fakalatalata) kaeke, kua kitia he Fakatonu Fono kua lauia ai ha fakaaoga unuhake ki luga he ha tupe he tau tupe fafati ke totogi i Niue po ke utakehe, po ke hiki, po ke ka pehE ai ko e tau fafati tukuhau, fakahala tupe, po ke ha tupe tukuhau fafati ke totogi he tau vahega kehekehe a to kehe ni kaeke ko e tukuhifo ki lalo he ha mena totogi he tau mena kehekehe.

**31 (Uta Kehe)**

**32 Tau fakatokaaga fifili pauaki haggao ke he tau mena kua lauia ai e Kau Gahua Fakatufono Niue**

(1) To nakai maeke he Fono Ekepule Niue ke fakatutala e ha Fakatufono Fakalatalata po ke ha fakahuiaga fakalatalata ke he ha Fakatufono Fakalatalata he mole e tukuatuaga fakamua ke he Fono kaeke, ke he manatu he Fakatonu Fono, ko e Fakatufono Fakalatalata na po ke fakahuiaga na, kua fai fakatokaaga ke lauia ai e tau mena nai –

- (a) Tau totogi, tau tupe lafi ki luga, tau hatakiaga, tau puhala ke takitaki aki, po ke tau puhala ke lata mo e fakaholoaga he gahua he Kau Gahua Fakatufono Niue, po ke
- (e) Tau kotofaaga, fakaholo hake he tau kotofaaga, hikihihiaga he taukotofaaga, faka okioki mo e gahua, utakehe e gahua, fakaoti fakaku e gahua, mo e fakaotiaga he kotofaaga ha lautolu mai he Kau Gahua Fakatufono Niue, lafi ki ai e liu kikite, po ke tau ole liu fifili, haggao ia ke he mena kua lauia ai a to moua ki mua he Fono Ekepule e taha fakailoaga talahauaga, mai he Kau Pule Gahua Fakatufono Niue ha ko e muitua ke he Matakupu nei, haggao ke he tonuhia he mahani faka-fakatufono, tonuhia he mahani faka-fakatufono-tohi fakave po ke ha fakatokaaga faka fakatufono kua lauia ai he Fakatufono Fakalatalata, po ke ha fakahuiaga fakalatalata.

(2) Kaeke, ha ko e muitua ke he Matakupu nai, kua fifili e Fono Ekepule ha ko e tauteaga ke he taha kupu pulega kua talia ke ole ke he Kau Pule Gahua Fakatufono Niue ke fai fakailoaga talahauaga haggao ke he taha Fakatufono Fakalatalata, po ke taha fakahuiaga fakalatalata, ko e poaki nai ke he Fakatonu Fono ke kitia kua fakafano ke he Kau Pule Gahua Fakatufono Niue e taha lagaki he kupu pulega na, fakalataha mo e taha talahauaga fakamaamaaga he tutalaaga he Fono Ekepule he mena na, fakalataha mo e taha lagaki he Fakatufono Fakalatalata na, po ke ha fakahuiaga fakalatalata ke he



Fakatufono Fakalatalata kua haggao ki ai; ka e kaeke kua nakai pihia e fifiliaga he Fono Ekepule, ko e Fakatufono Fakalatalata po ke fakahuiaga fakalatalata na, kua pehe ai kua nakai fai aoga ti ki a tiaki ai.

(3) Kaeke, ha ko e maitua ke he Matakupu nei, ke moua he Fono Ekepule fakailoaga mai he kau Pule Gahua Fakatufono Niue haggao ke he Fakatufono Fakalatalata, po ke ha fakahuiaga fakalatalata ke he he Fakatufono Fakalatalata, ti moua mai ai ha ko e mena ia e ha fakafouaga he ha Fakatufono Fakalatalata kua tuku atu, ko e talahauaga he Matakupu nai kua nakai lata ke liu ui atu foki ke he kau Pule Gahua ke liu fai talahauaga foki, a to kehe ni ka manatu e Fakatonu Fono kua lauia ai e talahauaga tonuhia ke he mahani faka-fakatufono, tonuhia he mahani faka fakatufono-tohi fakave, po ke ha fakatokaaga faka fakatufono ka e nakai la moua mai he oleaga fakamua ke he Kau ia e taha fakailoaga kua haggao tonu ke he taha lauiaaga kua laga mai he fakafouaga ia.

**33 Tau tauteaga fifili pauaki ma e tau tauteaga kua lauia ai e tau vala kelekele Niue**

(1) Ko e Fono Ekepule Niue to nakai maeke ke fakatutala e ha Fakatufono Fakalatalata, po ke ha fakahuiaga fakalatalata ke he ha Fakatufono Fakalatalata ka mole e tukuaga fakamua ke he Fono kaeke kua manatu e Fakatonu Fono pehe ko e Fakatufono Fakalatalata, po ke fakahuiaga fakalatalata kua lauia ai e tau fakatokatokaaga ke he tau mena nai –

(a) Ko e fakaveaga he tonuhia ke he ha kelekele Niue; po ke

(e) Ko e foakiaga kua kehe he ha kelekele Niue; po ke

(i) Ko e fakatauaga, uta, po ke ha puhala kehe foki ke moua ai ha kelekele Niue ke lata mo e ha fakaaogaaga ma e tau tagata oti

a to moua ki mua he Fono Ekepule e ha fakailoaga ne taute ai he taha Kau Kumikumi ne ha ha i ai e tau malolo kotofa ke ui atu ke he tau fakamooli mo e ke moua e tau talahauaga tuga kua ha ha i ai ke he Kau Kumikumi ha ko e tau fakamauaga fakatufono-tohi ke lata mo e talahauaga faka fakatufono, po ke tonuhia he mahani faka fakatufono-tohi fakaveaga, po ke ha fakatokaaga faka fakatufono, kaeke kua fai lauiaaga e tau vahega mena pihia i loto he Fakatufono Fakalatalata, po ke fakahuiaga fakalatalata na.

(2) Kaeke, ke he taha kupu fakamau he Fono Ekepule kua fifili, haggao ke he ha Fakatufono Fakalatalata po ke ha fakahuiaga fakalatalata kua lauia ai e Matakupu nei, kua lata ke fai kumikumi ki ai e taha Kau Kumikumi ke lata mo e Matakupu nei, ko e poaki nai ke he Fono he tau Ikipule ke fakamafiti ke fifili ko e lata nakai, ti taute e puhala ke gahua ai ke lata mo e manako he Fono Ekepule kua fakamau ki ai; ka e kaeke kua nakai maitua e Fono Ekepule ke he puhala ia haggao ke he ha Fakatufono Fakalatalata po ke ha fakahuiaga, to tiaki ai e Fakatufono Fakalatalata po ke fakahuiaga na mo e talahau ai kua nakai aoga e mena ia.

(3) Ko e ha magaahe kua fai talahauaga fakamau ai e Fono Ekepule ke lata mo e ha Fakatufono Fakalatalata po ke ha fakahuiaga fakalatalata, ha ko e maitua ke he Matakupu nei, kua lata ke pulega po ke kua pehe e haggaoaga ke kumikumi ki ai e taha Kau Kumikumi ke lata mo e Matakupu nei –

(a) To maeke ke he fifiliaga he Fono he tau Ikipule ke fakatu e taha Kau Kumikumi mo e tuku atu ke he kau ia e tau talahauaga fakave ke lata mo e gahua, po ke taute e falu a hikihikiaga kua tonuhia ki ai ke he tau fakaveaga ke lata mo e gahua he Kau Kumikumi ne fakatu tuai ke lata mo e kumikumiaga ke he mena kua lauia ai e ha fakaveaga he tau kelekele Niue; ti ko e poakiaga nai kua lago ke he Palemia ke fakailoa atu mafiti ke he Fono Ekepule e ha fakatokatokaaga ne taute he Fono he tau Ikipule ke fakatautonu aki e tau talahauaga fakamau ke he fifiliaga he Fono Ekepule; mo e

(e) Ka moua mai e talahauaga ia mai he Fono he tau Ekepule, ko e poaki nai kua lago ke he Fakatonu Fono ke fakafano ke he Kau Kumikumi ne fakatu he Fono

he tau Ikipule ke lata mo e gahua kua poaki ki ai ke maeke ke moua mai e taha talahauaga ke he Fakatufono Fakalatalata po ke he fakahuiaga fakalatalata hagai ke he talahauaga fakamau he Fono Ekepule, e taha lagaki he talahauaga fakamau he Fono Ekepule, lafi ki ai e taha lagaki he Fakatufono Fakalatalata po ke he lagaki he fakahuiaga fakalatalata ke he Fakatufono Fakalatalata kua lauia ai, ti ko e Kau Kumikumi, ke lata mo e Matakupu nei, ne kua poaki nai ke taute e fakailoaaga mo e tuku atu ai ke he Fono Ekepule.

(4) Kaeke, ha ko e maitua ke he Matakupu nei, kua moua ai he Fono Ekepule e fakailoaaga mai he Kau Kumikumi hagai ke he ha Fakatufono Fakalatalata po ke ha fakahuiaga fakalatalata ke he ha Fakatufono Fakalatalata ti pehe kua moua mai ai e taha fakafoouaga po ke ha fakahuiaga fakafoou, ti pehe ai kua nakai lauia ke he kupu poaki ne pehe ke moua mai taha talahauaga he Kau Kumikumi, a to kehe ni ka manatu e Fakatonu Fono kua lauia ai e ha talahauaga kua tonuhia ke he mahani hako faka-fakatufono, tonuhia ke he mahani hako faka fakatufono-tohi fakave po ke ha fakatokaaga faka fakatufono, kaeke kua nakai hokotia e talahauaga fakamua he fakailoaaga mai he Kau Kumikumi ke he mena ia ne manatu e Fakatonu Fono ki ai.

(5) Ha he Matakupu nei ko e –

“Foakiaga kua Kehe”, hagai ke he tau kekeke Niue, ko e haana kakano ko e ha vala fonua fakatoka kehe ha ko e foakiaga hiki, fakafua tupe, foaki fakalofa, foaki nofo totogi, foaki laiseni, foaki ha ko e tonuhia ke fakaaoga he falu, foaki ke moua e polofita, foaki fakamaveheaga kaitalofa, foaki faka totogi kaitalofa, lauia ha kua nakai tokanoa e kekeke, foaki fai falanakiaga ke leveki ma e taha po ke ha puhala foaki kehe foki ni ko e katoatoa po ke fai fakakaupa, ha ko e faka –fakatufono po ke talahau ko e tonuhia; lafi ai foki pihia kaeke ko e pulega fakakonotuleke ke foaki kua kehe; mo e lafi ki ai e ha liuakiaga po ke hikihikiaga he ha vala kekeke po ke fakakehekeheaga he ha foaki totogi, foaki laiseni, foaki ma e kaitalofa po ke foaki moua polofita po ke ha foaki fakakehe ke lata mo e foakiaga he ha vala kekeke ke he ha puhala kua fakakite ai nei:

“Fakaveaga he tau vala kekeke ke he mahani fakamotu” ko e kakano ko e fakamauaga ke lata ia mo e mahani fakamotu ke he tonuhia he fonua pihia mo e fakaaogaaga he tau vala kekeke i Niue:

“Tau Kekeke Niue”, kakano ko e tau vala kekeke Niue ne fakave ke he Foufou he Patuiki kua talahau ko e Fakatufono ka e toka ke he pule he tau Niue ke lata mo e mahani mo e fakaaogaaga fakamotu; lafi ki ai e ha fonua kua tonuhia mai he foakiaga he Fakatufono to hoko e aho 1 ia Apelila 1916 mo e ha fonua Niue kua fakahigoa ai ko e tau fonua kua tohi ke he higoa tagata kua ha ha i ai e poakiaga he ha Fakafiliaga to hoko e aho 1 ia Novema 1969.

### **34 Ko e magaaho ka fakamooli ai e tau Fakatufono Fakalatalata ke eke mo tau Fakatufono-tohi**

(1) A to kehe ni kaeke ko e talahauaga he Matakupu 35 he Fakatufono-tohi Fakave nei, hagai ke he tau mena kua tonuhia ke he Matakupu ia, to maeke ni e tau Fakatufono Fakalatalata ke eke mo Fakatufono-tohi, kaeke, mo e kaeke ni –

(a) Kua talia ai he Fono Ekepule Niue; mo e

(e) Kua tonuhia ke he manatu he Fakatonu Fono kua talia mo e maitua ke he tau fakatokaaga he Fakatufono-tohi Fakave nei mo e tau Poakiaga Fakave ma e Fakaholoaga Fono he Fono Ekepule, ti kua fakamooli ai ke he matalima tohi haana i mua he Fakamau Kupu he Fono Ekepule Niue, e taha fakamooliaga ki loto he taha lagaki he Fakatufono Fakalatalata mo e fakamailoga aki e Fakamailoga a Niue, mo e pehe kua maitua e tauteaga ke he puhala ne talahau he Matakupu nei ke maitua ki ai ti tohia ai e aho ne fakamooli mo e fakamailoga ai; mo e

- (i) Kua fakamooli foki he Fakamau Kupu he Fono Ekepule Niue ke he matalima tohi haana i mua he Fakatonu Fono e lagaki he Fakatufono Fakalatalata na he fakamooli he Fakatonu Fono ne toka ai e fakamooliaga kua talahau ai.

(2) Ko e ha Fakatufono Fakalatalata kua eke mo fakatufono-tohi ke tugamo e tau talahauaga he Matakupu nei, to eke ia mo Fakatufono-tohi he Fono Ekepule Niue.

(3) A to kehe ni ka fakakite tonu i loto he ha Fakatufono-tohi, ko e tau Fakatufono-tohi oti ke kamata fakagahua ai Niue he aho ne fakamooli matalima ai mo e tuku aki ai e fakamailoga a Niue.

**35 Malolo kotofa he Fono Ekepule Niue ke uta kehe po ke fakahui e Fakatufono-tohi Fakave nei**

(1) Ko e ha Fakatufono Fakalatalata ke uta kehe po ke fakahui, po kefakafoou, po ke fakalaulahi, e ha Matakupu po ke ha vala kupu he Matapatu Fakatufono-tohi Fakave a Niue 1974, po ke Fakatufono-tohi Fakave nei, po ke taute ai ha fakatokaaga kua nakai fetataiaki mo e ha talahauaga na, to maeke ni ke eke ai mo fakatufono-tohi, ka eke, mo e ka eke hokoia ni –

- (a) Kua talia ai he Fono Ekepule ke he puhala kua maitua ke he tau fakatokaaga nai;

- (i) He totouaga fakahiku mo e totouaga to hoko e totouaga ia heha Fakatufono Fakalatalata, kua moua e tau vili talia ke he numela katoa kua nakai tote hifo he ua e mena ke tolu aki he tau numela Ekepule katoatoa he Fono Ekepule tuga ne talahau ai he Matakupu 16(2) (b) he Fakatufono-tohi Fakave nei; mo e

- (ii) Ko e vili ke eke ke lata mo e totou fakahiku ki a nakai taute a toKatoa e 13 e tau faahi tapu he mole, ka e nakai lafi ki ai e aho ne eke ai ke he vili ke lata mo e aho totouaga ne taute to hoko e totouaga fakahiku; mo e

- (e) Kua oti ia ti kua tuku atu ai ke he viliaga, kua taute ai ke he puhala fakatoka faka-fakatufono-tohi, he tau tagata he magaaho he viliaga na kua tonuhia ke vili, ko e tau tagata vili he viliaga lahi he tau Ekepule he Fono Ekepule Niue, ti ha ha he viliaga na e omoiaga talia

- (i) Kaeke ko e ha Fakatufono Fakalatalata kua utakehe po ke fakahui po ke kafafoou po ke fakalaulahi e taha he tau fakaveaga he tau Matakupu 2 ke he 9 he Matapatu Fakatufonotohi Fakave a Niue 1974 po ke tau Matakupu 1 mo e 69 he Fakatufono-tohi Fakave nei, po ke Matakupu nei, kua lata ke hokotia ke he ua e mena ke tolu aki e loga he tau vili hako ne vili; mo e

- (ii) Kaeke ko e tau mena ke he ne nakai talahau he vala kupu 35(1) (b) (i) ti maitua ni ke he loga he tau vili hako ne moua; mo e

- (i) Kaeke kua talia he Fakatonu Fono pehe kua fakamooli tuai ke he tau puhala kua maitua ke lata mo e Fakatufono-tohi Fakave nei mo e Tau Poakiaga Fakave ma e Fakaholoaga Fono he Fono Ekepule Niue, ti fakamooli he Fakatonu Fono taha lagaki he Fakatufono Fakalatalata e taha talahauaga fakamooli kua talahau ai pehe kua maitua e tauteaga ke he talahauaga he Matakupu nei, mo e kua eke ai e ia pihia ki mua he Fakamau Kupu he Fono Ekepule Niue ke he matalima tohi haana e tohi fakamooli na, ti fakamau fakamailoga e lagaki na aki e Fakamailoga a Niue mo e tohi ai i luga e aho ne fakamooli mo e fakamau fakamailoga ai; mo e

- (o) Ko e Fakamau Kupu he Fono Ekepule Niue, kua eke, i mua he Fakatonu Fono, e fakamooli foki ke he matalima tohi haana e talahauaga fakamooli i loto he lagaki na he Fakatufono Fakalatalata.

(2) Ko e ha Fakatufono Fakalatalata kua eke mo fakatufono-tohi ke lata moe tau talahauaga he Matakupu nai to talahau mo e totou ai ko e taha vala he Fakatufono-tohi Fakave nei mo e maeke ai ke talahau ko e fakahuiaga faka fakatufono-tohi fakave.

(3) A to ke he ni ka talahau pauaki i loto, ko e fakahuiaga faka fakatufonotohi fakave to kamata fakagahua ai he aho ne taute ai e talahauaga fakamooli mo e fakamau fakamailoga ai.

**36 Nakai maeke e Fono Ekepule (Palemene) Niu Silani ke talaga e tau fakatufono-tohi ma Niue, mo e nakai maeke ke fakagahua e ha la fono Niu Silani a to moua e talia ki ai**

(1) To nakai maeke e ha Fakatufono-tohi, po ke ha fakatokaaga he haFakatufono-tohi he Fono Ekepule (Palemene) Niu Silani ne fakamooli ai he aho, po ke he ha aho kua mole e Aho Fakatokatokaaga he Pule Fakamotu, ke pehe kua maeke ke hokotia e fakaaogaaga ki Niue, po ke pehe kua eke ko e taha vala he fakatufono-tohi a Niue, a to pehe ai –

(a) Ko e fakamooliaga he Fakatufono-tohi po ke taha tauteaga he ha fakatokaaga na , ke lata ke hokotia e fakaaogaaga ki Niue, kua oti tuai he ole fakamua atu ki ai mo e talia ha ko e taha kupu pulega fakamau he Fono Ekepule Niue ke eke pihia; mo e

(e) Kua oti tuai he talahau fakamahino i loto he ha Fakatufono-tohi pihia kua pehe ko e Fono Ekepule Niue kua ole atu tuai mo e talia ki ai ke eke pihia ke lata mo e talagaaga he Fakatufono-tohi na po ke he fakatokaaga kua ha ha i ai.

(2) To nakai fai fakatufono lafi ne kua taute ai he mole e AhoFakakatoatoaga he Pule Fakamotu, ha ko e muitua ke he Fakatufono-tohi he Fono Ekepule (Palemene) a Niu Silani, kua maeke ke fakaaoga ki Niue, po ke eke mo taha vala he tau Fakatufono-tohi a Niue, a to pehe ai –

(a) He aho ka taute ai, ko e Fakatufono-tohi ne moua mai ai e ataina po ke hagaaoaga ke he talagaaga he fakatufono lafi ko e mena fita ni e fakatufono-tohi ia he totou ko e taha vala he tau fakatufono-tohi a Niue; mo e

(e) Ko e fakaaogaaga ki Niue he fakatufono lafi, ko e mena ole mo e talia fakamua ki ai e Fono he tau Ikipule a Niue; mo e

(i) Kua fakailoa fakamahino ki ai i loto na, pehe, ko e fakatufono lafi na ne ole mo e talia ki ai e Fono he tau Ikipule a Niue ke lata mo e tauteaga na.

(3) Koe ha Fakatufono-tohi he Fono Ekepule (Palemene) Niu Silani kua fakaaoga ki Niue ha ko e tauteaga he Matakupu nei to tatai e fakagahuaaga mo e haana a aoga ke tuga ni ko e fakatufono-tohi he Fono Ekepule Niue.

(4) Ha ha he Matakupu nei e Kupu, ‘fakatufono lafi’ ko e kakano pehe ko e ha Poakiaga he Kanesila, Fakapulooaga, tau poakiaga-tohi, tau la fono-tohi mo e falu a fakatufono lafi.

VALA III

FAKAFILIAGA

*Fakafiliaga Lahi ha Niue*

**37 Ko e Fakatuaga he Fakafiliaga Lahi**

(1) To ha ha i ai e fakamauaga he fakafiliaga ke fakahigoa ko e FakafiliagaLahi ha Niue, ke fakagahuahua e tau fifiliaga tonu i Niue.

(2) A to ke he ai ni, ke tuga ne tohia ai i loto he Tohi Fakave nei po ke matafakatufono, ko e Fakafiliaga Lahi ke ha ha i ai katoatoa he tau fakagahuahuaaga he tau fakafiliaga kua aofia ai e tau (fakafiliaga holifono ke he tau mata fakatufono, fakafiliaga tonuhia faka-tagata mo e fakafiliaga kekele) ke maeke ai ke fakagahuahua e tau fakatufono i Niue.

(3) To vevehe 3 pehe nai e Fakafiliaga Lahi – (a) Fakafiliaga ha ko e tonuhia he tagata; (b) Fakafiliaga holifono ke he tau fakatufono; (c) Fakafiliaga kelekele.

(4) To maeke he Iki Fakafili he Fakafiliaga Lahi ke fakaaoga e ha malolo fakafiliaga mo e ha malolo pule ha ha ia ia ke he ha fakafiliaga ne tolu.

(5) Muiua ke he (1), (2), (3), mo e (4) he Matakupu nai mo e Matakupu 38, ko e tau Iki Fakafili taki toko taha he Fakafiliaga Lahi, po ke toko 2 po ke tokologa atu foki, maeke ia lautolu ia he ha magaaho i Niue po ke i fafo i Niue ke fakaaoga e tau malolo pule he Fakafiliaga Lahi.

### **38 Malolo Pule Fakafiliaga he tau La Fakafiliaga he Fakafiliaga Lahi**

(1) Ko e tau La Fakafiliaga he Fakafiliaga Lahi ke fakanogonogo mo e fifilifakamitaki –

(a) E tau fakafiliaga ke tuga mo e tau poakiaga he ha fakatufono tohi, ke muiua mo e fifili fakamitaki;

(e) Ko e falu a fakafiliaga pihia mai he taha magahala ke he taha magahala ke toka ke he fifiliaga he Iki Fakafili Lahi ke he taha vala ni he fifiliaga po ke fakafiliaga katoa, po ke ha fakafiliaga taute fakamahao, po ke ha vahega fakafiliaga.

(2) To ha ha he Fakafiliaga Kelekele e tau malolo fakafiliaga oti mo e, tau malolo pule oti ke he ha fekau kelekele, ko e tau fekau ia ne tutupu to hoko e kamataaga he Matakupu nai ka e nakai la fai tauteaga ia ki loto he Fakafiliaga Kelekele ha Niue, ko e mena ia to maeke foki ke moua e falu malolo fakafiliaga pihia ke fakafili e tau fekau nai ka foaki atu he fakatufono tohi.

### **39 Tau Iki Fakafili he Fakafiliaga Lahi**

(1) To ha ha i ai he Fakafiliaga Lahi toko taha po ke tokologa e tau IkiFakafili, lautolu oti ia to fifili ai i lalo hifo he malolo he tau poakiaga he Tohi Fakave nei.

(2) Kaeke ke tokotaha ni e Iki Fakafili ka fifili ko ia ni ko e Iki Fakafili Lahiha Niue, ka e, kaeke ke tokologa ka fifili taha mai ia lautolu ia ka fifili ke eke mo Iki Fakafili Lahi ha Niue.

(3) To nakai fai tagata ke moua e kotofaaga ko e Iki Fakafili he FakafiliagaLahi i lalo hifo he Matakupu nai, a to moua fakamua e ia e taha tohi paase tuga ne talahau ai he Tohi Fakave nei mo e tohia ai i loto he mata fakatufono tohi.

### **40 Hukui Iki Fakafili Lahi he Fakafiliaga Lahi**

Kaeke ke tokanoa ha pu gahua he Ofisa he Iki Fakafili Lahi, po ke ka kitia ai kua fai kakano aoga ati kua nakai maeke ai he Iki Fakafili Lahi ke taute haana tau gahua kotofa, ka ko e tau gahua kotofa ia na maeke foki ke taute he taha Iki Fakafili he Fakafiliaga Lahi, ti kaeke ko e mena maeke he falu Iki Fakafili foki ke taute e tau gahua kotofa ia, koe mena ia ko e Iki Fakafili ne kua leva haana gahua ke he kotofaaga Iki Fakafili ko ia ka lago ki ai e kotofaaga Hukui Iki Fakafili Lahi a to fifili mo e kotofa ai e Iki Fakafili Lahi foou, po ke, a to maeke he Iki Fakafili Lahi ke liu taute haana tau gahua kotofa.

### **41 Tau Iki Fakafili nakai gahua mau**

To maeke he Fono Ekepule he ha magaaho ke fifili mo e kotofa ai ha tagata mo e nakai fai kaupaga e tau tau moui ne kitia kua lata tonu mo e kotofaaga he Iki Fakafili Lahi, po ke taha Iki Fakafili ke moua e kotofaaga ia ke nakai molea e taha tau tuga ne tohia ai he tohi kotofaaga gahua.

*Fifiliaga, leva he nofo he kotofaaga, mo e tau totogi he tau Iki Fakafili.*

**42 Fifiliaga he tau Iki Fakafili**

Ko e Iki Fakafili Lahi mo e falu Iki Fakafili he Fakafiliaga Lahi to fifili ni ke he puhala nai:

- (a) Ko e Iki Fakafili Lahi he Fakafiliaga Lahi to fifili ai he Kavana Lahi, to taute e fifiliaga ia ha ko e taliaaga mai he Fono Ikipule mo e omoiaga he Palemia;
- (e) Ko e Iki Fakafili he Fakafiliaga Lahi to fifili ai he Kavana Lahi, to taute e fifiliaga ia ha ko e taliaaga mai he Fono Ikipule ma e omoiaga he Iki Fakafili Lahi he Fakafiliaga Lahi mo e Ikipule he Faahi Fakafili.

**43 Leva he nofo he kotofaaga Iki Fakafili**

(1) To kehe ni kaeke ko e kotofaaga fifili i lalo hifo he Matakupu 41, ha kua talahau pehe e matakupu ia nakai fai tagata ne kua katoa e 68 e tau tau he moui ke fifili ke he kotofaaga nai, po ke fakatumau ke he kotofaaga ko e Iki Fakafili Lahi po ke taha Iki Fakafili foki he Fakafiliaga Lahi.

(2) To nakai fai fifiliaga ke pehe kua nakai tonu ka taute he Iki Fakafili lahi po ke taha Iki Fakafili he Fakafiliaga Lahi he tau magaaho ka taute ai e ia haana tau gahua kotofa, pete ni ke pehe kua hoko tuai haana tau tau ke fakaoti ai moe gahua tuga ne talahau he Matakupu nai, po ke haana tau tau kotofa kua oti tuai.

(3) Ko e Iki Fakafili Lahi po ke taha Iki Fakafili he Fakafiliaga Lahi maeke ia ia ke tohi ke he haana matalima tohi e haana tohi ke fakaoti moe kotofaaga, tohi atu ke he Kavana Lahi.

**44 Tau totogi he tau Iki Fakafili**

(1) Ko e tau totogi he Iki Fakafili Lahi mo e falu Iki Fakafili he Fakafiliaga Lahi to maitua ni ke he Fakatufono-tohi, mo e to totogi mai he Tokaaga Tupe he Fakatufono Niue.

(2) Ko e tau totogi he tau Iki Fakafili ia to nakai tuku hifo he ha magaaho henonofa ai a lautolu he tau kotofaaga, a to maeke ni ke tuku hifo kaeke ko e tuku hifo ia kua lauia ai e tau totogi oti ha lautolu ne moua ha ko e maituaaga ke he fakatufono-tohi.

**45 Fakaoti e Kotofaaga he tau Iki Fakafili**

(1) Ko e Iki fakafili lahi mo e falu Iki fakafili he Fakafiliaga Lahi to nakaimaeke ke fakaoti mai he tau kotofaaga, ko e maeke ni ka moua mai e fakailoaaga ke fakaoti mai he Kavana Lahi ha koe taliaaga he Fono Ikipule mo e omoiaga he Palemia mo e fakamooliaga he Fono Ekepule Niue he fonoaga ne talia oti ki ai a lautolu.

(2) Ko e taha ni e kakano ne kua maeke ai ke fakaoti ai e Iki Fakafili lahi mo e ha Iki Fakafili he Fakafiliaga lahi ka hoko ke he tuaga kua nakai tuai maeke he Iki Fakafili ke taute haana tau gahua kotofa, (tupu mai ha kua nakai malolo e tino, po ke nakai malolo e manamanatuaga po ke ha mena tupu kia ia) po ke mahani fakahanoa.

**46 Tau Komisina Fakafili he Fakafiliaga lahi**

(1) Ko e Fono Ikipule ka fifili e tau Komisina Fakafili he Fakafiliaga lahi ha Niue, to gahua ai a lautolu ke he tau tau tuga ne tohia ai he ha lautolu a tau tohi fakamooliaga ke he kotofaaga.

(2) To nakai fai tagata kua katoa e 63\* e tau tau he moui, po ke ko e ekepule he Fono Ekepule Niue ka fifili ke he kotofaaga nai po ke fakatumau ke nofo ai he kotofaaga nai.

(3) Muiua ke he (2) he Matakupu nai, ko e kotofaaga Komisina Fakafili he Fakafiliaga Lahi ka ko e tagata gahua to maeke ni e tagata ia ke fakatumau ke he haana kotofaaga kaeke ke moua e fakamooliaga mai he Kau Pule Gahua, po ke tagata gahua ke he ha gahua, ko e mena ia kaeke ko e Komisina Fakafili ko e tagata gahua he kau gahua he tau kau gahua he Fakatufono to nakai maeke ia ia he magaaho ke fakaaoga ai haana tau malolo kotofa faka-Komisina Fakafili ke nofo ki lalo he puipuiaga he Kau Pule Gahua he Fakatufono Niue.

(4) To nakai fai fakafiliaga ka taute he Komisina Fakafili he Fakafiliaga Lahi he magaaho ka taute ai e ia haana tau malolo kotofa ke pehe kua nakai tonu ha kua hoko ke he tau tau kua lata ke fakaoti ai mo e kotofaaga ke tuga ne tohia ai he Matakupu nai, po ke ko e tau tau fafati he kotofaaga ke gahua ai kua molea tuai.

(5) Ko e Komisina Fakafili he Fakafiliaga Lahi maeke ia ia ke tohi ke he haana matalima tohi e haana tohi fakaoti gahua mo e taatu ke he Palemia.

#### **47 Tau Komisina Fakafili nakai gahua mau**

Maeke he Fono Ikipule he ha magaaho ke fifili ha tagata mo e nakai fai kaupaaga e tau he moui ne kua kitia kua lata mo e kotofaaga ko e Komisina Fakafili he Fakafiliaga lahi ke nakai molea e taha e tau tuga ne tohia he tohi fakamooliaga gahua.

#### **48 Malolo Pule he tau Komisina Fakafili he Fakafiliaga Lahi**

(1) Maeke he Komisina Fakafili he Fakafiliaga Lahi ke moua e malolo pule ke fakagahuahua haana tau gahua kotofa ko e Iki Fakafili he Fakafiliaga Lahi (ko e malolo ia ko e malolo faka fakafiliaga po ke malolo ke he tau puhala gahua, ka e nakai aofia ai e tau malolo pule ne foaki ke he Iki Fakafili Lahi) tuga ne tohia ai he fakatufono haggao ke he tau Komisina Fakafili oti po ke fakamahao ni ke he tokotaha e Komisina Fakafili he Fakafiliaga Lahi, mo e, ko e tau talahauaga ne tohia ai he ha fakatufono tohi haggao ke he Iki Fakafili he Fakafiliaga Lahi ne maeke ke fakamooli aki kua haggao foki e tau talahauaga ia ke he Komisina Fakafili he Fakafiliaga Lahi, ka e fakakaupa mai ni ke he malolo pule ne foaki age ki a ia.

(2) Ko e fakaataaga moua mai he Komisina he Fale Hopo Lahi ke liu hafagi mai he Iki Fakafili he Fale Hopo ia.

#### **49 Tau Palepale he tau Komisina Fakafili he Fakafiliaga Lahi**

(1) Ko e tau Komisina Fakafili he Fakafiliaga lahi ke moua e tau totogi mo e tau totogi lafi he tau magahala takitaha tuga ne tohia ai he fakatufono-tohi; ka e kaeke ke fifili ha Komisina Fakafili ke he kotofaaga nai ke he tuaga nakai gahua mau, to moua ni e ia e totogi mo e totogi lafi fakalata ke he tau magaaho ne gahua ai a ia he haana a tau gahua kotofa tuga ne fifili a ia ki ai.

(2) Ko e tau totogi he tau Komisina Fakafili to moua mai he tokaaga tupe he Fakatufono Niue.

(3) Ko e tau tau fafati ka gahua ai e Komisina Fakafili he haana kotofaaga to maeke he haana totogi ke holo hake kaeke kua fai holo hake e tau totogi po ke kakano ni kua lata ke holo hake ai, ka e nakai maeke ke fai magaaho ke holo hifo ai he tau tau

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\* NB the original of the 1992 amendment stated “63”. That contradicts the English version, which says “68”. Given the history of the provision and its context, “63” in the amendment will probably be construed as a typographical error for “68”. See Article 23(4) of the Constitution.

ne fafati ke gahua ai a ia ke he haana kotofaaga, a to maeke ni kaeke ko e holo hifo e tau totogi oti po ke holo hifo taha he tau totogi ha lautolu oti ne totogi ha ko e munituaaga ke he fakatufono-tohi.

**50 Fakaoti e Kotofaaga Komisina Fakafili**

(1) To nakai maeke e Komisina Fakafili he Fakafiliaga Lahi ke fakaoti maihe haana kotofaaga. Ka ko e Fono Ikipule ni ke maeke ke fakaoti e kotofaaga ia ha ko e pulega ne tuku atu he Iki Fakafili Lahi ke he Fono Ikipule.

(2) Ko e kakano ni ke maeke ai e Komisina Fakafili ke fakaoti mai mo ehaana kotofaaga kaeke kua nakai maeke ia ia ke taute haana tau gahua kotofa (tupu mai ha kua nakai malolo e tino po ke nakai mitaki e manamanatuaga po ke ha mena ni ne tupu ki a ia) po ke mahani fakahanoa.

*Tau Fakafili*

**51 Tau Fakafili he Mafola**

(1) Ko e Fono Ikipule ke fifili e tau Fakafili he mafola ma Niue, to gahua aia lautolu ia ke he tau tau tuga ne tohia ai he tau tohi fakamooliaga gahua.

(2) Ko e tokoua e tau Fakafili he mafola ma Niue ka gahua tokoua, mo e ha ha ia laua e malolo ke fakagahua i Niue e ha gahua kotofa ne foaki atu he matafakatufono ke he tau Komisina Fakafili he Fakafiliaga Lahi, ti pihia ni mo e tau fakafoouaga tuga ne tohia ai he Matakupu 48 he tohi Fakave nai, mo e fakahagaaoko foki e tau fakafoouaga ia ke he tau kotofa he tau Komisina Fakafili he Fakafiliaga Lahi, mo e ke fakaaoga foki ke he ha tokoua e fakafili he mafola ma Niue; ka e nakai hagaaoko e matakupu nai ke he ha Fakafili he mafola ma Niue ne gahua ekepule he Fono Ekepule ha Niue po ko ia kua katoa e 68 e tau tau he moui.

(3) To nakai maeke e Fakafili he mafola ma Niue ke fakaoti mo e haana kotofaaga a to moua e poakiaga ke fakaoti mai he Fono Ikipule ha ko e pulega mai he Iki Fakafili Lahi.

(4) Ko e tau Fakafili he Mafola ke moua a tau palepale ha lautolu fakalata ke he ha gahua kotofa ha lautolu ne gahua ki ai. Ko e tau palepale nai to munitua ni ke he tau magahala takitaha tuga ne tohia ai he fakatufono-tohi.

*Fakafiliaga Liu fakafili*

**52 Fakatu e Fakafiliaga Liu Fakafili**

(1) To ha ha i ai e Fakafiliaga Liu Fakafili ha Niue mo e to fakamau ai ko eFakafiliaga kua mua he tokoluga moe malolo.

(2) Munitua ke he Matakupu 53 moe 54 ko e tau Iki Fakafili he FakafiliagaLiu Fakafili.

(a) Ko e Iki Fakafili lahi mo e falu Iki Fakafili he ha Fakafiliaga Lahi ko lautolu ia ko e tau hukui kua fifili ke he Fakafiliaga nai ha ko ha lautolu a tau mahani fakamooli mo e fakauka kua lata tonu ko e kotofaaga; mo e

(e) Falu vahega tagata pehe nai kua lata tonu mo e kotofaaga ke tuga ne tohia ai he Fakatufono Tohi, to fifili ai a lautolu ia he Kavana Lahi ha ko e taliaaga he Fono Ikipule mo e omoiaga he Palemia.

(3) Ko e Iki Fakafili Lahi e takitaki he Fakafiliaga Liu Fakafili, ka e kaeke ke nakai ha ha i ai a ia ko e taha Iki fakafili ne kua leva haana gahua mo e motua ka hukui a ia.

(4) Ko e tau Iki Fakafili he Fakafiliaga Liu Fakafili to uta e tau tutuaga ha lautolu he tau kotofaaga ke he leva he gahua, kamata totou he aho ne kamata gahua ai he Fakafiliaga Lahi po ke kamata gahua he Fakafiliaga Liu Fakafili po ke ha fakafiliaga he ha motu i fafo i Niue.



(5) Ko e ha kotofaaga ne fifili i lalo hifo he palatafa (e) he (2) he matakupu nai ke fai magaaho ke tuku age ke fakamahani ai ke he fakafiliaga po ke fai magaaho ke tuku age ke fakanogonogo ke he taha fakafiliaga, ke tuga ne tohia ai he tohi fakamooliaga gahua.

**53 Katoa he tau Iki fakafili**

(1) Ko e toko 3 e Iki Fakafili he Fakafiliaga Liu Fakafili ke gahua fakalatahahe ha magaaho i Niue po ke i fafo i Niue, mo e, fakagahua ai e tau malolo pule ne ha ha i ai he Fakafiliaga. Ka e maeke ni kaeke kua fita e fifiliaga fakaoti he Fakafiliaga he moua he taha hukui ne kua ha ha i ai he magaaho tonu ia he fakafiliaga, ka e kaeke ke nakai moua ha hukui to puhala atu ai e fifiliaga ia he Fakafiliaga he Fakamau Kupu Lahi he Fakafiliaga Liu Fakafili.

(2) Ko e fifiliaga he Fakafiliaga Liu fakafili ke falanaki ni ke he manatu kuatokologa ki ai e tau Iki Fakafili ne ha ha i ai he fakafiliaga.

**54 Nakai maeke e Iki Fakafili ne taute e fifili he Fakafiliaga ke ha ha i ai a ia he Fakafiliaga Liu Fakafili ke liu fifili haana fifiliaga**

Ko e Iki Fakafili he Fakafiliaga Liu Fakafili to nakai maeke ia ia ke ha ha i ai ke liu fakafili e ha fifiliaga ne taute e ia, po ke Fakafiliaga ne nofo ai a ia ko e taha Iki Fakafili.

**55 Ko e fifiliaga he Fakafiliaga Liu Fakafili**

(1) A to ke he ai ni ke tuga ne tohia ai he (2) he Matakupu nai, po ke tuga ne tohia ai he fakatufono tohi, ko e fifiliaga he Fakafiliaga Liu Fakafili ko e fifiliaga fakaoti ni a ia.

(2) To nakai fai talahauaga i loto he Matakupu nai ke taofi aki e tonuhia he Patuiki ne ha ha ia ia ne lalago e ha tagata, kaeke kua nakai fiafia e ha tagata ke he fifiliaga he Fakafiliaga Liu Fakafili kua lata ke taatu e nakai fiafia ia he tagata ke he taha fakafiliaga ne kua kitia e ia kua lata ke uta ki ai.

**55A Malolo Pule Fakafiliaga Liu Fakafili**

(1) Muiua ke he tau poakiaga he Tohi Fakave nei, ko e Fakafiliaga Liu Fakafili ke ha ha i ai e malolo pule ke fanogonogo mo e fifili e ha ole ke liu fakafili e fifiliaaga he Fakafiliaga Lahi.

(2) Muiua ke he tau poakiaga he Tohi Fakave nei mo e tau magaaho ke taute ai e ole liu fakafili tuga ne tohia ai he Fakatufono Tohi, a to kehe ai ni kaeke kua tohia ai he ha fakatufono tohi kua eke ni e fifiliaga ia he Fakafiliaga Lahi mo e fifiliaga fakaoti, ti ko e ole ke liu fakafili kua nakai tuai talia he Fakafiliaga Liu Fakafili ke liu fifili e fifiliaga, he Fakafiliaga Lahi –

(a) Ke lata mo e mooli, kaeke kua fakamooli he Fakafiliaga Lahi ko e fakafiliaga ne taute kua mamafa lahi ni ke he fifiliaga he mata fakatufono mo e to lauia ai foki e ha poakiaga he Tohi Fakave nei.

(e) Ke lata mo e mooli, ko e ha fakahala ka fafati he Fakafiliaga Lahi ha ko e fakagahuahuaaga he tau malolo faka-fakafiliaga ke lata mo e holifono he tagata ne ole ke liu fakafili ha kua fafati ke fakahala mate po ke fakahala tuku ke he fale puipui a to hoko kehe aho ka mate ai, po ke ha vahega fakahala (kua nakai tohia he mata fakatufono) ka e tuga ka tohia ai he Fakatufono Tohi;

(i) Ke lata mo e mooli kaeke kua nakai fai kakano aoga e matakupu ne fetoko ki ai e ole liu fakafili ke tuga ne tohia ai he Fakatufono Tohi;

- (o) Kaeke ke toka ni ke he taliaaga he Fakafiliaga Lahi ke lata mo e falu fakafiliaga, ti kaeke kua manatu e Fakafiliaga ia ko e matakupu ne lago ki ai e ole ke liu fakafili ko e matakupu aoga mae tau tagata oti, po ke aoga ni mo lautolu ne aofia ai, po ke ha kakano aoga ne kua lata ai ke ta atu e matakupu ke fakafili he Fakafiliaga Liu Fakafili.
- (u) Ko e falu he tau mena tutupu kua fai fakamaamaaga ke lata mo e fakatufono.

(3) Ke nakai fai mena ke taofi aki e (2) he Matakupu nai, a to kehe ai ni kaeke ke tohia ai he ha Fakatufono Tohi kua eke ni e fifiliaga he Fakafiliaga Lahi mo fifiliaga fakaoti, ka e maeke he Fakafiliaga Liu Fakafili ke lata mo e ha fekau ne manatu e Fakafiliaga ia kua lata ke talia pauaki ni ke tuku atu e ole ke liu fakafili he Fakafiliaga Lahi e fifiliaga ne taute he Fakafiliaga Lahi, ka muitua ke he tau tauteaga pehe nai kua lata ni ke moua e peehi ke puipei ke lata mo e tau tupe ke fakamole ke he kitiaaga kua manatu e Fakafiliaga Liu Fakafili kua lata.

(4) Ko e taha vala he matafakatufono kua ai tohia kehe vagahau Niue.

### **55E Utaaga he tau Poakiaga Tohi he Fakafiliaga Liu Fakafili**

Ko e fifiliaga he Fakafiliaga Liu Fakafili ke he ha Liu Fakafili mai he Fakafiliaga Lahi to taatu ke he Fakamau Kupu Lahi he Fakafiliaga Liu Fakafili. Ko e Poakiaga Tohi ia kua fakamau fakamailoga ai he Fakafiliaga Liu Fakafili. Ti koe fifiliaga ia to tohi fakamau ai he Fakafiliaga Lahi po ke tohi fakamau ai mo e taha fakaholoaga fakafiliaga foou, po ke toka ni ke he fifiliaga he Fakafiliaga Lahi tuga ne fifili ki ai.

### **55I Omonuo he Mahani Fakamooli mo e Omonuo Faka-Fakafiliaga**

(1) Ko e Iki Fakafili Lahi moe falu Iki Fakafili he Fakafiliaga Lahi mo e tau Iki Fakafili oti he Fakafiliaga Liu Fakafili, mo e tau Komisina Fakafili oti, mo e tau Fakafili he Mafola ha Niue, ko e magaaho ka talia ai ke he kotofaaga to taute ai e tau omonuo nai:

- (a) Hanai e omonuo he mahani fakamooli –

Ko au ko \_\_\_\_\_ kua omonuo nei au ke he Atua Malolo mua ue atu, to fekafekau au moe tua fakamooli, mo e toto mau e mahani tonu moe fakalilifu ki a ia e Patuiki (Hanai kua fakahigoa ai mo e haana Pule Malolo: Ko e Patuiki ko Elisapeta II) ko ia ko e Ulu he Fakatufono Niue, fakalataha mo e haana tau ohi mo e haana tau hukui ke lata mo e Tohi Fakave mo e Fakatufono he kautu. Ko e mena ia ki a lagomatai mai au ma Atua na e.

- (b) Hanai e Omonuo Faka-Fakafiliaga

Ko au ko \_\_\_\_\_ kua omonuo nei au ke he Atua Malolo mua ue atu to fekafekau au mo e lotu mo e mahani fakamooli ki a ia e Lilifu koe Patuiki (Hanai kua fakahigoa ai mo e haana Pule Malolo: Ko e Patuiki ko Elisapeta II) ko ia ko e Ulu he Fakatufono Niue fakalataha mo e haana tau ohi mo e haana tau hukui ke lata mo e Tohi Fakave mo e fakatufono he Kautu. Ko e mena ia ki a lagomatai mai au ma Atua na e.

(2) Ko e tau omonuo ka taute ha ko e poakiaga he Matakupu nai to taute ai ki mua ia lautolu nai –

- (a) Ko e Iki Fakafili Lahi to taute ai ki mua he Kavana Lahi;
- (e) Ke he falu Iki Fakafili he Fakafiliaga Lahi po ke ha Iki Fakafili he Fakafiliaga Liu Fakafili to taute ai ki mua he Kavana Lahi po ke ki mua he Iki Fakafili Lahi;
- (i) Ke he tau Komisina Fakafili he Fakafiliaga Lahi, po ke tau Fakafili he Mafola to taute ai ki mua he Iki Fakafili Lahi po ke ki mua he ha Iki Fakafili he Fakafiliaga Lahi, po ke ki mua he Fakatonu Fono he Fono Ekepule Niue.

(3) Ko e ha tagata ne kua fakatonu he Matakupu nai ke taute e omonuo ka e fakatikai e ia mo e nakai talia e ia ke omonuo ka kua fita a ia he talia e kotofoaga, ko e magaaho ia ni ke uta kehe ai e kotofoaga mai ia ia, ka e nakai maeke ha tagata ke fakaooho ke omonuo lagaua ke he taha ni e kotofoaga: ka kua lata ke nakai fai tauteaga ke he ha tagata pihia a to tuku ke he Fakafiliaga ke huhu ki ai ko e ha ne nakai talia ai e ia ke taute e omonuo tuga ne tohia ai he Matakupu nai.

#### VALA IV

##### TAU TUPE MOUA HA NIUE

#### 56 **Levekiaga Faka-Fakatufono-tohi he tau tupe moua mo e tau tupe fakamole**

(1) To nakai maeke ke fai tukuhau ka fakatu ai, a to fai talahauaga i loto he ha Fakatufono – tohi.

(2) Ko e tau tupe moua oti he Fakatufono Niue ki a tuku atu ki loto he fakaputuaga tupe he kautu po ke ha fakamauaga tupe; ko e tupe oti ia po ke tau fakamauaga tupe ia, to totogi ni a to kehe ka tohi ai i loto he fakatufono – tohi kua fakagahua ai, to taute ni tuga ne fakatoka ai he Fakatufono – tohi.

(3) Ko e tau fakamoleaga oti he tau tupe he kautu to taute ke lata moe poakiaga he fakatufono- tohi tigahau he fakagahua po ke poakiaga he ha fakatufono – tohi ka taute pauaki.

#### 57 **Fakaputuaga Tupe he Fakatufono Niue**

(1) To ha ha i ai e taha Fakaputuaga Tupe he Fakatufono Niue.

(2) Ko e tau tupe tukuhau oti mo e falu a tupe moua mo e tau tupe ne kumi mo e moua he Fakatufono Niue ki a totogi atu ia ke he Fakaputuaga Tupe he Fakatufono Niue, a to kehe ai ka fakaata ai faka-fakatufono-tohi ke totogi atu ke he ha fakaputuaga tupe kehe he kautu.

#### 58 **Fakalatalataaga mo e Tufatufaaga he tau tupe ma e tau taha**

(1) A to kehe ai ni kaeke kua ha ha he Matakupu 59 (4) (e) he Fakatufono – tohi Fakave nei po ke kua fakaata mai ai i loto he taha la fono fakatufono-tohi po ke he ha Fakatufono-tohi ka taute pauaki, ko e tau tupe fakamole oti mai he Fakaputuaga Tupe he Fakatufono Niue to muitua ni tuga ke he tau fakatokaaga ne talahau ai he Fakatufono – tohi Fakalatalata Tupe ma e tau ia.

(2) Ko e Fakatufono-tohi Fakalatalata Tupe to fakagahua ni ke lata mo etaha e tau, mo e fakaoti ni haana a aoga he tau na.

#### 59 **Ko e Fono He Tau Ikipule ke kitekite e fakamoleaga he tau tupe**

(1) Ko e Fono Ikipule kua lago ki ai e poakiaga ke tuku ke he Fono Ekepule e tau fakalatalataaga fakakaupa he tau tupe moua he kautu mo e tau tupe fakamole he kautu he tau taha, a to pihia ai foki ke he falu a fekau haggao ke he tupe. Ko e Palemia po ke taha Ikipule ke tuku ki mua po ke fakailoa ke he Fono Ekepule e ha Fakatufono – tohi Fakalatalata haggao atu ia ke he ha fekau haggao ke he tupe mo e ha fakalatalata tupe kua amanaki ke fakamole ke lata moe tau taha.

(2) Ko e Fono He Tau Ikipule kua lago ki ai gahua mo e falanaki atu ki lalo he Fono Ekepule haggao ke he tau fakamauaga tonu he tau tupe fakamole ke fakataitai atu ke he tau fatifatiaga ne taute ai he Fono Ekepule ke lata moe Matakupu 58 he Fakatuono – tohi Fakave nei, po ke ha fakaataaga ke fakamooli e tau tupe fakamole ke lata moe vala kupu (4) he Matakupu nei, mo e ko e tau fakamauaga tupe ke ma e tau taha to tuku ai ke he Fono Ekepule.

(3) Ko e ha fakaataaga malolo pule foaki mai he Fono He Tau Ikipule, ko e tokotaha po ke tokologa ha lautolu e ha malolo ke fakamooli e ha tupe fakamole ke lata

mo e ha fakatufono-tohi ne fakagahua ai he mogo ia mo e taute ai ke lata mo e Fakatufono-tohi ka e nakai ha ha i ai ha kehekeheaga mai he gahua mo e falanakiaga auola he Fono He Tau Ikipule ke he gahuaaga tumau i lalo he Matakupu nei.

(4) Ke lata moe tau fakakaupaaga tuku hifo he tau magahala takitaha tugane toka ai he ha fakatufono-tohi po ke la fonon-tohi ko e Fono he tau Ikipule ke fakamooli e fakamoleaga he tau tupe kua manatu kua lata –

(a) Ke taute taha fakatokaaga amanaki he Fakatufono-tohi Fakalatalata Tupe ma e ha tau taha; ka ko e tau tupe katoatoa ne tufa mo e totoi ai i lalo he palatafa nei he fakatatai atu ai ke he ha vahega gahua he tau taha, ki a nakai molea e tau fatifati tupe ne nakai fakamole he Fakatufono-tohi Fakalatalata tupe he tau kua mole, lafi ki ai e taha e mena ke fa-aki he vahega gahua ia, ti ko e tau tupe ki a lafi fakalataha e totouaga ke he fakalatalataaga ma e tau ia.

(e) Ko e magahala he vahlotu to fakamooli e Fakatufono-tohi Fakalatalata Tupe moe fakaotiaga he tau taha kua maeke e tau tupe ia ke fakamole ke molea, mo e nakai fai fakamooli ke moua mai he Fono Ekepule, ka koe tau tupe oti ne foaki mo e totoi ai he palatafa nei he ha tau taha ki a nakai molea e taha mo e hafa e pasene he tau tupe katoa oti ne fatifati ai i loto he Fakatufono-tohi Fakalatalata Tupe he tau ia.

(5) Ko e ha tupe fakamole ne fakagahua ki lalo he fakaataaga he Matakupu(4) (e) he Matakupu nei, to tohia ai ko e tau tupe fakamole mo e nakai fakaata ti totou ko e fakamoleaga mai he taha fatifatiaga kua lata tonu ai.

(6) Ko e fakailoaga he tupe fakamole ne nakai fai fakaataaga ma e tau ia tolalafi atu ia ke he fakailoaga tupe ma e tau ia mo e tuku atu ai ke he Fono Ekepule.

## **60 Siviaga he tau Tupe**

(1) Ko e Faahi Gahua Sivi Tupe ha Niu Silani ke eke mo Sivi Tupe he Fakaputuaga Tupe he Fakatufono Niue mo e tau fakaputuaga tupe oti he tau Faahi Gahua Fakatufono mo e tau Ofisa he fakatufono pule fakatonu mo e falu matakau fakatu faka fakatufono kua lauia ai i lalo he ha fakatufono-tohi.

(2) To lagataha he tau e taute e fakailoaga mo e fakailoa atu he Faahi Gahua Sivi Tupe ke he Fakatonu Fono he Fono Ekepule Niue ke tuku ke he Fono Ekepule e fakailoaga ne toka ai ha talahauaga tuga ne poaki ai he ha fakatufonotohi lafi ki ai foki mo e falu a fakailoaga hagaa ia ke he tau Fakaputuaga Tupe he Fakatufono po ke falu he tau vahega tupe kua tohia ai i lalo he Fakatufono – tohi Fakave nei po ke i lalo he ha fakatufono –tohi kua lata ke sivi ai he Faahi Gahua Sivi Tupe kaeke kua kitia kua lata ke taute pihia.

## **VALA V**

### **FAAHI GAHUA MALOLO TINO, GAHUA FAKAAKO MO E FAAHI FIAFIA MOUI TINO**

## **61 Faahi Gahua Malolo Tino, Faahi Gahua Fakaako mo e Faahi Fakafiafia he Moui Tino**

(1) To ha ha he Fono he Tau Ikipule e lauiaaga malolo ke fakatu mo e fakatumau i Niue e levekiaga he tau fale gagao mo e falu matakau mo e foaki atu e falu e fekafekeauaga ke lata ma e tau malolo tino he tau tagata.

(2) Ha ha foki he Fono He Tau Ikipule e lauiaaga malolo ke fakatu i Niue mo e fakatumau i Niue e levekiaga he tau aoga mo e taute ai e falu a fakamauaga kua lata ia ma e foakiaga he tau fakaakoaga mitaki ma e tau tagata Niue.

(3) Ha ha he Fono He Tau Ikipule e lauiaaga malolo ke fakatu mo e fakatumau i Niue falu he tau matakau mo e falu gahua ke taute e falu a mena kua lata ma e tau nonofoaga he tau tagata i Niue ke fakatumau e leveki he tau puhala moua mena, fiafia mo e fakatumauaga he tau mahani motu.

(4) Nakai fai mena he Matakupu nai kua maeke ke fakakaupa aki e taumalolo ha he Fono he Tau Ikipule ne toka he Matakupu 2 he Fakatufono-tohi Fakave nei, ke fakagahua ma e higoa haana he Patuiki Fifine, kua pule Fakatonu i Niue.

## VALA VI

### KO E KAU GAHUA FAKATUFONO NIUE

#### 62 Kau Gahua Fakatufono Niue

(1) To ha ha i ai e Kau Gahua Fakatufono Niue kua ha ha i ai e tau tagata gahua ke maeke ke lagomatai e Fono He Tau Ikipule ke gahua e tau gahua kotofa i Niue mo e taute ai e falu a gahua mo e falu a malolo pule fakatonu, ne moua ha ko e fakatokaaga he ha fakatufono-tohi.

(2) A to kehe ni kaeke ke toka i loto he vala kupu (4) he Matakupu nei, to nakai maeke ha tagata ke gahua ma e Fakatufono Niue a to pehe ko ia ko e tagata gahua he Kau Gahua Fakatufono Niue.

(3) A to kehe ai ni kaeke kua fai talahauaga kehe he taha Fakatufono-tohi ko e gahua ma e taha matakau, po ke ha matakau fakatu faka-fakatufono, po ke ha matakau kua fakatu ai i lalo he taha fakatufono-tohi a Niue, ke lata mo e Matakupu nei, kua talahau pehe kua gahua he gahua he Fakatufono Niue.

(4) Nakai haggao e vala kupu (2) he Matakupu nei ke laua ai ha gahua kua totogi faka-konotuleke mai he tau tupe totogi palepale, po ke ha gahua taute noa, po ke ha gahua he –

- (a) Fakafili po ke Komisina Fakafili he Fakafiliaga Lahi, po ke ha Lagomatai Fakafili ma Niue, po ke ha tagata gahua faka fakafiliaga ne kotofa po ke ke lata mo e taha la fono – tohi ne fakagahua po ke taha Fakatufono tohi; po ke
- (b) Ha Ikipule po ke taha Ekepule, po ke Fakatonu Fono he Fono Ekepule; po ke
- (c) Taha tagata he Kau Pule Gahua Ha Niue.

#### 63 Tohi Kupu he Fakatufono

(1) To ha ha i ai taha ke kotofa mai he Kau Gahua Fakatufono Niue ke fakahigoa ai ko e Tohi Kupu he Fakatufono, ko ia ko e ulu gahua mau he Kau Gahua Fakatufono Niue mo e ko e takitaki lahi he tau gahua taute he Fakatufono Niue.

(2) Ke lalafi atu ke he falu he haana a tau gahua mo e tau malolo kotofa ne talahau mai he ha fakatufono – tohi, ko e Tohi Kupu he Fakatufono to gahua a ia mo e falanaki atu ke he Fono He Tau Ikipule ke lata ma e tau fakatonu tonuaga he tau gahua he tau faahi gahua oti mo e tau ofisa he Fakatufono pule fakatonu. Ko e tau ulu he tau Faahi Gahua po ke ofisa kua lagoon ki ai e fakaholoaga mitaki mo e tonu he tau gahua he Faahi Gahua ia po ke ofisa ia, mo e falanakai atu ki lalo he Tohi Kupu he Fakatufono, a to pihia atu foki e falanakiaga ia ki lalo he Ikipule he Faahi Gahua ia, po ke ofisa, po ke ha fekau i lalo he haana levekiaga.

(3) Nakai fai talahauaga he Matakupu 69 (2) he Fakatufono-tohi Fakave nei ke tauhele atu ke he tonuhia he Kau Pule Gahua Niue, ke kumi atu mo e fakatonu atu ke he Palemia ke maeke ke moua mai e taliaaga he Fono He Tau Ikipule, to maeke ke kotofa e ha tagata ke eke mo Tohi Kupu he Fakatufono.

(4) Nakai fai fakatufono-tohi po ke la fono-tohi ke maeke ai e ha ole liu fifili he ha tagata gahua he Kau Gahua Fakatufono Niue ke tuku haggao atu ia ke he ha fakaholo ki luga po ke kotofaaga he ha tagata kua fifili ke he kotofaaga he Tohi Kupu he Fakatufono.

**64 Kau Pule Gahua he Fakatufono Niue**

(1) To ha ha i ai e Matakau Kau Pule Gahua ma Niue to fakahigoa e Matakau ia koe Kau Pule Gahua he Fakatufono Niue.

(2) To toko 3 a lautolu ka fifili he Fono Ikipule ke eke mo tau hukui.

(3) Ko e takitaki ha lautolu to fifili foki he Fono Ikipule mai ia lautolu tokotolu.

(4) Ko e Takitaki mo e tau hukui to gahua ai a lautolu ke he 3 e tau, ka emaeke foki a lautolu mai he tau magahala takitaha ke liu fifili.

(5) Ko e tau hukui oti to moua e tau totogi, tau tupe lafi mo e tau tupe lagomatai ka fifili he Fono Ikipule he tau magahala takitaha.

(6) Maeke ke hukui ke fakaoti haana kotofaaga he ha magaaho ke he tohi taatu ke he Palemia, po ke uta kehe he Fono Ikipule a ia mai he kotofoaga, kakano ha kua nakai tuai maeke ia ia ke taute haana tau gahua kotofa (ha kua nakai malolo e tino po ke manamanatuaga po ke ha kakano foki) po ke mahani fakahanoa.

**65 Tau Hukui lagomatai he Kau Pule Gahua**

(1) Ko e magaaho ka iloa ai kua nakai tuai maeke he ha hukui he Kau Pule Gahua ke taute haana gahua ha kua gagao, po ke fano kehe mo e motu po ke ha mena tupu, ko e Fono Ikipule ka fifili taha ke lagomatai e gahua he hukui ia he tau magaaho ne nakai maeke ai ia ia ke taute haana gahua.

(2) Ti ko e ha tagata ka fifili ke lagomatai e gahua he hukui he Kau Pule Gahua tuga ne tohia ai he Matakupu nai, to moua e ia e tonuhia ke he tau mena oti he hukui he Kau Pule Gahua, mo e ko e kotofaaga he ha tagata pehe nai, mo e ko e ha gahua ka taute e ia ko e hukui he Kau Pule Gahua to nakai maeke he ha fonoaga ke huhu haana kotofoaga ha kua nakai iloa po ke kua fakaoti.

**66 Puhala gahua he Kau**

(1) Ka tokoua e tagata he Kau Pule Gahua Niue kua maeke tuai ke fakahoko e fono, he ha magaaho ka fono ai.

(2) To maeke e Kau ke uiina taha kua kitia kua lata ke lagomatai ke lagomatai atu ke he tau fakatutalaaga he fono.

(3) Ki a tokoua e tagata he Kau ka tatai e tau manatu pulega he Kau to maeke he ha fifiliaga ke fai kakano po ke aoga.

(4) Ko e ha mena ka pulega ki ai e Kau he ha fonoaga, po ke ha fifiliaga foki kua taute ke he tau kupu fakamau he Kau ti fakamooli matalima tohi ai e lautolu oti i loto he Kau, to pehe ai kua aoga e tau tauteaga ia.

(5) Ke lafi atu ke he tau fakatokaaga he Fakatufono-tohi Fakave nei to fakatoka ni he Kau haana e tau puhala taute gahua.

**67 Ko e Foakiaga he tau Malolo Kotofa**

(1) Mo e nakai tauhele atu ke he poakiaga ma e fakaholoaga tumau he gahua he Kau Gahua Fakatufono Niue, ko e Kau Pule Gahua Niue, mai he taha magahala ke he taha magahala, kua maeke ke foaki e falu he haana a tau malolo kotofa ke lata ma e Kau Gahua Fakatufono Niue (lafi atu ki ai e malolo kotofa nei) ke he taha he Kau po ke taha tagata kehe po ke ke he Tohi Kupu he Fakatufono.

(2) Ke lata mo e ha fakatonuaga ne tuku mai he Kau ko e ha tagata kua foaki ki ai e malolo kotofa to gahua ni a ia ki ai, ke pehe kua taute e haana a gahua ke tuga ni ko e tohia ai pauaki he ha fakatufono – tohi po ke ha la fono-tohi pauaki ki a ia, ka e nakai ko e malolo kotofa ne foaki ki a ia.

(3) Ko e ha tagata ne kua talahau kua gahua a ia ke lata mo e malolo kotofa ne foaki age ki a ia i lalo he Matakupu nei, to pehe ai kua gahua ni a ia ke tuga mo e

talahauaga ia, mo e nakai fai talahauaga kua kehe a to kehe ni ka fai fakakiteaga fakamooli ne talahau ai ko e kehe.

(4) Ko e foakiaga he ha malolo kotofa i lalo he vala kupu nei to taute ni e ia, po ko lautolu, po ke ha vahega kua fakakite tonu ke taute e gahua ia, po ke pihia foki kia taha kua fakakite tonu e kotofoaaga.

(5) Ko e foakiaga he ha malolo kotofa i lalo he vala kupu nei to nakai maeke ke tauhele atu ke he tonuhia ha i ai he taha, po ke Kau, ne foaki e malolo kotofa ia, ke taute e gahua kua tonuhia ki ai.

*Gahuahuaaga mo e Levekiaga he Kau Gahua Fakatufono Niue*

**68 Tau Gahua mo e tau Malolo Kotofa he Kau**

(1) Ko e Kau Pule Gahua Niue to eke ia mo kau ke fakagahua e tau tagata ma e Kau Gahua Fakatufono Niue, ti, fakalataha mo e muiua ke he Fakatufono – tohi Fakave nei, to ha ha i ai e malolo katoa ke leveki mo e puipui e haana a gahuahuaaga, mo e ha ha i ai foki e levekiaga mo e holoaga mitaki he tau gahua he tau faahi gahua oti mo e tau ofisa he fakatufono pule fakatonu.

(2) Ke lafi atu ke he tau tauteaga Fakave he Fakatufono-tohi Fakave nei po ke ha la fonu-tohi, to maeke he Kau Pule ke fakakite e tau fakatokatokaaga ke lata ma e fakagahuahuaaga he tau tagata he Kau Gahua Fakatufono Niue, mo e to fakafano e tau fakatonutonuaga po ke fakagahua e tau malolo kotofa ke lata ia ke taute aki e tau gahua tuga ne toka ai he Fakatufono-tohi Fakave nei po ke tuga ne toka ai i loto he ha fakatufono-tohi.

(3) Ha koe tauteaga he tau gahua mo e fakaaogaaga he tau malolo kotofa kua toka ai haggao ia ke he Kau Gahua Fakatufono Niue, ko e Kau Pule Gahua kua ataina ke taute e tau kumikumiaga he ha vahega he tau vahega kumikumi fekau kaeke kua manatu kua lata ke eke pihia, mo e ke lata mo e ha kumikumiaga pihia, ko e tonuhia mo e malolo kua talahau nai kua ha ha he Kau Pule ia, ke ui poaki kia lautolu kua lata ke fai fakakiteaga talahau fakamooli mo e ke moua e tau talahauaga fakamooli tuga ne toka ai ke he ha Kau Kumikumi ha ko e ha fakatufono – tohi.

(4) A to kehe ni kaeke ko e muiua ke he Matakupu 69 (2) he Fakatufono Fakave nei, to gahua e Kau mo e falanaki atu ke he Fono He Tau Ikipule ke lata ia mo e tauteaga ke he haana tau gahua mo e fakaaogaaga he tau malolo kotofa ha i ai, ti ko e Kau kua poaki ai nai ke fakailoa atu po ke fakatonu atu ke he Fono He Tau Ikipule, kaeke kua lata, e ha mena kua lauia ai e tau Kau Gahua Fakatufono Niue.

(5) Ko e Kau ka mole e aho 31 ia Mati he tau tau oti, kua poaki nei ki ai ke tuku atu fakamafiti ke he Fono He Tau Ikipule e fakailoaaga haggao ke he holo mitaki he gahua he Kau Gahua Fakatufono Niue ke lata mo e tau taha ne fakaoti ai he aho ia. Ko e lagaki he fakailoaaga ia ki a tuku atu foki ke he Fono Ekepule Niue.

**69 Tau Kotofaaga ke he Kau Gahua Fakatufono Niue**

(1) Ko e tau tagata gahua oti he Kau Gahua Fakatufono Niue to kotofa ni he Kau Pule Gahua Niue, ka e muiua atu ke he Fakatufono – tohi Fakave nei moe ha la fonu –tohi po ke fakatufono – tohi, to gahua ni a lautolu ke he tau fakatonuaga mo e tau fakatokatokaaga kua taute he Kau.

(2) Ko e tau mena oti po ke tau talahauaga haggao ke he tau tagata gahua takitaha (haggao ke he kotofaaga, holo ki luga e kotofa, tuku hifo e kotofa, hiki e kotofa, hatakiaga, fakaoti kotofa, po ke taha mena kehe) to nakai falanaki e Kau ke he ha fakatonu pule mai he Fono He Tau Ikipule, ka e to gahua ni e Kau ke taute e tau mena ia kua fakamau ki ai mo e tu ke he tuaga tu-tokotaha.

(3) Ko e ha fakatuaga mo e liu fakafouaga he tau fakatokatokaaga gahua po ke fanoaga he tau palepale he Kau Gahua Fakatufono Niue, ko e tau mena fifili ki ai, ki a lafi ki ai e tau mena nei –

- (a) Ke lata mo e tonuhia he Kau Gahua Fakatufono Niue ke fakatumaue gahuaaga mitaki ke he tau gahua, kua lata ke kitia ko e holo tatai e puke tagata gahua mo e tau gahua ke taute, ti mua atu e aoga ke kitekite makutu atu ke kitia ko e tau vahega gahua kehekehe kua loga ke lata mo e tau Niue iloilo mo e makaka he gahua.
  - (e) Ko e manako ke fakaata e tau pu gahua ke maeke ke fakagahua aki e tau tagata Niue ha ko lautolu ko e tau tagata Niue, ti kua lata ke muitua e tauteaga ia mo e onono fakatatai atu fakamakutu ke he loga he tau gahua i Niu Silani pihia mo e tau fafatiaga totogi.
  - (i) Ko e manako ke gahua mo e falanaki fakatatai atu ke he tau haggaaoga he fakatupuaga ki mua he moui mitaki mo e monuina he motu ne fakatoka he Fakatufono mo e manatu ko e tau fakatokatokaaga gahua he Kau Gahua Fakatufono Niue ko e mena ke mitaki ai ni a Niue.
- (4) Ko e tau totogi mo e tau tupe lafi ki luga he tau tagata gahua he Kau Gahua Fakatufono Niue to totogi mai ni he Fakaputuaga Tupe he Fakatufono Niue, ko e tau tupe ne fakaata mai he Fono Ekepule ke fakamole.

**70 Ko e Kau Pule ke taute fakailoaga mo e tau pulega ke he Fono Ekepule**

(1) Ke lata mo e Matakupu 25 he Fakatufono-tohi Fakave nei, ko e poaki nei ke he Kau Pule Gahua Niue, he tau magahala takitaha, ka kitia kua lata, ke tuku atu e fakailoaga mo e ha pulega ke he Fono Ekepule, haggaa ia ke he tuaga he tau totogi mo e falu a tupe moua he Palemia, tau Ikipule ne toe mo e tau Ekepule ne nakai ko e tau Ikipule mo e Fakatonu Fono, ti ko e Kau Pule Gahua ka taute e Fakailoaga mo e tau pulega kaeke kua ha ha i ai e ha hikihikiaga he tuaga he tau totogi he Kau Gahua Fakatufono Niue.

(2) Ko e Kau Pule Gahua kua poaki nai ki ai ke tuku atu ke he Fakatonu Fono e ha fakailoaga po ke ha pulega tuga ne toka ai he vala kupu (1) he Matakupu nei.

(3) Ka e kaeke, ke lata mo e Matakupu 32 he Fakatufono-tohi Fakave nei, kua lata e Kau Pule Gahua Niue ke tuku e ha fakailoaga haggaa ke he tonuhia faka-fakatufono, po ke faka fakatufono-tohi Fakave, po ke ha fakatokaaga faka fakatufono ne talahau mai he Fakatufono Fakalatalata po ke fakahuiaga fakalataha he vahlotu he magaaho kua fafati nei ke kaupua mai he taha e mahina mai he aho ne tuku ai e ole ke moua mai e fakailoaga ke he Fakatonu Fono, po ke ka manako ki ai, ke moua mai e falu a fakailoaga lafi a to fakailoa ke he Fakatonu Fono e fakailoaga fakahiku.

VALA VII

TAU FATOKATOKAAGA MA E MATUTAKIAGA HE FAKATUFONO

**71 Fakatumau e tau fakatufono-tohi tuai ke lata mo e Fakatufono-tohi Fakave Mo e muitua ai ke he Fakatufono-tohi Fakave nei –**

- (a) Ko e tau fakatufono –tohi he mogonei to fakatumau ni ke fakaaogaka hoko po ke molea e Aho Fakakatoatoaga he Pule Fakamotu a to utakehe po ke fakahui ai.
- (b) Ko e tau tonuhia, tau mena mo e tau fekau lata ke taute po ke taukaitalofa, i lalo he tau fakatufono-tohi he mogonei to tumau ni ka hoko po ke molea e Aho Fakakatoatoaga he Pule Fakamotu, to tumau ni ke mailoga mo e fakagahua ni pihia.

**72- 80 Koe falu vala he tohi fakave nei kua nakai tuai fakaaoga**



**81 Fakamailoga a Niue**

A to talia la he Fono He Tau Ikipule ke talaga po ke taute e taha Fakamailoga fou, ko e Fakamailoga a Niue ne talahau mai he Matakupu 15 he Fakatufono – tohi Fakave nei, ko e talaga ia kua talia ki ai e Fono Komiti Fakatufono ke eke mo fakamailoga a Niue ne fakatu ai he Matakupu 7 he Matapatu Fakatufono–tohi Niue 1966 (mo e ha ne toka ai he Matakupu 3 he Matapatu Fakatufono–tohi Fakahui ha Niue 1971).

VALA VIII

FAKAMAAMAAGA

**82 Fakamaamaaga**

(1) He Fakatufono–tohi Fakave nei, a to kehe ai ni ka talahau pauaki ko e kehe, ko e –

“Aho Fakakatoatoaga he Pule Fakamotu”, kakano ko e aho ne kamata fakagahua ai e Fakatufono-tohi Fakave nei.

“Fakafili”, ke lata mo e Fakafiliaga Lahi, kakano ko e ha Fakafili he Fakafiliaga Lahi ia, lafi ki ai e Iki Fakafili Lahi.

“Fakafiliaga Lahi”, kakano ko e Fakafiliaga Lahi a Niue ne fakatu ai i lalo hifo he Matakupu 37 he Tohi Fakave nei.

“Fakafiliaga Liu Fakafili”, kakano ko e Fakafiliaga Liu Fakafili ha Niue ne fakatu ai i lalo hifo he Matakupu 52 he Tohi Fakave nei.

“Fakamau Kupu he Fono Ekepule”, kakano ko e Fakamau Kupu he Fono Ekepule Niue ne kotofa ai i lalo he Matakupu 27 he Fakatufono-tohi Fakave nei.

“Fakamau Kupu he Fono He Tau Ikipule”, kakano ko e Fakamau Kupu he Fono He Tau Ikipule ha Niue ne kotofa ai i lalo he Matakupu 14 he Fakatufono-tohi Fakave nei.

“Fakatufono-tohi”, kakano ko e ha Fakatufono – tohi he Fono Ekepule Fakave ha Niue tuga ne toka ai he Matakupu 34 he Fakatufono-tohi Fakave nei.

“Fakatufono-tohi Fakave”, kakano ko e Fakatufono-tohi Fakave nei, lafi ki ai e Matapatu Fakatufono-tohi he Fono Ekepule (Palemene) Niu Silani ne fakahigoa ko e Matapatu Fakatufono-tohi Fakave ha Niue 1974; lafi ki ai e ha fakahuiaga fakafakatufono-tohi fakave, tuga ne fakaaoga ai he Matakupu 35 he Fakatufono-tohi Fakave nei, he magaaho ka fakamooli e ha fakahuiaga ia mo e fakagahua ai.

“Fakatufono-tohi”, po ke “La Fakatufono-tohi” –

(a) Kakano ko e ha Fakatufono-tohi he Fono Ekepule mo e ha la fakatufono-tohi; ha poakiaga, la fono po ke ha mena ni kua taute ai i lalo he ha Fakatufono-tohi po ke ha la fakatufono-tohi.

(e) Ko e ha Matapatu Fakatufono-tohi he Fono Ekepule (Palemene) Niu Silani kua hokotia foki e fakagahua ki Niue ke eke mo taha vala he tau fakatufono-tohi a Niue po ke ha Poakiaga mai he Kanesila, Fakapuloga, poakiaga, la fakatufono-tohi, tohi kotofa faka-Ikipule, la fono po ke ha mena pihia tuga ne taute ha koe munitua ke he ha Fakatufono-tohi tuga ne talahau he palatafa nai, kaeke ko e tau mena oti ia kua pehe kua fakagahua ko e taha vala he tau Fakatufono-tohi a Niue.

“Fono He Tau Ikipule”, ko e kakano ko e Fono He Tau Ikipule a Niue ne fakatu he Matakupu 2 he Fakatufono tohi Fakave nei.

“Iki Fakafili Lahi” ko e kakano ko e Iki Fakafili Lahi he Fakafiliaga Tokoluga ha Niue kua kotofa ai i lalo hifo he matakupu 42 he Tohi Fakave mo e putoia ai falu he tau Iki Fakafili he Fakafiliaga Tokoluga kua fakamooli ai he matakupu 40 he Tohi Fakave ke he haana kotofaaga gahua poke taute ai falu he tau gahua he Iki Fakafili Lahi.

“Tau Fakatufono Mogonei”, kakano ko e tau Fakatufono—tohi oti ne fakagahua ai i Niue to hoko e Aho Fakakatoatoaaga he Pule Fakamotu; lafi ki ai e ha fakatufono – tohi ne fakamooli po ke eke mo e fakagahua ai fakamua po ke mole e Aho Fakakatoatoaaga he Pule Fakamotu.

“Fakatufono-tohi, kakano ko e ha fakatufono-tohi ni ne fakagahua ai i Niue lafi ki ai e Fakatufono-tohi Fakave nei mo e ha la fakatufono-tohi.

“Ekepule he Fono Ekepule”, po ke “Ekepule”, kua fakaaoga ia ke lata mo e Fono Ekepule Niue, kakano ko e ha tagata kua fifili ke eke mo Ekepule he Fono Ekepule ke lata moe Matakupu 16 he Fakatufono – tohi Fakave nei; ka e nakai koe Fakatufono Fono; mo e ka pehe kua tuku e Fono Ekepule to fakahoko atu ia ke lata mo e kakano he vala kupu (4) he Matakupu ia.

“Ikipule”, koe kakano ko e ha Ikipule he Fono He Tau Ikipule; lafi ki ai e Palemia ; lafi ki ai ha Ekepule he Fono Ekepule ne kotofa mo Ikipule Hukui leveki ke lata mo e Matakupu 8 he Fakatufono-tohi Fakave nei.

“Fono Ekepule Niue” po ke “Fono”, ko e Fono Ekepule a Niue ne fakatu ai he Matakupu 16 he Fakatufono-tohi Fakave nei.

“Kau Gahua Fakatufono Niue”, ko e Kau Gahua Fakatufono Niue ne fakatu ai i lalo he Matakupu 62 he Fakatufono-tohi Fakavei nei.

“Kau Pule Gahua Fakatufono Niue” po ke “Kau Pule Gahua”, kakano ko e Kau Pule Gahua Fakatufono Niue ne fakatu he Matakupu 64 he Fakatufono-tohi Fakave nei.

“La fakatufono-tohi”, kakano ko e ha Fakatufono-tohi he Fono Ekepule he Motu ko Niue po ke Fono Tufono he Motu ko Niue.

“Palemia”, ko e kakano ko e Ekepule he Fono Ekepule ne fifili ke eke mo Palemia ke lata mo e Matakupu 4 he Fakatufono-tohi Fakave nei he mole atu e fifiliaga haana ke eke mo Ikipule ke lata mo e Matakupu 5 he Fakatufono-tohi Fakave nei; lafi ki ai e Ikipule ne fifili ke taute e tau gahua he Palemia ke lata mo e vala kupu (1) po ke vala kupu (2) he Matakupu 9 he Fakatufono-tohi Fakave nei.

“Tohi Kupu he Fakatufono”, kakano ko e Tohi Kupu he Fakatufono ne kotofa he Matakupu 63 he Fakatufono-tohi Fakave nei.

“Fakatonu Fono”, kakano ko e Fakatonu Fono he Fono Ekepule Niue ne fifili ke lata mo e Matakupu 20 he Fakatufono—tohi Fakave nei; lafi ki ai e ha Ekepule he Fono Ekepule Niue kua fifili ke taute e gahua he Fakatonu Fono ke lata mo e Matakupu ia.

(2) I loto he Fakatufono—tohi Fakave nei ko e ha tagata kua lata ke omonuo, to maeke ke talia a ia, ka manako ki ai, ke taute fakamooliaga ka e nakai ko e omonuo ne, taute ai he Fakatufono—tohi Fakave nei, ti hiki ni e tau kupu fakatoka he omonuoaga ke lata ni mo e mena ka fakamooli ki ai.

(3) I loto he Fakatufono—tohi Fakave nei ko e ha tagata kua ha ha i ai e kotofa i loto he Kau Gahua Fakatufono Niue, ko e ha talahauaga ki a ia ne toka ai e kotofaaga ia, ki a taute ni e ia e kotofaaga ia lafi ki ai e malolo kotofa ke taute e tau gahua oti he kotofaaga ia.

# NIUE CONSTITUTION ACT 1974

1974/42(NZ) – 19 October 1974

1	Short title	7	Economic and administrative assistance
2	Application to Niue	8	Co-operation between New Zealand and Niue
3	Niue to be self-governing		
4	Constitution of Niue	9	New Zealand Representative
5	British nationality and New Zealand citizenship		
6	External affairs and defence		

## SCHEDULES

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### **An Act to make provision for self-government by the people of Niue, and to provide a constitution for Niue**

#### **1 Short title**

This Act is the Niue Constitution Act 1974.

#### **2 Application to Niue**

This Act shall extend to Niue as part of the law of Niue.

#### **3 Niue to be self-governing**

Niue shall be self-governing.

#### **4 Constitution of Niue**

(1) The Constitution set out in its Niuean language version in the First Schedule to this Act and in its English language version in the Second Schedule shall be the Constitution of Niue (in this Act called the Constitution), and shall be the supreme law of Niue.

(2) Where the Constitution provides that any New Zealand Court or Department of Government or statutory authority shall perform any function or exercise any power in relation to Niue, that Court, or, as the case may be, the officers of that Department or the members and staff of that authority are by this Act authorised and required to perform that function or exercise that power in accordance with the Constitution.

#### **5 British nationality and New Zealand citizenship**

Nothing in this Act or in the Constitution shall affect the status of any person as a British subject or New Zealand citizen by virtue of the British Nationality and New Zealand Citizenship Act 1948.

#### **6 External affairs and defence**

Nothing in this Act or in the Constitution shall affect the responsibilities of Her Majesty the Queen in right of New Zealand for the external affairs and defence of Niue.

#### **7 Economic and administrative assistance**

It shall be a continuing responsibility of the Government of New Zealand to provide necessary economic and administrative assistance to Niue.

**8 Co-operation between New Zealand and Niue**

Effect shall be given to the provisions of section 6 and 7 of this Act, and to any other aspect of the relationship between New Zealand and Niue which may from time to time call for positive co-operation between New Zealand and Niue, after consultation between the Prime Minister of New Zealand and the Premier of Niue, and in accordance with the policies of their respective Governments; and, if it appears desirable that any provision be made in the law of Niue to carry out these policies, that provision may be made in the manner prescribed in the Constitution, but not otherwise.

**9 New Zealand Representative**

(1) There shall be appointed under the State Services Act 1962 a New Zealand Representative in Niue.

(2) The New Zealand Representative shall be stationed in Niue, and shall be the representative of the Government of New Zealand in Niue.

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SCHEDULES

SCHEDULE 1

[The Constitution of Niue (Niuean Language Version) – this is reproduced earlier in this volume.]

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SCHEDULE 2

[The Constitution of Niue (English Language Version) – this is reproduced earlier in this volume.]

# LETTERS PATENT CONSTITUTING THE OFFICE OF GOVERNOR-GENERAL OF NEW ZEALAND

1983/225

[This consolidation incorporates the amendments of 1987/8 and 2006/224. It does not reproduce the preamble to those amending Letters Patent.]

1	Office of Governor-General and Commander-in-Chief constituted	11	Exercise of Prerogative of Mercy
2	Appointment of Governor-General and Commander-in-Chief	12	Administrator of the Government
3	Governor-General's powers and authorities	13	Oaths to be taken by Administrator of the Government
4	Manner in which Governor-General's powers and authorities are to be executed	14	Powers and authorities of Governor-General not abridged
5	Publication of Governor-General's Commission	15	[Revoked]
6	Oaths to be taken by Governor-General	16	Ministers to keep Governor-General informed
7	Constitution of Executive Council	17	Ministers and others to obey, aid, and assist Governor-General
8	Membership of Executive Council	18	Power reserved to Her Majesty to revoke, alter, or amend the present Letters Patent
9	Quorum of Executive Council	19	Present Letters Patent to have effect as law
10	Appointment of Members of Executive Council, etc		

ELIZABETH R

ELIZABETH THE SECOND, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith:

To all to whom these presents shall come, Greeting:

## **Recites Letters Patent of 11 May 1917**

WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom bearing date at Westminster the 11th day of May 1917, His late Majesty King George the Fifth constituted, ordered and declared that there should be a Governor-General and Commander-in-Chief in and over the Dominion of New Zealand:

## **Recites Letters Patent of 18 December 1918**

AND WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom bearing date at Westminster the 18th day of December 1918, His late Majesty King George the Fifth made other provision for the publication and the coming into operation of the said Letters Patent bearing date the 11th day of May 1917, in lieu of the provision made in the Fifteenth Clause thereof:

## **Recites Royal Instructions of 11 May 1917**

AND WHEREAS at the Court at St. James's on the 11th day of May 1917, His late Majesty King George the Fifth caused certain instructions under the Royal Sign Manual and Signet to be given to the Governor-General and Commander-in-Chief:

## **Recites Dormant Commission of 23 July 1917**

AND WHEREAS at the Court at St. James's on the 23rd day of July 1917, His late Majesty King George the Fifth caused a Dormant Commission to be passed under the Royal Sign Manual and Signet, appointing the Chief Justice or the Senior Judge for the time being of

the Supreme Court of New Zealand, to administer the Government of New Zealand, in the event of the death, incapacity, or absence of the Governor-General and Commander-in-Chief and of the Lieutenant-Governor (if any):

**Recites Approval by Executive Council of draft of new Letters Patent**

AND WHEREAS, by Order in Council bearing date at Wellington the 26th day of September 1983, Our Governor-General and Commander-in-Chief of New Zealand, acting by and with the advice and consent of the Executive Council of New Zealand, has requested the issue of new Letters Patent revoking and determining the said Letters Patent bearing date the 11th day of May 1917, the said Letters Patent bearing date the 18th day of December 1918, the said Instructions, and the said Dormant Commission, and substituting in place of the revoked documents other provision in the form of the draft of new Letters Patent set out in the First Schedule to that Order in Council:

**Recites Application of Letters Patent, Royal Instructions, and Dormant Commission to Cook Islands and Niue**

AND WHEREAS the said Letters Patent bearing date the 11th day of May 1917, the said Letters Patent bearing date the 18th day of December 1918, the said Instructions, and the said Dormant Commission extend to the self-governing state of the Cook Islands and to the self governing state of Niue as part of the law of the Cook Islands and of Niue, respectively:

**Recites Approval by Government of Cook Islands and Government of Niue of draft of new Letters Patent. Effects Revocations**

AND WHEREAS approval of the said draft of new Letters Patent has been signified on behalf of the Government of the Cook Islands and the Government of Niue:

NOW, THEREFORE, We do by these presents revoke and determine the said Letters Patent bearing date the 11th day of May 1917, the said Letters Patent bearing date the 18th day of December 1918, the said Instructions, and the said Dormant Commission, but without prejudice to anything lawfully done thereunder, and We do hereby declare that the persons who are members of the body known as the Executive Council of New Zealand immediately before the coming into force of these Our Letters Patent shall be members of Our Executive Council hereby constituted as though they had been appointed thereto under these

**Our Letters Patent.**

AND WE do declare Our will and pleasure as follows –

**1 Office of Governor General and Commander-in-Chief constituted**

(1) We do hereby constitute, order, and declare that there shall be, in and over Our Realm of New Zealand, which comprises –

- (a) New Zealand; and
- (b) The self-governing state of the Cook Islands; and
- (c) The self-governing state of Niue; and
- (d) Tokelau; and
- (e) The Ross Dependency, –a Governor-General and Commander-in-Chief who shall be Our representative in Our Realm of New Zealand, and shall have and may exercise the powers and authorities conferred on him by these Our Letters Patent, but without prejudice to the office, powers or authorities of any other person who has been or may be appointed to represent Us in any part of Our Realm of New Zealand and to exercise powers and authorities on Our behalf.

**2 Appointment of Governor-General and Commander-in-Chief**

And We do hereby order and declare that Our Governor-General and Commander-in-Chief (hereinafter called Our Governor-General) shall be appointed by Us, by Commission under the Seal of New Zealand, and shall hold office during Our pleasure.

**3 Governor-General's powers and authorities**

And We do hereby authorise and empower Our Governor-General, except as may be otherwise provided by law –

- (a) To exercise on Our behalf the executive authority of Our Realm of New Zealand, either directly or through officers subordinate to Our Governor-General; and
- (b) For greater certainty, but not so as to restrict the generality of the foregoing provisions of this clause, to do and execute in like manner all things that belong to the office of Governor-General including the powers and authorities hereinafter conferred by these Our Letters Patent.

**4 Manner in which Governor-General's powers and authorities are to be executed**

Our Governor-General shall do and execute all the powers and authorities of the Governor-General according to –

- (a) The tenor of these Our Letters Patent and of such Commission as may be issued to Our Governor-General under the Seal of New Zealand; and
- (b) Such laws as are now or shall hereafter be in force in Our Realm of New Zealand or in any part thereof.

**5 Publication of Governor-General's Commission**

Every person appointed to fill the office of Governor-General shall, before entering on any of the duties of the office, cause the Commission appointing him to be Governor-General to be publicly read, in the presence of the Chief Justice, or some other Judge of the High Court of New Zealand, and of Members of the Executive Council thereof.

**6 Oaths to be taken by Governor-General**

Our Governor-General shall, immediately after the public reading of the Commission appointing him, take –

- (a) The Oath of Allegiance in the form for the time being prescribed by the law of New Zealand; and
- (b) The Oath for the due execution of the Office of Governor-General in the form following –

I, [name], swear that, as Governor-General and Commander-in-Chief of the Realm of New Zealand, comprising New Zealand; the self-governing states of the Cook Islands and Niue; Tokelau; and the Ross Dependency, I will faithfully and impartially serve Her [or His] Majesty [*specify the name of the reigning Sovereign, as thus: Queen Elizabeth the Second*], Queen of New Zealand [or King of New Zealand], Her [or His] heirs and successors, and the people of the Realm of New Zealand, in accordance with their respective laws and customs. So help me God.

which Oaths the Chief Justice or other Judge in whose presence the Commission is read is hereby required to administer.

**7 Constitution of Executive Council**

And We do by these presents constitute an Executive Council to advise Us and Our Governor-General in the Government of Our Realm of New Zealand.

## **8 Membership of Executive Council**

The Executive Council shall consist of those persons who, having been appointed to the Executive Council from among persons eligible for appointment under the Constitution Act 1986, are for the time being Our responsible advisers.

## **9 Quorum of Executive Council**

The Executive Council shall not proceed to the despatch of business unless two Members at the least (exclusive of any Member presiding in the absence of Our Governor-General) be present throughout the whole of the meeting at which any such business is despatched, except that in a situation of urgency or emergency, members may be present by any method of communication that allows each member to participate effectively during the whole of the meeting.

## **10 Appointment of Members of Executive Council, etc**

And We do hereby authorise and empower Our Governor-General, from time to time in Our name and on Our behalf, to constitute and appoint under the Seal of New Zealand, to hold office during pleasure, all such Members of the Executive Council, Ministers of the Crown, Commissioners, Diplomatic or Consular Representatives of New Zealand, Principal Representatives of New Zealand in any other country or accredited to any international organisation, and other necessary Officers as may be lawfully constituted or appointed by Us.

## **11 Exercise of Prerogative of Mercy**

And We do further authorise and empower Our Governor-General, in Our name and on Our behalf, to exercise the prerogative of mercy in Our Realm of New Zealand, except in any part thereof where, under any law now or hereafter in force, the prerogative of mercy may be exercised in Our name and on Our behalf by any other person or persons, to the exclusion of Our Governor-General; and for greater certainty but not so as to restrict the authority hereby conferred, Our Governor-General may –

- (a) Grant, to any person concerned in the commission of any offence for which he may be tried in any court in New Zealand or in any other part of Our said Realm to which this clause applies or to any person convicted of any offence in any such court, a pardon, either free or subject to lawful conditions; or
- (b) Grant, to any person, a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person in any court in New Zealand or in any other part of Our said Realm to which this clause applies; or
- (c) Remit, subject to such lawful conditions as he may think fit to impose, the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Us on account of any offence in respect of which a person has been convicted by any court in New Zealand or in any other part of Our said Realm to which this clause applies.

## **12 Administrator of the Government**

Whenever the Office of Governor-General is vacant, or the holder of the Office is for any reason unable to perform all or any of the functions of the Office, We do hereby authorise, empower, and command the Chief Justice of New Zealand to perform the functions of the Office of Governor-General. If, however, there is for the time being no Chief Justice able to act as Governor-General, then the next most senior Judge of the New Zealand judiciary who is able so to act is so authorised, empowered, and commanded. The Chief Justice or the next most senior Judge, while performing all or any of the functions of the Office of Governor-General, is to be known as the Administrator of the Government; and in these Our Letters Patent every reference to Our Governor-General includes, unless inconsistent with the context, a reference to Our Administrator of the Government.



**13 Oaths to be taken by Administrator of the Government**

The said Chief Justice or next most senior Judge of the New Zealand judiciary shall, on the first occasion on which he is required to act as Administrator of the Government and before entering on any of the duties of the office of Governor-General, take the Oaths hereinbefore directed to be taken by Our Governor-General, which Oaths, with such modifications as are necessary, shall be administered by some other Judge of the High Court of New Zealand, in the presence of not less than two Members of the Executive Council.

**14 Powers and authorities of Governor-General not abridged**

While Our Administrator of the Government is performing all or any of the functions of the office of Governor-General, the powers and authorities of Our Governor-General shall not be abridged, altered, or in any way affected, otherwise than as We may at any time hereafter think proper to direct.

**15** [Revoked SR 2006/224]

**16 Ministers to keep Governor-General informed**

Our Ministers of the Crown in New Zealand shall keep Our Governor-General fully informed concerning the general conduct of the Government of Our said Realm, so far as they are responsible therefor, and shall furnish Our Governor-General with such information as he may request with respect to any particular matter relating to the Government of Our said Realm.

**17 Ministers and others to obey, aid, and assist Governor-General**

Our Ministers of the Crown and other Officers, civil and military, and all other inhabitants of Our Realm of New Zealand, shall obey, aid, and assist Our Governor-General in the performance of the functions of the office of Governor-General.

**18 Power reserved to Her Majesty to revoke, alter, or amend the present Letters Patent**

And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

**19 Present Letters Patent to have effect as law**

And We do further declare that these Our Letters Patent shall take effect as part of the law of Our Realm of New Zealand, comprising New Zealand, the self-governing state of the Cook Islands, the self-governing state of Niue, Tokelau, and the Ross Dependency on the 1st day of November 1983.

IN WITNESS WHEREOF We have caused these Our Letters to be made Patent, and for the greater testimony and validity thereof We have caused the Seal of New Zealand to be affixed to these presents, which We have signed with Our Regal Hand.

GIVEN the 28th day of October in the Year of Our Lord One Thousand Nine Hundred and Eighty-three and in the 32nd Year of Our Reign.

By Her Majesty's Command.



# NIUE ASSEMBLY STANDING ORDERS

Made by the Niue Assembly in accordance with article 22(10) of the Constitution

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# Niue Legislation 2019

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# Niue Assembly Standing Orders

## PART 1

### INTRODUCTION

#### **1 Purpose**

(1) These Standing Orders contain rules for the conduct of proceedings in the Niue Assembly and for the exercise of powers possessed by the Assembly.

(2) They are not intended to diminish or restrict the Assembly's rights, privileges, immunities and powers.

#### **2 The rights, privileges, immunities and powers of the Assembly**

[See article 24 of the Constitution]

#### **3 Speaker to interpret Standing Orders**

(1) The Speaker (or other person presiding) is responsible for ruling whenever any question arises as to the interpretation or application of a Standing Order and for deciding cases not otherwise provided for.

(2) In all cases the Speaker will be guided by previous Speakers' rulings and by the established practices of the Assembly.

#### **4 Dress**

(1) Members are expected to attend meetings of the Assembly attired in a manner appropriate to the dignity of the Assembly.

(2) In particular men are expected to wear a coat and tie to attend a meeting of the Assembly.

(3) The Speaker may exclude from a meeting of the Assembly a member or any other person in the Assembly Chamber during a meeting of the Assembly whom the Speaker does not consider to be suitably attired.

#### **5 Smoking**

(1) Members and other persons present during a meeting of the Assembly are not permitted to smoke in the Assembly Chamber.

(2) The Speaker must direct a member or any other person who is smoking in the Assembly Chamber during a meeting of the Assembly to stop smoking or to leave the Chamber.

#### **6 Speaker may order member to withdraw if grossly disorderly**

(1) The Speaker may order a member whose conduct is grossly disorderly to withdraw immediately from the Assembly during the remainder of that day's sitting.

(2) The Speaker may request a constable to assist in removing a member ordered to withdraw from the Assembly.

## PART 2

### DEFINITIONS

#### **7 Definitions**

(1) In these Standing Orders –  
“absolute majority” at a meeting of the Niue Assembly, means an absolute majority of the members present and voting at that meeting;  
“Clerk” means the Clerk of the Niue Assembly and includes a person for the time being performing the duties of the Clerk;

“meeting” means a sitting or sittings of the Assembly commencing when the Assembly first meets after being summoned at any time and terminating when the Assembly is adjourned –

- (a) Until an indefinite time; or
- (b) At the conclusion of a session;

“Paper” means a document which is ordinarily laid on the Table of the Assembly at the time for “Presentation of Papers”;

“written” and “in writing” means written by hand, typewritten, duplicated, or printed, or partly one or more of the others, and includes a communication transmitted in facsimile or otherwise electronically.

(2) Words and phrases defined by article 82 of the Constitution and used in these Standing Orders have the same meaning in these Standing Orders as they do in the Constitution.

(3) The notes included in these Standing Orders do not form part of the Standing Orders.

(4) These Standing Orders are to be interpreted as if they were an Act.

### PART 3

#### THE SPEAKER

#### **8 Election of the Speaker**

If at the first meeting of the Assembly after a general election –

- (a) The person presently holding the office of Speaker is not present, or
- (b) The office of Speaker is vacant,

the Clerk shall preside at the meeting until a Speaker is elected.

[See article 20(4) and (7) of the Constitution]

#### **9 Qualifications required to be elected Speaker**

[See article 20(2) and (3) of the Constitution]

#### **10 Speaker to be elected by absolute majority**

(1) The following procedure must be followed to elect the Speaker by an absolute majority at a meeting of the Assembly –

- (a) Any member may, on members being called upon to do so by the person presiding at the meeting, nominate an eligible person for election as the Speaker if that person’s consent in writing to being nominated is produced;
- (b) No question is proposed on the election of the Speaker and no debate may arise in connection with it;
- (c) If only one person is nominated for election as the Speaker the person presiding at the meeting must declare that person to be elected as the Speaker;
- (d) If 2 people are nominated for election as the Speaker –
  - (i) A secret vote must be taken, and
  - (ii) If one person obtains more votes than the other the person presiding at the meeting must declare that person to be elected as the Speaker but if each receives the same number of votes the person presiding at the meeting must again call for nominations;
- (e) If more than 2 people are nominated for election as the Speaker –
  - (i) A secret vote must be taken;
  - (ii) If a person receives the votes of an absolute majority of the members the person presiding at the meeting must declare that person to be elected as the Speaker;

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- (iii) If no person receives the votes of an absolute majority of the members the candidate with the fewest number of votes is eliminated and a secret vote must again be taken;
  - (iv) The procedure must be repeated until a person receives the votes of an absolute majority of the members;
  - (v) If there are 2 candidates and each receive the same number of votes the person presiding at the meeting must again call for nominations and the whole election must be held again;
  - (f) If under paragraph (e)(iii) more than one candidate has the fewest number of votes the vote must be taken again;
  - (g) If after the vote is retaken more than one candidate has the fewest number of votes the person presiding at the meeting must determine by lot which candidate is to be eliminated;
  - (h) If –
    - (i) There are no new nominations when nominations are called for under paragraph (d) (ii); or
    - (ii) An election held under paragraph (e)(v) again results in 2 candidates receiving the same number of votes,the person presiding at the meeting must determine by lot which candidate is to be the Speaker.
    - (2) For the purpose of paragraph (1) a secret vote is to be held by –
      - (a) Each member writing on a piece of paper provided to the member by the Clerk the name of the candidate for whom the member is voting and handing the paper to the Clerk when requested to do so by the Clerk; and
      - (b) Unless the Clerk is presiding at the meeting, the Clerk reporting the result of the election to the person presiding at the meeting; and
      - (c) The person presiding at the meeting announcing to the meeting the number of votes received by each candidate; and
      - (d) The Clerk then destroying the papers received from the members.
- [See article 20(1) of the Constitution]

### **11 Speaker to take oath**

[See article 20(5) of the Constitution]

### **12 Vacation of office of Speaker**

[See article 20(6) of the Constitution]

### **13 Presiding at meetings**

[See article 22(2) of the Constitution]

### **14 Absence of Speaker**

If at a meeting of the Assembly –

- (a) The Speaker is absent; or
- (b) The office of Speaker is vacant, the Clerk shall, for the purpose of allowing the Assembly to comply with article 20(7) of the Constitution, preside at the meeting until –
  - (i) The members present have elected one of their number to preside over the meeting until the Speaker is again present; or
  - (ii) A Speaker is elected and has entered on the duties of his or her office,as the case may be.

**15 Members to address the Speaker correctly**

A member must address the Speaker as “Mr Speaker” or “Madam Speaker”, as the case may be, during a sitting of the Assembly.

PART 4

OATH OF ALLEGIANCE

**16 Oath of Allegiance to be taken by members.**

[See article 21 of the Constitution]

PART 5

THE PREMIER

**17 Election of Premier**

[See article 4 of the Constitution]

**18 Premier to be elected by absolute majority**

(1) The following procedure must be followed to elect the Premier by an absolute majority at a meeting of the Assembly –

- (a) Any member may, on members being called upon to do so by the Speaker, nominate another member for election as the Premier;
- (b) No question is proposed on the election of the Premier and no debate may arise in connection with it;
- (c) If only one member is nominated for election as the Premier the Speaker must declare that member to be elected as the Premier;
- (d) If 2 members are nominated for election as the Premier –
  - (i) A secret vote must be taken;
  - (ii) If one member obtains more votes than the other the Speaker must declare that member to be elected as the Premier but if each receive the same number of votes the Speaker must again call for nominations;
- (e) If more than 2 members are nominated for election as the Premier –
  - (i) A secret vote must be taken;
  - (ii) If a member receives the votes of an absolute majority of the members the Speaker must declare that member to be elected as the Premier;
  - (iii) If no member receives the votes of an absolute majority of the members the candidate with the fewest number of votes is eliminated and a secret vote must again be taken;
  - (iv) The procedure must be repeated until a member receives the votes of an absolute majority of the members;
  - (v) If there are 2 candidates and each receives the same number of votes the Speaker must again call for nominations and the whole election must be held again;
- (f) If under paragraph (e)(iii) more than one candidate has the fewest number of votes the vote must be taken again;
- (g) If after the vote is retaken more than one candidate has the fewest number of votes the Speaker must determine by lot which candidate is to be eliminated;
- (h) If –
  - (i) There are no new nominations when nominations are called for under paragraph (d)(ii); or
  - (ii) An election held under paragraph (e)(v) again results in 2 candidates receiving the same number of votes, the Speaker must determine by lot which candidate is to be the Premier.



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- (2) For the purpose of paragraph (1) a secret vote is to be held by –
- (a) Each member writing on a piece of paper provided to the member by the Clerk the name of the candidate for whom the member is voting and handing the paper to the Clerk when requested to do so by the Clerk; and
  - (b) The Clerk reporting the result of the election to the Speaker; and
  - (c) The Speaker announcing to the meeting the number of votes received by each candidate; and
  - (d) The Clerk then destroying the papers received from the members.
- [Absolute majority means that if there are 20 members present and voting a candidate must receive at least 11 votes to be elected, not just the most votes.]

### PART 6

#### APPOINTMENT OF MINISTERS

**19 Appointment of Ministers by the Premier**

[See article 5 of the Constitution]

**20 Each Minister must take Oath of Allegiance**

[See article 10 of the Constitution]

### PART 7

#### LANGUAGE THAT MAY BE USED IN THE ASSEMBLY

**21 Language**

[See article 23 of the Constitution]

### PART 8

#### SEATING OF MEMBERS

**22 Seating of members**

(1) For the first meeting of the Assembly after a general election the Clerk must allocate a seat in the Assembly Chamber to each member in alphabetical order of each member's family name starting to the right of the Speaker's chair.

(2) After the Speaker has appointed the Premier and the 3 other Ministers they must occupy the seats immediately facing the Speaker's chair.

(3) The seats of the other members must be determined by each member drawing a seat number from a container.

(4) The Speaker must determine any question that may arise with regard to the seat to be occupied by a member.

(5) A member must not address the Assembly (through the Speaker) except from the member's seat.

### PART 9

#### MEETINGS OF THE ASSEMBLY

**23 Speaker to appoint time and place of meetings of the Assembly**

[See article 22(1) of the Constitution]

**24 Members to attend sittings of the Assembly**

A member must attend each sitting of the Assembly unless granted leave of absence by the Speaker.

**25 Grounds for granting leave of absence**

The Speaker must not grant a member leave of absence except on the following grounds

- (a) For illness or other family cause of a personal nature; or
- (b) To enable the member to attend to other public business (whether in Niue or overseas).

**26 Sittings**

- (1) The Assembly sits on such days as are appointed by the Speaker.
- (2) Unless the Assembly decides otherwise each sitting is to be from 9am to 12 noon and from 1pm to 4pm.
- (3) At 5 minutes before the appointed time to end a sitting the Speaker must interrupt the business under discussion.
- (4) Unless the Assembly otherwise decides, an adjournment of a sitting of the Assembly is to the next working day.
- (5) The Speaker may suspend a sitting at any time.

**27 No Sunday sitting**

The Assembly must not sit on a Sunday.

**28 Notice of meetings**

- (1) The Clerk must give each member at least 5 working days written notice of the commencement of a meeting of the Assembly.
- (2) In an emergency the Speaker may summon a meeting of the Assembly on such shorter notice as the circumstances require.
- (3) If paragraph (2) applies notice of the meeting must be given to each member in a way that will ensure the member is duly informed of the meeting.

**29 Quorum of meetings of the Assembly**

- (1) If at any time a quorum is not present the Speaker must direct each member then present in the Fale Fono to be advised of the lack of a quorum.
- (2) If at the end of 10 minutes a quorum is not present the Speaker must adjourn the sitting without question put.  
[See articles 22(6) and 20(9) of the Constitution]

**30 Meeting to start with Prayer**

Upon the Speaker taking the Chair each day and a quorum of members being present the Speaker must call upon a member to say a Prayer.

**31 Broadcasting**

- (1) The proceedings of the Assembly may be broadcast on radio or television with the approval of the Speaker, which may be given subject to conditions.
- (2) A broadcast of the televised proceedings of the Assembly must maintain such standards of fairness as are adopted, from time to time, by the Assembly.

## Niue Assembly Standing Orders

### PART 10 STRANGERS

#### **32 Speaker controls admission**

The Speaker –

- (a) May control admission to the Chamber of the Assembly and its lobbies and galleries; and
- (b) May issue rules setting out who may be admitted to those areas and governing their conduct there.

#### **33 Strangers may be ordered to withdraw**

(1) A member may move, without notice, “That strangers be ordered to withdraw”.

(2) The Speaker must put the question without any amendment to or debate on the question.

#### **34 Effect of order that strangers withdraw**

(1) If the Assembly resolves that strangers be ordered to withdraw –

- (a) All strangers must leave the galleries; and
- (b) All members of the press gallery must leave; and
- (c) Official reporters and attendants must leave the Chamber and no official report of the proceedings is to be made; and (d) Broadcasting of debates is to cease.

(2) The Clerk must make a note of proceedings for the Journals of the House.

#### **35 Strangers interrupting proceedings**

The Speaker may require strangers who interrupt proceedings or who otherwise misconduct themselves, to leave the galleries and the precincts of the Assembly Chamber.

### PART 11

#### DUTIES OF THE CLERK

#### **36 Appointment of Clerk of the Assembly**

[See article 27 of the Constitution]

#### **37 Business Paper**

The Clerk must at least 5 working days before the start of a meeting of the Assembly send to each member a Business Paper setting out the business proposed to be carried out by the Assembly during that meeting of the Assembly.

#### **38 Order Paper**

(1) The Clerk must give to each member before the start of a meeting a paper (known as the Order Paper) setting out –

- (a) The business proposed to be carried out by the Assembly during that meeting; and
- (b) The order in which it is intended to carry out that business.

(2) In general the business of the Assembly must be carried out in the following order –

- (a) Presentation of petitions;
- (b) Tabling of papers;
- (c) Consideration of papers;

- (d) Questions for oral answers;
  - (e) Government business;
  - (f) Member's business.
- (3) The Speaker may amend the Order Paper.

**39 Custody of records**

- (1) The Clerk has the custody of the records and other documents belonging to the Assembly.
- (2) The records and other documents belonging to the Assembly –
- (a) Must be made available by the Clerk upon request by a member; and
  - (b) May be made available by the Clerk to any other person with the permission of the Speaker.

**40 Minutes**

- (1) The Clerk must –
- (a) Keep minutes of the proceedings of the Assembly; and
  - (b) Send to each member a copy of the minutes of each meeting as soon as possible after the conclusion of the meeting.
- (2) The Clerk must record in the minutes of a meeting of the Assembly –
- (a) The name of each member attending the meeting; and
  - (b) The decisions made by the Assembly during the meeting.
- (3) The minutes must be signed by the Speaker and countersigned by the Clerk.

**41 Record of members**

- (1) The Clerk must keep a record in respect of each member.
- (2) The record kept in respect of a member must include –
- (a) The name of the member; and
  - (b) The date of his or her election; and
  - (c) The date the member took his or her seat; and
  - (d) On the member ceasing to be a member, the date and cause.

**42 Official report**

- (1) An official report (known as Hansard) is to be made by the Clerk of those portions of the proceedings of the Assembly as is determined by the Assembly or by the Speaker.
- (2) The report is to be in such form and subject to such rules as are approved from time to time by the Assembly or by the Speaker.
- (3) The report must be published by the Clerk.

PART 12

PAPERS

**43 Presentation of Papers**

A Paper may be laid upon the Table of the Assembly when the Speaker calls for the "Presentation of Papers".

**44 Who may present Papers**

- (1) A Paper may be laid on the Table of the Assembly by –
- (a) The Speaker; or
  - (b) A Minister; or

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(c) The Chairman of a Select Committee.

(2) Otherwise a member has no power to lay a Paper on the Table of the Assembly unless authorised to do so by a resolution of the Assembly.

### **45 Presentation of Papers**

(1) The person in charge of a Paper may lay the Paper on the Table of the Assembly without motion.

(2) A person who has laid a Paper on the Table of the Assembly may make a short statement in respect of the Paper.

(3) The Speaker must not allow a debate on the statement.

(4) A Paper laid on the Table of the Assembly must be recorded as so laid in the minutes of the meeting.

### **46 Consideration of Papers**

(1) When a Paper has been laid on the Table of the Assembly the Clerk must put it on the Business Paper for the next meeting of the Assembly.

(2) When “Consideration of Papers” is called on the Speaker must call the title of each Paper in the order in which it appears on the Order Paper.

(3) If a member wants to debate a Paper the member may, on the Paper being called on by the Speaker, move “That the Paper be noted” or “That the Paper be referred to the Government for consideration” or some other motion relevant to the Paper.

(4) If a motion is not made in respect of a Paper called on by the Speaker for consideration the Clerk must omit mention of the Paper from subsequent Order Papers.

## PART 13

### PETITIONS

### **47 Petitions**

(1) A member may present a Petition to the Assembly if –

(a) It is made on a form provided for the purpose by the Clerk; and

(b) Each signature on the Petition is in the handwriting of the person signing or, in the case of mark, it is witnessed; and

(c) Each signature or mark is followed by the name and address of the person signing or making the mark; and

(d) The petition is in the Niuean or English language; and

(e) The petition is accompanied by a translation into the Niuean or English language, as the case may be, certified as correct by the Member who is to present the Petition.

(2) A Petition must not have any other document attached to it.

### **48 Presentation of Petition**

When a member presents a Petition to the Assembly the member must confine himself or herself to a brief statement of –

(a) A description of the group or people who signed the petition; and

(b) The number of signatures attached to it; and

(c) The general object of the Petitioner or Petitioners.

**49 Disposal of Petition**

(1) A member who has presented a Petition to the Assembly may then move “That the petition be read” or “That the petition be referred to a Select Committee”.

(2) In moving such a motion the member must give his or her reason for doing so.

**50 Petition on matter having judicial remedy**

A member must not present a Petition to the Assembly in respect of matter for which there is a judicial remedy if no application for that remedy has been made.

PART 14

QUESTIONS AND ANSWERS

**51 Questions**

(1) A member may through the Speaker ask a question relating to a Bill, motion or other public matter connected with the business of the Assembly during the period set aside by the Assembly for questions and answers.

(2) The time allowed for questions, and answers in the Assembly shall be limited to 1 hour.

**52 Notice of questions**

(1) A question must not be asked without notice unless the Speaker is satisfied that –

(a) It is of an urgent character; and

(b) Relates either to a matter of public importance or to the arrangement of the business of the Assembly.

(2) A Member must give written notice of a question to the Clerk at least 3 working days before the day on which the answer is required.

(3) The questions in the Assembly at any one sitting shall be limited to 20 in number and shall be the first 20 questions received by the Office of the Speaker by closing day, on a first come first served basis.

(4) Each question must be worded in the form of a single question and must not include introductions or explanations.

(5) Questions will be distributed to Ministers no fewer than 3 working days before the day on which the answer is required and will be listed in the Order Paper on that day.

**53 Answers to questions**

(1) The Speaker must not allow debate on a question that has been asked and answered.

(2) As soon as a question has been answered in the Assembly the member who asked the question may without notice, ask no more than 2 supplementary questions.

(3) The Speaker must not permit a supplementary question to be asked that introduces a matter not included in the original question.

(4) Each supplementary question must be worded in a form as a single question and must not include introductions or explanations.

PART 15

MOTIONS AND AMENDMENTS

**54 Notice of motions**

(1) Except as provided in paragraph (2) a member who wants to move a motion in the Assembly must give notice of the motion the member proposes to move by giving a written copy of the motion to the Clerk at least 5 working days before the start of the meeting during which the member intends to move the motion.

(2) A member may move a motion without giving prior notice to the Clerk if it is a motion –

- (a) By way of amendment to a question already proposed; or
- (b) For the adjournment of the Assembly or of a debate; or
- (c) Raising a question of privilege; or
- (d) That a petition be read or referred to a Select Committee; or
- (e) That a Bill be referred to a Select Committee; or
- (f) That relates to a Paper called on for consideration; or
- (g) To report progress; or
- (h) For any reading of a Bill; or
- (i) For the withdrawal of a Bill; or
- (j) On a matter the Speaker accepts is urgent; or
- (k) That does not require notice by virtue of any other provision of these Standing Orders.

**55 Form of motion**

(1) A motion must be expressed in a form and with a content appropriate for a resolution of the Assembly.

(2) Accordingly a motion must –

- (a) Clearly indicate the issue to be raised for debate; and
- (b) Include only such material as may be necessary to identify the facts or matter to which the motion relates.

(3) A motion must not contain –

- (a) Unbecoming or offensive expressions or expressions or words which would not be permitted in debate, or
- (b) Statements of fact or the names of persons unless –
  - (i) They are strictly necessary to render the motion intelligible; and
  - (ii) can be authenticated.

**56 Motions and amendments to be seconded**

(1) A motion or amendment, unless made in Committee, must be moved in the affirmative form and seconded.

(2) The mover of a motion or amendment may speak on the principle and merits of the motion or amendment before formally moving the motion or amendment but if it is not then seconded it lapses forthwith.

**57 Motions to amend or replace Standing Orders**

A notice of a motion to amend or replace these Standing Orders must be accompanied by a draft of the proposed amendment or replacement Standing Orders.

**58 Withdrawal of motions and amendments**

(1) A member who has proposed a motion or amendment may withdraw it, but if the motion or amendment has been seconded the member cannot do so except with the approval of the Assembly.

(2) A motion or amendment to which an amendment has been moved cannot be withdrawn until the latter amendment has either been disposed of or withdrawn.

**59 Reintroduction of motions**

A motion cannot be proposed which is the same in substance as a motion that during the previous 12 months has been resolved in the affirmative or negative.

**60 Moving of amendments to motions**

(1) A proposed amendment to a motion cannot be moved until the Speaker has accepted the motion.

(2) The Speaker must not accept a proposed amendment to a motion after the vote on the motion has been taken.

**61 Order of amendments to motions**

When written notice has been given of several proposed amendments to a motion, each proposed amendment is to be dealt with in the order in which, if agreed to, it would stand in the amended motion.

**62 Rules as to amendments to motions**

A proposed amendment to a motion must be relevant to the motion.

**63 Abuse of Standing Orders**

The Speaker may decline to propose the question on a motion for the adjournment of a debate or for the adjournment of the Assembly during a debate if the Speaker is satisfied that the motion –

- (a) Is an abuse of these Standing Orders; or
- (b) An infringement of the rights of the minority of members.

PART 16

PERSONAL EXPLANATIONS

**64 Personal explanations**

(1) A member may with the leave of the Speaker at the time appointed for Personal Explanations explain matters of a personal nature.

(2) The Speaker must not allow a personal explanation to be debated.

(3) The subject matter of a proposed personal statement must first be communicated to the Speaker.

PART 17

RULES OF DEBATE

**65 Members to address the Speaker**

A member must not address the Assembly except through the Speaker.

**66 The Speaker to call upon member to speak**

(1) A member who wishes to speak must raise his or her arm to attract the Speaker's attention.

(2) The Speaker should generally permit members to speak in the order in which they catch the eye of the Speaker.



**67 Speaker to be heard in silence**

When the Speaker is addressing the Assembly –

- (a) Any member then speaking must immediately cease speaking; and
- (b) All members must remain silent to permit the Speaker to be heard without interruption.

**68 Speech to be directed to the question**

- (1) A member must speak to the subject matter under discussion.
- (2) The Speaker may –
  - (a) Call the attention of the Assembly to continued irrelevance or tedious repetition on the part of a member who is at that time speaking; and
  - (b) Direct the member to discontinue his or her speech.

**69 Member generally to be allowed to speak once**

(1) Except as provided by paragraphs (2) and (4) and during debate on the second reading of a Bill, the Speaker must ensure that a member speaks only once to a question.

(2) The Speaker may allow a member who has spoken to speak again to clear up a misunderstanding in regard to a material point of the member's speech.

(3) In allowing the member to speak again the Speaker must not allow the member to –

- (a) Introduce new matter; or
- (b) Interrupt a member who is speaking.

(4) The Speaker may allow the mover of a substantive motion or amendment a right of reply but must ensure that the reply is confined to matters raised during the debate.

(5) The reply of the mover of a motion or proposed amendment closes the debate on the motion or the amendment and the Speaker must not permit any other member to speak or move a proposed amendment in respect of the motion.

**70 Member may speak to Point of Order**

A member may speak –

- (a) To a point of order; or
- (b) Upon a matter of privilege suddenly arising.

**71 Point of Order takes precedence**

- (1) A point of order being raised takes precedence.
- (2) Any member who is speaking when a point of order is raised must cease speaking until the Speaker has given a ruling on the point of order.
- (3)

**72 Offensive words**

The Speaker must intervene if offensive or disorderly words are used whether by a member who is speaking or by a member who is present.

**73 Personal reflection**

The Speaker must intervene if a member makes –

- (a) An imputation of an improper motive against a member; or
- (b) An offensive reference to a member's private affairs; or
- (c) A personal reflection against a member.

**74 Matters awaiting judicial decision**

(1) If it appears to the Speaker that there is a real and substantial danger of prejudice to a matter awaiting or under adjudication in a court the Speaker may order a member not to refer to the matter in –

- (a) A motion; or
- (b) A debate; or
- (c) A question, including a supplementary question.

(2) Paragraph (1) has effect –

- (a) In relation to a criminal matter, from when a charge is made; and
- (b) In relation to any other matter, from when proceedings are initiated by the filing of the appropriate document in the registry or office of the court.

(3) Paragraph (1) ceases to have effect when the verdict and sentence are announced or from when judgment is given in respect of the matter, as the case may be.

(4) If notice of appeal is given paragraph (1) has effect from when that notice is given until the appeal is decided.

(5) Paragraph (1) is subject to the right of the Assembly to legislate on any matter.

**75 Closure of debate**

(1) At any time after a motion or amendment has been proposed a member may move “That the question be now put”.

(2) Unless it appears to the Speaker that the motion –

- (a) Is an abuse of these Standing Orders; or
- (b) Is an infringement of the rights of the minority of members, the Speaker must forthwith put the motion “That the question be now put”.

(3) If the motion is carried the Speaker must put the question on the substantive motion or amendment without further debate.

**76 Question fully put by the Speaker**

A member must not speak to a question after –

- (a) It has been fully put by the Speaker; and
- (b) The vote on the question has been given both in the affirmative and negative.

**77 Adjournment in case of grave disorder**

If the Speaker thinks it necessary to do so because of grave disorder in the Assembly the Speaker may –

- (a) Adjourn the Assembly without question put; or
- (b) Suspend the sitting until a time or for a period specified by the Speaker.

**78 Respect to be shown to the Speaker**

A member who leaves the Assembly Chamber during a sitting must show respect to the Speaker both on leaving and on return to his or her seat.

Part 18

VOTING

**79 Voting of members**

(1) Except as otherwise provided by these Standing Orders, the Speaker determines if voting on a question before the Assembly is to be –

- (a) On the voices; or

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- (b) By a show of hands; or
- (c) By a secret ballot held in a manner determined by the Speaker.
  - (2) If the Speaker is presiding at the time of a vote on a question and there is an equality of votes the question is lost.
  - (3) The Speaker declares the result of a vote.  
[See articles 22(3)(4)(5) and article 35(1) of the Constitution]

### PART 19

#### BILLS

- 80 Power of Assembly to make laws**  
[See article 28 of the Constitution]
- 81 Distribution of copies of Bills**
  - (1) The Clerk must send a copy of a Bill to each member at least 10 days before the first reading of the Bill.
  - (2) A Bill specified in a Certificate of Urgency signed by the Speaker may be introduced without prior distribution to members.
- 82 Introduction of Bills into Assembly**  
[See article 29 of the Constitution]
- 83 Rules regarding bills**
  - (1) A Bill introduced into the Assembly must be accompanied by an explanatory note signed by the member who introduced the Bill.
  - (2) The explanatory note must state the objects and reasons for the Bill.
  - (3) A Bill must have a distinguishing title.
  - (4) A Bill must be divided into successive clauses consecutively numbered, and each clause must have a head note giving a short indication of the content of the clause.
- 84 Financial Bills**  
The procedure for passing Appropriation Bills is subject to the additional requirements set out in Part 20.  
[See article 30 of the Constitution]
- 85 Bills affecting the Niue Public Service**  
[See article 32(1) of the Constitution]
- 86 Bills affecting Niuean land**  
[See article 33(1) of the Constitution]
- 87 Bills to be read three times in Assembly**  
[See article 22(8) of the Constitution]
- 88 Introduction and first reading of Bill**
  - (1) A member may introduce a Bill to the Assembly by –
    - (a) Reading its Long Title; and
    - (b) Explaining the purpose and general intent of the Bill.
  - (2) After introducing the Bill the member introducing the Bill must move “That the [short title of Bill] be read a first time”.

(3) On the motion being made and seconded “That the [short title of Bill] be read a first time” the debate on that motion must be confined to the principles and general merits of the Bill.

**89 Procedure after first reading of Bill**

If the motion “That the [short title of Bill] be read a first time” is carried the member in charge of the Bill must move “That the [short title of Bill] be read a second time”.

**90 Second reading of Bills**

On the motion being made and seconded “That the [short title of Bill] be read a second time” the Speaker must not allow any amendment to the motion except an amendment to postpone the second reading of the Bill to some subsequent date.

**91 Procedure during debate on the motion that a Bill be read a second time**

(1) During debate on the motion “That the [short title of Bill] be read a second time” the member in charge of the Bill must –

- (a) Call the number of each clause of the Bill in succession; and
- (b) Read the headnote to the clause.

(2) When the member in charge of the Bill has read the headnote to a clause of the Bill –

- (a) That member may provide an explanation in respect of the clause; and
- (b) Other members may speak in respect of the clause.

(3) If no amendment is offered in respect of a clause the Speaker must put the question “That clause [number of the clause] stands part of the Bill”.

(4) If a clause is amended the Speaker must put the question “That clause [number of the clause] as amended stands part of the Bill”.

(5) Notice need not be given of a motion to amend a clause nor does such a motion need to be seconded.

(6) A member may speak more than once in respect of a clause or on a proposed amendment to a clause but when more than one member indicates a wish to speak the Speaker must give preference to a member who has not previously spoken.

**92 Amendments to comply with certain conditions**

(1) During debate on the motion “That the [short title of Bill] be read a second time” the Speaker must refuse to put to the Assembly any amendment the Speaker considers does not comply with the following conditions –

- (a) The amendment must be relevant to the subject matter of the Bill and to the subject matter of the clause (if any) to which it relates; and
- (b) The amendment must not be such as to make the clause (if any) it proposes to amend unintelligible or ungrammatical; and
- (c) If an amendment refers to or is not intelligible without a subsequent amendment, notice of the subsequent amendment is given before or when the first amendment is moved so as to make the series of amendments intelligible.

(2) The Speaker must not accept a motion by a member to delete the whole of a clause since the proper course for the member to take is to vote against the clause.

**93 Postponement of consideration of a clause**

During debate on the motion “That the [short title of Bill] be read a second time” the consideration of a clause may on motion be postponed.

**94 New clauses**

(1) During debate on the motion “That the [short title of Bill] be read a second time” any member may propose a new clause for the Bill.

(2) Any proposed new clause must be considered when the appropriate place for the insertion of the clause into the Bill is reached.

**95 Schedules**

(1) During debate on the motion “That the [short title of Bill] be read a second time” any member may propose a new schedule for the Bill.

(2) Any proposed new schedule must be considered when the appropriate place for the insertion of the schedule into the Bill is reached.

**96 Adjournment during debate on the motion that a Bill be read for a second time**

(1) If the consideration of a Bill by the Assembly on the motion “That the [short title of Bill] be read a second time” is not completed at the one time the consideration of the Bill may, on motion made, be adjourned until –

(a) The next sitting day; or

(b) Some subsequent sitting day or meeting of the Assembly.

(2) When the time appointed for the resumption of debate on the motion “That the [short title of Bill] be read a second time” arrives the Assembly must resume debate on that motion.

**97 Member may move that Bill be referred to a select committee**

(1) At any time during debate on the motion “That the [short title of Bill] be read a second time” a member may move “That the [short title of Bill] be considered by the [name of appropriate Select Committee]”.

(2) If a Bill is referred to a Select Committee no further proceedings are to be taken on the motion “That the [short title of Bill] be read a second time” until the Select Committee has reported to the Assembly.

(3) When consideration of a Bill by a Select Committee has been completed the member in charge of the Bill must report to the Assembly.

(4) The report must state “Mr Speaker I beg to report that the [short title of Bill] has been considered by the [name of Select Committee] and has been approved [with] or [without] amendment”.

(5) Where the Bill has been approved by the Select Committee with amendments the member in charge of the Bill must move “That the amendments to the [short title of Bill] approved by the [name of Select Committee] stand part of the Bill”.

(6) The Assembly may approve all or any of the amendments proposed by the Select Committee or reject them, and may continue the debate on the motion “That the [short title of Bill] be read a second time”.

**98 Conclusion of debate on the motion that a Bill be read a second time**

When the consideration of the motion “That the [short title of Bill] be read a second time” has been completed the Speaker must put to the Assembly the question “That the [title of Bill] [as amended – if amended during debate on the second reading] be read a second time”.

**99 Third Reading of Bills**

Upon motion being made and seconded “That the [title of Bill] [as amended – if amended during debate on the second reading of the Bill] be read a third time” amendments

for the correction of errors or oversights may with the Speaker's permission be made but no amendments of a material character are to be accepted by the Speaker.

[See article 35(1) of the Constitution]

**100 Bill passed**

After a Bill has been read a third time –

- (a) The Bill is to be taken to have been passed by the Assembly; and
- (b) Accordingly the Speaker must not put to the Assembly any further question in respect of the Bill.

**101 Assent to Bills**

(1) When a Bill (other than a Bill to which article 35 of the Constitution applies) has been passed by the Assembly the Clerk must prepare at least 2 copies of the Bill for certification under article 34 of the Constitution.

(2) When a Bill to which article 35 of the Constitution applies –

- (a) Has been passed by the Assembly under that article; and
  - (b) Has been submitted to a poll and received the support prescribed by that article,
- the Clerk must prepare at least 2 copies of the Bill to be certified under that article.

**102 Verbal or formal amendments**

In preparing a Bill for certification in accordance with article 34 or 35 of the Constitution the Clerk may –

- (a) Make amendments of a verbal or formal nature; and
- (b) Correct clerical, typographical or cross-reference errors.

**103 After certification**

When a Bill has been certified in accordance with article 34 or 35 of the Constitution, the Clerk must –

- (a) Retain one certified copy of the Bill with the records of the Assembly; and
- (b) Deposit one certified copy of the Bill with the Attorney-General.

**104 Withdrawal of Bills**

A member in charge of a Bill may by motion without notice withdraw the Bill from the Assembly.

**105 Power of Assembly to send for persons, papers and records**

During debate on the motion "That the [short title of Bill] be read a second time" the Assembly may approve a motion to require –

- (a) The department of Government concerned; or
- (b) An outside person or body –
  - (i) to submit a report to explain a provision of the Bill; or
  - (ii) to depute a representative to appear as a witness before the Assembly to explain a provision of the Bill.

[These Standing Orders only bind the Speaker and Members of the Niue Assembly (although even here the Assembly may, in any particular case, suspend their application). They do not bind other people. So it is not an offence for a person to fail to comply with a requirement made under this Order. To make it an offence the Assembly would need to pass legislation setting out the powers and privileges of the Assembly. Such legislation is provided for by article 24(5) of the Constitution.]

PART 20

APPROPRIATION BILLS

**106 Procedure to be followed to enact Appropriation Bills**

The procedure for passing Appropriation Bills is the same as for passing other Bills as set out in Part 19 subject to the variations and additional requirements set out in this Part.

[See article 30 of the Constitution]

**107 Annual Appropriation Bill and estimates of expenditure**

[See articles 58 and 59(1) of the Constitution]

**108 Contents of Appropriation Bill**

The Appropriation Bill for a financial year must contain –

- (a) An estimate of the expenditure to be made from the Niue Government Account for all the services of Government for that financial year (other than expenditure for a service of Government authorised by any other law); and
- (b) A Schedule specifying the amount of that expenditure appropriated to each department of Government for that financial year.

**109 Contents of draft Estimate of Expenditure and Financial Statement**

(1) Details of the amount appropriated by the Appropriation Bill to each department of Government for the financial year must be contained in a draft Estimate of Expenditure and Financial Statement.

(2) The draft Estimate of Expenditure and the Financial Statement for a financial year must also –

- (a) Show expenditure for a service of Government authorised by any other law; and
- (b) Contain an estimate of the revenue to be received by each department of Government during the financial year.

**110 Draft Estimate of Expenditure and Financial Statement to be sent to each member**

The draft Estimate of Expenditure and the Financial Statement for a financial year must be sent to each Member at the same time as the Appropriation Bill is sent to members.

**111 Copy of budget statement to be provided to members**

If the Minister in charge of an Appropriation Bill intends to read a budget statement on moving “That the Appropriation Bill be read a first time” the Minister must before making that statement provide each Member with a copy of it either in the Niuean language or the English language, as requested by the member.

**112 Consideration of Departmental votes**

(1) During debate on the motion “That the Appropriation Bill be read a second time” the clauses of the Bill stand postponed until after the consideration of the Schedule to the Bill.

(2) On consideration of the Schedule to an Appropriation Bill the Minister in charge of the Bill must call the title of each department of Government in turn and propose the question “That the sum of \$[amount] for the [name of Department of Government] Departmental Vote stands part of the Schedule”.

(3) A member may move an amendment to reduce the sum appropriated for an item in a Departmental Vote by proposing the question “That the sum appropriated to item [item number as contained in the draft Estimate of Expenditure and Financial Statement] in the [name of Department] Departmental Vote be reduced by \$[amount].”

(4) When several such amendments are proposed to reduce the amount appropriated to various items in a Departmental Vote –

- (a) They must be called in the numerical order of the vote items as contained in the draft Estimate of Expenditure and Financial Statement; and
- (b) If there is more than one amendment to the same item, the larger reduction must be put first.

(5) An increase in the sum appropriated for an item in a Departmental Vote cannot be moved except by the Minister in charge of the Bill and then only with the consent of the Premier.

(6) If an amendment is moved to increase an amount appropriated to an item in a Departmental Vote –

- (a) It takes priority over any amendment to decrease the amount appropriated to the item; and
- (b) If carried, any amendment to decrease the amount appropriated to the item lapses.

(7) When all amendments in respect of a Departmental Vote have been disposed of, the Speaker must propose the questions “That the sum) or reduced or increased sum of \$[amount] for [name of Department of Government] Departmental Vote stands part of the Schedule”.

(8) When each Departmental Vote in the Schedule to an Appropriation Bill has been dealt with the Speaker must call each clause of the Bill.

(9) When calling a clause the Speaker must indicate to members any consequential amendment to the amount specified in the clause as a result of any change in an amount appropriated in respect of a department of Government.

**113 Third Reading to be taken immediately after Second Reading**

(1) When an Appropriation Bill has been read a second time the third reading of the Bill must be taken forthwith.

(2) The Speaker must not allow any debate on the motion for the third reading of an Appropriation Bill.

**114 Appropriation Bill takes precedence over other business** An Appropriation Bill takes precedence over all other business.

**115 This Part to apply to Supplementary Appropriation Bills**

This Part applies to a Supplementary Appropriation Bill in the same way as it applies to an Appropriation Bill.

PART 21

SELECT COMMITTEES

**116 Appointment of Select Committee**

(1) The Assembly may –

- (a) Appoint a Select Committee consisting of members; and
- (b) Refer to the Committee a matter for consideration or enquiry and report.

(2) A matter referred to a Select Committee may include –

- (a) Any proposed Bill submitted to it by a Minister before its approval by the Government and its introduction into the Assembly; and
- (b) Any proposals for public expenditure (with any estimates of revenue) submitted to it by the Minister responsible for finance before their approval by the Government and the introduction into the Assembly of a Bill to authorise that expenditure.



## Niue Assembly Standing Orders

(3) In respect of a matter referred to it by a Minister a Select Committee must report to that Minister.

### **117 Control and dissolution of Select Committees**

A Select Committee is subject to the control of the Assembly and accordingly –

- (a) May be dissolved by the Assembly; or
- (b) Have its functions transferred by the Assembly to another Committee appointed by the Assembly.

### **118 Chairman of Committee**

(1) A Select Committee must elect a Chairman before proceeding to any other business.

(2) A Chairman so elected holds office during the life of the Committee unless the members of the Committee otherwise determine.

(3) A Chairman of a Select Committee may call a meeting of the Committee at any time the Chairman is satisfied there is a matter to be considered by the Committee.

### **119 Quorum of Committee**

The quorum of a Select Committee, unless otherwise ordered by the Assembly, is half of the members appointed to the Committee.

### **120 Voting**

(1) A question before a Select Committee is to be decided by a majority of votes of the members present.

(2) A Chairman of a Committee has a deliberative and, if there is an equality of votes, a casting vote.

### **121 Procedure of a Select Committee**

Except as otherwise provided by this Part, Standing Orders applicable during the debate on the second reading of a Bill apply to a Select Committee.

## PART 22

### PECUNIARY INTERESTS OF MEMBERS TO BE DECLARED

[See article 19 of the Constitution]

### **122 Pecuniary interest defined**

(1) A pecuniary interest is a direct financial benefit that might accrue to a member personally, or to any trust, company or other business entity in which the member holds an appreciable interest, as a result of the outcome of the Assembly's consideration of a particular item of business.

(2) A pecuniary interest –

- (a) Includes a pecuniary interest held by a member's spouse or domestic partner or by any child of the member who is wholly or mainly dependent on the member for support, but
- (b) Does not include any interest held by a member or any other person as one of a class of persons who belong to a profession, vocation or other calling or who hold public offices or an interest held in common with the public.

**123 Members to declare pecuniary interests**

A member must, before participating in the consideration of an item of business, declare any pecuniary interest that the member has in that business.

**124 Speaker decides if interest held**

If a dispute arises as to whether a member has a pecuniary interest, the matter is to be determined by the Speaker, whose decision is final.

PART 23

TIME LIMIT OF SPEECHES

**125 Time limit of speeches**

(1) The Speaker must limit the time allowed for a speech in the Assembly as follows –

Matter	Time limit in minutes
A Bill, motion, amendment or the Consideration of a Paper – The mover	15
Another member	10
Report of Select Committee	10
Presentation of Petition	5
Presentation of Papers	5
Replies to Questions	5

(2) These limitations do not apply to a member in charge of an Appropriation Bill delivering the first reading speech in respect of the Bill.

(3) Subject to leave of the Assembly, a member may be granted an extension of time not exceeding half the time allotted to him or her under paragraph (1).

PART 24

SUSPENSION OF STANDING ORDERS

**126 Suspension of Standing Orders**

(1) A member may with the consent of the Speaker move a motion with or without notice “That Standing Order [number of Standing Order] be suspended [wholly or in part or as appropriate].

(2) The Speaker must not give approval under paragraph (1) unless 10 members are present at the time the motion is to be moved.

# TAU FAKAHOLOAGA HE FONO EKEPULE HA NIUE

Taute he Fono Ekepule ha Niue ke lata ia ma e Matakupu 22 (10) he Tohi Fakave. [Kikite ke he Matakupu 22 (10) he Tohi Fakave]

## VALA 1

### KAMATAAGA

- 1 Fakaaoaga
- 2 Tau tonuhia, ataina mo e tau malolo pule he Fono Ekepule
- 3 Ko e Fakatonu Fono ke fakakakano e tau fakaholoaga fono
- 4 Tauteuteaga tino
- 5 Ula tapaka
- 6 Maeke he Fakatonu Fono ke poaki atu ke he tau Ekepule ke fano kehe kaeke kua tauhele lahi haana mahani

## VALA 2

### TAU FAKAKAKANOAGA

- 7 Tau Fakakakanoaga

## VALA 3

### KO E FAKATONU FONO

- 8 Fifiliaga he Fakatonu Fono
- 9 Tau fakaveaga kua tonuhia to fifili ke eke mo Fakatonu Fono
- 10 Ke fifili e tokologa katoatoa e Fakatonu Fono
- 11 Ke omonuo e Fakatonu Fono
- 12 Fakaotiaga he gahua he Fakatonu Fono
- 13 Ke takitaki e tau fono
- 14 Ka nakai ha i ai e Fakatonu Fono
- 15 Ke fakalilifu e tau vagahau he tau Ekepule ke he Fakatonu Fono

## VALA 4

### OMONUOAGA HE FAKAMOOIAGA

- 16 Omonuoaga he fakamooliaga ke talahau ai he tau Ekepule

## VALA 5

### KO E PALEMIA

- 17 Viliaga he Palemia
  - 18 Ke fifili he tokologa katoatoa e Palemia
- ## VALA 6
- ### FIFILIAGA HE TAU IKIPULE
- 19 Fifiliaga he Palemia ke he tau Ikipule
  - 20 Ko e tau Ikipule takitaha ke talahau e omonuoaga fakamooli

## VALA 7

### TAU VAGAHAU KUA MAEKE KE FAKAAOGA HE FONO

### EKEPULE

- 21 Tau Vagahau

## VALA 8

### TAU NONOFOAGA HE TAU EKEPULE

- 22 Tau nonofoaga he tau Ekepule

## VALA 9

### TAU FONO HE FONO EKEPULE

- 23 Ko e Fakatonu Fono ke fifili e magaaho mo e matakavi fono he Fono Ekepule
- 24 Tau Ekepule ke fakalataha atu ke he tau Fono he tau Ekepule
- 25 Tau fakaveaga ke talia fakaataaga ai hoko atu ke he gahua
- 26 Tau fono
- 27 Nakai fono e Aho Tapu
- 28 Fakailoaga he tau fono
- 29 Numela Ekepule ke kamata aki e fono
- 30 Kamata aki e liogi e fono
- 31 Fakapuloa leo

## VALA 10

### TAU TAGATA MAI I FAFO

- 32 Ko e Fakatonu Fono ke leveki e humaiaga ki loto
- 33 Maeke e tau tagata mai i fafo ke poaki atu ki ai ke o kehe
- 34 Lagaaga he fekau he tau tagata mai fafo ke o kehe
- 35 Tau tagata mai fafo ka tauhele e tau fakaholoaga

## VALA 11

### TAU GAHUA HE TOHI KUPU

- 36 Fifiliaga he Tohi Kupu he Fono Ekepule ha Niue
- 37 Tohi fono
- 38 Fakaholoaga fono
- 39 Tokaaga he tau fakamauaga tohi
- 40 Tau fakamauaga kupu fono
- 41 Fakamauaga he tau Ekepule
- 42 Fakailoaga tohi

## VALA 12

### TAU FAKAMATALAAGA TOHI

- 43 Foakiaga he tau fakamatalaaga tohi ke he fono
- 44 Ko hai ke foaki e tau fakamatalaaga tohi
- 45 Foakiaga he tau fakamatalaaga tohi
- 46 Fakatutalaaga he tau fakamatalaaga tohi

## VALA 13

### TAU TOHI OLE

- 47 Tau tohi ole
- 48 Foakiaga he tohi ole
- 49 Moumouaga he tohi ole

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50 Tohi ole ma e fekau ke moua e tonu mai he fakafiliaga

### VALA 14

#### TAU Huhu MO E TAU Tali

51 Tau huhu

52 Fakailoaga he tau huhu

53 Tau tali ke he tau huhu

### VALA 15

#### TAU Kupu Pulega MO E TAU Fakahui

54 Fakailoaga he tau kupu pulega

55 Ko e pepa taute kupu pulega

56 Tau kupu pulega mo e tau fakahui ke fai tagata ke omoi

57 Ke fakahui e kupu pulega po ke hukui aki e fakaholoaga fono

58 Utakeheaga he tau kupu pulega mo e tau fakahui

59 Liu tuku mai foki e tau kupu pulega

60 Taliaaga he tau fakahui ke he tau kupu pulega

61 Fakapapahiaga he tau fakahui ke he tau kupu pulega

62 Tau fakatufono ke lata mo e tau fakahui ma e tau kupu pulega

63 Fakaogaaga hehe he tau fakaholoaga fono

### VALA 16

#### TAU Fakamaamaaga Fakatagata

64 Tau fakamaamaaga fakatagata

65 Ko e tau Ekepule ke fakafeveia e Fakatonu Fono

66 Ko e Fakatonu Fono ke kotofa e Ekepule ke vagahau

67 Ke nakai tala taha ka vagahau e Fakatonu Fono

68 Ke fakahako e fakamatalaaga ke he huhu

69 Mahani ke fakaata e Ekepule ke lagataha e vagahau

70 Maeke e Ekepule ke huhu haggao ke he fakatutalaaga fetoko

71 Fakatutala mua e huhu

72 Tau kupu kua nakai haggaha mitaki

73 Tau fakalatalaaga fakatagata

74 Tau fekau fakatali ke he fifiliaga mai he fakafiliaga

75 Fakaotiaga he fakatutalaaga fetoko

76 Huhu kua tuku katoatoa ha Fakatonu Fono

77 Tuku motuhia ha kua fai tauhele

78 Fakalilifuaga ke tuku age ke he Fakatonu Fono

### VALA 18

#### VILIAGA

79 Viliaga he tau Ekepule

### VALA 19

#### TAU Fakatufono Fakalatalata

80 Malolo he Fono Ekepule ke taute e tau fakatufono

81 Tufatufaaga he tau lagaki he tau fakatufono fakalatalata

82 Tukuatu he tau fakatufono fakalatalata ki loto he Fono Ekepule

83 Tau fakatokaaga ma e tau fakatufono fakalatalata

84 Tau fakatufono fakalatalata tupe

85 Tau fakatufono fakalatalata ke lauia ai e kau gahua he Fakatufono

86 Tau fakatufono fakalatalata ke lauia ai e kelekele Niue

87 Tau fakatufono fakalatalata kua lata ke moua e totouaga ke lagatolu aki i loto he Fono Ekepule

88 Tukuatu mo e totouaga fakamua he fakatufono fakalatalata

89 Tauteaga ka mole atu e totouaga fakamua he fakatufono fakalatalata

90 Totouaga ke ua aki he tau fakatufono fakalatalata

91 Tauteaga he magaaho ka fetoko ai e kupu pulega ke totou lagaua e fakatufono fakalatalata

92 Tau fakahui ke felauaki mo e falu a fakatokaaga

93 Tauteaga ke fakaholo e fakatutalaaga he matakupu

94 Tau matakupu foou

95 Tau fakatokatokaaga

96 Tuku motuhia e fakatutalaaga fetoko he kupu pulega ka e totou e fakatufono fakalatalata ke he totouaga ke lagaua aki

97 Maeke he Ekepule ke tuku e matakupu ke foaki age e fakatufono fakalatalata ke he komisi fifili

98 Fakaotiaga he fakatutalaaga ma e kupu pulega ke he totouaga ke lagaua aki he fakatufono fakalatalata

99 Totouaga ke lagatolu aki he tau fakatufono fakalatalata

100 Fakamooliaga he tau fakatufono fakalatalata

101 Taliaaga ke he tau fakatufono fakalatalata

102 Tau fakahui talahau gutu po ke tohi

103 Ka oti ai e fakamooliaga

104 Utakeheaga he tau fakatufono fakalatalata

105 Malolo he Fono Ekepule ke moua falu a tagata, tau tohi mo e tau fakamauga tohi

### VALA 20

#### TAU Fakatufono Fakalatalata ke Lata Mae Tau

##### TUPE Fakamole

106 Tau puhala ke muitua ke maeke he tau fakatufono fakalatalata tupe fakamole ke fakagahua

107 Ko e tau fakatufono fakalatalata tupe fakamole mae tau mo e fapatiaga tupe fakamole

108 Tau matapatu manatu he fakatufono fakalatalata tupe fakamole

109 Tau matakupu manatu he lagaki fakamua he fatifatiaga tupe fakamole mo e fakamatalaaga tupe atu ke he tau Ekepule takitaha

## Tau Fakaholoaga He Fono Ekepule Ha Niue

- 110 Ko e lagaki fakamua he fatifatiaga tupe fakamole mo e fakamatalaaga tupe ke tufa
- 111 Tuku atu e lagaki he fakamatalaaga tupe ke he tau Ekepule
- 112 Fakatutalaaga he tau tupe he tau faahi gahua he Fakatufono
- 113 Ke taute fakaave e totouaga ke tolu aki he mole atu e totouaga ke ua aki
- 114 Ke fakatutala fakamua e fakatufono fakalatalata tupe fakamole mai he tau fekau oti
- 115 Ko e vala nai ke moua e tohi ole ke lata ma e fakatufono fakalatalata tupe fakamole lalafi ki luga
- VALA 21  
TAU KOMITI FIFILI
- 116 Kotofaaga he tau komiti fifili
- 117 Levekiaga mo e moumouaga he tau komiti fifili
- 118 Takitaki he komiti
- 119 Tau hukui ki loto he komiti
- 120 Viliaga
- 121 Fakaholoaga he komiti fifili
- VALA 22  
TAU MANAKO TUPE HE TAU EKEPULE KE FAKAMOOLI
- 122 Fakakakano e tau manako tupe
- 123 Tau Ekepule ke fakamooli e tau manako tupe
- 124 Ko e fakatonu fono ke fifili kaeke kua tumau e manako
- VALA 23  
LOA HE TAU FAKAMATALAAGA
- 125 Loa he tau fakamatalaaga
- VALA 24  
UTAKEHEAGA HE TAU FAKAHOLOAGA FONO
- 126 Utakeheaga he tau fakaholoaga fono

### VALA 1

#### KAMATAAGA

#### 1 Fakaaogaaga

(1) Kua ha i ai ke he tau fakaholoaga fono nai e tau fakatufono ke fakaholo aki e tau fakatutalaaga he Fono Ekepule ha Niue pihia foki mo e fakaaogaaga he malolo pule kua toka ke he Fono Ekepule.

(2) Kua nakai tauteute e tau mena nai ke moumou po ke tuku hifo ki lalo e tau tonuhiaaga, tau malolo pule mo e tau ataina he Fono Ekepule.

#### 2 Tau tonuhia, ataina, mo e tau malolo pule he Fono Ekepule

[ Kikite ke he Matakupu 24 he Tohi Fakave ]

#### 3 Ko e Fakatonu Fono ke fakakakano e tau fakaholoaga fono

(1) Ko e Fakatonu Fono (po ke taha tagata kua gahua ai) ke pule he ha magaaho kua ha i ai e ha huhu kua lagakina mai ha ko e fakakakanoaga po ke fakaaogaaga he tau fakaholoaga fono pihia foki mo e fifiliaga ke he tau fekau kua nakai fai fakatokatokaaga ke lata ai.

(2) Ke lata mae tau tauteaga oti, to muitua e Fakatonu Fono ke he tau tauteaga haana e Fakatonu Fono fakamua ia pihia foki mo e tau tauteaga kua mahani mau ki ai e Fono Ekepule.

#### 4 Tauteaga tino

(1) Kua tonuhia tuai ni e tau Ekepule ke tauteute ke he puhala kua hagahaga mitaki mo e tuaga lilifu he Fono Ekepule

(2) Kua mua atu ke tui he tagata taane e peleue mo e heketi ka finatu ke he fono he Fono Ekepule.

(3) Kua maeke e Fakatonu Fono ke utakehe mai e Ekepule po ke ha tagata foki i loto he fonoaga he tau Ekepule he tau magaaho ka fono ai e Fono Ekepule kaeke kua mailoga e ia e nakai hagahaga mitaki he haana tau tauteuteaga tino.

**5 Ula tapaka**

(1) Nakai fakaata e tau Ekepule po ke falu a tagata foki kua ha i loto ke he fonu he Fonu Ekepule ke ula tapaka i loto he fonuaga

(2) Maeke he Fakatonu Fonu ke fekau e Ekepule po ke ha tagata foki kua ula tapaka ki loto he fonuaga he tau Ekepule ke oti e ula tapaka haana po ke ke toka e fonuaga.

**6 Maeke he Fakatonu Fonu ke poaki atu ke he Ekepule ke fano kehe kaeke kua fakalavelave tauhele lahi haana mahani**

(1) Kua maeke he Fakatonu Fonu ke poaki ke he Ekepule kua mahani fakalavelave lahi ke fano kehe fakaave mai mo e Fonu Ekepule ke he tau magaaho katoa ne toe he fonu he aho ia.

(2) Maeke he Fakatonu Fonu ke ole ke he leoleo ke lagomatai ke utakehe e Ekepule kua poaki ki ai ke fano kehe mai he Fonu Ekepule.

VALA 2

TAU FAKAKAKANOAGA

**7 Tau Fakakakanoaga**

(1) Ki loto he tau fakaholoaga fonu nai a to kehe mai kaeke kua talahau mai pihia-

“tokologa katoatoa” ki loto he Fonu Ekepule ha Niue, kakano ko e tokologa katoatoa he tau Ekepule kua ha i ai mo e kua vili ke he fonu ia;

“Tohi Kupu” kakano ko e Tohi Kupu he Fonu Ekepule ha Niue putoia ai foki a ia kua taute e gahua he Tohi Kupu he magaaho ia;

“fonu” kakano ko e fonu po ke tau fonu he Fonu Ekepule kamata mai he magaaho ne fonu fakamua ai he mole atu e poakiaga he ha magaaho mo e fakaoti ai he magaaho ne fakaokioki ai e Fonu Ekepule(a) a to hoko e tau magaaho nakai fakatoka pauaki; po ke (e) he fakaotiaga he fekau.

“Ko e pepa” kakano ko e tohi kua fa mahani ke toka ki luga he laulau he Fonu Ekepule he magaaho ke “foaki atu ai e tau pepa”;

“aho gahua” kakano ko e ha aho ka e nakai ko e aho Faiumu, aho Tapu po ke ha aho okioki he motu;

“tohi” po ke “ ke he puhala tohi” kakano kua tohi ke he matalima tohi, lolomi he lomi tohi, lagaki po ke lolomi po ke taha vala mo e taha vala po ke fai vala foki, ti putoia ai foki e tau fekau kua fakafano po ke moua ai he tau puhala fakafano fekau foou po ke tau puhala hila.

(2) Tau kupu mo e tau vala tala kuku kua talahau mai he Matakupu 82 he Tohi Fakave mo e kua fakaaoga ai he tau fakaholoaga fonu nai kua tatai ni e tau kakano he tau fakaholoaga fonu nai tuga ni ki loto he Tohi Fakave.

[Kikite ke he Matakupu 82 he Tohi Fakave]

(3) Ko e tau fakamatalaaga kua tuku fakalataha ai ki loto he tau fakaholoaga fonu nai nakai ko e falu a vala a ia he tau fakaholoaga fonu.

(4) Ke fakakakano e tau fakaholoaga fonu nai ke tuga ni e Fakatufonu Tohi.

VALA 3

KO E FAKATONU FONU

**8 Fifiaga he Fakatonu Fonu**

[Kikite ke he Matakupu 20 (4) he Tohi Fakave]

(1) Ke he fonuaga fakamua he fonu ekepule he mole atu e viliaga lahi-

(a) kua nakai ha i ai a ia kua lago ki ai e kotofaaga Fakatonu Fonu; po ke

- (e) kua tokanoa e kotofaaga Fakatonu Fono, ko e Tohi Kupu ke fakaholoe fono a to fifili ai e Fakatonu Fono.

[Kikite ke he Matakupu 20 (7) he Tohi Fakave]

**9 Tau fakaveaga kua tonuhia to fifili ke eke mo Fakatonu Fono.**

[ Kikite ke he Matakupu 20(2) mo e (3) he Tohi Fakave]

**10 Ke fifili e tokologa katoatoa e Fakatonu Fono**

[ Kikite ke he Matakupu 20(1) he Tohi Fakave]

(1) Ke muitua ke he puhala na i lalo ke fifili aki e Fakatonu Fono ke he tokologa katoatoa ke he fono he Fono Ekepule-

- (a) Maeke he ha Ekepule, ke he tau Ekepule kua ui atu ki ai a ia kua fakaholo e fono, ke fakatu e tagata kua ataina ke fifili mo Fakatonu Fono kaeke kua fakakite ai he tagata ia haana taliaaga ke eke mo tagata fakatu vili ke he haana matalima tohi.
  - (e) Nakai fai huhu kua fakatu ke lata ma e fifiliaga he Fakatonu Fonoti nakai fai fakatutalaaga fetoko foki ke lagakina mai ha ko e fekau nai.
  - (i) Kaeke kua tokotaha ni e tagata kua fakatu ke vili mo Fakatonu Fono ko ia ne fakaholo e fono ke talahau kua eke tuai e tagata ia mo tagata kua fifili mo Fakatonu Fono.
  - (o) Kaeke ke tokoua e tagata kua fakatu ke vili mo Fakatonu Fono
    - (i) ke taute ai e vili fufu: mo e
    - (ii) kaeke kua moua he taha tagata loga e vili mai he taha tagata,ko ia kua fakaholo e fono kua talahau kua fifili tuai e tagata ia ke eke mo Fakatonu Fono ka e kaeke kua tatai e tau numela vili ha laua ko ia kua fakaholo e fono ke liu hea ke liu fakatu higoa foki.
  - (u) Kaeke ke tokoua e tagata kua fakatu ke eke mo Fakatonu Fono
    - (i) ke fakahoko e vili fufu
    - (ii) kaeke kua moua he tagata e tokologa katoatoa he tau vili hetau Ekepule katoa ko ia kua fakaholo e fono ke fakamooli kua eke e tagata ia mo Fakatonu Fono.
    - (iii) kaeke ke nakai fai tagata kua moua e tokologa katoatoa he tau Ekepule ko ia ne gahoa lahi e tau vili ke utakehe mai haana a higoa he viliaga ka e liu taute ai foki e vili fufu.
    - (iv) Ko e fakaholoaga na kua lata ke liu taute foki a to hoko kemoua he tagata e laulahi he tau vili mai he tau Ekepule katoatoa.
    - (v) Kaeke ke tokoua e tagata fakatu vili ti kua uka e ha laua tauvili kua moua, ko ia kua fakaholo e fono ke liu hea tagata fakatu foki ti liu taute foki e viliaga.
  - (f) kaeke ki lalo hifo he vala (e) (iii) molea e taha e tagata kua gahoa etau numela vili ke liu taute foki e vili.
  - (g) Ti kaeke kua mole atu e vili ti molea taha e tagata kua gahoa e tauvili ko ia kua fakaholo e fono ke fifili ke he puhala ia ke eke mo Fakatonu Fono.
  - (h) Kaeke-
    - (i) kua nakai fai higoa kua fakatu foki he magaaho ka hea ai ke fakatu higoa muitua ai ke he matakupu (i)(iii); po ke
    - (ii) Ko e viliaga kua taute ai miutua ai ke he matakupu (e) (v) kuamoua ai e tatai he tau numela vili he tokoua he tau higoa kua fakatu ke he viliaga, ko ia ne takitaki e fono kua lata ke fifili e ia ko hai ha laua ia kua lata ke eke mo Fakatonu Fono.
- (2) Ke lata ia mo e fakaaogaaga he vala (1) ke taute ai e vili fufu he-

- (a) tau Ekepule takitaha ke he puhala tohi ke he laupepa ke foaki ai he Tohi Kupu ke he Ekepule e higoa he tagata fakatu kua vili ki ai e Ekepule mo e ke liuaki atu e laupepa ke he Tohi Kupu kaeke kua ole a ia ke taute pihia; mo e
- (e) a to kehe mai kaeke kua fakaholo he Tohi Kupu e Fono, ko e TohiKupu ke fakailoa ki a ia kua fakaholo e fono e fakahikuaga he vili; mo e
- (i) ko e tagata kua fakaholo e fono ke fakailoa ke he fono e numela vili kua moua ai he tau tagata fakatu takitaha; mo e
- (o) ko e Tohi Kupu ke moumou e tau laupepa kua moua mai he tau Ekepule.

**11 Ke omonuo e Fakatonu Fono**

[Kikite ke he Matakupu 20 (5) he Tohi Fakave]

**12 Fakaotiaga he gahua he Fakatonu Fono**

[Kikite ke he Matakupu 20 (6) he Tohi Fakave]

**13 Ke takitaki e tau fono**

[Kikite ke he Matakupu 22 (2) he Tohi Fakave]

**14 Ka nakai ha i ai e Fakatonu Fono**

Kaeke ki loto he fono he tau Ekepule –

- (a) kua nakai ha i ai e Fakatonu Fono; po ke
- (e) kua tokanoa e kotofaaga Fakatonu Fono, kua maeke he Tohi Kupu, ha ko e haggaaoga ke fakaata e Fono Ekepule ke muitua ke he Matakupu 20(7) he Tohi Fakave, ke fakaholo e fono a to-
- (i) kua fifili he tau Ekepule kua ha i ai ke he fono e taha mai ia lautolu ke fakaholo a to liu mai e Fakatonu Fono; po ke
- (o) kua fifili e Fakatonu Fono ti kua gahua a ia ke he tau gahua he haana kotofaaga, kaeke kua pihia.

[Kikite ke he Matakupu 20 (7) he Tohi Fakave]

**15 Ke fakalilifu e tau vagahau he tau Ekepule ke he Fakatonu Fono**

Ko e Ekepule ka vagahau ke he Fakatonu Fono ke pehe “Ma Fakatonu Fono” ki loto he Fono he fono Ekepule.

VALA 4

OMONUOAGA HE FAKAMOOLIAGA

**16 Omonuoaga he fakamooliaga ke talahau ai he tau Ekepule**

[Kikite ke he Matakupu 21 he Tohi Fakave]

VALA 5

KO E PALEMIA

**17 Viliaga he Palemia**

[Kikite ke he Matakupu 4(2) he Tohi Fakave]

**18 Ke fifili he tokologa katoatoa e Palemia**

[Kikite ke he Matakupu 4 he Tohi Fakave]

(1) Ko e fakatokatokaaga na i lalo ke muitua ki ai ke fifili aki e Palemia ke he tokologa katoatoa ki loto he fono he tau Ekepule-

- (a) Maeke he Ekepule, ke he tau Ekepule kua ui atu e Fakatonu Fono ki ai ke taute pihia, ke fakatu e taha Ekepule ke fifili ke eke mo Palemia.



## Tau Fakaholoaga He Fono Ekepule Ha Niue

- (e) Nakai fai huhu ke fakatu hagai ke he fifiliaga he Palemia ti nakaifai fakatutalaaga fetoko ke taute ha ko e fekau ia.
- (i) Kaeke ko e taha ni e Ekepule kua fakatu ke eke mo Palemia ko e Fakatonu Fono ke fakailoa kua fifili tuai e Ekepule ia ke eke mo Palemia.
- (o) Kaeke kua tokoua e Ekepule kua fakatu ke fifili ke eke mo Palemia
  - (i) ke taute e vili fufu
  - (ii) kaeke kua moua he Ekepule e tokologa katoatoa he tau vili hetau Ekepule ko e Fakatonu Fono ke fakailoa kua fifili tuai e Ekepule ia mo Palemia ka e kaeke kua tatai e tau numela vili ha laua ko e Fakatonu Fono ke liu hea tagata fakatu foki.
- (u) Kaeke ke molea e ua e Ekepule kua fakatu ke fifili mo Palemia
  - (i) taute e vili fufu
  - (ii) kaeke ke moua he Ekepule e tokologa katoatoa he tau vili hetau Ekepule ko e Fakatonu Fono ke fakailoa kua fifili tuai e Ekepule ia mo Palemia.
  - (iii) kaeke ke nakai moua he Ekepule e tokologa katoatoa he tau Ekepule ko e Ekepule kua gahoa lahi haana a tau vili ke utakehe mai he vili ka e liu e vili fufu ke taute foki.
  - (iv) Ke taute e fakaholoaga nai a to moua he taha Ekepule e tau vilikua tokologa katoatoa e tau Ekepule.
  - (v) Kaeke ke tokoua e Ekepule kua fakatu ti tatai e tau vili ha lauane moua, ko e Fakatonu Fono ke liu hea foki ke liu fakatu foki e tagata ke vili ki ai ti liu e vili katoatoa ke taute foki.
- (f) Kaeke kua ha i ai he vala (u)(iii) molea e taha e tagata kua gahoa etau numela vili, kia liu e vili ke taute foki.
- (g) Kaeke ke mole atu e liu vili ti molea e taha e tagata kua gahoa e taunumela vili ko e Fakatonu Fono ke fifili ke he puhala ko e tagata fe ka utakehe e tau vili-
- (h) Kaeke –
  - (i) kua nakai fai tagata kua liu fakatu foku he magaaho ka hea ai etau tagata fakatu ka muitua atu ke he vala (o)(ii); po ke
  - (ii) ko e vili kua taute ia mo e vala (u) (v) kua liu moua foki ni etatai e tau numela vili he tau tagata tokoua.

Ko e Fakatonu Fono ke fifili ke he puhala ko hai ha laua ke eke mo Palemia.

(2) Ke lata ia ma e vala (1) ke taute e vili fufu

- (a) he tau Ekepule takitaha ke he puhala tohi he laupepa kua foaki he Tohi Kupu e higoa he Ekepule kua vili a ia ki ai ti liuaki e laupepa ke he Tohi Kupu kaeke kua hea a ia ke taute pihia; mo e
- (e) ko e Tohi Kupu ke fakailoa e tau ola he vili ke he Fakatonu Fono; mo e
- (i) ko e Fakatonu Fono ke fakailoa e tau numela kua moua he tau Ekepule takitaha kua vili ki ai; mo e
- (o) ka mole ia ti moumou oti he Fakatonu Fono e tau laupepa vili ne moua mai he tau Ekepule.

## VALA 6

### FIFILIAGA HE TAU IKIPULE

#### **19 Fifiiliaga he Palemia e tau Ikipule**

[ Kikite ke he Matakupu 5 he Tohi Fakave]

#### **20 Ko e tau Ikipule takitaha ke talahau e omonuoaga fakamooli.**

[Kikite ke he Matakupu 10 he Tohi Fakave]

VALA 7

TAU VAGAHAU KUA MAEKE KE FAKAAOGA HE FONO EKEPULE

- 21 Tau vagahau**  
[Kikite ke he Matakupu 23 he Tohi Fakave]

VALA 8

TAU NONOFOAGA HE TAU EKEPULE

- 22 Tau nonofoaga he tau Ekepule**

(1) Ke lata mo e fono fakamua he Fono Ekepule he mole atu e viliaga lahi ko e Tohi Kupu ke fakatoka e nonofoaga i loto he fonoaga he tau Ekepule ma e tau Ekepule takitaha ke he fakapapahiaga he tau higoa magafaoa he tau Ekepule takitaha kamata mai he faahi matau he nofoa he Fakatonu Fono.

(2) He mole atu he kotofa he Fakatonu Fono e Palemia mo e tokotolu e Ikipule, kua tonu ni a lautolu ke nonofo he tau nofoa kua fehagaaoki fakatonu mo e nofoa he Fakatonu Fono.

(3) Ko e tau nonofoaga he falu Ekepule ke fifili ni he tau Ekepule takitaha ke he puhala toho mai e numela he taha mena kua tuku ai.

(4) Ko e Fakatonu Fono ke fifili e ha huhu kua laga mai ha ko e nofoaga ke fakaaga ai he Ekepule.

(5) Nakai maeke e Ekepule ke vagahau ke he Fono Ekepule (kua puhala ai ke he Fakatonu Fono) ka e nakai mai ni he nofoaga he Ekepule.

VALA 9

TAU FONO HE FONO EKEPULE

- 23 Ko e Fakatonu Fono ke fifili e magaaho mo e matakavi fono he Fono Ekepule**  
[Kikite ke he Matakupu 22 (1) he Tohi Fakave]

- 24 Tau Ekepule ke fakalataha atu ke he tau fono he tau Ekepule**

Ko e Ekepule ke fakalataha atu ke he tau fono takitaha he Fono Ekepule a to kaeke kua foaki he Fakatonu Fono e fakaataaga ke ai hoko kehe gahua.

- 25 Tau fakaveaga ke talia e fakaataaga ai hoko atu ke he gahua.**

Nakai maeke ha hataki fono ke foaki e fakaataaga ai fano ke gahua a to kehe mai ha ko e tau mena na i lalo;

(a) he gagao po ke ha lekua ke he ha tagata he magafaoa; po ke

(e) ke fakaata e Ekepule ke finatu ke he falu a fekau ( i Niue po ke i fafo i Niue).

- 26 Tau Fono**

(1) Ko e Fono Ekepule ke fakahoko e fono he tau aho kua fakatoka he Fakatonu Fono.

(2) A to kehe ai ni ka fifili he Fono Ekepule ko e tau aho ka fono ai ke kamata e fono he matahola hiva (9:00) he magaaho pogipogi ke he matahola hogofulumaua (12:00) mo e kamata he matahola taha (1:00) he pale laa ke hoko atu ke he matahola fa (4:00) he afiafi.

(3) Ko e 5 e minute ne toe to hoko atu ke he magaaho fafati kua lata he Fakatonu Fono ke tauhele atu ke he matakupu kua hoko ki ai e fakatutalaaga.

(4) A to kehe ai kaeke kua fifili ki ai e Fono Ekepule, ke fakaokioki e Fono Ekepule he aho ia mo e tutaki atu ai he aho hake.

(5) Ko e Fakatonu Fono ke tuku e fono he ha magaaho ni.

**27 Nakai fono e Aho Tapu**

Nakai fono e Fono Ekepule he Aho Tapu

**28 Fakailoaaga he tau fono**

(1) Ko e Tohi Kupu ke tuku atu e fakailoaaga tohi ke he tau Ekepule takitaha 5 e aho gahua to hoko e Fono he Fono Ekepule.

(2) Kaeke ke fai fekau mafiti ko e Fakatonu Fono ke hea e fono he Fono Ekepule ke he tau magaaho ku pihia ha kua pihia e tuaga he fekau.

(3) Kaeke kua haggao e vala (2) ke he fakailoaaga fono ke tuku atu ke he tau Ekepule takitaha ke he puhala ke mailoga mitaki kua fakailoa e fono ke he Ekepule.

**29 Numela Ekepule ke kamata aki e fono**

[Kikite ke he tau Matakupu 2 (6) mo e 20 (9) (a) he Tohi Fakave]

(1) Kaeke ke he ha magaaho nakai katoa e numela ke kamata aki e fono ko e Fakatonu Fono ke fakatonu e tau Ekepule takitaha kua ha i ai ke he Fale Fono ke fakailoa e nakai hokotia he numela kamata fono.

(2) Kaeke ke mole atu e 10 minute ti nakai la ha i ai e numela kamata fono, ko e Fakatonu Fono ke fakaholo e fono ka e ai fakatali ke fai huhu.

**30 Kamata aki e liogi e fono**

Ka hoko atu e Fakatonu Fono ke he haana a nofoa he tau aho takitaha ti ha i ai e numela kamata fono he tau Ekepule kua ha i ai ko e Fakatonu Fono ke ui atu ke he taha Ekepule ke taute e liogi.

**31 Fakapulua leo**

(1) Maeke he tau fakaholoaga he Fono Ekepule ke fakapulua he leotaogo po ke tivi (t.v) ke he taliaaga he Fakatonu Fono, ka e maeke ke foaki ka e uta ni ke he tau fakaveaga.

(2) Ko e fakapulua he tau fakaholoaga Fono Ekepule kua poki he tivi ke ha i ai e tuaga haggahaga mitaki ke he tau tagata oti mai he Fono Ekepule he taha magaaho ke he taha magaaho.

VALA 10

TAU TAGATA MAI I FAFO

**32 Ko e Fakatonu Fono ke leveki e humaiaga ki loto**

Ko e Fakatonu Fono –

(a) kua maeke ke leveki e fonoaga he tau Ekepule pihia foki mo e falu a poko tata atu; mo e

(e) kua maeke foki ke taute e tau fakatufono ko hai kua maeke ke hu atu ke he tau poko ia mo e leveki foki ha lautolu a tau mahani.

**33 Maeke e tau tagata mai i fafo ke o kehe**

(1) Maeke he taha Ekepule ke ole ka e nakai fai fakailoaaga “ke poaki e tau tagata mai i fafo ke o kehe”.

(2) Ko e Fakatonu Fono ke tuku e huhu mo e nakai ha i ai ha fakahuihui ki ai po ke fakatutala fetoko ke he huhu.

**34 Lagaaga he fekau he tau tagata mai fafo ke o kehe**

(1) Kua talia aulua he Fono Ekepule ke poaki –

(a) e tau tagata mai fafo ke o kehe; mo e

- (e) o kehe foki e tau tagata tohi tala he poko fakanogonogo fono; mo e
  - (i) o kehe foki e tau tagata fakamau tala ti nakai fai fakailoaga tohi he tau fakaholoaga ke taute; mo e
  - (o) ke fakaoti noa foki e fakapuloaga he tau fakatutalaaga fetoko
- (2) Ko e Tohi Kupu ke tauteute e tau fakaholoaga ke lata ma e tau tohi he Fale Fono.

**35 Tau tagata mai fafo ka tauhele e tau fakaholoaga**

Maeke he Fakatonu Fono ke poaki ke he tau tagata mai i fafo ke o kehe mai he poko fanogonogo fono mo e tau kalakala tata atu ke he fonoaga he tau Ekepule a lautolu kua tauhele e tau fakaholoaga po ke kua mahani fakahanoa.

VALA 11

TAU GAHUA HE TOHI KUPU

**36 Fifiliaga he Tohi Kupu he Fono Ekepule ha Niue**

[Kikite ke he Matakupu 27 he Tohi Fakave]

**37 Tohi fono**

Ko e Tohi Kupu ke tufatufa atu ke he tau Ekepule takitaha e tau tohi fono fakakaupa mai he 5 e tau aho a to hoko e fono kua tohia ai e tau matakupu kua fakatoka ke fakatutala ki ai e Fono Ekepule ia he Fono Ekepule.

**38 Fakaholoaga Fono**

- (1) Ko e Tohi Kupu ke tuku atu ke he tau Ekepule takitaha e pepa (fakahigoa ko e tohi fono) kua tohia ai-
  - (a) e tau fekau kua fakatoka ke fakatutala ki ai e Fono Ekepule he fonoaga ia
  - (e) e fakapapahiaga ke fakatutala ai e tau fekau ia.
- (2) Ko e mahaniaga kua munitua e fakatutalaaga he tau fekau he Fono Ekepule ke he fakapapahiaga na –
  - (a) tukuaga he tau tohi ole ke he fono
  - (e) tukuaga he tau pepa
  - (i) fifiliaga he tau pepa
  - (o) tau huhu mo e tau tali gutu
  - (u) au fekau he Fakatufono
  - (f) tau fekau he tau Ekepule
- (3) Maeke he Fakatonu Fono ke fakahui e fakaholoaga fono.

**39 Tokaaga he tau fakamauaga tohi**

- (1) Ko e Tohi Kupu ke leveki mo e toka e tau fakamauaga mo e falu a tohi he Fono Ekepule.
- (2) Ko e tau fakamauaga mo e falu a tohi he Fono Ekepule-
  - (a) ke fakakite he Tohi Kupu kaeke kua manako ki ai e taha Ekepule; mo e
  - (e) ke fakakite he Tohi Kupu ke he ha tagata kua moua e taliaaga he Fakatonu Fono.

**40 Tau fakamauaga kupu fono**

- (1) Ko e Tohi Kupu-
  - (a) ke fakamau e tau matakupu fono he Fono Ekepule; mo e
  - (e) ke fakafano ke he tau Ekepule takitaha e lagaki he tau fakamauagafono takitaha nakai mule mai mo e magaaho ne oti ai e fono.

## Tau Fakaholoaga He Fono Ekepule Ha Niue

(2) Ko e Tohi Kupu ke fakamau e tau kupu he fono he Fono Ekepule(a) tau higoa he tau Ekepule takitaha kua ha i ai ke he fono; mo e (e) tau fifiliaga ne taute he tau Ekepule he fono.

(3) Ke fakamooli ke he matalima tohi he Fakatonu Fono to fakamooli foki he Tohi Kupu.

### 41 Fakamauaga he tau Ekepule

(1) Ko e Tohi Kupu ke taute e tau fakamauaga ma e tau Ekepule takitaha.

(2) Ko e fakamauaga nai ma e tau Ekepule takitaha ke putoia ai e

(a) higoa he Ekepule; mo e

(e) aho he haana fifiliaga ke he fono; mo e

(i) aho ne fakamooli ai e kotofaaga; mo e

(o) aho ne oti ai e gahua he Ekepule mo e kakano ne oti ai.

### 42 Fakailoaga tohi

(1) Ha i ai e fakailoaga tohi ke taute he Tohi Kupu fakahigoa ko e fakamauaga kupu he Fono Ekepule (Hansard) he tau vala he tau fakaholoaga he Fono Ekepule kua fifili he Fono Ekepule po ke Fakatonu Fono.

(2) Ke taute e fakailoaga nai ke he puhala mo e tau fakaholoaga kua fifili ki ai e Fono Ekepule po ke Fakatonu Fono.

(3) Ke lolomi he Tohi Kupu e fakailoaga nai.

## VALA 12

### TAU FAKAMATALAAGA TOHI

### 43 Foakiaga he tau fakamatalaaga tohi

Maeke e fakamatalaaga tohi ke tuku ki luga he laulau he Fono Ekepule he magaaho ka hea ai e Fakatonu Fono ke he “foakiaga he tau fakamatalaaga tohi”.

### 44 Ko hai ka foaki e tau Fakamatalaaga Tohi

(1) Ko e tau Fakamatalaaga Tohi nai ke tuku ki luga he laulau he Fono Ekepule he –

(a) akatonu Fono; po ke

(e) Ikipule; po ke

(i) Takitaki he Komiti Fifili.

(2) Kaeke ia kua nakai fai malolo he taha Ekepule ke tuku e pepa he laulau Fono Ekepule a to kehe mai kaeke kua poaki ke taute pihia ha kua talia auloa e Fono Ekepule.

### 45 Foakiaga he tau fakamatalaaga tohi

(1) Ko ia haana a fakamatalaaga tohi ke tuku e pepa he laulau he Fono Ekepule mo e nakai fai kupu pulega.

(2) Ko ia ne tuku e pepa ke he Fono Ekepule ke taute taha fakamatalaaga kua hagio ke he fakamatalaaga tohi.

(3) Nakai maeke e Fakatonu Fono ke fakaata e fakatutalaaga ke he fakamatala.

(4) Ko e fakamatalaaga tohi kua tuku ke he Fono Ekepule ke fakamau tuga kua tuku ke he tau fakamauaga fono he fono.

**46 Fakatutalaaga he tau fakamatalaaga tohi**

(1) Ka tuku e taha fakamatalaaga tohi ke he Fono Ekepule ko e Tohi Kupu ke tuku ke he fakamatalaaga fekau ke lata mo e fono ka hau.

(2) Ka fakailoa e “Fifiliaga Fakamatalaaga Tohi” ko e Fakatonu Fono ke fakailoa e mataulu he tau fakamatalaaga tohi takitaha ke he fakapapahiaga kua tohia ai he fakaholoaga fono.

(3) Kaeke kua manako taha Ekepule ke fakatutala fetoko e taha fakamatalaaga tohi maeke e Ekepule ke lata ma e fakamatalaaga tohi kua fakailoa he Fakatonu Fono ke talahau “ke mailoga e fakamatalaaga tohi”, po ke “tuku atu e fakamatalaaga tohi ke he Fakatufono ke fai fifiliaga ki ai” po ke falu kupu pulega foki kua lauia ai e fakamatalaaga tohi;

(4) Kaeke kua taute e kupu pulega nakai ke lata ma e fakamatalaaga tohi kua hea ki ai e Fakatonu Fono ke fifili ki ai e Tohi Kupu ke utakehe e tala ke he fakamatalaaga tohi he tau fakaholoaga fono foki.

VALA 13

TAU TOHI OLE

**47 Tau tohi ole**

(1) Maeke e Ekepule ke tuku e tohi ole ke he Fono Ekepule kaeke –

(a) kua taute he pepa kua taute ke lata mo e Tohi Kupu; mo e

(e) ko e tau fakamooli matalima tohi takitaha he tohi ole ke tuku ke helima haana ne fakamooli, po ke kaeke ko e fakamailoga, ti kua lata ke fakamooli he taha tagata; mo e

(i) ko e tau fakamooli po ke taute e fakamailoga; mo e

(o) ke tohi e tohi ole ke he vagahau Niue po ke vagahau Peritania; mo e

(2) Nakai maeke e tohi ole ke fai tohi foki ke fakapiki atu ki ai.

**48 Foakiaga he tohi ole**

Ko e magaaho ka tuku ai he Ekepule e tohi ole ke he Fono Ekepule ke taute e ia e taha fakamatalaaga ku –

(a) a lautolu e tau tagata po ke tau matakau ne fakamooli e tohi ole;

(e) mo e numela higoa ne fakamooli kua pine ki ai;

(i) ko e haggaaoga lulapu he tagata po ke tau tagata tohi ole.

**49 Omoiaga he tohi ole**

(1) Ko e Ekepule ne tuku e tohi ole ke he Fono Ekepule ke talahau “ke totou e tohi ole” po ke “tuku e tohi ole ke he Komiti Fifili”.

(2) Ka talahau pihia ke he ha kupu pulega ko e Ekepule ia ke talahau e haana kakano ati taute ai pihia.

**50 Tohi ole ma e fekau ke moua e tonu mai he fakafiliaga**

Nakai maeke ha Ekepule ke tuku atu e ha tohi ole ke he Fono Ekepule ke lata mo e ha fekau ke moua e tonu mai he fakafiliaga kaeke kua nakai fai tohi ole ke lata mo e fekau ia kua taute.

Tau Fakaholoaga He Fono Ekepule Ha Niue

VALA 14

TAU HUHU MO E TAU TALI

*(mailoga ha ha i ai falu hikihikiaga ne taute ai he Fono Ekepule he aho  
17 Sepetema 2003)*

**51 Tau huhu**

(1) Maeke e Ekepule ke puhala ke he Fakatonu Fono ke huhu haggao ke he Fakatufono Fakalatalata, kupu pulega po ke ha fekau he tau tagata haggao ke he tau gahua he Fono Ekepule he magaaho kua fakatoka pauaki he Fono Ekepule ma e fekau nai.

(2) To fakaata ni ke he taha e tula ke lata mo e tau huhu mo e tau tali ko e tau huhu ka nakai oti to fakavahega ai kua galo noa.

**52 Fakailoaga he tau huhu**

(1) Ai maeke e ha huhu ke taute ka ai fai fakailoaga a to kehe mai kaeke –

(a) ko e fekau mafiti; mo e

(e) kua haggao ke he taha fekau uho he tau tagata po ke ke hefakaholoaga he tau fekau he Fono Ekepule.

(2) Ko e Ekepule ke age e fakailoaga tohi he huhu ke he Tohi Kupu to hoko e tolu e aho gahua to hoko e aho ke moua ai e tali.

(3) Ko e tau huhu oti he tau Fono Ekepule takitaha to fakakaupa mai ni he uafulu he katoa ti ko e uafulu huhu fakamua ne hoko mai ke he Ofisa he Fakatonu Fono he aho ne kua kotofa ke kaupā mai ai e taliaaga he tau huhu, ko ia ni ka hoko mai mua to fakaholo fakamua.

(4) Ko e tau huhu oti ke fakakupu ai fakamahino mo e nakai ha ha i ai ha folafolaaga po ke fakamaamaaga.

(5) Ko e tau huhu ke tufatufa ke he tau Ikipule nakai tote hifo he tolu e aho gahua to hoko e aho ne manako ke moua mai e tali ke he huhu mo e to tohia foki ki lotu he tohi fakaholoaga Fono Ekepule he aho fono.

**53 Tau tali ke he tau huhu**

(1) Nakai maeke e Fakatonu Fono ke fakatutala fetoko e huhu kua oti he huhu ti tali.

(2) Kaeke kua tali e huhu ne huhu ai, maeke a ia e Ekepule ne huhu e huhu ke huhu ua foki ka e nakai molea e huhu lafi ki luga ke moua e maamaaga laulahi ke fekau kua moua mai ai he tali ke he huhu ia.

(3) Nakai maeke e Fakatonu Fono ke fakaata e huhu lalafi kua molea atu ke he fekau nakai putoia ke he huhu he kamataaga.

(4) Ko e tau huhu lalafi ki luga takitaha ke fakakupu ai ke he taha ni e huhu mo e nakai fai folafolaaga po ke fakamaamaaga.

VALA 15

TAU KUPU PULEGA MO E TAU FAKAHUIHUI

**54 Fakailoaga he tau kupu pulega**

(1) Kaeke kua nakai feoaki mo e vala (2) ko e Ekepule kua manako ke talahau e kupu pulega he Fono Ekepule ke tuku e fakailoaga he kupu pulega kua amanaki a ia ke talahau ke age e taha lagaki he kupu pulega ke he Tohi Kupu 5 e aho to hoko e fono kua amanaki e Ekepule ke tuku e kupu pulega ki ai.

(2) Maeke he Ekepule ke talahau e kupu pulega ka e nakai la fai fakailoaga ia ke he Tohi Kupu kaeke ko e kupu pulega –

- (a) ke he puhala fakahui ke he huhu kua fita e fakatoka; po ke
- (a) ke lata ma e fakamaokiaga he Fono Ekepule po ke he fakatutalaaga fetoko; po ke
- (i) ke huhu ke he tonuhia; po ke
- (o) ke totou e tohi ole po ke tuku atu ke he komiti fifili; po ke
- (u) ke tuku atu e Fakatufono Fakalatalata ke he komiti fifili; po ke
- (f) fai matutakiaga ke he fakamatalaaga tohi ke fifili ki ai; po ke
- (g) ke fakailoa e holoaga; po ke
- (h) ke lata mo e ha totouaga he Fakatufono Fakalatalata; po ke
- (k) ke lata ma e utakeheaga he Fakatufono Fakalatalata; po ke
- (l) ke he fekau kua talia he Fakatonu Fono ko e fekau fakatepetepe; poka
- (m) kua nakai lago ke fai fakailoaga ha ko e ha fakaveaga he tau fakaholoaga fono nai.

**55 Ko e pepa taute kupu pulega**

(1) Ke tohi e kupu pulega he pepa taute kupu pulega mo e tau matakupu kua lata ke he taliaaga he Fono Ekepule.

(2) Ke tuga he talahau kua lata e kupu pulega ke –

- (a) fakakite fakamitaki e fekau ke fakatutala fetoko; mo e
- (e) tuku fakalataha ni e tau mena kua lata ke fakakite aki e mooli poka tau fekau kua fai matutakiaga ke he kupu pulega.
- (3) Nakai maeke e kupu pulega ke ha i ai e –
- (a) tau vagahau fakahanoa po ke tau kupu nakai hagahaga mitaki ke fakaaoga he fakatutala fetoko, po ke
- (e) tau fakamatalaaga he tau tonuhia mo e tau higoa he tau tagata a tokehe mai kaeke –
  - (i) kua tonuhia mooli ke fakamaama fakamitaki aki e kupu pulega; mo e
  - (ii) ke maeke ke taute e tonu

**56 Tau kupu pulega mo e tau fakahui ke fai tagata ke omoi**

(1) Ko e kupu pulega po ke fakahui, a to kehe mai kaeke kua taute he komiti, ke talia mo e omoi.

(2) Ko ia ne talahau e kupu pulega po ke fakahui kua maeke ke vagahau fakamua ke he tau mena mitaki he kupu pulega po ke fakahui to fakamatala fakamitaki e kupu pulega po ke fakahui, ka e kaeke ke nakai tuai kautu.

**57 Tau fakahui e kupu pulega po ke hukui aki e tau fakaholoaga fono**

Ko e fakailoaga he kupu pulega ke fakahui po ke hukui e tau fakaholoaga fono nai ke ha i ai e lagaki fakataitai ke fakahui kua fakatoka po ke hukuiaga he fakaholoaga fono.

**58 Utakeheaga he kupu pulega mo e tau fakahui**

(1) Ko e Ekepule kua fakatoka e kupu pulega po ke fakahui kua maeke ke utakehe, ka e kaeke kua omoi e kupu pulega po ke fakahui nakai maeke he Ekepule ke utakehe a to moua e taliaaga mai he Fono Ekepule.

(2) Ko e kupu pulega po ke fakahui ne kua talahau e fakahui ki ai nakai maeke ke utakehe a to moumou po ke utakehe e fakahui fakamui.



**59 Liu tuku mai foki e tau kupu pulega**

Nakai maeke ke fakatoka e taha kupu pulega ne tatai e hagaiaga mo e kupu pulega ne kua talia kua tonu po ke nakai tonu he 12 e tau mahina ki tua.

**60 Taliaaga he tau fakahuihui ke he tau kupu pulega**

(1) Ko e magaaho kua taute ai e fakailoaga tohi ma e tau fakahuihui kua fakatokatoka ma e kupu pulega, ko e tau fakahui taitaha kua fakatoka ke fakagahua ke he fakapahiaga, kaeke kua talia ki ai, ke kitia pihia he kupu pulega kua fakahui.

(2) Nakai maeke he Fakatonu Fono ke talia ha fakahui foki kua tuku atu ke lata mo kupu pulega he magaaho kua fita he oti ai e vili ke he kupu pulega ia.

**61 Fakapahiaga he tau fakahui he tau kupu pulega**

Ko e magaaho ka tuku mai ai e fakailoaga kua tohia ke lata mo e tau fakahui ke he kupu pulega, ko e tau fakahui taitaha kua lata ke taute muitua ke he mena kua talia ki ai, kaeke kua talia ke taute pihia, to toka ni ke he tonuhia ke fakahui e kupu pulega.

**62 Tau Fakatufono ke lata ma e fakahuihui he tau kupu pulega**

Ko e fakahui kua fakatoka ma e kupu pulega kua lata ke fai matutakiaga ke he kupu pulega.

**63 Fakaaga hehe e tau fakaholoaga fono**

Maeke he Fakatonu Fono ke ai talia ke fakatoka e huhu ke he kupu pulega ke lata ma e fakaokiokiaga he tutala fetoko po ke ke lata ma e fakaokiokiaga he Fono Ekepule he magaaho ka fakatutala fetoko ai kaeke kua talia he Fakatonu Fono e kupu pulega ia –

- (a) ko e mahani fakahanoa ke he tau fakaholoaga fono; po ke
- (e) ko e fakalavelave ke he tonuhia he tau Ekepule tokogahoa.

VALA 16

TAU FAKAMAAMAAGA FAKATAGATA

**64 Tau fakamaamaaga fakatagata**

(1) Maeke e Ekepule ha ko e taliaaga he Fakatonu Fono he magaaho ne kotofa ai e fakamaamaaga fakatagata ke fakamaama e fekau ke he kitiaaga fakatagata.

(2) Nakai maeke e Fakatonu Fono ke fakaata e fakamaamaaga fakatagata ke fakatutala fetoko.

(3) Ko e manatu uho he fakamaamaaga fakatagata ne kua fakatoka ke fakailoa fakamua ke he Fakatonu Fono.

VALA 17

TAU FAKATUFONO HE FAKATUTALAAGA FETOKO

**65 Ko e tau Ekepule ke fakafeleveia e Fakatonu Fono**

Nakai maeke e Ekepule ke vagahau ke he Fono Ekepule ka e puhala e vagahau ke he Fakatonu Fono.

**66 Ko e Fakatonu Fono ke kotofa e Ekepule ke vagahau**

(1) Ko e Ekepule kua manako ke vagahau ke hiki haana a lima ke kitia he Fakatonu Fono.

(2) Fa mahani e Fakatonu Fono ke fakaata e tau Ekepule ke vagahau a lautolu kua kitia mua e ia.

**67 Ke nakai tala taha ka vagahau e Fakatonu Fono**

Ke vagahau e Fakatonu Fono ke he Fono Ekepule –

- (a) Ko e ha Ekepule kua vagahau ke he magaaho ti oti fakaave haana a vagahau; mo e
- (e) Ke fakanono e tau Ekepule oti ka e fakaata e Fakatonu Fono ke vagahau mo e nakai fai fakalavelave.

**68 Ke fakahako e fakamatalaaga ke he huhu**

- (1) Ke vagahau e Ekepule ke he matapatu kupu kua fakatutala ki ai.
- (2) Maeke e Fakatonu Fono ke –
- (a) fai fakatutala ke he Fono Ekepule ke fatiaki po ke fakaeneene e tau vagahau he Ekepule ne talia; mo e
- (e) fekau e Ekepule ke oti haana a tala.

**69 Mahani ke fakaata e Ekepule ke lagataha ni e vagahau**

(1) A to kehe mai tuga he tohia he tau vala(2) mo e (4) mo e ha magaaho ne tutala fetoko ai e totouaga ke ua aki he Fakatufono Fakalatalata, kua lata he fakatufono ke mailoga ko e lagataha ni e vagahau he Ekepule ke he huhu.

(2) Maeke he Fakatonu Fono ke fakaata e Ekepule ne kua vagahau ke liu vagahau foki ke fakamaama e matakupu ne nakai maama mitaki he fakamatalaaga he Fakatonu Fono.

(3) Ke fakaata he Fakatonu Fono e Ekepule ke vagahau nakai maeke e Ekepule- ke

- (a) talahau e manatu foou; po ke
- (e) tauhele ka tutala e taha Ekepule

(4) Maeke he Fakatonu Fono ke fakaata a ia ne fakatu e kupu pulega po ke fakahui e tonuhia ke tali e huhu ka e lata ke mailoga kua muihua ni e tali ke he tau matakupu kua puna mai he tutala fetoko.

(5) Ko e tali haana ne fakatu e kupu pulega po ke fakatoka e fakahui ke pa e tutala fetoko ke he kupu pulega po ke fakahui ti nakai maeke e Fakatonu Fono ke fakaata e ha Ekepule foki ke vagahau po ke fakatu e fakahui kua fakatoka ke lata ia mo e kupu pulega.

**70 Maeke e Ekepule ke huhu haggao ke he fakatutalaaga fetoko**

Maeke e Ekepule ke vagahau –

- (a) haggao ke he matakupu fakahako; po ke
- (e) ke he fekau po ke tonuhia kua tupu fakafofo

**71 Fakatutala mua e huhu**

(1) Kaeke kua fai fekau ke he tutala fetoko ke taute fakamua

(2) Ko e ha Ekepule ke vagahau ke fakatu e fekau ke he tutala fetoko ke oti e tala a to fakaoti he Fakatonu Fono e fekau ke he tutala fetoko.

**72 Tau kupu kua nakai haggahaga mitaki**

Ko e Fakatonu Fono ke tauhele ka fai kupu fakamamahi po ke nakai haggahaga mitaki kua fakaaoga he taha Ekepule ha ne tutala po ke taha Ekepule kua ha i ai he fono.

**73 Tau fakatutalaaga fakatagata**

Maeke he Fakatonu Fono ke taute kaeke kua taute he Ekepule –

- (a) e taha mena kelea ke eke fakakelea e taha Ekepule; po ke
- (e) fai talahauaga fakamamahi ke he moui fakatagata he taha Ekepule e taha fakalatalataaga fakatagata ke he taha Ekepule

**74 Tau fekau fakatali ke he fakafiliaga mai he fakafiliaga**

(1) Kaeke kua mailoga e Fakatufono Fono kua haghaha kelea e fekau ha ne fakatali ke taatu ke he fifiliaga he fakafiliaga maeke he Fakatonu Fono ke poaki e Ekepule ke ua muiua ke he fekau i loto he –

- (a) kupu pulega; po ke
- (e) tutala fetoko; po ke
- (i) huhu, putoia ai foki e huhu lalafi

(2) Vala 1 fai mailogaaga

- (a) haghao ke he fekau kolokolovao he magaaho ne taute ai e hokotaki mo e
- (e) haghao ke he ha fekau foki mai he magaaho ne fakatu ai e taufakatokaaga ke tuku atu ai e tau pepa ke he ofisa he fakafiliaga.

(3) Mamutu ai e mailogaaga he vala (1) he magaaho ka fakailoa ai e fifiliaga he fakafiliaga mo e fakahala po ke mai he magaaho ne foaki ai e fifiliaga mo e fakahala po ke mai he magaaho ne foaki ai e fifiliaga ke lata ia mo e fekau kaeke kua pihia.

(4) Kaeke kua tuku atu e fakailoaaga liu fanogonogo to fai mailogaaga ai mai he magaaho ne foaki ai e fakailoaaga ke he magaaho ne fifili ai e liu fanogonogo.

(5) Kua fakamatapatu e vala (1) ke he tonuhia he Fono Ekepule ke taute fakamatafakatufono e ha fekau.

**75 Fakaotiaga he fakatutalaaga fetoko**

(1) He ha magaaho he mole atu e kupu pulega po ke fakahui he fakatoka maeke he ha Ekepule ke fakatu “kua tuku e huhu he magaaho nai”

(2) A to kehe mai kaeke kua mailoga he Fakatonu Fono ko e kupu pulega –

- (a) kua eke mo ekefakakelea aki e tau fakaholoaga fono; po ke
- (e) kua tauhele ke he tonuhia he tau Ekepule kua tokogahoa, ko e Fakatonu Fono ke tuku e kupu pulega “kua tuku e huhu he magaaho nai”

(3) Kaeke kua talia e kupu pulega ko e Fakatonu Fono ke tuku e huhu ke he kupu pulega po ke fakahui mo e nakai fai tutala fetoko foki.

**76 Huhu kua tuku katoatoa he Fakatonu Fono**

Nakai maeke e taha Ekepule ke vagahau haghao ke he huhu ka mole atu –

- (a) he tuku katoatoa he Fakatonu Fono; mo e
- (e) ko e vili ke he huhu kua fita he taute ke talia mo e nakai talia

**77 Tuku motuhia ha kua fai tauhele**

Kaeke kua manatu e Fakatonu Fono ke taute pihia ha kua fai lekua lahi he Fono Ekepule ke maeke he Fakatonu Fono ke –

- (a) fakaokioki e Fono Ekepule mo e nakai fai huhu; po ke
- (e) fakaholo e fono a to hoko e magaaho po ke he tau magaaho kua fakakite ai he Fakatonu Fono.

**78 Fakalilifuaga ke tuku age ke he Fakatonu Fono**

Ko e Ekepule ka fano kehe mai he Fono Ekepule he magaaho fono ke fakakite e fakalilifu ke he Fakatonu Fono ka fano kehe po ke hu mai ke he haana nofoaga.

VALA 18

VILIAGA

**79 Viliaga he tau Ekepule**

[Kikite ke he Matakupu 22 (3), (4), (5) mo e Matakupu 35(1) he Tohi Fakave]

(1) Ko e Fakatonu Fono ke fifili ko e vili he huhu i mua he Fono Ekepule ke –

(a) fakaaoga e tau leo; po ke

(e) fakakite e tau lima; po ke

(i) vili fufu ke he puhala kua taute he Fakatonu Fono

(2) Kaeke kua fakaholo he Fakatonu Fono e fono he magaaho ke vili ai e huhu ti ha i ai e uka he tau vili kua ai kautu e huhu.

(3) Ko e Fakatonu Fono ke fakailoa e tau ola he vili.

VALA 19

TAU FAKATUFONO FAKALATALATA

**80 Malolo he Fono Ekepule ke taute e tau fakatufono**

[Kikite ke he Matakupu 28 he Tohi Fakave]

**81 Tufatufaaga he tau lagaki he tau Fakatufono Fakalatalata**

(1) Ko e Tohi Kupu ke fakafano taha lagaki he Fakatufono Fakalatalata ke he tau Ekepule takitaha nakai ki lalo hifo he 10 e tau aho to hoko e totouaga fakamua he Fakatufono Fakalatalata.

(2) Ko e Fakatufono Fakalatalata kua tohia he tohi fakamooli he fekau vave ke fakamooli he Fakatonu Fono mo e maeke ke taatu ke he fono ka e nakai tufa fakamua ke he tau Ekepule.

**82 Tukuatuaga he tau Fakatufono Fakalatalata ki loto he Fono Ekepule**

[Kikite ke he Matakupu 29 he Tohi Fakave]

**83 Tau fakatokaaga ma e tau Fakatufono Fakalatalata**

(1) Ko e Fakatufono Fakalatalata ke tuku atu ke he Fono Ekepule ke ha i ai foki e tohi fakamaama kua fakamooli he Ekepule ne tuku e Fakatufono Fakalatalata ke he Fono.

(2) Ko e tohi fakamaama ke tohia ai e tau haggaaoga mo e tau kakano he Fakatufono Fakalatalata.

(3) Ke fai mataulu e Fakatufono Fakalatalata.

(4) Ke vehevehe e Fakatufono Fakalatalata ke he falu matakupu ti fakamukamuka fakafetokaki ti ko e tau matakupu takitaha ke ha i ai e mataulu tohi ke fakakite fakaku aki e tau fekau i loto he matakupu.

**84 Tau Fakatufono Fakalatalata Tupe**

[Kikite ke he Matakupu 30 he Tohi Fakave]

**85 Tau Fakatufono Fakalatalata ke lauia e Kau Gahua he Fakatufono**

[Kikite ke he Matakupu 32(1) he Tohi Fakave]

**86 Tau Fakatufono Fakalatalata ke lauia ai e Kelekele Niue**

[Kikite ke he Matakupu 33(1) he Tohi Fakave]

**87 Tau Fakatufono Fakalatalata kua lata ke moua ai e totouaga ke lagatolu aki i loto he Fono Ekepule**

[Kikite ke he Matakupu 22(8) he Tohi Fakave]

**88 Tukuatu mo e totouaga fakamua he Fakatufono Fakalatalata**

(1) Maeke he taha Ekepule ke folafola e Fakatufono Fakalatalata ke he Fono Ekepule ke –

(a) totou haana a mataulu loa; mo e

(e) fakamaama e kakano mo e amanakiaga he Fakatufono Fakalatalata

(2) He mole atu e folafolaaga he Fakatufono Fakalatalata ko e Ikipule ne folafola e Fakatufono Fakalatalata ke fakatu “ke totou lagataha” (higoa ku he Fakatufono Fakalatalata).

(3) Ke he kupu pulega kua taute mo e omoi “ko e (higoa ku he Fakatufono Fakalatalata)” ke totou ke he totouaga fakamua ko e tutala fetoko ke he kupu pulega ke fakamahao ni ke he tau fakaveaga mo e tau mitaki he Fakatufono Fakalatalata.

**89 Tauteaga ka mole atu e totouaga fakamua he Fakatufono Fakalatalata**

Kaeke ko e kupu pulega “ke totou(higoa ku he Fakatufono Fakalatalata) ke he totouaga fakamua kua talia ko e Ekepule haana Fakatufono Fakalatalata ke fakatu “ke totou(higoa ku he Fakatufono Fakalatalata) ke he totouaga ke ua aki”.

**90 Totouaga ke ua aki he tau Fakatufono Fakalatalata**

Ke lata mo e kupu pulega kua taute mo e omoi “ke totou(higoa ku he Fakatufono Fakalatalata ke lagaua aki” nakai maeke e Fakatonu Fono ke fakaata ha fakahui ke he kupu pulega ka ko e fakahui ni ke hiki e totouaga ke ua aki he Fakatufono Fakalatalata ke he taha aho kehe.

**91 Tauteaga he magaaho ka fetoko ai e kupu pulega ke totou lagaua e Fakatufono Fakalatalata**

(1) Ko e magaaho ka fakatutala fetoko ai e kupu pulega “ke totou (higoaku he Fakatufono Fakalatalata) ke lagaua aki” ko e Ekepule ne leveki e Fakatufono Fakalatalata ke –

(a) totou fakapapahi e tau numela he tau vala takitaha he Fakatufono Fakalatalata

(e) totou e mataulu he matakupu.

(2) Ka totou he Ekepule e mataulu he matakupu he Fakatufono Fakalatalata

–

(a) ko e Ekepule ia ke foaki e fakamaamaaga he matakupu; mo e

(e) maeke he falu Ekepule ke vagahau ma e matakupu.

(3) Kaeke ke nakai fai fakahui kua foaki ke lata mo e matakupu ko e Fakatonu Fono ke tuku e huhu ko e matakupu (numela he matakupu) ia kua tu ia ko e taha vala he Fakatufono Fakalatalata.

(4) Ke fakahui e matakupu, ko e Fakatonu Fono ke tuku e huhu ko e matakupu ia (numela he matakupu) tuga kua fakahui ko e taha vala he Fakatufono Fakalatalata.

(5) Ke nakai taute e fakailoaga ko e kupu pulega ke fakahui e matakupu ti nakai omoi foki e tau vahega kupu pulega pihia.

(6) Maeke ke vagahau lagaloga ke lata mo e matakupu po ke ke lata ma e fakahui kua fakatoka ke he matakupu kaeke kua molea e tokotaha e Ekepule kua fakakite e manako ke vagahau ko e Fakatonu Fono he magaaho ia ke age e magaaho ke he Ekepule nakai la vagahau ia.

**92 Tau fakahui ke felauaki mo e falu fakatokaaga**

(1) He magaaho ne tutala fetoko ai e kupu pulega “ke totou (higoa ku) ke he totouaga ke lagaua aki” ko e Fakatonu Fono ke nakai talia ke tuku ke he Fono Ekepule ha fakahui kua kitia he Fakatonu Fono nakai munitua ke he tau fakaveaga na i lalo –

- (a) ke felauaki e matapatu fekau he Fakatufono Fakalatalata mo e fakahui mo e matapatu fekau he matakupu (ka fai) kua munitua ki ai; mo e
- (e) nakai taute e fakahui ke taute e matakupu (ka fai) kua fakatoka ke fakahui ke vagahau kua nakai maama; mo e
- (i) kaeke ko e hogaao e fakahui ke he po ke nakai maama e fakahui ia – kua lata ke tuku atu fakamua e fakailoaga hogaao ke he fakahui po ke kua omoi e fakahuiaga fakamua ke maeke ai he tau fakahui takitaha ke maama mitaki.

(2) Nakai maeke e Fakatonu Fono ke talia e ha kupu pulega ke utakehe oti aki e matakupu ha ko e puhala tonu kua lata e Ekepule ke taute ke vili ai talia a ia ke he matakupu.

**93 Tauteaga ke fakaholo e fakatutalaaga he matakupu**

Magaaho ka tutala fetoko ai e kupu pulega “ke totou (higoa ku) ke he totouaga ke lagaua aki” ko e fifiliaga he matakupu kua maeke ke fakatoka e matakupu fouu ke lata ma e Fakatufono Fakalatalata.

**94 Tau matakupu fouu**

(1) Magaaho ka tutala fetoko ai e kupu pulega “ke totou (e higoa ku) ke he totouaga ke lagaua aki” maeke he ha Ekepule ke fakatoka e taha fakatokatokaaga fono ma e Fakatufono Fakalatalata.

(2) Ko e ha fakatokatokaaga fouu kua fakatu ke fifili he matakavi kua lata tonu ke fakahu atu e fakatokatokaaga ke he Fakatufono Fakalatalata ke hoko.

**95 Tau fakatokatokaaga**

(1) Ko e magaaho ka tutala fetoko ai e kupu pulega “kua lata e (higoa ku he Fakatufono Fakalatalata) ke totou lagaua aki” kua maeke he ha Ekepule ke tuku atu e taha fakatokatokaaga fouu ke lata ia mo e Fakatufono Fakalatalata.

(2) Ko e ha fakatokatokaaga fouu ka tuku atu kua lata ni ke fakatutala he magaaho kua lata tonu ke tuku atu ai e fakatokatokaaga ia ke he Fakatufono Fakalatalata.

**96 Tuku motuhia e fakatutalaaga fetoko he kupu pulega ka e totou e Fakatufono Fakalatalata ke he totouaga ke lagaua aki**

(1) Kaeke ko e fifiliaga he Fakatufono Fakalatalata he Fono Ekepule ke hekupu pulega “ke totou e (higoa ku he Fakatufono Fakalatalata) ke he totouaga ke lagaua aki” kua nakai katoatoa he magaaho taha e fifiliaga he Fakatufono Fakalatalata ke maeke, ke lata mo e kupu pulega kua taute ke fakaokioki a to-

- (a) hoko e aho he fono ka hau; po ke
- (e) e falu aho fono foki po ke fono he Fono Ekepule.

(2) Ko e magaaho ka kotofa ai ke liu fakaholo e tutala fetoko he kupu pulega “ke totou e (higoa ku he Fakatufono Fakalatalata) ke he totouaga ke lagaua aki” kua hoko ke he Fono Ekepule ke matutaki e tutala fetoko he kupu pulega.

**97 Maeke he Ekepule ke tuku he matakupu ke foaki age e Fakatufono Fakalatalata ke he komiti fifili**

(1) He ha magaaho he fakatutala fetoko he kupu pulega “ke totou e [higoa ku he Fakatutono Fakalatalata] ke he totouaga ke lagaua aki” maeke he Ekepule ke fakatu “ke totou e (higoa ku he Fakatufono Fakalatalata) ke fifili e “(higoa he komiti fifili)”

(2) Kaeke ke tuku e Fakatufono Fakalatalata ke he komiti fifili nakai fai fakatutalaaga foki ke taute ke he kupu pulega a to fakailoa e komiti fifili ke he Fono Ekepule.

(3) Ka oti e fifiliaga he komiti fifili ke he Fakatufono Fakalatalata ko e Ekepule ne fakatu e kupu pulega ke fakailoa ke he Fono Ekepule.

(4) Ko e fakailoaaga ke pehe “Fakatonu Fono kua olelalo au ke fakailoa ko e [higoa ku he Fakatufono Fakalatalata] kua oti he fifili ki ai e [higoa he komiti fifili] ti kua talia [fai] po ke [nakai fai] fakahui”.

(5) Kaeke kua talia he komiti fifili e Fakatufono Fakalatalata mo e tau fakahuihui ko e Ekepule ne fakatu e Fakatufono Fakalatalata ke fakatu “ko e tau fakahuihui ke he (higoa ku he Fakatufono Fakalatalata) kua talia [higoa komiti fifili ke fakatu ke eke mo taha vala he Fakatufono Fakalatalata”.

(6) Maeke he Fono Ekepule ke talia oti po ke fakahuihui kua fakatoka he komiti fifili po ke nakai talia, mo e maeke ke matutaki e tutala fetoko ke he kupu pulega “ke totou e [higoa ku he Fakatufono Fakalatalata] ke he totouaga ke lagaua aki”.

**98 Fakaotiaga he fakatutalaaga ma e kupu pulega ke he totouaga ke lagaua aki he Fakatufono Fakalatalata.**

Ka fifili e kupu pulega “Ko e [higoa ku he Fakatufono Fakalatalata] ke totou ke lagaua aki” ti kua maopoopo foki kua lata he Fakatonu Fono ke tuku atu ke he Fono Ekepule e huhu “Ko e [higoa he Fakatufono Fakalatalata] [tuga kua fakahui ai – kaeke ka fakahui he magaaho ne fakahoko ai e tutala fetoko he totouaga ke lagaua aki] ke totou ke lagaua aki”.

**99 Totouaga ke lagatolu aki he tau Fakatufono Fakalatalata.**

Ha ko e taha kupu pulega mo e omoi ai pehe kua totou tuai e Fakatufono Fakalatalata ke he totouaga ke lagatolu aki, ko e tau fakahuihuiaga mo e tau fakahakohakoaaga he tau mena kua hepehepe po ke pokia to maeke ai ha ko e fakaataaga mai he Fakatonu Fono ke taute ai, ka e nakai maeke ha fakahuihuiaga kua kehe po ke fou, ke liu pulega ke taute.

[Kikite ke he Matakupu 35(1) he Tohi Fakave]

**100 Fakamooliaga he Fakatufono Fakalatalata**

Ka oti e Fakatufono Fakalatalata he totou ke lagatolu aki –

- (a) kua talahau ai e Fakatufono Fakalatalata ia kua talia he Fono Ekepule;
- (e) ke taute pihia foki nakai maeke e Fakatonu Fono ke tuku foki falu a huhu ke lata ma e Fakatufono Fakalatalata.

**101 Taliaaga ke he tau Fakatufono Fakalatalata.**

(1) Ka fakamooli ai e Fakatufono Fakalatalata (kua kehe mai he Fakatufono Fakalatalata kua lauia ai e Matakupu 35 he Tohi Fakave) he Fono Ekepule ko e Tohi Kupu ke tauteute 2 e lagaki he Fakatufono Fakalatalata ke fakamooli ke lata ma e Matakupu 34 he Tohi Fakave. [Kikite ke he Matakupu 34 he Tohi Fakave]

(2) Ko e ha Fakatufono Fakalatalata kua muiua ke he Matakupu 35 he Tohi Fakave –

- (a) ke fakamooli he Fono Ekepule ke lata ia ma e Matakupu ia; mo e

- (e) kua tuku atu ke he vili mo e kua moua e omoiaga kua talahau maihe Matakupu ia.

Ko e Tohi Kupu ke tauteute 2 e lagaki he Fakatufono Fakalatalata ke fakamooli ke lata ma e Matakupu ia.

[Kikite ke he Matakupu 35 he Tohi Fakave]

**102 Tau Fakahui talahau gutu po ke tohi**

Ke he tauteaga he Fakatufono Fakalatalata ke tohi fakamau ke lata mo e Matakupu 34 mo e 35 he Tohi Fakave ko e Tohi Kupu kua maeke

- (a) Ke fai fakahuihui talahau gutu po ke fakamau tohi; mo e
- (e) Fakahako e tau hepehepe kehekehe.

**103 Ka oti e fakamooliaga.**

Ka tohi fakamau e taha Fakatufono Fakalatalata ke lata mo e Matakupu 34 po ke 35 he Tohi Fakave ko e Tohi Kupu ke-

- (a) Toka taha lagaki kua tohi fakamau mo e tau fakamauaga tohi he Fono Ekepule; mo e
- (e) Tuku taha lagaki e Fakatufono Fakalatalata mo e Loea he Fakatufono.

**104 Utakeheaga he tau Fakatufono Fakalatalata**

Ko e Ekepule ne taute e Fakatufono Fakalatalata kua maeke ke he puhala kupu pulega mo e nakai fai fakailoaga ke utakehe e Fakatufono Fakalatalata mai he Fono Ekepule.

**105 Malolo he Fono Ekepule ke moua falu a tagata, tau tohi mo e tau fakamaamaaga tohi**

Magaaho ka tutala fetoko ai e kupu pulega “ke totou e [Higoa Ku he Fakatufono Fakalatalata] totouaga ke lagaua aki” ko e Fono Ekepule kua maeke ke talia e kupu pulega ke taute –

- (a) he taha Faahi Gahua he Fakatufono kua haofia ai; po ke
- (e) taha tagata po ke matakau mai i fafo; ke-
- (i) tuku e fakailoaga tohi ke fakamaama aki e fakaveaga he Fakatufono Fakalatalata; po ke
- (o) ke fifili taha hukui ke eke mo tagata fakamooli ki mua he Fono Ekepule ke fakamaama e fakaveaga he Fakatufono Fakalatalata.

[Kikite ke he Matakupu 24(5) he Tohi Fakave]

VALA 20

TAU FAKATUFONO FAKALATALATA KE LATA MA E TAU TUPE FAKAMOLE

**106 Tau puhala ke muitua ke maeke he tau Fakatufono Fakalatalata Tupe Fakamole ke fakagahua**

[Kikite ke he Matakupu 30 he Tohi Fakave]

Ko e fakaholoaga ke fakamooli e tau Fakatufono Fakalatalata Tupe Fakamole kua tatai ni mo e fakamooli he falu a Fakatufono Fakalatalata kua tohia ai he vala 19 ke lata ma e tau hikihikiaga mo e tau fakatokaaga lalafi ki luga kua tohia ai he vala nai.

**107 Ko e Fakatufono Fakalatalata Tupe Fakamole ma e tau fatifatiaga tupe fakamole**

[Kikite ke he Matakupu 58 mo e 59(1) he Tohi Fakave]



**108 Tau matapatu manatu he Fakatufono Fakalatalata Tupe Fakamole Ko e Fakatufono Fakalatalata ma e Tau Fatifatiaga Tupe Fakamole ma e Tau ke he Tupe ke ha i ai –**

- (a) e fatifatiaga tupe fakamole ke taute mai he tau tupe he Fakatufono Niue ma e tau gahua oti he Fakatufono ke lata ma e Tau ke he tupe ia (kehe mai mo e tau tupe fakamole ke lata ma e tau gahua he Fakatufono kua poaki mai he ha Fakatufono foki) mo e
- (e) ko e fakatokatokaaga kua tohia ai e tau tupe fakamole kua fatifati ma e tau Faahi Gahua takitaha he Fakatufono ma e Tau ke he tupe ia.

**109 Tau matakupu manatu he kagaki fakamua he fatifatiaga tupe fakamole mo e fakamatalaaga tupe**

(1) Ko e tau talahauaga he numela kua fatifati ki ai e Fakatufono Fakalatalata ma e fatifatiaga tupe ma e tau Faahi Gahua takitaha he Fakatufono ma e Tau ke he tupe ha i ai ke he lagaki fakataitai ma e fatifatiaga tupe fakamole mo e fakamatalaaga tupe.

(2) Ko e lagaki fakalatalata ma e fatifatiaga tupe fakamole mo e fakamatalaaga tupe ma e Tau ke he tupe ke ha i ai foki-

- (a) e fatifatiaga tupe fakamole ke lata ma e tau gahua he Fakatufono kua fakatufono tohi; mo e
- (e) ha ha i ai e fatifatiaga tupe moua ke moua he tau Faahi Gahuatakitaha he Fakatufono he tau tupe ia.

**110 Ko e lagaki fakamua he fatifatiaga tupe fakamole ma e fakamatalaaga tupe ke tufatu ke he tau Ekepule takitaha.**

Ko e lagaki he fatifatiaga tupe fakamole mo e fakamatalaaga tupe ma e Tau kua lata ke taatu ke he tau Ekepule he magaaho taha ia ni ka tufatufa atu ai e Fakatufono Fakalatalata ma e tupe he tau Ekepule.

**111 Tuku atu e lagaki he fakamatalaaga tupe ke he tau Ekepule**

Kaeke kua amanaki e Ikipule ne lago ki ai e Fakatufono Fakalatalata ma e tau tupe fakamole ke totou e fakamatalaaga tupe fakagahua ke fakatu, “ke totou e fakatufono fakalatalata ma e tau tupe fakamole ke he totouaga fakamua” ko e Ikipule ke foaki age fakamua ke he tau Ekepule takitaha e lagaki faka-Niue po ke faka-Peritania to taute e fakamatalaaga ia, ka ole pihia e Ekepule.

**112 Fakatutalaaga he tau tupe he tau Faahi Gahua he Fakatufono**

(1) He magaaho ka tutala fetoko ai e kupu pulega. “Ke totou e Fakatufono Fakalatalata ma e tau tupe fakamole ke he totouaga ke lagaua aki” ko e tau matakupu he Fakatufono Fakalatalata ke fakatali a to oti e fakatutalaaga he fakatokatokaaga ma e Fakatufono Fakalatalata.

(2) Ko e fifiliaga he fakatokatokaaga ke eke mo Fakatufono Fakalatalata ke fakailoa e tau higoa he tau Faahi Gahua takitaha he Fakatufono ti fakatu e huhu – “Ko e numela tupe \$ [numela tupe] ke lata mo e [higoa he faahi gahua he Fakatufono] ma e tau Tupe Fakafaahi Gahua kua fakatoka ai ko e taha vala he fakatokatokaaga”.

(3) Maeke he taha Ekepule ke fakatu taha fakahui ke tuku hifo e numela tupe kua fatifati ma e taha koloa kua tohia ai he fatifatiaga tupe Fakafaahi Gahua e fakatu e huhu “Ko e tau numela tupe fakamole kua fatifati ma e koloa [numela koloa kua ha i ai ke he Fatifatiaga Fakalatalata Tupe Fakamole mo e Fakamatalaaga Tupe] i loto he [higoa he Faahi Gahua] fatifatiaga Fakafaahi Gahua ke tuku hifo ke he tau numela \$ [numela tupe].

(4) Kaeke ke loga e tau fakahuihuiaga pehe nai kua fakatu ke tuku hifo e numela tupe fatifatiaga tupe fakamole ma e tau koloa kehekehe i loto he fatifatiaga tupe Fakafaahi Gahua –

(a) ke tauhea ke he papahi numela he tau koloa fafati kua toka ki loto he fatifatiaga tupe; mo e

(e) kaeke ke molea e taha e fakahui ke he matakupu taha ko e koloa kalahi e tupe tuku hifo ka fakatutala mua ki ai.

(5) Ko e tupe malikiti hake kua fakalatalata ke fakamole he taha koloa he fatifatiaga Fakafaahi Gahua nakai maeke ke fakatu he taha ka ko e Ikipule ni ke taute e Fakatufono Fakalatalata ti ko e mena ia foki kua taute ni ke he taliaaga he Palemia.

(6) Ka fakatu ai ha fakahuiaga ke malikiti hake e numela tupe kua fafati ke lata mo e taha koloa he fatifatiaga Fakafaahi Gahua –

(a) ke taute fakamua to taute e ha fakahui ke tuku hifo ki lalo e numela tupe kua fatifati ma e koloa ia; mo e

(e) ka talia – ko e ha fakahui ke tuku hifo e numela fatifati ma e koloa kua fakaoti noa ai.

(7) Ka oti e tau fakahigoa ma e fatifatiaga Fakafaahi Gahua he utakehe, ko e Fakatonu Fono ke fakatu e huhu, “Ko e numela tupe [po ke tuku hifo po ke malikiti hake] he numela \$[numela tupe] ma e [higoa he Faahi Gahua] fatifatiaga Fakafaahi Gahua ke fakatu ko e taha vala he fakatokatokaaga.

(8) Ka oti e tau fatifatiaga Fakafaahi Gahua i loto he fakatokatokaaga ke he Fakatufono Fakalatalata ma e tau tupe fakamole ko e Fakatonu Fono ke tokutoku e tau matakupu takitaha he Fakatufono Fakalatalata.

(9) Ka totou e matakupu ko e Fakatonu Fono ke fakaata ke he tau Ekepule e fakahuihui foki ke he numela kua tohia he matakupu ha ko e hikiaga he numela kua fatifati ke fakamole he tau Faahi Gahua he Fakatufono.

**113 Ke taute fakaave e totouaga ke tolu aki he mole atu e totouaga ke ua aki**

(1) Ka oti e totouaga lagaua he Fakatufono Fakalatalata ma e tau tupe fakamole ke totou e Fakatufono Fakalatalata ke lagatolu aki.

(2) Nakai maeke he Fakatonu Fono ke fakaata ha tutala fetoko ke he matakupu ka totou ke lagatolu aki he Fakatufono Fakalatalata ma e tau tupe fakamole.

**114 Ke fakatutala fakamua ma e Fakatufono Fakalatalata tupe fakamole mai he tau fekau oti.**

Taute fakamua e Fakatufono Fakalatalata ma e tau tupe fakamole.

**115 Ko e vala nai ke moua e tohi ole ke lata ma e Fakatufono Fakalatalata tupe fakamole lalafi ki luga.**

Muitua e vala nai ke he Fakatufono Fakalatalata lalafi ma e tau tupe fakamole ke he puhala taha kua muitua ki ai e Fakatufono Fakalatalata ma e tau tupe fakamole.

VALA 21

TAU KOMITI FIFILI

**116 Kotofaaga he tau komiti fifili**

(1) Maeke he Fono Ekepule-

(a) kotofa e komiti fifili kua ha i ai e tau Ekepule; mo e

(e) tuku atu ke he komiti e fekau fakatutala po ke kumikumi mo efakailoa.

(2) Ko e ha matakupu ka tuku atu ai ke he komiti fifili kua lata ke ha ha i ai

(a) e ha Fakatufono Fakalatalata kua tuku atu ai he ha Ikipule a to talia mo e fakamooli ai he Fakatufono mo e ke lata mo e tuku atu he folafolaaga ke he Fono Ekepule; mo e

(e) e ha manatu kua tuku atu ma e tau tupe fakamole (mo e hafatifatiaga tupe moua) kua tuku atu ai he Ikipule ne leveki e tupe a to talia ai he Fakatufono mo e tuku atu ai e folafolaaga ke he Fono Ekepule e Fakatufono Fakalatalata ke fakaata e tupe ia ke fakamole.

(3) Ke fakalilifu aki e matakupu ia ne tuku he Ikipule kua lata he komiti fifili ke tuku atu ai e taha fakailoaga ke he Ikipule.

**117 Levekiaga mo e moumouaga he tau komiti fifili**

Gahua e komiti fifili ki lalo hifo he Fono Ekepule ti ko e mena ia

(a) maeke ke moumou he Fono Ekepule; po ke

(e) hiki he Fono Ekepule haana tau gahua ke he taha komiti fifili foki kua fifili he Fono Ekepule.

**118 Takitaki he komiti**

(1) Ke fifili he komiti e takitaki to kamata e ha fekau.

(2) Ko e takitaki ka fifili ke takitaki ke he fakaotiaga he komiti a to kehe kaeke kua fai manako kehe e komiti.

(3) Ko e takitaki he komiti fifili to ui e ia taha fono ma e komiti he ha magaaho ni ne kua kitia he takitaki fono kua fai matakupu ke fakatutala ki ai e komiti.

**119 Tau hukui ki loto he komiti**

Ko e numela tokologa he komiti a to kehe mai kaeke kua poaki pihia e Fono Ekepule, ko e hafa e numela hukui he komiti.

**120 Viliaga**

(1) Ko e huhu ki mua he komiti fifili ke he numela tokologa he tau hukui kua ha i ai.

(2) Ko e takitaki he komiti ke fai vili pauaki kaeke ke vihi e tau vili.

**121 Fakaholoaga he komiti fifili**

A to kehe kaeke kua pihia e vala nai, ko e tau fakaholoaga fono kua tonuhia ma e tutala fetoko he totouaga ke lagaua he Fakatufono Fakalatalata ke muitua ki ai foki e komiti fifili.

VALA 22

TAU MANAKO TUPE HE TAU EKEPULE KE FAKAMOOLI

**122 Fakakakano e tau manako tupe**

(1) Ko e fakamaama mo e fakakite he tupe ko e tupe kua totogi atu ke he Ekepule po ke taha matakau, kautaha po ke falu pisinisi ne fai matutakiaga e Ekepule ki ai ha ko e fakatutalaaga he taha fekau pauaki he pisinisi.

(2) Ko e manako tupe-

(a) putoia foki e tau fakakite he tupe he hoa po ke taha tama he Ekepule kua nofo ke he levekiaga he Ekepule; ka e

(e) nakai haofia ai ha manako he Ekepule po ke ha tagata ko e matakaugahua po ke falu a tauteaga kua fai kotofaaga po ke manako he tau tagata auloa.

**123 Tau Ekepule ke fakamooli e tau manako tupe**

Ko e Ekepule, fakamua to lauia ke fakatutala e fekau ke talahau e manako tupe he Ekepule ia ke he fekau.

**124 Ko e Fakatonu Fono ke fifili e manako**

Ka fai totoko fai manako tupe e Ekepule, ko e Fakatonu Fono ke fifili e talahauaga fakahiku.

[Kikite ke he Matakupu 19 he Tohi Fakave]

VALA 23

LOA HE TAU FAKAMATALAAGA

**125 Loa he tau Fakamatalaaga**

(1) Ko e Fakatonu Fono ke kitekite e loa he magaaho ka tutala ai e Ekepule tuga a na i lalo –

Fekau	Fakakaupaaga he tau magaaho fakaminute
Fakatufono Fakalatalata, Kupu Pulega, Fakahui po ke Tutala he Tohi	
Ko ia ne taute e fekau	15
Taha Ekepule foki	10
Fakailoaaga he Komiti Fifili	10
Tukuaga he Matakupu	5
Tukuaga he tau Tohi	5
Tali ke he Tau Huhu	5

(2) Ai haofia e tau fakatokatokaaga nai ke he Ekepule ne pule ke he Fakatufono Fakalatalata ma e tau tupe fakamole ka tuku e fakamatalaaga totou fakamua ma e Fakatufono Fakalatalata.

(3) Ke lata ma e okioki he Ekepule, maeke e Ekepule ke foaki ki a ia e falu magaaho foki ka e nakai maeke e hafa he magaaho fafati ki a ia ke lata ma e vala

(1).

VALA 24

UTAKEHEAGA HE TAU FAKAHOLOAGA FONO

**126 Utakeheaga he tau Fakaholoaga Fono**

(1) Maeke he Ekepule ke he taliaaga he Fakatonu Fono ke fakatu e kupu pulega fai po ke ai fai fakailoaaga.

“Ko e fakaholoaga fono [numela he fakaholoaga fono] he utakehe [katoatoa po ke taha vala kua lata tonu].

(2) Nakai maeke he Fakatonu Fono ke foaki e taliaaga he vala [ 1] a to 10 e Ekepule kua ha i ai he magaaho ka fakatu ai e kupu pulega.

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**Pursuant to article 68 of the Constitution the Niue Public Service Commission, with the approval of Cabinet, makes the following Regulations**

GENERAL

**1 Name**

These are the Public Service Regulations 2004.

**2 Interpretation**

(1) Expressions in these Regulations have the same meaning as they have in the Constitution.

(2) In these Regulations –

"actual service" means the period of an employee's employment in the Service, including any period of authorised paid leave, but does not include any period of voluntary leave without pay or any period of broken service;

"Appeals Committee" means the Appeals Committee referred to in regulation 80;

"broken service" means any situation where an employee has ceased to be a member of the Service and is subsequently re-employed;

"certificate of employment" means a statement in writing of the work record in the Service of an employee;

"consequential vacancy" means a position that becomes vacant immediately following the appointment of an employee to fill another position or an advertised vacancy;

"continuous service" means an uninterrupted period of employment including any period of authorised leave;

"contract employee" means a person employed on a contract of service under regulation 26;

"contributory service" means the period during which an employee contributes to a superannuation scheme or fund approved by the Commission, including any period of previous service the employee elects to include in contributions to the superannuation scheme or fund;

"controlling officer" in relation to an employee, means the person who is for the time being in charge of that employee and authorised to require that employee to do or abstain from doing any act or thing;

"Department" means each separate organisation or office of the Service;

"employee" means any person employed in the Service as a permanent employee, a probationer, a contract employee, or a temporary employee;

"healthy" means not harmful;

"Manual" means the Manual of Instructions 1983 issued by the Commission under article 68(2) of the Constitution or regulation 4 and includes any updated Manual;

"Official Circular" means the Niue Public Service Official Circular issued by the Commission;

"permanent employee" means an employee other than a probationer, or a contract employee, or a temporary employee;

"probationer" means a person employed on probation under regulation 25;

"redeployment" means the release of an employee by the Commission from normal duties for a specified period to undertake work on a community project, or other duties outside the Service, approved by the government;

"Service" means the Niue Public Service;

"Service Organisation" means the Niue Public Service Association Incorporated;

"specified office" means the office of Secretary to the Government, of High Commissioner to New Zealand, or of Head of Department, or of a medical or legal

officer, or of an accountant or teacher or of any other similar office for which a tertiary-level qualification is required;

"temporary employee" means a person employed in a temporary or relieving capacity under regulation 27;

"transfer" means the moving of an employee by the Commission from one position in the Service to another, either within a department, or to another department, as a disciplinary measure, with or without promotion, following a request of the employee, or for some other reason consistent with the purposes of these Regulations.

### **3 Purposes and achievement of Service goals**

(1) The purposes of these Regulations are –

- (a) To provide standards of service for all departments and offices of the executive government;
- (b) To promote the efficiency, effectiveness and economy and harmonious functioning of all departments and offices of the executive government by –
  - (i) procuring the application of quality technical and professional knowledge, methods, system and practice;
  - (ii) avoiding extravagance and waste;
  - (iii) aiming at high quality work and output;
  - (iv) controlling the volume of the work performed;
  - (v) training, up-skilling and re-skilling of employees;
  - (vi) maintaining a proper standard of conduct and ethics by employees;
  - (vii) encouraging employees, through incentives, to submit suggestions for increasing the efficiency, effectiveness or economy of the Service, and decreasing the cost and volume of work of the State;
- (c) To promote mutual trust and confidence in all aspects of the employment relationship which must be built on good faith behaviour.

(2) In all cases these Regulations shall be interpreted consistently with the purposes set out in regulation 3 and with a view to achieving those purposes.

### **4 Manual of Instructions**

(1) The Commission must produce and publish an updated Manual of Instructions at regular intervals.

(2) All terms and conditions for employees must be consistent with the Constitution and with these Regulations.

(3) Additional instructions, and amendments of, or revocations to existing instructions shall be published in the Official Circular or in such other manner as the Commission thinks fit.

(4) Every head of department must ensure copies of these Regulations and the Manual in their possession are in secure custody and are kept up to date.

### **5 Access to Regulations and Manual**

(1) The Commission must supply departments with sufficient copies of Part VI of the Constitution, these Regulations and the Manual, and the head of every department must ensure these documents are readily available for employees to read.

(2) Every employee is deemed to have notice of, and must comply with, all instructions, directions and conditions of employment contained in Part VI of the Constitution, these Regulations, the Manual, the Official Circular, or which have been communicated to the employee in any other manner.

## **6 Code of conduct**

The Commission must establish and maintain a code of minimum standards of conduct for the Service, reflecting the following principles of conduct –

- (a) In assisting the Cabinet in exercising the executive authority of Niue, under article 62 of the Constitution, employees must act with professionalism and political neutrality;
- (b) Employees must perform their official duties honestly, faithfully and efficiently, respecting the rights of the public and those of their colleagues;
- (c) Employees must not bring the Service into disrepute through their private activities.

## **7 Appointment of employee as a member of the Commission**

Where an employee is appointed as a member of the Commission the employee must take leave of absence from the Service for the period of membership of the Commission.

## **8 Inspection**

(1) The Commission may appoint and authorise any person (employed in the Service or otherwise) to inspect any department, employee or class of employee.

(2) The person making the inspection shall report on –

- (a) The efficiency, effectiveness and economy of the department inspected, or the performance of the employee or class of employees; and,
- (b) Specify in the report any changes and measures considered necessary to improve the efficiency, effectiveness and economy of the department, or to improve the performance of the employee or class of employees.

(3) Any report arising from the inspection of a department in relation to its functions and responsibilities must be referred to Cabinet for its information.

## **9 Notice to employees**

Where under these Regulations any notice is required to be given to an employee in respect of any decision or other matter, it is (except in the case specified in regulation 69) sufficient compliance with that requirement if the notice is published in the Official Circular or is sent to the employee by letter or by facsimile to the employee's place of employment or last known place of abode.

## **10 Representation by the Service Organisation**

(1) The Service Organisation, without prejudice to the right of any employee to act on his own behalf, may make representations to the Commission on any matter affecting the conditions of employment of an employee, or class of employee.

(2) In making a decision on any matter, the Commission must give due consideration to representations made by the Service Organisation, or by an employee, in addition to any other consideration that the Commission thinks fit.

(3) The Service Organisation must, as far as possible, endeavour to discuss all its concerns and grievances with the Commission.



**11 Industrial action unlawful**

(1) No employee shall participate in any form of industrial action or refuse to perform duties as lawfully directed by the Commission or act or conspire to act in any way that would adversely affect the provision, the adequacy and quality of essential services or any work primarily the responsibility and duty of the employee to carry out.

(2) Any employee who acts in breach of this regulation is deemed to have forfeited office forthwith and the Commission must inform the employee accordingly.

**12 Essential services**

(1) "Essential services" includes –

- (a) The supply of electric power and water, sanitation and plumbing services, and other public utilities;
- (b) The provision of medical, dental and associated or support services;
- (c) The maintenance of law and order;
- (d) Teaching and the provision of other services related to education;
- (e) The provision of fire and rescue services (sea and land);
- (f) The provision of transport services by air, land or sea;
- (g) The provision of border control services such as customs, health, immigration, quarantine, and security;
- (h) The provision of telecommunications and postal services, both internal and external;
- (i) The provision of meteorological services;
- (j) The provision of fuel and oil;
- (k) The provision of administrative, economic, financial, legal and planning advice, and corporate support services;
- (l) Any other service as determined by the Cabinet.

(2) The minimum level and quality of essential services to be provided by the Service are such as determined by the Cabinet in consultation with the Commission.

**13 Occupational safety and health**

The Commission must take all practical steps to ensure the safety and health of employees while at work, and in particular must take practical steps to –

- (a) Provide and maintain a safe and healthy working environment; and
- (b) Provide and maintain facilities for safety and health; and
- (c) Provide safety and health awareness information and instruction programmes; and
- (d) Develop procedures for dealing with emergencies.

**14 Advice and counselling**

The Commission must take practical steps to provide work related advice and counselling to employees on matters affecting their individual employment, including their health and welfare in relation to their employment.

VACANCIES, ADVERTISEMENTS, APPOINTMENTS, STATUS AND TENURE OF EMPLOYEES

**15 Establishment of positions**

(1) The Public Service shall comprise such positions as are publicly notified from time to time by the Commission.

(2) The Commission may, with the approval of Cabinet, establish or disestablish any position within the Service.

(3) The Commission shall, on the advice of Cabinet, and subject to article 69 of the Constitution, establish or disestablish any position within the Service.

## **16 Vacancies**

(1) The Commission may fill any vacancy –

- (a) With an employee from within the Service by way of transfer, either with or without promotion provided that only a transfer or promotion will be subject to an open right of appeal; or,
- (b) By advertising the vacancy within or outside the Service, or both; or,
- (c) By making an appointment to a consequential vacancy from among the unsuccessful candidates who applied for an advertised vacancy; and, where an appointment made in this manner involves promotion, it will be subject to appeal but only by those who applied for the advertised vacancy.

(2) If the Commission advertises a vacancy it must –

- (a) Publish the advertisement in the Official Circular or in some other suitable manner;
- (b) Provide at least 14 days between the date of the first advertisement for a vacancy and the deadline for receipt of applications for that vacancy.

(3) Every application for a vacancy must be in writing and shall include all such information as the Commission requires as specified in any advertisement.

## **17 Educational qualifications for appointment**

The Commission may specify a standard of education required as a minimum qualification for appointment as an employee or for a particular position or class of occupation in the Service.

## **18 Medical examination and retirement for medical reasons**

(1) Before any person is appointed as an employee, that person must furnish to the Commission at his own expense an up-to-date certificate or report on his general state of health and fitness by a registered medical practitioner or medical officer approved by the Commission.

(2) Every employee must if called upon, furnish to the Commission a medical certificate or report on the employee's general state of health and fitness to continue in employment.

(3) If an employee has become inefficient or becomes unable to properly perform the employee's duties because of chronic or continuous illness, or change in nature of a disability, the Commission may require the employee to retire from the Service.

(4) An employee who provides to the Commission 2 independent medical reports supporting that employee's retirement for medical reasons may apply to the Commission to retire as medically unfit for further duty, and the Commission must grant such retirement if satisfied that the medical reports are valid.

## **19 Criteria for appointment**

(1) All appointments shall be made on merit.

(2) The Commission must determine the merits of an applicant for appointment to the Service by the applicant's –

- (a) Work experience and competence shown in the performance of duties previously carried out in the Service or elsewhere; and
- (b) Relevant educational and other qualifications; and,

- (c) Personal qualities, characteristics and attributes relevant to the position to be filled; and
  - (d) Any other factor specified by the Commission.
- (3) The Commission may only appoint a person to a position in the Service, who –
- (a) Is available to take up the position within a reasonable time; and,
  - (b) Has met at least the minimum qualifications criteria established for the position.
- (4) A member of the Commission who wishes to apply for a position in the Service must not be a part of the interview panel.

## **20 Form of appointment**

- (1) The Commission may appoint an employee only –
- (a) In the case of a permanent employee or a probationer, by issuing a letter of appointment setting out the employee's position and capacity, and the salary and grade to which the employee has been appointed;
  - (b) In the case of a contract employee, by entering into a contract with specific terms and conditions;
  - (c) In the case of a temporary employee, by entering into a contract with specific terms and conditions of employment.
- (2) Except where express conditions of employment are provided in respect of a contract employee or a temporary employee, the conditions of employment shall be as provided in these Regulations and the Manual.

## **21 Effective date of appointment and promotion**

- (1) The date of the document of appointment or promotion is the date the appointment or promotion is effective unless the document of appointment or promotion states otherwise.
- (2) When a person is appointed or promoted to a position in the Service, the salary in respect of that position is payable from the date on which the appointment takes effect.

## **22 Appointment to specified offices**

- (1) Before appointing a person to a specified office, the Commission must, in a manner that is consistent with its responsibilities under articles 68 and 69 of the Constitution, consult the Minister to whom primary responsibility for the department is allocated.
- (2) Appointment to a specified office shall be for a term not exceeding 3 years and the appointment shall terminate at the end of the period specified in the contract without further notice by the Commission.
- (3) On the termination of appointment to a specified office, a permanent employee shall, unless reappointed to that office or appointed to another specified office, be transferred to another position in the Service on conditions no less favourable than those that applied to the employee at the time of appointment to the specified office.

**23 Statutory declaration**

Every employee must, on taking up employment in the Service, complete a statutory declaration in a form approved by the Commission to the effect that the attention of the employee has been drawn to the general conditions of employment contained in these Regulations and the Manual, including specifically regulations 4, 5, 11, 12 and 53.

**24 Permanent employees**

No person under the age of 18 years at the time of appointment shall be a permanent employee.

**25 Probation**

(1) Subject to paragraphs (2) and (3), a person who is appointed to the Service, other than as a contract or temporary employee, is on probation for a period of not less than 3 months or more than 6 months, as the Commission determines.

(2) The Commission may waive the probation period of an employee who has previously been employed in the Service for 12 months or more.

(3) At the expiry of an employee's period of probation, the Commission may by notice in writing to a probationer –

(a) Extend the employee's period of probation for a specified period not exceeding 3 months; or

(b) Confirm or annul the employee's appointment.

(4) Unless an earlier or later date is specified in the notice, the extension, confirmation or annulment under paragraph (3) takes effect on and from the date of the notice.

(5) If 30 days elapse following the period of probation and the Commission has not taken action under paragraph (3), the appointment of that employee is deemed to have been confirmed.

**26 Contract employee**

(1) The Commission may, in the best interest of the Service, enter into a contract of service for a specific task or purpose for a specified period with any person who is not a permanent employee of the Service.

(2) A contract entered into under paragraph (1) –

(a) Will be governed by its express terms and conditions and, to the extent that they are not inconsistent with the contract, by these Regulations as they apply to permanent employees; and,

(b) Shall be for a term not exceeding 3 years, but may be renewed or extended for such period as considered necessary by the Commission; and

(c) May be terminated at any time by the Commission on account of serious misconduct by the employee.

(3) Where the appointment of the contract employee is to a specified office, the appointment is subject to regulation 22.

(4) A contract employee who is subsequently appointed as a permanent employee may apply to the Commission to have the period of contract employment included as service as a permanent employee.

**27 Temporary employee**

(1) Temporary employees may be engaged and discharged as considered necessary on terms and conditions of employment determined by the Commission.

(2) A temporary employee who is subsequently appointed as a permanent employee may apply to the Commission to have the period of temporary employment included as service as a permanent employee.

**28 Cessation of employment**

(1) Cessation of employment in the Service may occur by –

- (a) In the case of a contract employee or a temporary employee, the end of the term of the contract; or;
- (b) By notice under this regulation; or,
- (c) Retirement on medical grounds under regulation 18, by choice, or under regulation 29(2); or,
- (d) Forfeiture of office under regulation 69;
- (e) Dismissal as the ultimate disciplinary measure; or
- (f) Death.

(2) The employment of every permanent employee or contract employee can be terminated by either party giving at least 3 months written notice.

(3) If a permanent employee gives the Commission less than 3 months notice, the Commission may –

- (a) Require a minimum of 3 months notice, or
- (b) The Commission may accept a shorter period of notice, or
- (c) May terminate the employment forthwith.

(4) The employment of a temporary employee may be terminated by either party giving at least 2 weeks written notice.

(5) If a temporary employee gives the Commission less than 2 weeks notice, the Commission may –

- (a) Require a minimum of 2 weeks notice, or
- (b) The Commission may accept a shorter period of notice, or
- (c) May terminate the employment forthwith.

**29 Retirement from the Service**

(1) A permanent employee who has completed not less than 10 years of actual service may apply for retirement from the Service at 50 years of age.

(2) All permanent employees must retire at 55 years of age.

**30 Re-employment**

The Commission shall not employ as a permanent employee any person who has been dismissed from the Service.

CANDIDACY AND MEMBERSHIP OF ASSEMBLY OR VILLAGE COUNCIL

**31 Candidacy**

(1) When an employee decides to become a candidate in the Assembly or a Village Council election he must forthwith give notice in writing to his Head of Department who must notify the Commission as soon as possible.

(2) An employee who becomes a candidate for election as a member of the Assembly must be placed on leave of absence and the leave must commence no later than nomination day and must continue until the day after polling day.

- (3) During leave of absence under paragraph (2) the employee must –
  - (a) Not be required or permitted to carry out any official duties in the Service; and
  - (b) Not be entitled to receive any salary or other remuneration as an employee in respect of that period except to the extent to which during that period any leave with pay to which the employee is entitled is taken.
- (4) Except as provided in paragraph (3) the rights and entitlements of the candidate as an employee are not to be affected by the candidacy.

**32 Membership of the Assembly or Village Council**

- (1) An employee who has become a candidate for election to the Assembly or to a Village Council must, if the employee's candidature is successful, give notice in writing to the Commission through the Head of Department stating he has been elected and declare whether he accepts the membership.
- (2) An employee who has been granted leave of absence under article 18 of the Constitution must not, except with the Commission's consent –
  - (a) Carry out any official duties in the Service; or
  - (b) Receive any salary or other remuneration as an employee for the period of leave of absence other than leave with pay to which the employee is entitled or for any official duties performed that have been authorised by the Commission under this paragraph.
- (3) Subject to paragraphs (1) and (2) the rights of a person as an employee are not to be affected by membership of the Assembly or of a Village Council.

GRADING AND PROMOTION

**33 Permanent positions to be graded**

- (1) The Commission must, to the extent that it considers practicable, organise positions in the Service into occupational groups or classes.
- (2) The Commission must divide each occupational group or class into professional, technical, and support service grades.
- (3) The Commission must place every employee, other than a contract employee or temporary employee, in a suitable grade.

**34 Determination and allocation of grades in the Service**

- (1) The Commission must allocate, and determine the date of application (whether before, on, or after the date of the determination) of a grade and salary to a position, having regard to –
  - (a) Any minimum qualifications required for the position;
  - (b) The level of responsibility the position entails;
  - (c) The experience and skill required for the position.
- (2) There is no right of appeal against the Commission's allocation of a grade and its determination of the date of application of that grade for any position.
- (3) The Commission must from time to time conduct a review of the grading of the positions in Service and in so doing must ascertain whether or not there is any need to adjust the salary scale or grading structure, having regard to the criteria in paragraph (1).

**35 Application for review of grading**

(1) Notwithstanding regulation 33(3), a Head of Department may apply to the Commission for a review of the grading of a position within the department.

(2) If the grade of the position has not been reviewed in the three years immediately prior to the application, a permanent employee may apply in writing to the Commission for a review of the grading for the position he occupies.

(3) On receipt of any application under paragraph (2) the Commission must review the grade of the position in question and notify the employee of its decision.

(4) An employee who is not satisfied with the decision given under paragraph (3) may, within 14 days after notification of the Commission's decision, apply to the Appeals Committee for a review of the application.

**36 Performance assessment report on employees**

(1) At least once every 12 months each Head of Department must provide to the Commission in respect of each employee in the department, a performance assessment report according to criteria determined by the Commission.

(2) At least once every 12 months the Commission must provide a performance assessment report to Cabinet –

(a) In respect of the Secretary to the Government, after consultation with the Premier; and

(b) In respect of Heads of Department, after consultation with the appropriate Minister.

**37 Advancement on merit**

(1) The Commission may direct that an employee may not proceed beyond a specific point in the salary range of the relevant grade, or it may approve advancement if the Commission is satisfied that the employee's assessed performance warrants the advancement.

(2) The Commission may direct that an employee may not proceed beyond a specific salary point until he has passed any qualifying examination or complied with any professional standard that the Commission specifies.

(3) The Commission may accelerate the increase in salary of an employee within the given grade for the position held by that employee, or it may instead approve the payment to an employee of a special grant where –

(a) The employee has successfully completed a relevant course of studies or achieved a professional standard which in the opinion of the Commission is deserving of a special consideration; or

(b) In any other case of outstanding merit.

GENERAL CONDITIONS OF EMPLOYMENT

**38 List of employees**

The Commission will publish annually a list of all employees, in such a form and with such particulars as the Commission determines.

**39 Allowances**

The Commission may make provision in the Manual for the classes or types, and the nature and rates of allowances employees may receive in addition to their remuneration or, as additional terms and conditions of employment.

**40 Hours of attendance**

(1) The Commission must determine the hours of attendance to be observed by all employees.

(2) The total ordinary time per week must not exceed 40 hours.

**41 Additional hours of duty**

(1) Any employee who is called upon by the head of department to work additional hours must work such hours as required.

(2) Payment or time off in lieu for additional hours must be made at such rates and conditions as the Commission determines.

**42 Records of attendance**

In every department attendance books or other records of attendance must be kept, and in a form and with such particulars as determined by the Commission.

**43 Absence from place of employment**

No employee may leave the place of employment during the prescribed hours of attendance, except on official business or with the permission of the controlling officer.

**44 Care of government stores and property**

Every employee must exercise strict care and economy in the use of plant, equipment, stores, stationery, documents and other property of the Government.

**45 Accounts and government money**

Every employee must exercise strict care in the handling of money held on behalf of the Government, and in the observance of all instructions relating to accounts and the collection, receipt, custody or payment of Government money.

**46 Borrowing and lending of government money and property**

No employee shall –

(a) Seek from another employee any unauthorised loan or allowance from money held by that other employee as a receiver of public money;

(b) Make any unauthorised loan or allowance out of money paid to or held by the employee as a receiver of public money;

(c) Unlawfully authorise the expenditure, the use, or the lending of public money, stores, equipment or other property of the Government;

(d) Borrow any item of stores, equipment, plant or other Government property for personal use.

**47 Liability or commitment not to be incurred**

No employee may, without proper authority, incur or attempt to incur any liability or commitment, or make or vary or attempt to make or vary any contract on behalf of the Government.

**48 Secondary employment and participation in private business**

(1) Every employee who expects to be appointed or to be elected to any paid office in connection with any commercial or industrial or other business, or to undertake any private practice of any profession or trade or be involved in the management or work of any business whether or not owned by him, must first apply in writing to the Commission for approval.



(2) Notwithstanding paragraph (1), an employee may engage in subsistence agriculture, fishing or hunting activity outside working hours.

(3) Nothing in this regulation prohibits an employee from becoming a member or shareholder of an incorporated body.

#### **49 Service on statutory authorities**

An employee must inform the Commission after accepting a nomination or appointment as a judicial officer, a member of a statutory authority, board, or committee (whether established by enactment or otherwise), or other Cabinet nomination or appointment.

#### **50 Conflict of interest**

(1) If the employee becomes aware of any potential or actual conflict of interest between the employee's official duties, responsibilities and obligations and the employee's personal interest, whether directly or indirectly, the employee must inform the Head of Department and the Head of Department must inform the Commission accordingly.

(2) Examples of a conflict of interest include situations where –

- (a) An individual or organisation with which an employee is involved is given preferential treatment (whether by access to goods and services or access to inside information) over any other individual or organisation; or
- (b) An employee has a financial or other interest or undertaking that could directly or indirectly compromise the performance of the employee's duties, or the standing of the employee's department in its relationships with the public, clients, or Ministers.

(3) The Commission must take the necessary steps to emphasise to employees their obligation to avoid, minimise or prevent involvement in any situation where there will be a likely or actual conflict of interest.

#### **51 Restrictions on remuneration**

Except with the express approval of the Commission, no employee may receive or accept otherwise than for the use of the Government, any gratuity, fee, reward, refund or other remuneration of any kind whatsoever, except –

- (a) The employee's salary and any allowance owing to the employee by the Government for services performed for the Government, or for attendance in an official capacity or under a subpoena or order to give evidence or produce documents in court;
- (b) A refund for any necessary and reasonable expenses incurred and paid for the employee in the performance of a service for the Government or in attending at the court.

#### **52 Solicitation, acceptance of gifts or bribery**

(1) No employee shall, directly or indirectly, solicit or accept gifts or presents or gratuity or other valuable consideration from any person, either directly or indirectly, in relation to any matter connected with the duties and responsibilities of the employee.

(2) Nothing in this regulation prohibits the acceptance by an employee –

- (a) Of a gift made as a token of courtesy according to local custom; or
- (b) Of a gift presented to the employee on retirement from the Service or on transfer from one locality to another; or
- (c) Of a presentation from fellow employees.

**53 Restriction on official information**

(1) For the purpose of this regulation official information includes any document, electronic storage device or instrument or item of equipment capable of recording and or retaining information or data whether in writing, print, graphics, film, voice, sound or in any other form.

(2) No employee shall use, remove or cause to be removed, copy by whatever means or process, give to another person or party, damage or destroy, or howsoever dispose of any official information unless it is specifically authorised.

(3) No employee shall use for any purpose, other than for the proper discharge of his official duties any information gained by or conveyed to an employee through his connection with the Service.

(4) No employee shall make any communication to the media or to any person outside the Service –

(a) On matters affecting the Service, without the consent of the Commission;

(b) On matters affecting the Government, without the consent of the responsible Minister.

**54 Outside influence**

(1) No employee may solicit the influence of any person in order to obtain an advantage on any matter concerning him, a friend or relative in the Service whether it relates to promotion, transfer, discipline, investigation or any other matter.

(2) Nothing in this regulation applies to evidence given on behalf of an employee before a court, or the Appeals Committee, or to representations made by the Service Organisation or to any application or representations made to the Commission in accordance with these Regulations or the Manual, or to any request by an employee for a certificate of employment, or a character reference intended for a purpose outside of the Service.

**55 Transfer and redeployment of employee**

(1) The Commission may transfer any employee, and the employee so directed must move accordingly and perform the duties assigned.

(2) Subject to the exigencies of the Service, the Commission shall give an employee at least 1 week's notice of its decision to transfer the employee.

(3) The conditions of employment of an employee transferred under paragraph (1) shall be no less favourable than those that the transferred employee was entitled to receive at the date of the transfer.

(4) A transfer may be made –

(a) At the request of the employee; or

(b) Where the Commission decides that the transfer is in the interests of departmental efficiency or desirable on the grounds of administrative convenience; or

(c) Under regulation 76(3); or

(d) Under regulation 75(1)(c).

(5) In consultation with the Commission, the Cabinet or the Minister responsible may redeploy an employee by releasing that employee for a specified period and on agreed terms and conditions, to be engaged on an approved community project, or other work outside of the Service, provided the principal duties and responsibilities of the employee will not be adversely affected.

(6) Any decision as to transfer by the Commission shall be final and not subject to appeal or judicial review.

**56 Rent for accommodation**

Where the government provides an employee with accommodation, any rent payable in respect of that accommodation may be deducted from the employee's remuneration or from any other money due to the employee without further authority other than this regulation.

**57 Authority to take money for unpaid debt to the Government**

If an employee owes a debt to the Government which has been outstanding for at least 6 months, and the employee acknowledges in writing to the Commission that he owes the debt, then the Commission may authorise the deduction of a reasonable amount from the employee's fortnightly salary, not exceeding 10% of the employee's net after tax salary.

LEAVE

**58 Annual leave**

Every employee must be granted annual leave as the Commission may direct.

**59 Special leave**

In special cases the Commission may grant special leave of absence with or without pay on such terms and conditions as the Commission may determine.

**60 Maternity leave**

(1) Female employees may be granted maternity leave for such periods and subject to such conditions as the Commission determines, provided the employee has been in the Service for not less than 12 months immediately prior to application for maternity leave.

(2) Where a female employee has been granted maternity leave, that employee may receive up to 60 consecutive days leave on full pay, and a further 30 consecutive days on 50% pay, at current salary, payable fortnightly from the commencement of the maternity leave period.

(3) The Commission may, upon application, approve a period of up to 6 months at any one time of maternity leave to be counted towards continuous service and contributory service.

**61 Paternity leave**

A male employee may be granted 5 consecutive days paternity leave with pay in the event of the birth of his child.

**62 Contract and temporary employee leave**

(1) Leave of any kind for a contract employee is either stipulated in the contract document or, if not so stipulated, is the same as for permanent employees.

(2) If not otherwise determined by the Commission, leave of any kind for a temporary employee shall be the same as for permanent employees.

**63 Retiring leave**

Every employee who qualifies under criteria established by the Commission shall be entitled to retiring leave based on the length of the employee's service, and on terms and conditions determined by the Commission.

**64 Payment for leave on death of employee**

On the death of an employee the Commission may approve payment to the surviving spouse or dependants of the estate of any amount equal to the salary or wages that could have been granted to the deceased for any annual leave, retiring, and other leave due if he or she had retired on the date of death.

**65 Sick leave**

(1) Every employee must be granted sick leave on account of sickness or accident for such periods as determined by the Commission.

(2) No employee shall absent himself from duty under a false plea of sickness or accident.

**66 Long service leave**

Long service leave may be available for such class or classes of employee on such terms and conditions as are determined by the Commission.

**67 Bereavement leave**

(1) Employees shall be granted 5 days bereavement leave for immediate family members.

(2) In this regulation, "immediate family" means the spouse, child, mother, father, brother or sister.

**68 Public holidays**

(1) Holidays prescribed by any enactment must be observed in the Service.

(2) Cabinet may declare additional holidays to be observed by members of the Service as "Public Service Holidays".

**69 Forfeiture of employment**

(1) An employee who is absent from duty, or who fails to return to duty, and in either case continues to be absent without permission for a period of 4 weeks or more, forfeits office.

(2) Notice of the effect of this regulation must during such absence, but not sooner than 14 days after the first day of such absence, be sent to the employee by letter or facsimile to the employee's usual or last known place of abode. An employee who returns to duty before the expiration of the week beginning with the day after the date on which notice is so sent or the expiration of 4 weeks absence from duty, whichever is the later, does not forfeit office under paragraph (1).

(3) If the employee subsequently satisfies the Commission that there was a valid reason for the absence and for the failure to inform the Commission earlier of that reason, the Commission may reinstate the employee and in such case the employee will be deemed not to have forfeited office, but to have been on leave from the Service during the period of absence.

DISCIPLINARY PROVISIONS

**70 Compliance with instructions and employee complaints**

(1) Every employee must carry out all lawful instructions given by the controlling officer.

(2) An employee who considers there is ground for complaint arising out of an instruction given in the Service, or harassment, or threatening behaviour from another employee or from any other cause, may report the matter to the Head of Department or to the Commission.

**71 Unsatisfactory performance**

Where it is found that the work or conduct of an employee is unsatisfactory but not of such nature as to warrant the taking of disciplinary proceedings before the Commission, the Head of Department or the controlling officer must draw the attention of the employee to his shortcomings and a record of the action taken must be made and copied to the Commission.

**72 Allegations for disciplinary action**

(1) Where the Head of Department believes that the work, conduct, behaviour or attitude of an employee is such that disciplinary proceedings should be instituted the Head of Department must report the matter to the Commission, and the report must include all necessary factual evidence.

(2) Where the Commission is in receipt of a substantiated complaint or report from another employee or member of the public, the Commission must request the department for a report on the matter before deciding whether to pursue disciplinary proceedings.

**73 Disciplinary proceedings**

(1) Disciplinary proceedings must be instituted if the Commission is satisfied that sufficient evidence exists to act under regulation 72.

(2) Disciplinary proceedings must commence with the Commission serving the employee with written notice of the complaint, stating whether by act or omission the employee has –

- (a) Behaved in an improper manner in carrying out official duties; or
- (b) Behaved in a manner that has affected or is likely to adversely affect the performance of his duties; or
- (c) Behaved in a manner that has brought or is likely to bring the Service into disrepute; or
- (d) Failed to comply with these Regulations.

(3) The employee must reply to the Commission in writing within a reasonable time to be specified in the notice, stating –

- (a) Whether the truth of the complaint is admitted or denied; and,
- (b) Any further explanation that the employee wishes to make in respect to the complaint.

(4) If the employee does not deny the truth of the complaint or decides not to reply to the notice within the time specified, the employee is deemed to have admitted the truth of the complaint.

(5) The Commission must then proceed to consider and determine the matter taking into account any reply, together with the report by the department and such other reports as may have been obtained that are relevant.

(6) If, after the expiry of the time specified, and the employee has in writing denied the truth of the complaint, the Commission decides that the complaint should be investigated it may appoint a person or persons specifically for that purpose, and that person or persons must hold an inquiry into the complaint.

(7) The person or persons appointed under paragraph (6) may summon and examine on oath any person, including the employee, whose evidence may be necessary or material.

(8) The employee in respect of whom the complaint is made is entitled to be present at all times during the enquiry and may be represented by counsel or an agent or the Service Organisation and shall be entitled either personally or through an adviser to make representations, call evidence (including giving evidence personally), and cross-examine other witnesses who give evidence, in respect of the complaint.

(9) After holding the inquiry, the person or persons appointed under paragraph (6) must report to the Commission on whether or not the inquiry is of the opinion the complaint is true or untrue, and must also forward to the Commission a copy of all evidence taken at the enquiry.

(10) If the truth of the complaint is admitted by the employee, or if the Commission after consideration of the reports relating to the complaint and any reply or explanation furnished by the employee and the department, and after such further investigation or inquiry (if any) as is considered necessary, is satisfied as to the truth of the complaint, the Commission may, after taking into account the service record of the employee, impose one or more of the penalties contained in regulation 75.

(11) If, in respect of any complaint made against an employee, the Commission does not find the complaint against the employee established, the employee must be declared to be not guilty and must be notified by the Commission in writing accordingly.

(12) The Commission must within 14 days of deciding any complaint against an employee under this regulation, notify the employee in writing of the decision.

(13) The procedure for dealing with a disciplinary matter in the case of a Head of Department is the same as for other employees.

(14) In the case of a disciplinary matter concerning the Secretary to the Government the Commission, using the same procedures, may institute disciplinary proceedings either at the request of the Premier, or at its own initiative.

#### **74 Conviction for offence**

(1) An employee who has been convicted of a criminal offence in Niue or elsewhere must notify his Head of Department who must in turn notify the Commission.

(2) In determining whether disciplinary proceedings should apply to an employee convicted of an offence, the Commission must take into account the nature and seriousness of the criminal offence and the penalty imposed by the court.

#### **75 Penalties**

(1) Subject to paragraph (2), if an employee is convicted of an offence, or if the Commission is satisfied of the truth of the allegations made in a notice under regulation 73 against an employee, the Commission may –

- (a) Dismiss the employee without notice forthwith; or
- (b) Dismiss the employee with notice; or
- (c) Assign the employee to other duties; or
- (d) Reduce the salary of the employee; or
- (e) Reprimand and warn the employee; or
- (f) Put the employee on probation for a specified period.

(2) The Commission may impose one or a combination of more than one of the above penalties, but where an employee is dismissed, the Commission may not impose additional penalties.

**76 Suspension**

(1) An employee who for the time being is considered by the Head of Department to be unfit to perform his duties properly shall be suspended from duty by the Commission until the employee is, in the opinion of the Head of Department and the Commission again capable of performing his duties effectively.

(2) An employee who has been charged with a criminal offence punishable by imprisonment for a term of one year or more, must be suspended from duty by the Commission until the matter has been determined.

(3) An employee who has been served with a notice of complaint under regulation 73 may be transferred to another position or be suspended from duty by the Commission pending the determination of the complaint.

(4) The Commission may at any time revoke any suspension made under this regulation if the circumstances warrant.

(5) Suspension under this regulation may be with or without pay as the Commission determines.

(6) Unless the Commission otherwise directs, an employee who has been suspended under paragraph (2) without pay and is subsequently found not guilty of the offence, whether it is criminal or a disciplinary proceeding to which the suspension relates or the allegations against the employee are not proved, must be paid any loss of earnings suffered while so suspended.

**77 Incriminating questions**

(1) No employee may refuse to answer a question properly asked under these Regulations solely on the grounds that it could lead to disciplinary proceedings being taken against himself or another employee.

(2) An employee who refuses to answer incriminating questions is entitled, before answering any questions, to consult a lawyer, or a Service Organisation representative, or any other person.

APPEALS

**78 Right of appeal of permanent employee**

(1) Only permanent employees have a right of appeal and an appeal may be made –

- (a) Against any determination of the Commission to appoint any person other than an employee or to promote any employee to a position on the permanent staff with a higher salary grade than that of the appellant;
- (b) Against a decision of the Commission made under regulations 72 and 73 that a complaint is established;
- (c) Against a review of grading under regulation 35(4).

(2) The Appeals Committee shall hear all appeals made under these Regulations.

**79 Situation where no appeal lies**

Notwithstanding regulation 78 no appeal may lie against any determination of the Commission –

- (a) Transferring an employee from one position to another at his existing salary and grade pursuant to regulations 16 and 55; or
- (b) Appointing a person to a position for which the intended appellant himself had not applied; or

- (c) Appointing a person as a contract or temporary employee; or
- (d) In respect of the position of the Secretary to the Government.

**80 Appeals Committee**

(1) The Public Service Appeals Committee established under the Niue Public Service Regulations 1979 is continued in accordance with these Regulations.

(2) The Appeals Committee must consist of –

- (a) A Chairperson to be appointed by Cabinet;
- (b) An employee or retired employee appointed as official member by the Commission;
- (c) An employee appointed by the Commission on the nomination of the Service Organisation.

(3) No member shall act on the Appeals Committee in any appeal affecting an employee of the department in which the member is an employee, or in any appeal affecting himself, a friend, a relative or associate.

(4) Public notice shall be given of every appointment to the Appeals Committee.

(5) Each member is to be paid such remuneration as the Cabinet determines on the recommendation of the Commission.

**81 Appeals Committee procedures**

(1) A person who wishes to appeal a determination of the Commission may lodge a notice of appeal with the Commission within 14 days after the Commission's determination has been made known.

(2) The Commission must, within 7 days of its receipt, forward to the Chairperson of the Appeals Committee a notice of appeal lodged in accordance with these Regulations.

(3) The Appeals Committee must sit at such place and at such time as determined by its Chairperson.

(4) The Appeals Committee must determine its own procedures and may receive such evidence in such manner as it thinks fit, whether or not that evidence would be admissible in a court of law.

(5) After it has considered an appeal, the Appeals Committee must convey in writing to the Commission its findings stating –

- (a) Whether the appeal should be allowed or disallowed; and,
- (b) Whether, in the case of an application for a review of grading, the grading of the applicant should be adjusted or not.

(6) The Appeals Committee may add to its findings any recommendation or comment it thinks appropriate.

(7) If any appeal is, in the opinion of the Appeals Committee, frivolous or vexatious, the Committee shall dismiss the appeal and may in any such case require the appellant to pay to the Government all or such part as the Committee may specify, of the costs of the appeal.

**82 Appeal decision**

(1) The Commission must notify the appellant of the findings and recommendations of the Appeals Committee together with the decision of the Commission on the findings.

(2) The Commission's decision on the appeal is final.



## Public Service Regulations

### TRANSITIONAL AND REPEAL PROVISIONS

#### **83 Transitional provision**

The transition from the Niue Public Service Regulations 1979 to the Niue Public Service Regulations 2004 is provided for in the Schedule.

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### SCHEDULE

(Regulation 83)

#### TRANSITIONAL PROVISIONS

- 1** These Regulations take the place of the Niue Public Service Regulations 1979. They provide for the management, work conditions and employment rules of the Service in accordance with the Constitution.
- 2**
  - (1) All employees appointed after the commencement of these Regulations shall be governed by these Regulations.
  - (2) Employees appointed before the commencement of these Regulations shall be governed by these Regulations unless otherwise specified in this Schedule, but in no case on terms less favourable than those that applied to them immediately before the commencement of these Regulations.
- 3**
  - (1) Employees in specified offices at the commencement of these Regulations shall continue in their current office on the terms and conditions agreed under the revoked Regulations that applied to them immediately before the commencement of these Regulations.
  - (2) If the term of appointment to a specified office was for an agreed period of time, the holding of that office shall terminate at the time then agreed.
  - (3) On the termination of the period under paragraph (2) the Commission shall, if the office remains an office of the Service, advertise the vacancy, or reappoint the employee to the office.
  - (4) The employee whose term has expired and who has not been reappointed may apply for the vacancy and may, in accordance with these Regulations, be reappointed to it by the Commission.
  - (5) The employee whose term has expired and who has not applied or not been reappointed shall –
    - (a) Continue in the Service under these Regulations, and
    - (b) In such office as the Commission directs, and
    - (c) On conditions not less favourable than those that applied to the employee in the exercise of the specified office.
  - (6) An employee whose term in a specified office has expired shall, if the office ceases to be an office in the Service shall –
    - (a) Continue in the Service under these Regulations,
    - (b) In such office as the Commission directs, and
    - (c) On conditions not less favourable than those that applied to the employee in the exercise of the specified office.

- 4** Any disciplinary proceedings commenced before the entry into force of these Regulations shall continue in accordance with the requirements of the revoked Regulations.
- 5** (1) Any disciplinary proceeding commenced after the entry into force of these Regulations shall be conducted in accordance with these Regulations.
- (2) If the proceedings relate to a matter or incident that occurred before the commencement of these Regulations the proceedings shall be conducted under these Regulations but no greater penalty shall be imposed on the employee than that which could have been imposed under the revoked Regulations.
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