

**Reprint
as at 1 April 1988**



Niue Constitution Act 1974

Public Act 1974 No 42
Date of assent 29 August 1974
Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Foreign Affairs and Trade.

Schedule 2
The Constitution of Niue (English language version)

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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 and commencement

- (1) This Act may be cited as the Niue Constitution Act 1974.
- (2) This Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General, by Proclamation.

Section 1(2): this Act brought into force, at 11 pm on 19 October 1974, by the Niue Constitution Act Commencement Order 1974 (SR 1974/286).

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 Schedule 1 and in its English language version in Schedule 2 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 sections 6 and 7, 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 Sector Act 1988 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.

Section 9: amended, on 1 April 1988, pursuant to section 90(a) of the State Sector Act 1988 (1988 No 20).

Schedule 1
The Constitution of Niue (Niuean
language version)
Ko e Fakatufono-Tohi Fakavē a Niue
(Kua Tohia Ke He Vagahau Faka-Niue)

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Vala I

Ko e Fakatufono Pule Fakatonu a Niue

1 Pule Malōlō faka-fakatufono kua fakavē ki loto he malōlō faka-Patuiki

Ko e pule malōlō faka-fakatufono a Niue kua fakavē ke he Patuiki Fifine Lilifu ke he tonuhia a Niu Silani, ti ko e Kovana Lahi a 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 pehē 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 Fakavē nai, ko e pule malōlō faka-fakatufono 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 malōlō faka-fakatufono ha Niue mo e taute e fālu a gahua mo e tau malōlō kotofa, tuga he toka i loto he tau fakatufono-tohi.

Vala I—*continued*

3 Tau Ikipule kua taha ni e totouaga he ha lautolu a tau malōlō 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) Ato ke he kaeke ko e muiua ke he Matakupu 7 he Fakatufono-tohi Fakavē 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 Fakavē nai.

4 Palemia ha Niue

- (1) To ha ha i ai e taha Palemia ha Niue, ko ia ne fifili ai ke he numera 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
 - (b) Ka eke ke tuku atu he Palemia haana a tohi fakaoti kotofa, kua taute 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 Fakavē 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 ia e 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.
- (2) Ka moua e ia e tau higoa fakatūtū 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.

Vala I—*continued*

- (3) 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.
- (4) 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 fakatūtū 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 malōlō, ti ki a 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)(d) he Fakatufono-tohi Fakavē 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 fakailoaaga ha-gaao ke he haana a 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.
 - (b) 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 vahā loto he nakai tote hifo e 5 e 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 pehē ai kua fakaoti tuai e ia haana a kotofaaga he mole e 5 e tau aho, ka e nakai lafi ki ai e aho ne fono ai e Fono Ekepule Niue, a to kehe ka

Vala I—*continued*

nakai la katoa e tau aho na ti ko ia e Palemia kua ole atu ke he 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 ke toka haana a gahua kaeke—
 - (a) Ko e haana a kotofaaga ke he gahua na kua uta kehe 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
 - (b) 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
 - (c) Kua fakaoti tuai e ia haana a gahua ke he taha toki kua tohi ke he matalima tohi haana mo e tuku atu ke he Fakatonu Fono.
- (2) He vahā 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 vahā 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 pehē kua 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 kua gagao 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

Vala I—*continued*

higoa atu ke he 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 pehenā, 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 Fakavē 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 Fakavē 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 kehe 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 ke 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 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 he 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.

Vala I—*continued*

10 Omonuo Fakamooli

Ko e tau Ikipule takitokotaha 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 Malōlō 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 pehenā 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 (lafī 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 pehē 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.

Vala I—*continued*

- (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 pehē ko e fai taha ia lautolu kua nakai la kotofa, po ke ha mena kua lakafia atu ke he Matakupu 8 he Fakatufono-tohi Fakavē 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 hūhū hāgaao pehē 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 Fakailoaaga 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) Ko e 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 fakatatai 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 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.

Vala I—*continued*

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 mahani 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 Fakavē 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 ke lata mo e fakamooliaga tohi matalima he ha tohi faka-fakatufono kua hagaa 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 faka-Fakafiliaga e Fakamailoga a Niue i loto he tau Fakafiliaga oti.

Vala II

Ko e 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.

Vala II—*continued*

- (2) Kua poaki ai nei ke ha ha he Fono Ekepule Niue—
- (a) Ko e Fakatonu Kupu; mo e
 - (b) Toko uafulu e tau ekepule ke fifili ai he taha vili galo i lalo he puhala viliaga fakalalolagi katoa ke he puhala nai:
 - (i) Toko hogofulu-ma-fa e tau ekepule, takitaha a lautolu ke eke mo hukui he 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 maitua atu ke he Matakupu nai, pihia mo e tau Matakupu 17, 18, 19, 24 mo e 25 he Fakatufono-tohi Fakavē 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 fakatūtū 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 pehē—
- (a) To ha ha i ai 14 e tau maaga ke lata mo e mahani he viliaga; mo e
 - (b) Ko e tau tagata takitokotaha oti kua tonuhia ke eke mo tagata vili ma 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
 - (c) 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 pehē ki a nakai lakafia atu mamao e tokologa po ke tote hifo lahi e toko gahoa ke he numela tagata vili he ha maaga kehe.

Vala II—*continued*

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

17 Higoa he Motu mo e talahauaga he tau nonofoaga he tau tagata vili mo e tau tagata fakatu ke vili ke ai

- (1) Mo e nakai fai fakakaupaaga e tau talahauaga he ha fakatufono-tohi kua fakakite mai ai e tau tonuhia lafi ki luga, ko e taha tagata to maeke ke tonuhia a ia ke eke mo tagata vili he viliaga he tau ekepule he Fono Ekepule Niue, po ke eke mo tagata fakatu vili ki ai he ha viliaga pehenā, kaeke, mo e kaeke hokoia ni—
- (a) Ko ia ko e tagata totou ko e tagata Niu Silani; mo e
- (b) Ko ia kua nofo mau ai i Niue ke he magahala ko e 3 e tau mahina he mogo ia ni fakamua to tohi ole ai a ia ke tohia e haana a higoa ke eke mo tagata vili, po ke mena fe ni kua lata ai, ka tuga ko e talahau ko e taha ne fakatu higoa vili ke vili ki ai, ti kua fai magahala tuai he nofo mau ai a ia i Niue ko e nakai tote hifo he 12 e tau mahina.
- (2) Ke lata mo e kakano he Matakupu nai, ko e taha tagata to maeke ke talahau ai ko e tagata nofo mau i Niue kaeke, mo e kaeke hokoia ni—
- (a) Ko ia kua nofo mooli i Niue; po ke
- (b) Nukua nofo mooli a ia i Niue mo e manatu ke nofo ni mo e ai fai amanakiaga 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

Vala II—*continued*

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 fakaakoaga 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 muiuaaga kua lata mo e haana manako ke he kotofaaga ka e muiua ai ke he tau tauteaga mo e tau fakatokatokaaga faka fakatufono-tohi.
- (2) Kaeke ko e ha tagata gahua pehenā 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 fekafekauaga palepale ia i loto he fekafekauaga ia; po ke
- (b) Ka e kaeke foki kua fai mena aoga ke he mahani he tau mena moua ne moua ia ke he tauteaga po ke fakamakahi 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 fakaatā ai faka Fakatufono-tohi.

Vala II—*continued*

20 Fakatonu Fono he Fono Ekepule Niue

- (1) Ko e kotofaaga Fakatonu Fono he Fono Ekepule Niue kua poaki pehē ke 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 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 magaaoho 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 he fonoaga fakamua he Fono Ekepule he mole e tau viliaga lahi oti, mo e, he taha fonoaga he ha Fono Ekepule kua ui pauaki ma e fekau na he mogo 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 Fakavē 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 magaaoho 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 magaaoho ka fono fakamua ai e Fono Ekepule he mole atu taha Viliaga Lahi; po ke

Vala II—*continued*

- (b) Kaeke kua fakaoti a ia nakai tuai tonuhia ke lata mo e mahani he viliaga ke moua e tau ekepule he Fono Ekepule; po ke
 - (c) 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 magaaho 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 magaaho 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 Fakavē, to nakai fakaaoga ai ke he fonoaga na; po ke
 - (b) Kaeke kua tighau e Fono Ekepule he tuku ke maeke he taha viliaga lahi ke fakahoko ka e nakai la fakahoko ia e viliaga lahi ia, kua poaki ai nai pehē ke fakahoko fakamafiti ai e taha fono he tau tagata ne talahau ko e tau ekepule he Fono Ekepule fakamua to tuku e Fono

Vala II—*continued*

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 hagai ke he uiaga he taha fono motuhia pihia, mo e ko ia foki ke fakamooli e fakamauaga he fono hagai ke he fifiliaga he taha ke taute e tau gahua he Fakatonu Fono. Ko e tagata ka fifili ke taute e tau gahua ia to talahau ai pehē, 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 Fakatufono Fakalatalata, ka fakamooli he Fakatonu Fono ke he matalima tohi haana ke lata mo e tauteaga he haana a mata-gahua, 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 fakataai mo e fifiliaga he Fakatonu Fono, to nakai fai ekepule he Fono Ekepule Niue kua maeke ke fakaatā 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 pehē:

Ko au ko, kua omonuo nai au ke he Higoa he Atua Malōlō Ue Atu pehē, to mahani fakamooli au mo e fua e mahani pipiki mau mooli ke he Patuiki Fifine (po ke Taane) Lilifu [talaha e higoa he Patuiki kua pule ai: tuga he pehē 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

Vala II—*continued*

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 ke 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 Fakavē nai, ko e tau kupu hūhū 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 munitua atu ke he ha fakatufono-tohi, kaeke ko e fai fakatufono-tohi hagai ke he fakakaupaaga ke he ha ekepule ke nakai fakaatā 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 la ko e ha 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.

Vala II—*continued*

- (6) A to kehe ke lata mo e Matakupu 20(9)(a) he Fakatufono-tohi Fakavē 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 malōlō pule he Fono Ekepule Niue to nakai lauia ai ha kua pehē 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 pehē ke fakaoti noa mo e tiaki ai.
- (10) Mo e maitua atu ke he Fakatufono-tohi Fakavē 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 pehē ko e tau vagahau he Fakatonu Fono po ke ha vagahau he ha ekepule ke liliu ai 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 faka-Niue 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 pehē ko e ha

Vala II—*continued*

Fakatufono Fakalatalata po ke Fakatufono-tohi to maeke ke tohia ai ke he vagahau faka-Niue hokoia po ke vagahau faka-Peritania 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 pehē 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 Fakavē 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 pehē, he ha mena kua kitia tonu ai e nakai fetataiaki he vahā loto he ha talahauaga ha ha he liliuaga ke he vagahau faka-Niue mo e liliuaga ke he vagahau faka-Peritania he Fakatufono-tohi Fakavē 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 pehē 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 pehē, kaeke kua ha ha i ai e ha fekehekeheaki he vahā loto he liliuaga ke he vagahau faka-Niue mo e liliuaga ke he vagahau faka-Peritania he ha fakamauaga pehenā 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 faka-Peritania ke maeke ke fakatumau ki ai.

Vala II—*continued*

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

- (1) Ko e malōlō 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 malōlō he ha tohi fakamooli kua foaki atu he Fakatonu Fono i lalo he Matakupu 34 po ke Matakupu 35 ha ha he Fakatufono-tohi Fakavē nai, to nakai maeke ke fai kupu huhū 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 malōlō 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 malōlō 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 Fakafil-
iaga hagai 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 hagai ke he ha fakailoaaga lolomi he lomiaga fakapuloa i lalo he malōlō pule he Fono Ekepule Niue he ha fakailoaaga, he ha pepa, ha 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 Fakavē nai, ke fakakite fakatonu e tau holifono hagai 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 pehenā i loto he Fakafiliaga Lahi ka e nakai ko e ha puhala kehe.

Vala II—*continued***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 magahala ke 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 tutūaga 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 pehē 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 fakailoaaga mo e talahauaga pulega mai he Kau Pule Gahua Fakatufono Niue ke lata mo e Matakupu nai; mo e
 - (b) Ko e kakano he kupu ne talahau ai i loto he Fakatufono Fakalatalata na, po ke fakahuiaga na, ke he manatu he Fakatonu Fono, kua haggao tatai ni mo e tau mena kua fifili ki ai he fakailoaaga 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 fakailoaaga 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;

Vala II—*continued*

- (b) He ha magaaho ke katoa ai he 2 e tau tau mo e 9 e tau mahina mai he aho ne hoko ai e viliaga lahi kua mole ki tua, kaeke kua manako pihia ki ai e Palemia;
 - (c) Kaeke, ha ko e muitua ke he Matakupu 6(3) he Fakatufono-tohi Fakavē nai, ko e Palemia ne ole ki a ia ke tuku e Fono Ekepule ka e fakahoko taha viliaga lahi;
 - (d) Kua taute ai e taha viliaga foou he Palemia ke lata mo e Matakupu 5(4) he Fakatufono-tohi Fakavē 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 mouaga 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 pehē 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 fakailoaaga 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
 - (b) Fakatokatoka, ke lata mo e fakamooli matalima tohi he tau tohi mo e 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 Fakavē nai po ke ha fakatufono-tohi, mo e leveki e tau pepa oti mo e tau tohi fakamooli kua fakamooli ai po ke foaki.

Vala II—*continued*

- (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 Malolō kotofa ke taute fakatufono-tohi

- (1) Ka e maitua ke he Fakatufono-tohi Fakavē 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 malolō 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; pehē e mena ia, ko e tau fakatufono-tohi ke lauia po ke hagai 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 malolō kotofa katoa ne toka i loto he Matakupu nei, ko e tau malolō kotofa ia to hokotia atu foki ke he malolō ke moumou po ke utakene, 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 hagai tonu ki Niue.
- (4) A to kehe ai ni kaeke ko e nakai maitua ke he taha mena he Fakatufono-tohi Fakavē nai, nakai maeke e ha Fakatufono-tohi ke pehē 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 Fakavē 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.

Vala II—*continued*

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 poke utakehe, po ke hiki, po ke ka pehē 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 Tau tauteaga fifili hagarao ke he tau hikihikiaga po ke fakahuiaga he tau fakatokaaga ma e tau mena hagarao ke he tau fakatufono-tohi ma e tau holifono kelea kehekehe po ke tuaga faka-tagata

- (1) To nakai maeke e Fono Ekepule Niue ke kamata fifili atu ke he ha Fakatufono Fakalatalata, po ke ha fakahuiaga fakalatalata ke he ha Fakatufono Fakalatalata ka mole e tukuatuaga fakamua ke he Fono kaeke ke manatau e Fakatonu Fono ko e Fakatufono Fakalatalata po ke fakahuiaga fakalatalata, kaeke kua eke mo fakatufono-tohi ti pehē kua fai tauteaga faka fakatufono-tohi kua hagarao ke he tau mena nei—
- (a) Ko e fakaveaga po ke malolō faka fifiliaga he ha Fakafil-iaga, ka e nakai ko e Fakafiliga Fonua mo e Fakafiliga Fonua Tokoluga; po ke
 - (b) Ko e fakamaamaaga he ha holifono kua talahau ko e vahega holifono kelea; po ke
 - (c) Ko e fakahala kua lago ke he ha tagata kua agahala ha ko e taha holifono kelea; po ke
 - (d) Ko e tapakiaga faka-leoleo po ke fakatokaaga he taha kua tapaki ke he mahani aaki tupe mai he fale puipui; po ke

Vala II—*continued*

- (e) Ko e puhala ke munitua ki ai e fakafiliaga ke lata mo e ha tagata kua hokotaki ha kua pehē kua fai holifono kelea; po ke
- (f) Ko e fakatufono haggao ke he mahani he mouaga he tau fakamooliaga ke lata mo e mahani he fakafiliaga ke moua e tonuhia; po ke
- (g) Ko e utakeheaga he ha tagata agahala po ke liuakima- iaga he ha tagata hola kehe mai i Niue po ke ki Niue; po ke
- (h) Ko e fakatufono haggao ke he fakamauaga hoana/taane; po ke
- (i) Ko e fakatufono haggao ke he vevehe hoana/taane; po ke
- (j) Ko e Fakatufono hiki tama; po ke
- (k) Ko e fakatufono ke he levekiaga mo e tohi poakiaga ke he leveki tama/hoana/hoana kua vevehe—

a to ui atu fakamua ke he Iki Fakafili Lahi ke fai talahauaga haggao ke he tonuhia he mahani he tuaga hako faka fakatufono-tohi, po ke tuaga faka-fakatufono ke he Fakatufono Fakalatalata nei, po ke ha fakahuiaga kua fakalatalata ki ai, ti kia tuku ki mua he Fono Ekepule e talahauaga ia he Iki Fakafili Lahi ke lata mo e ole ia.

- (2) Ka e kaeke, ke lata mo e Matakupu nei, ko e Fono Ekepule ha ko e taha kupu pulega, kua fifili ke ui atu ke he Iki Fakafili Lahi ke fai talahauaga haggao ke he ha Fakatufono Fakalatalata, po ke ha fakahuiaga fakalatalata, ko e poaki nai ke he Fakatonu Fono ke fakafano e lagaki he kupu pulega na fakalataha mo e taha fakamaamaaga haggao ke he fakamauaga he Fono Ekepule ke he mena na, pihia mo e lagaki he Fakatufono Fakalatalata na, po ke fakahuiaga fakalatalata he Fakatufono Fakalatalata kua haggao ki ai, ka e ka kehe e filifiliaga he Fono Ekepule, ko e Fakatufono Fakalatalata na to tiaki ai mo e pehē kua nakai fai aoga.
- (3) Ka e kaeke, ke lata mo e Matakupu nei, kua ui atu ke he Iki Fakafili ke fai talahauaga ke he Fakatufono Fakalatalata, po ke fakahuiaga fakalatalata, ko e poaki nei kia ia mai he uiaga ia

Vala II—*continued*

ke tuku atu e ha talahauaga po ke talahau pehē kua nakai fai talahauaga he kitia e ia kua lata ke taute.

- (4) Ko e magaaho, ha ko e maitua ke he Matakupu nei, ka moua ai he Fono Ekepule e talahauaga he Iki Fakafili Lahi ke he ole ke fai talahau haggao ke he Fakatufono Fakalatalata po ke ha fakahuiaga fakalatalata ke he Fakatufono Fakalatalata, ti tupu mai e fakahuiaga fakafou mo e tuku atu ai ke he Fono Ekepule, ko e tau talahauaga he Matakupu nei to nakai tuai lata ke liu ui atu foki ke he Iki Fakafili Lahi haggao ke he fakahuiaga fakafou na, a to kehe ai ni ka manatu e Fakatonu Fono kua lauia e tuaga hako he mahani faka-fakatufono ka e kua nakai moua mai ai ha talahauaga he Iki Fakafili Lahi he magaaho ne ui fakamua atu ai kia ia ke fai talahauaga.

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
- (b) Tau kotofaaga, fakaholo hake he tau kotofaaga, hikihikiaga he tau kotofaaga, faka okioki mo e gahua, utakehe e gahua, fakaoti fakaku e gahua, mo e fakaoitiaga 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 ha 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 maitua ke he Matakupu nei, haggao ke he tonuhia he mahani faka-fakatufono, tonuhia he mahani faka-fakatufono-tohi

Vala II—*continued*

fakavē po ke ha fakatokaaga faka fakatufono kua lauia ai he Fakatufono Fakalatalata, po ke ha fakahuiaga fakalatalata.

- (2) Kaeke, ha ko e maitua 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 pehē 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 e fakailoaga mai he Kau Pule Gahua Fakatufono Niue haggao ke he Fakatufono Fakalatalata, po ke ha fakahuiaga fakalatalata ke he ha 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 fakavē, 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 lagā 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 pehē ko e Fakatufono Fakalatalata, po ke fakahuiaga fakalatalata kua lauia ai e tau fakatokatokaaga ke he tau mena nai—

Vala II—*continued*

- (a) Ko e fakaveaga he tonuhia ke he ha kelekele Niue; po ke
 - (b) Ko e foakiaga kua kehe he ha kelekele Niue; po ke
 - (c) 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; po ke
 - (d) Ko e fakavēaga, po ke tonuhia faka fakafiliaga he Fakafiliaga Fonua po ke Fakafiliaga Fonua Tokoluga—
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 malolō 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 lauiaga 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 munitua 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 munitua ke he Matakupu nei, kua lata ke pulega po ke kua pehē 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 fakavē ke lata mo e gahua, po ke taute e falu a hikihikiaga kua tonuhia ki ai ke he tau

Vala II—*continued*

fakavāaga ke lata mo e gahua he Kau Kumikumi kaeke ko e mena fai Kau Kumikumi ne fakatu tuai ke lata mo e kumikumiaga ke he mena kua lauia ai e ha fakavāaga 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

- (b) Ka moua mai e talahauaga ia mai he Fono He Tau Ikipule, 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 haggao 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 ha 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 haggao ke he ha Fakatufono Fakalatalata po ke ha fakahuiaga fakalatalata ke he ha Fakatufono Fakalatalata ti pehē kua moua mai ai e taha fakafouaga po ke ha fakahuiaga fakafou, ti pehē ai kua nakai lauia ke he kupu poaki ne pehē 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 fakavē po ke ha fakatokaaga faka fakatufono, ka 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”, haggao ke he tau kelekele Niue, ko e haana kakano ko e ha vala fonua fakatoka kehe ha ko e foaki-

Vala II—*continued*

aga hiki, fakafua tupe, foaki fakaalofa, 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 kelekele, 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-fakatu-fono po ke talahau ko e tonuhia; lafi ai foki pihia kaeke ko e pulega faka-konotuleke ke foaki kua kehe; mo e lafi ki ai e ha liu akiaga po ke hikihikiaga he ha vala kelekele 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 kelekele ke he ha puhala kua fakakite ai nei:

“Fakaveaga he tau vala kelekele 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 kelekele i Niue:

“Tau Kelekele Niue”, kakano ko e tau vala kelekele Niue ne fakavē 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 Fakavē nei, hagaao 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
 - (b) Kua tonuhia ke he manatu he Fakatonu Fono kua talia mo e muitua ke he tau fakatokaaga he Fakatufono-tohi Fakavē nei mo e tau Poakiaga Fakavē ma e Fakaholoaga Fono he Fono Ekepule, ti kua fakamooli ai ke

Vala II—*continued*

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 pe hē 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

- (c) 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 ne fakamooli he Fakatonu Fono ne toka ai e fakamooliaga kua talahau ai.
- (2) Ko e ha Fakatufono Fakalatalata kua eke mo fakatufono-tohi ke tuga mo 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 Malolō kotofa he Fono Ekepule Niue ke uta kehe po ke fakahui e Fakatufono-tohi Fakavē nei

- (1) Ko e ha Fakatufono Fakalatalata ke uta kehe po ke fakahui, po ke fakafoou, po ke fakalaulahi, e ha Matakupu po ke ha vala kupu he Matapatu Fakatufono-tohi Fakavē a Niue 1974, po ke Fakatufono-tohi Fakavē 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 he ha 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 Fakavē nei; mo e

Vala II—*continued*

- (ii) Ko e vili ke eke ke lata mo e totou fakahiku ki a nakai taute a to katoa 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
- (b) 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 o moiaga talia—
 - (i) Kaeke ko e ha Fakatufono Fakalatalata kua utakehe po ke fakahui po ke fakafoou po ke fakalaulahi e taha he tau fakavēaga he tau Matakupu 2 ke he 9 he Matapatu Fakatufono-tohi Fakavē a Niue 1974 po ke tau Matakupu 1 mo e 69 he Fakatufono-tohi Fakavē nai, 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 kehe ne nakai talahau he vala kupu 35(1)(b)(i) ti muitua ni ke he loga he tau vili hako ne moua; mo e
- (c) Kaeke kua talia he Fakatonu Fono pehē kua fakamooli tuai ke he tau puhala kua muitua ke lata mo e Fakatufono-tohi Fakavē nei mo e Tau Poakiaga Fakavē 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 pehē kua muitua 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
- (d) 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.

Vala II—*continued*

- (2) Ko e ha Fakatufono Fakalatalata kua eke mo fakatufono-tohi ke lata mo e tau talahauaga he Matakupu nai to talahau mo e totou ai ko e taha vala he Fakatufono-tohi Fakavē nei mo e maeke ai ke talahau ko e fakahuiaga faka-fakatufono-tohi fakavē.
- (3) A to ke he ni ka talahau pauaki i loto, ko e fakahuiaga faka-fakatufono-tohi fakavē 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 ha Fakatufono-tohi he Fono Ekepule (Palemene) Niu Silani ne fakamooli ai he aho, po ke he ha aho kua mole e Aho Fakakatoatoaaga he Pule Fakamotu, ke pehē kua maeke ke hokotia e fakaaogaaga ki Niue, po ke pehē kua eke ko e taha vala he fakatufono-tohi a Niue, a to pehē 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
- (b) Kua oti tuai he talahau fakamahino i loto he ha Fakatufono-tohi pihia kua pehē 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 Aho Fakakatoatoaaga he Pule Fakamotu, ha ko e munitua ke he ha 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 pehē ai—
- (a) He aho ka taute ai, ko e Fakatufono-tohi ne moua mai ai e ataina po ke haggaaoga ke he talagaaga he fakatufono lafi, ko e mena fitā ni e fakatufono-tohi ia he totou ko e taha vala he tau fakatufono-tohi a Niue; mo e

Vala II—*continued*

- (b) 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
- (c) Kua fakailoa fakamahino ki ai i loto na, pehē, 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) Ko e 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 pehē ko e ha Poakiaga he Kanesila, Fakapuloaaga, tau poakiaga-tohi, tau la fonotohi mo e falu a fakatufono lafi.

Vala III

Ko e Faahi Gahua Fakafiliaga

Ko e Fakafiliaga Lahi a Niue

37 Ko e fakatuaga he Fakafiliaga Lahi

- (1) To ha ha i ai e Fakafiliaga fakamauaga ke fakahigoa ai ko e Fakafiliaga Lahi a Niue, ke gahuahua ai ma e mafola mo e tonuhia ke he mahani he tau fakatufono-tohi i Niue.
- (2) Kua toka ai ke he Fakafiliaga Lahi e tau tonuhia katoatoa (he tau holifono kehekehe mo e tau fekau fakatagata) ke taute e fakafiliaga tonu ke lata ia mo e tau fakatufono-tohi kua fakagahua po ke ne gahuahua ai i Niue.
- (3) Nakai fai fakavēaga, a to kehe ai ni ka ha ha i ai he ha fakatufono-tohi kua fakagahua, ke maeke ke fakakaupa (fafati po ke katoatoa) e tonuhia he faahi fakafiliaga po ke tau malolo kotofa he Fakafiliaga Lahi, po ke ke tuku ai e ha tonuhia katoatoa ke he mahani he fifiliaga ke he ha Fakafiliaga po ke ha matakau fifili fekau a to ha i ai e talahauaga ke eke pihia i loto he fakatufono-tohi Fakavē nei po ke i loto he ha Fakatufono-tohi.

Vala III—*continued***38 Tau Fakafili mo e tau Komisina Fakafili he Fakafiliaga Lahi**

- (1) To ha ha he Fakafiliaga Lahi e Iki Fakafili Lahi mo e falu Fakafili mo e tau Komisina Fakafili kua kotofa ai he tau magahala takitaha, i lalo he Fakatufono-tohi Fakavē nai.
- (2) To nakai maeke ha tagata ke kotofa ke he kotofaaga he Iki Fakafili Lahi po ke Fakafili po ke Komisina Fakafili he Fakafiliaga Lahi a to ha ha ia ia e tonuhia he pulotu po ke lotomatala po ke ha fakatokaaga kua talahau ai he Fakatufono-tohi Fakavē nai, po ke tuga ne talahau mai he taha Fakatufono-tohi.

39 Tau Malōlō Fakafili ha ha he tau Komisina Fakafili he Fakafiliaga Lahi

- (1) To ha ha he Komisina Fakafili he Fakafiliaga Lahi e malōlō, mo e ataina ke fakagahua e tau malōlō ia hagai ke he tau puhala he Fakafili he Fakafiliaga Lahi (po ke fifiliaga fakafili po ke fakagahuahuaaga gahua fakafili, ka e nakai hokotia atu ke he tau gahua kua kotofa pauaki ma e Iki Fakafili Lahi) tuga ne tohia ai he tau fakatufono-tohi ke lata ia mo e kotofaaga Komisina Fakafili po ke tau Komisina Fakafili he Fakafiliaga na, ti ko e tau mena oti he ha fakatufono-tohi po ke la fonotohi kua totou ke he higoa Fakafili he Fakafiliaga Lahi ka e gata mai ni e malōlō fakafili he Komisina mo e tau fafatiaga kua foaki age ki a ia.
- (2) Maeke ke ha kotofaaga he Komisina Fakafili he Fakafiliaga Lahi, kaeke ko e taliaaga he Kau Pule Gahua Fakatufono Niue, ke gahua fakalataha ni mo e kotofaaga he Letisitala he Fakafiliaga ia po ke ha kotofa ni he Kau Gahua Fakatufono Niue po ke ha gahua ni kua fekafekau e tagata ki ai, ti ko e Komisina Fakafili ka kotofa pihia ma e Fakafiliaga Lahi to gahua ni a ia mo e nakai fai lauiaga puipui gahua ki lalo he Kau Gahua Fakatufono Niue.
- (3) Maeke ke fai fakatokaaga i lalo he ha fakatufono-tohi ke fifili he Fakafili he Fakafiliaga Lahi e ha mena ne fakafili he Komisina he Fakafiliaga Lahi ti moua e ole ke liu fifili ki ai.

Vala III—*continued*

Ko e Fakafiliaga Fonua ha Niue

40 Fakatuaga he Fakafiliaga Fonua

To ha ha i ai e taha Fakafiliaga fakamauaga kua fakahigoa ai ko e Fakafiliaga Fonua ha Niue, ke fakagahua mo e fifili e tau fakatokatokaaga tuga ne toka ai i lalo he tau fakatufono-tohi ne fakagahua he mogonei po ke Fakatufono-tohi Fakavē nei po ke ha Fakatufono-tohi pauaki.

41 Tau Fakafili mo e tau Komisina Fakafili he Fakafiliaga Fonua

- (1) To ha ha he Fakafiliaga Fonua e Iki Fakafili Lahi mo e falu a Fakafili mo e tau Komisina Fakafili he Fakafiliaga na kua kotofa ai he tau magahala takitaha i lalo he Fakatufono-tohi Fakavē nai.
- (2) To nakai maeke ha tagata ke eke mo Iki Fakafili Lahi po ke ha Fakafili po ke Komisina Fakafili he Fakafiliaga Fonua a to ha ha ia ia e pulotu mo e lotomatala kua lata po ke ha mena kehe ke lata mo e ha fakavēaga he Fakatufono-tohi Fakavē nei, po ke tuga ne talahau mai he taha Fakatufono-tohi pauaki.

42 Tau Malōlō Fakafili ha ha he tau Komisina Fakafili he Fakafiliaga Fonua

- (1) To ha ha he ha Komisina Fakafili he Fakafiliaga Fonua e malōlō ke fakafili po ke fakagahua e tau gahua he Fakafili he Fakafiliaga Fonua (po ke fifiliaga fakafili po ke fakagahuahuaaga he gahua fakafili, ka e nakai hokotia atu ke he tau gahua kua kotofa pauaki ma e Iki Fakafili Lahi) tuga ne tohia ai he ha fakatufono-tohi ke lata mo e Komisina Fakafili po ke tau Komisina Fakafili he Fakafiliaga ia, ti ko e ha talahauaga ha i ai he ha fakatufono-tohi po ke la fonu-tohi kua tuhi atu ke he ha Fakafili he Fakafiliaga Fonua to totou ia ko e tuhi atu fakalataha ia ke lata mo e Komisina he Fakafiliaga Fonua ke lata mo e malōlō fakafili fafati mo e fakakaupa ha ha ia ia.
- (2) Ko e kotofaaga he Komisina Fakafili he Fakafiliaga Fonua, to maeke, ka eke ke talia he Kau Pule Gahua Fakatufono Niue, he ha tagata gahua he Kau Gahua Fakatufono Niue,

Vala III—*continued*

he ha tagata gahua he Kau Gahua Fakatufono Niue ke eke mo Komisina Fakafili, ka e nakai maeke e Letisitara he Faahi Gahua Fakafili Fonua, ka ko e Komisina he Fakafiliaga Fonua he fakagahuahuaaga he haana a kotofaaga ia to nakai ha ha i ai e malōlō leveki atu he Kau Pule Gahua Fakatufono Niue.

- (3) Maeke ke fai fakatokaaga i lalo he taha fakatufono-tohi ke ole atu ke he Fakafili he Fakafiliaga Fonua ke liu fakafili e ha mena kua fifili he Komisina he Fakafiliaga na.

Ko e Fakafiliaga Fonua Tokoluga a Niue

43 Fakafiliaga Fonua Tokoluga a Niue

To ha ha i ai e Fakafiliaga fakamauaga, ke fakahigoa ai ko e Fakafiliaga Fonua Tokoluga a Niue, mo e kua ha ha i ai e malolō faka-fakafiliaga mo e tau malōlō kotofa kua tuku atu ki ai he fakatufono-tohi ha ne fa e fakagahua ai po ke Fakatufono-tohi Fakavē nai po ke ha Fakatufono-tohi taute pauaki ma e mena ia.

44 Tau Fakafili he Fakafiliaga Fonua Tokoluga

- (1) Ko e Iki Fakafili Lahi mo e falu a Fakafili he Fakafiliaga Fonua a Niue mo e falu a Fakafili he Fakafiliaga Fonua Maori i Niu Silani to eke ia mo tau Fakafili he Fakafiliaga Fonua Tokoluga.
- (2) Ko e toko 2 po ke molea ki luga he numela nei e tau Fakafili (ka e nakai ko e Fakafili ne fifili e fifiliaga he ha taufetoko he Fakafiliaga Fonua) kua toka ai e malōlō kotofa ke eke mo Fakafiliaga Fonua Tokoluga, ka e ko e poaki nei pehē ko e toko 2, po ke tokologa ka molea e toko tolu e tau Fakafili ne taute e fekau, kua maeke ke pulega fakatatai ke moua e tau fifiliaga oti he Fakafiliaga na.
- (3) Ko e Iki Fakafili Lahi he Fakafiliaga Fonua a Niue ke eke mo Fakafili takitaki he ha Fakafiliaga Fonua Tokoluga kua ha ha i ai a ia. Ka nakai nofo ai a ia ko e Iki Fakafili Lahi he Fakafiliaga Fonua Maori a Niu Silani, kaeke kua ha ha i ai a ia, ke eke mo Fakafili takitaki, ka e kaeke kua nakai ha ha i ai a laua tokoua e tau Iki Fakafili Lalahi na, ti ko ia mai he falu a Fakafili

Vala III—*continued*

kua fakamua haana kotofaaga ke taute ai e ia e takitakiaga he fakafiliaga ia.

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

- (1) Ko e Iki Fakafili Lahi mo e falu Fakafili he Fakafiliaga Lahi to kotofa ai he Kovana Lahi ha ko e fakatonuaga ne moua e ia mai he Fono He Tau Ikipule.
- (2) Ko e Iki Fakafili Lahi mo e falu a Fakafili he Fakafiliaga Fonua mo e tau Komisina Fakafili he Fakafiliaga Lahi po ke Fakafiliaga Fonua to kotofa ni he Fono He Tau Ikipule.
- (3) Maeke e tagata ke kotofa mo Fakafili po ke Komisina Fakafili he Fakafiliaga Lahi po ke Fakafiliaga Fonua, pete ni e ha ha ia ia e ha kotofaaga gahua fakafakafili i Niue po ke falu motu foki.

46 Magahala he Kotofaaga he tau Fakafili mo e tau Komisina Fakafili

- (1) A to kehe ai ni kaeke ke ko e muitua atu ke he Matakupu 47 he Fakatufono-tohi Fakavē nei to nakai maeke e ha tagata kua tu e 68 e tau tau moui ke kotofa, po ke fakatumau ke gahua he kotofaaga Fakafili po ke Komisina Fakafili he Fakafiliaga Lahi po ke Fakafiliaga Fonua.
- (2) To nakai fai mena e Fakafili po ke Komisina Fakafili he Fakafiliaga Lahi po ke Fakafiliaga Fonua ke fakahigoa nakai tonu, ha kua pehē kua hokotia tuai a ia ke he tau tau fafati ne talahau mai he Matakupu nei ke okioki ai, po ke kaeke ko e Fakafili po ke Komisina Fakafili ne kotofa i lalo he Matakupu 47 he Fakatufono-tohi Fakavē nei he pehē kua molea tuai e magaaho kotofa.
- (3) Ko e ha Fakafili po ke Komisina Fakafili he Fakafiliaga Lahi po ke Fakafiliaga Fonua, to maeke ke fakaoti e gahua ka tohi atu a ia he haana matalima tohi e tohi fakaoti gahua ke he Palemia.

Vala III—*continued***47 Tau Fakafili mo e tau Komisina Fakafili Hukui**

Ko e Fono He Tau Ikipule kua maeke ia he tau magahala takitaha po ke tau magahala ku ni, ke kotofa e ha tagata, pete ni ko e fiha e haana a tau tau moui, ne kua maeke ke kotofa ke eke mo Iki Fakafili Lahi po ke taha Fakafili po ke Komisina Fakafili he Fakafiliaga Lahi po ke Iki Fakafili Lahi po ke taha Fakafili po ke taha Komisina Fakafili he Fakafiliaga Fonua, ke he magahala kua nakai molea e tau taha, ke tuga kua tohi ki loto he haana tohi kotofa.

48 Hukui Iki Fakafili Lahi he Fakafiliaga Lahi mo e Hukui Iki Fakafili he Fakafiliaga Fonua

- (1) Ka tokanoa e kotofaaga he Iki Fakafili Lahi po ke kua kitia ai pehē ko e Iki Fakafili Lahi, ha ko e taha kakano he magahala ia kua nakai maeke ke taute e tau gahua he haana a kotofaaga to maeke e tau gahua ia ke taute ai he taha Fakafili he Fakafiliaga Lahi, mo e, ti kaeke ko e loga hake he toko taha e Fakafili kua aatā ke taute e tau gahua na, ko ia e Fakafili kua leva e fekafekau ke he kotofaaga ia, ke kotofa mo Hukui Iki Fakafili Lahi ti fakatumau ni a ia ke taute ai e tau gahua na a to kotofa e taha Iki Fakafili Lahi foou ke lata mo e kotofaaga po ke a to liu e Iki Fakafili Lahi pauaki ke he haana a kotofaaga.
- (2) Ka tokanoa e kotofaaga he Iki Fakafili Lahi he Fakafiliaga Fonua po ke kitia ai pehē ko e Iki Fakafili Lahi, ha ko e taha kakano, he magahala ia, kua nakai maeke ke taute e tau gahua he haana a kotofaaga to maeke e tau gahua ia ke taute ai he taha Fakafili he Fakafiliaga Fonua, ti kaeke ko e loga hake he toko taha e Fakafili pihia kua maeke ke taute e tau gahua na, ko ia e Fakafili kua leva e fekafekau ke he kotofaaga ia, ke kotofa mo Hukui Iki Fakafili Lahi ti to fakatumau ni a ia ke taute e tau gahua na, a to kotofa e taha Iki Fakafili Lahi foou ke lata mo e kotofaaga, po ke, a to liu e Iki Fakafili Lahi pauaki ke he haana kotofaaga.

Vala III—*continued*

49 Utakeheaga he tau Fakafili mo e tau Komisina Fakafili mai he tau kotofaaga

- (1) To nakai maeke e ha Fakafili he Fakafiliaga Lahi ke utakehe mai he haana a kotofaaga a to talia ki ai e Kovana Lahi ke eke pihia ha ko e fakatonuaga kua moua e ia mai he Fono He Tau Ikipule, ke lata mo e talahauaga kua toka ai i loto he kupu pulega kua fakamau he Fono Ekepule ke eke pihia.
- (2) To nakai maeke ke utakehe e kotofa he ha Fakafili he Fakafiliaga Fonua, a to talia ki ai e Fono He Tau Ikipule ke eke pihia ke lata mo e talahauaga kua toka ai ki loto he kupu pulega kua fakamau he Fono Ekepule ke eke pihia.
- (3) Ko e Komisina Fakafili he Fakafiliaga Lahi po ke Fakafiliaga Fonua to nakai maeke ke utakehe mai he kotofaaga a to talia ki ai e Fono He Tau Ikipule ke eke pihia ke lata mo e kupu pulega he Iki Fakafili Lahi kua tuku atu ke he Fono He Tau Ikipule ke taute pihia.
- (4) Ko e mena ni ke utakehe mai ai e ha kotofaaga he ha Fakafili po ke Komisina Fakafili, ka eke kua kitia kua nakai lata e malōlō ke eke e haana a kotofaaga (po ke tupu mai ha ko e malōlō haana a tino po ke manamanatuaga po ke ha lekua kehe ni) po ke mahani fakahanoa.

50 Tau Palepale he tau Fakafili mo e tau Komisina Fakafili

- (1) Ko e tau Fakafili mo e tau Komisina Fakafili he Fakafiliaga Lahi po ke Fakafiliaga Fonua to moua e tau palepale mo e tau tupe lafi ki luga mai he taha magahala ke he taha magahala tuga ne toka ai he taha fakatufono-tohi po ke la fonu; ka e kaeke ko e taha Fakafili po ke taha Komisina Fakafili, ne kua kotofa ke he tau fakatokaaga, kua nakai lata ke foaki katoa e tau magaaho ke eke ai e tau gahua he kotofaaga na, to maeke ni ke moua e ia e palepale mo e tau tupe lafi ki luga fakalata ni ke he tau magaaho kua gahua ai a ia, mo e tau fakatokatokaaga he haana a kotofaaga.
- (2) Ko e tau palepale he tau Fakafili mo e tau Komisina Fakafili to moua mai ni he Fakaputuaga Tupe he Fakatufono Niue.
- (3) Ko e tau magaaho he kotofaaga he ha Fakafili po ke Komisina Fakafili, to maeke e haana palepale ke lagaki ki luga, po ke

Vala III—*continued*

eke ai ha ko e lagakiaga katoa he tau palepale po ke ha kakano kehe, ka ko e haana a palepale he magaaho he haana a koto-faaga to nakai maeke ke tuku hifo, a to maeke ni ke taute pihia ka eke kua tuku hifo oti e tau palepale he tau tagata gahua, tuga ka talahau ai he ha la fono-tohi po ke fakatufono-tohi.

Tau Ole ke Liu Fifili mai he Fakafiliaga Lahi

51 Ole he Fakafiliaga Lahi ke liu Fakafili ke he Fakafiliaga Liu Fakafili ha Niu Silani

- (1) Ke lata ma e Fakatufono-tohi Fakavē nai to tuku atu ke he Fakafiliaga Liu Fakafili ha Niu Silani ke moua e fifiliaga fakahiku he Fakafiliaga Lahi—
- (a) Ke lata mo e tonuhia kua fifili e Fakafiliaga Lahi mo e pehe kua lauia lahi e fakatufono-tohi ke he fakamaa-maaga po ke lauia ai ha talahauaga he Fakatufono-tohi Fakavē nei;
 - (b) Ke lata mo e tonuhia, mai he ha fakahalaaga he Fakafiliaga Lahi he haana malolō kotofa, ke fakahala e taha ke he magahala kua molea e ono (6) e tau mahina po ke fakahala ai ke he tau tupe kua nakai tote hifo he \$200 po ke ha fakahala pihia (nakai ko e fakahala kua fakamau he fakatufono-tohi).
 - (c) Ke lata ma e tonuhia, ke pehē ko e mena ne taufetoko ki ai e ole kua lata ia mo e \$400 po ke ki luga.
 - (d) Mai he fakaataaga he Fakafiliaga Lahi kaeke ko e ha mena kehe, kaeke ke pehē e Fakafiliaga kua lauia e ole ke he mena laulahi po ke aoga lahi ma e auloa po ke lauia ai a lautolu kua tonuhia ki ai po ke ha talahauaga kehe ni, kua lata ni ke tuku atu ke he Fakafiliaga Ole ke Liu Fakafili ha Niu Silani ke moua e fifiliaga.
- (2) Ka e nakai lauia ai e vala kupu (1) he Matakupu nei, ko e Fakafiliaga Ole ke Liu Fakafili ha Niu Silani, to maeke, kaeke ke manatu kua lata, ke tuku atu e ole ke he Fakafiliaga ia mai he ha fifiliaga fakahiku he Fakafiliaga Lahi, kaeke kua manatu kua lata mo e tonuhia e puipuiaga he tau totogi kua manatu ki ai e Fakafiliaga Ole ke Liu Fakafili.

Vala III—*continued*

**52 Fakailoaaga he Poakiaga he Fakafiliaga Ole ke Liu
Fakafili he ole ke liu fakafili**

Ko e fakamauaga he Fakafiliaga Ole ke Liu Fakafili ha Niu Silani he ha ole ke liu fakafili mai he Fakafiliaga Lahi i lalo he Matakupu 51 he Fakatufono-tohi Fakavē nei to fakailoa he Letisitala he Fakafiliaga Ole ke Liu Fakafili ke he Letisitala he Fakafiliaga Lahi i lalo he Fakamailoga he Fakafiliaga Ole ke Liu Fakafili, ti ko e filiaga to taute ai he Fakafiliaga Lahi mai he muiuaatuaga ke he faamauaga na po ke ha fakatokaaga ke he ha fakafiliaga foou po ke muiua atu ni ke he fakamauaga fakatoka i loto he Fakafiliaga Lahi.

Tau Lagomatai Fakafili

53 Tau Lagomatai Fakafili

- (1) To kotofa he Fono He Tau Ikipule e tau Lagomatai Fakafili ma Niue, ke he tau magahala kotofa kua tohia ai i loto he tau tohi kotofa ha lautolu.
- (2) Maeke he tokoua e Lagomatai Fakafili ma Niue, ha ko e gahua tokoua, ha ha ia laua mo e maeke ke fakagahua i Niue e taha he tau kotofaaga faka-fakatufono kua tuku ki luga he tau Komisina Fakafili he Fakafiliaga Lahi; ti ko e Matakupu 39 he Fakatufono-tohi Fakavē nei fakalataha mo e tau fakahuihuiaga kua lata, ne talahau ia haggao ai ke he Komisina Fakafili he Fakafiliaga Lahi kua pehē ko e haggao foki ke he tokoua e Lagomatai Fakafili ma Niue; ka e nakai lauia ai e ha Lagomatai Fakafili kaeke ko ia ko e Ekepule he Fono Ekepule Niue po kua hokotia haana tau tau he moui ke he 68.
- (3) Ko e kotofaaga he ha Lagomatai Fakafili ma Niue to nakai maeke ke utakehe e kotofaaga, ka ko e Fono He Tau Ikipule ni ka maeke ke taute pihia mai he fakailoaaga mai he Iki Fakafili Lahi ke taute pihia.
- (4) To maeke he tau Lagomatai Fakafili ma Niue ke moua, ke lata ma e ha gahua kua eke e lautolu, e tau palepale kua lata mai he taha magahala ke he taha magahala tuga ne toka ai i loto he taha la fono-tohi po ke fakatufono-tohi.

Vala III—*continued*Omonuo ke he Mahani Fakamooli mo e
Omonuo faka-Fakafiliaga**54 Omonuo ke he Mahani Fakamooli mo e Omonuo
Faka-Fakafiliaga**

- (1) Ko e tau Fakafili po ke tau Komisina Fakafili he Fakafiliaga Lahi, ko e tau Lagomatai Fakafili oti a Niue, tau Fakafili po ke Komisina Fakafili he Fakafiliaga Fonua mo e tau Fakafili he Fakafiliaga Fonua Tokoluga oti kaeke ko e taha nakai ko e Fakafili he Fakafiliaga Fonua (ko lautolu oti kua kotofa ke he tau kotofaaga ia fakamua po ke mole e Aho Fakakatoatoaaga Pule Fakamotu) to omonuo ai a lautolu to kamata gahua ke he Omonuo he Mahani Fakamooli mo e Omonuo Faka-Fakafiliaga ne toka ai he tau vala kupu (2) mo e (3) he Matakupu nai i mua he tau tagata nei—
- (a) Ko e Iki Fakafili Lahi po ke ha Fakafili po ke ha Komisina Fakafili he Fakafiliaga Lahi, to eke ia i mua he taha Fakafili he Fakafiliaga Lahi po ke i mua he Palemia;
- (b) Ko e ha Iki Fakafili Lahi po ke ha Fakafili po ke ha Komisina Fakafili he Fakafiliaga Fonua, po ke ha Fakafili he Fakafiliaga Fonua Tokoluga, to eke ia i mua he taha Fakafili he Fakafiliaga Lahi po ke Fakafiliaga Fonua po ke i mua he Palemia.
- (c) Ko e ha Lagomatai Fakafili, to eke ia i mua he ha Fakafili po ke ha Komisina Fakafili he Fakafiliaga Lahi.
- (2) Hanai e Omonuo he Mahani Fakamooli—
Ko au ko, kua omonuo ke he Atua Malōlō oti kana to fekafekau au mo e loto fakamooli ki a Ia e Lilifu ko (talaha e higoa haana; tuga a Elisapeta UA), haana tau ohi mo e tau hukui, ke lata ia mo e Fakatufono-tohi Fakavē mo e tau fakatufono-tohi. Kia lagomatai mai au, Ko e Atua na e.
- (3) Ko e Omonuo Faka-Fakafiliaga hanai—
Ko au ko, kua omonuo ke he Atua Malōlō oti kana to fekafekau au mo e loto fakamooli ki a Ia e Lilifu ko (talaha tuga i luga) haana a tau ohi mo e tau hukui, ke lata mo e Fakatufono-tohi Fakavē mo e tau fakatufono-tohi ke eke mo; to fekafekau au mo e tonu ke he tau

Vala III—*continued*

tagata kehekehe oti kana, mo e nakai matakutaku po ke kau ke he taha, manako po ke manatu kelea. Kia lagomatai mai au, Atua na e.

- (4) Nakai maeke e ha talahauaga hagai ke he ha tagata po ke tau tagata gahua faka-fakafiliaga kua hagai ki ai e Matakupu nei ke fai hūhū ki ai i loto he ha Fakafiliaga, ha kua pehē kua taha po ke tokologa e tagata gahua faka-fakafiliagakua nakai taute e ia ke lata mo e tau talahauaga he Matakupu nei.

Talahauaga mai he Iki Fakafili Lahi ke lata mo e
falu a Fakatufono-toni Fakalatalata

**55 Iki Fakafili Lahi ke fai talahauaga ke lata mo e falu a
Fakatufono-tohi Fakalatalata**

Ke lata mo e Matakupu 31 he Fakatufono-tohi Fakavē nei, kua ui atu ke he Iki Fakafili Lahi ke fai talahauaga hagai ke he ha tonuhia faka fakatufono-tohi, ha fakavēaga faka-fakatufono-tohi, mo e ha fakatokaaga faka fakatufono he Fakatufono Fakalatalata po ke ha fakahuiaga to maeke fakamafiti ia ia i loto he taha e mahina mai he aho ne moua ai e tau pepa hagai ke he Fakatufono Fakalatalata po ke fakahuiaga kua lata mo e uiaga atu na, ke tuku atu ke he Fakatonu Fono, pehē kua nakai fai talahauaga kua lata kua manatu a ia kua lata ke taute, po ke kua manatu a ia ke fai magahā foki ke tuku age po ke ha fakailoaaga foki fakamua to maeke ia ia ke talahau haana manatu fakahiku, ke fakailoa ke he Fakatonu Fono.

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 tukupū 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

Vala IV—*continued*

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 mo e poakiaga he fakatufono-tohi tighau 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 fakaatā 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)(b) he Fakatufono-tohi Fakavē nei po ke kua fakaatā 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 munitua ni tuga ke he tau fakatokaaga ne talahau ai he Fakatufono-tohi Fakalatalata Tupe ma e tau ia.
- (2) Ke Fakatufono-tohi Fakalatalata Tupe to fakagahua ni ke lata mo e taha 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 He Tau 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 ma e tau taha.

Vala IV—*continued*

- (2) Ko e Fono He Tau Ikipule kua lago ki ai gahua mo e falanaki atu ki lalo he Fono Ekepule hagai ke he tau fakamauaga tonu he tau tupe fakamole ke fakatatai atu ke he tau fatifatiaga ne taute ai he Fono Ekepule ke lata mo e Matakupu 58 he Fakatufono-tohi Fakavē nei, po ke ha fakaataaga ke fakamooli e tau tupe fakamole ke lata mo e 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 malōlō pule foaki mai he Fono He Tau Ikipule, ko e tokotaha po ke tokologa ha lautolu e ha malōlō 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 auloa he Fono He Tau Ikipule ke he gahuaaga tumau i lalo he Matakupu nei.
- (4) Ke lata mo e tau fakakaupaaga tuku hifo he tau magahala takitaha tuga ne toka ai he ha fakatufono-tohi po ke la fonotohi 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 totogi 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.
 - (b) Ko e magahala he vahālototo fakamooli e Fakatufono-tohi Fakalatalata Tupe mo e 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 ko e tau tupe oti ne foaki mo e totogi 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.

Vala IV—*continued*

- (5) Ko e ha tupe fakamole ne fakagahua ki lalo he fakaataaga he Matakupu (4)(b) 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 fakailoaaga he tupe fakamole ne nakai fai fakaataaga ma e tau ia to lalafi atu ia ke he fakailoaaga 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 fakailoaaga mo e fakailoa atu he Faahi Gahua Sivi Tupe ke he Fakatonu Fono he Fono Ekepule Niue ke tuku ke he Fono Ekepule e fakailoaaga ne toka ai ha talahauaga tuga ne poaki ai he ha fakatufono-tohi lafi ki ai foki mo e falu a fakailoaaga haggao ia ke he tau Fakaputuaga Tupe he Fakatufono po ke falu he tau vahega tupe kua tohia ai i lalo he Fakatufono-tohi Fakavē 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 Malōlō Tino, Gahua Fakaako
mo e Faahi Fiafia Moui Tino****61 Faahi Gahua Malōlō Tino, Faahi Gahua Fakaako mo e
Faahi Fakiafiafia he Moui Tino**

- (1) To ha ha he Fono He Tau Ikipule e lauiaaga malōlō ke fakatu mo e fakatumau i Niue e levekiaga he tau fale gagao mo e falu matakau mo e foaki atu e falu a fekafekauaga ke lata ma e tau malōlō tino he tau tagata.
- (2) Ha ha foki he Fono He Tau Ikipule e lauiaaga malōlō ke fakatu i Niue mo e fakatumau e levekiaga he tau aoga mo e taute ai e

Vala V—*continued*

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 malōlō 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 tau malōlō ha he Fono He Tau Ikipule ne toka he Matakupu 2 he Fakatufono-tohi Fakavē nei, ke fakagahua ma e higoa haana e 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 malōlō 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 pehē 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 pehē kua gahua he gahua he Fakatufono Niue.
- (4) Nakai hagaao e vala kupu (2) he Matakupu nei ke lauia 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 Fakafiliaga Fonua, ha Fakafili he Fakafiliaga Fonua Tokoluga, ha Lagomatai Fakafili ma Niue, po ke ha tagata gahua faka-fakafiliaga ne kotofa po ke ke lata

Vala VI—*continued*

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 malōlō 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 fakatonutonuaga 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 lako ki ai e fakaholoaga mitaki mo e tonu he tau gahua he Faahi Gahua ia po ke ofisa ia, mo e falanaki 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 Fakavē 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 hagaao atu ia ke he ha fakaholo ki luga po ke kotofaaga he ha tagata kua fifili ke he kotofaaga he Tohi Kupu he Fakatufono.

Vala VI—*continued*

Kau Pule Gahua Niue

64 Kau Pule Gahua Niue

- (1) To ha ha i ai e Kau Pule Gahua ma Niue mo e to fakahigoa ai ko e Kau Pule Gahua Niue, ko lautolu ha nei i loto he Kau ia—
 - (a) Ko e Takitaki Fono he Kau Pule Gahua Fakatufono Niu Silani, ko ia ke eke mo Takitaki Fono he Kau Pule Gahua Niue.
 - (b) Ko e taha he tau tagata he Kau Pule Gahua Fakatufono ha Niu Silani ka kotofa he Kau Pule Gahua ia ke eke mo taha kua kotofa ko e taha he Kau Pule Gahua Niue.
 - (c) Ko e taha tagata kua pulotu, iloa mena po ke mahani mo e motu ko Niue, to kotofa ai he Kau Pule Gahua Fakatufono Niu Silani, mai he taliaaga he Fono He Tau Ikipule ke gahua ai ke he magahala kua nakai molea e 5 e tau tau, mo e maeke foki ke liu kotofa ke he kotofaaga ia.
- (2) Ko e fakailoaaga he ha kotofaaga ke he Kau Pule Gahua Niue to fakapuloa ai i loto he Kasete Niue.
- (3) Ha nei i lalo e tau fakatokatokaaga ke lata mo ia ne kotofa mai ke eke mo taha he Kau Pule Gahua Niue tuga ne toka ai he vala kupu (1)(c) he Matakupu nei—
 - (a) Ko ia to totogi ni a ia ke he totogi po ke palepale ka fakamau ai he Fono He Tau Ikipule he tau magahala takitaha mai he fakailoaaga pulega he Kau Pule Gahua Fakatufono Niu Silani.
 - (b) To maeke a ia ke fakaoti e gahua haana ka tohi e tohi fakailoa fakaoti gahua ke he Kau Pule Gahua Fakatufono Niu Silani, po ke utakehe he Kau Pule Gahua ia e kotofaaga ha ha ia ia mai he taliaaga he Fono He Tau Ikipule, ha kua kitia kua nakai lata a ia mo e kotofaaga ke taute e haana a tau gahua (ha kua nakai malōlō e tino po ke manamanatuaga po ke ha lekua kehe).

65 Tau Tagata Hukui Gahua he Kau

- (1) He ha magaaho ka nakai maeke ai e Takitaki Fono he Kau Pule Gahua Niu Silani ke taute e gahua ha kua gagao po ke fano kehe po ke ha lekua kehe, po ke ha kua tokanoa e kotofaaga he

Vala VI—*continued*

Takitaki Fono he Kau Pule Gahua ia, ko e Hukui Takitaki Fono he Kau Pule Gahua Niu Silani ke eke mo he Hukui Takitaki Fono Kau Pule Gahua Niue he magahala ia ka tokanoa ai e pu gahua ia.

- (2) He ha magaaho kua nakai maeke ai a ia, ko e taha he Kau Pule Gahua Fakatufono Niu Silani i loto he Kau Pule Gahua Niue, ke taute haana a gahua ha ko e gagao, po ke fano kehe, po ke taha lekua kehe, ko e Kau Pule Gahua Fakatufono Niu Silani ke kotofa taha mai he Kau ke taute e gahua he tau magahala kua pihia ai a ia he Kau ne kotofa pauaki.
- (3) He ha magaaho ka nakai lata, ha ko e gagao po ke fano kehe po ke ha ko e ha lekua kehe a ia he Kau Pule Gahua Niue ne kotofa ki lalo he vala kupu 64(1)(c) he Fakatufono-tohi Fakavē nei, po ke kaeke kua tokanoa haana kotofaaga, ko e Kau Pule Gahua Fakatufono Niu Silani, ke he taliaaga fakamua he Fono He Tau Ikipule, ke kotofa taha mo hukui ke he magahala ia kua tokanoa ai e kotofaaga ia.
- (4) Ko e ha tagata gahua hukui ma e taha he Kau Pule Gahua Niue ke lata mo e Matakupu nei, to eke ni a ia ma e tau mena oti mo taha he Kau, ti ko e ha kotofaaga he ha tagata pihia, mo e nakai fai gahua ka taute e ia, ko e taha he kau ke hūkū atu ki ai ha ko e kakano ko e haana kotofaaga he magaaho ne kotofa ai na nakai tupu ia mo e ha kua hoko e magaaho ke fakaoti ai e kotofaaga haana.

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 pehē ai kua aoga e tau tauteaga ia.

Vala VI—*continued*

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

67 Ko e Foakiaga he tau Malōlō 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 malōlō kotofa ke lata ma e Kau Gahua Fakatufono Niue (lafi atu ki ai e malōlō kotofa nei) ke he taha he Kau po ke taha tagata kehe kua fenoga mai ki Niue he haana a kotofaaga, 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 malōlō kotofa to gahua ni a ia ki ai, ke pehē kua taute e haana a gahua ke tuga ni ko e tohia ai pauaki he ha fakatufono-tohi po ke ha la fonotohi pauaki ki a ia, ka e nakai ko e malōlō kotofa ne foaki ki a ia.
- (3) Ko e ha tagata ne kua talahau kua gahua a ia ke lata mo e malōlō kotofa ne foaki age ki a ia i lalo he Matakupu nei, to pehē 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 malōlō 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 kotofaaga.
- (5) Ko e foakiaga he ha malōlō 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 malōlō 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 Malōlō 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

Vala VI—*continued*

muitua ke he Fakatufono-tohi Fakavē nei, to ha ha i ai e malōlō 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 fakavē he Fakatufono-tohi Fakavē nei po ke ha la fono-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 malōlō kotofa ke lata ia ke taute aki e tau gahua tuga ne toka ai he Fakatufono-tohi Fakavē nei po ke tuga ne toka ai i loto he ha fakatufono-tohi.
- (3) Ha ko e tauteaga he tau gahua mo e fakaaogaaga he tau malōlō kotofa kua toka ai hagai 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 malōlō 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 muitua ke he Matakupu 69(2) he Fakatufono Fakavē 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 malōlō 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 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 hagai 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.

Vala VI—*continued*

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 maitua atu ke he Fakatufono-tohi Fakavē nei mo e ha la fonon-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, fakaoiti 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 fakafouuaga he tau fakatokatokaaga gahua po ke fanoaga he tau palepale he Kau Gahua Fakatufono Niue, ko e tau mena ke fifili ki ai, ki a lafi ki ai e tau mena nei—
 - (a) Ke lata mo e tonuhia he Kau Gahua Fakatufono Niue ke fakatumau e 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 kikite makutu atu ke kitia ko e tau vahega gahua kehekehe kua loga ke lata mo e tau Niue iloilo mo e makaka he gahua.
 - (b) Ko e manako ke fakataa 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 maitua e tauteaga ia mo e onono fakatatai atu fakamakutu ke he loga he tau gahua i Niu Silani pihia mo e tau fafatiaga totogi.
 - (c) Ko e manako ke gahua mo e falanaki fakatatai atu ke he tau haggaoaga 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 fakataā mai he Fono Ekepule ke fakamole.

Vala VI—*continued***70 Ko e Kau Pule ke taute fakailoaaga mo e tau pulega ke he Fono Ekepule**

- (1) Ke lata mo e Matakupu 25 he Fakatufono-tohi Fakavē nei, ko e poaki nei ke he Kau Pule Gahua Niue, he tau magahala takitaha, ka kitia kua lata, ke tuku atu e fakailoaaga mo e ha pulega ke he Fono Ekepule, hagarao ia ke he tuaga he tau totogi mo e falu a tupe moua he Paemia, 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 fakailoaaga 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 fakailoaaga 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 Fakavē nei, kua lata e Kau Pule Gahua Niue ke tuku e ha fakailoaaga hagarao ke he tonuhia faka-fakatufono, po ke faka fakatufono-tohi fakavē, po ke ha fakatokaaga faka fakatufono ne talahau mai he Fakatufono Fakalatalata po ke fakahuiaga fakalatalata he vahālototo he magaaho kua fafati nei ke kaupā mai he taha e mahina mai he aho ne tuku ai e ole ke moua mai e fakailoaaga ke he Fakatonu Fono, po ke ka manako ki ai, ke moua mai e falu a fakailoaaga lafi a to fakailoa ke he Fakatonu Fono e fakailoaaga fakahiku.

Vala VII

Tau Fakatokatokaaga ma e Matutakiaga he
Fakatufono**71 Fakatumau e tau fakatufono-tohi tuai ke lata mo e Fakatufono-tohi Fakavē**

Mo e maitua ai ke be Fakatufono-tohi Fakavē nei—

- (a) Ko e tau fakatufono-tohi he mogonei to fakatumau ni ke fakaaoga ka 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 tau kaitalofa, i lalo he tau fakatufono-tohi

Vala VII—*continued*

he mogonei to tumau ni ka hoko po ke molea e Aho Fakakatoatoaaga he Pule Fakamotu, to tumau ni ke mailoga mo e fakagahua ni pihia.

72 Palemia mo e Fono He Tau Ikipule

- (1) Ko e Takitaki Fakatufono ne fifili i lalo he Kupu 9 Matapatu Fakatufono-tohi a Niue 1966 (kua hukui ai he matakupu 3 he Fakatufono-tohi Fakahui ha Niue 1971) he tau magaaho ku ia ti hoko e Aho Fakakatoatoaaga he Pule Fakamotu i lalo he Fakatufono-tohi Fakavē nei, to pehē ai ko ia ko e Palemia ha Niue ti talahau ni foki kua kotofa tuai mo e omonuo mo Ikipule he Fono He Tau Ikipule i lalo he Fakatufono Fakavē nei.
- (2) Ko e tau Ekepule he Fono Komiti Fakatufono Niue ne kotofa i lalo he Matakupu 10 he Matapatu Fakatufono-tohi Niue 1966 (kua hukui ai he Matakupu 3 he Fakatufono-tohi Fakahui ha Niue 1971) kua talahau pehē ka hoko po ke mole e Aho Fakakatoatoaaga he Pule Fakamotu kua eke mo tau Ikipule he Fono He Tau Ikipule mo e kua omonuo ai i lalo he Fakatufono-tohi Fakavē nei mo tau Ikipule.

73 Fono Ekepule Niue

- (1) Ko e tau Ekepule fifili he Fono Ekepule he motu ko Niue ka hoko po ke mole e Aho Fakakatoatoaaga he Pule Fakamotu kua talahau ai ko lautolu kua tighau he omonuo i lalo he Fakatufono-tohi Fakavē nei, ko e tau Ekepule he Fono Ekepule Niue, ka e ke nakai lauia ai ke he Matakupu 16 he Fakatufono-tohi Fakavē nei, to ha ha he Fono Ekepule ke kamata mai he Aho Fakakatoatoaaga he Pule Fakamotu mo e fakaoti mai he aho ka tuku ai e Fono Ekepule he magahala fafati ke vili, mo e Fakatonu Fono mo e tau Ekepule ke eke mo Fono Ekepule.
- (2) A to kehe ai ni ka hiki e talahauaga ha ko e taha fakatufono-tohi ko e ha nofoa he Ekepule he Fono Ekepule ke lata mo e Matakupu 19(b) he Fakatufono-tohi Fakavē nai to nakai pehē kua tokanoa ka pehē kua—
 - (a) Ha ia ia e ha lauiaga ke he ha matakupu kua pulega ki ai mo e kua lauia ai e ha gahua totogi pau po ke

Vala VII—*continued*

- fakamoleaga he ha tupe ke lata ma e falu tagata, taha vahega tagata po ke tau tagata oti; po ke
- (b) He magaaho kua fai matakupu i loto he Fono Ekepule kua fakatutala ne lauia ai a ia, to nakai maeke a ia ke fakakite haana a manatu haggao ke he matakupu ia ha ko ia taha kua lauia ai, mo e ko ia kua poaki ki ai ke fakailoa ke he Fono haana a lauiaaga, ti to nakai maeke foki a ia ke fai vili ke tuku ma e ha fekau pihia.
- (3) Ko e Fakatonu Fono he Fono Ekepule he Motu ko Niue ne gahua ai he mogo ia to to hoko e Aho Fakakatoatoaaga he Pule Fakamotu, to mau ni e haana a kotofa mo e pehē ai foki kua fitā a ia he taute omonuo i lalo he Fakatufono-tohi Fakavē nei.
- (4) Ko e ha tagata kua eke mo taha ekepule he Fono Ekepule Niue, ke lata mo e vala kupu (1) he Matakupu nei, kua eke mo hukui he kotofaaga he Fakatonu Fono he ha magaaho ne ai nofo ai a ia he Fono Ekepule, to pehē ai, ke lata mo e Matakupu 20 he Fakatufono-tohi Fakavē nei, ko kua taute e kotofaaga he Fakatonu Fono he Fono Ekepule Niue mo e kua nofo ai he Fono Ekepule ia.
- (5) Mo e nakai lauia ai ke he ha mena he Matakupu 22(6) he Fakatufono-tohi Fakavē nei, ko e tau gahua ka fakatoka po ke fakatutala ai he ha fono he Fono Ekepule Niue he magaaho tuga ne toka ai he vala kupu (1) he Matakupu nei to maeke ni, mo e, to maeke ni, ka nakai lalo hifo he toko 7 e Ekepule ka ha ha i ai.
- (6) Ko e ha Fakatufono Fakalatalata po ke ha matakupu ha i mua he Fono Ekepule he Motu ko Niue to hoko e Aho Fakakatoatoaaga he Pule Fakamotu, to nakai fakaoti noa ka e to eke ni mo Fakatufono Fakalatalata he Fono Ekepule Niue:
Ka kaeke ko e ha Fakatufono Fakalatalata po ke ha Fakahuiaga ke he Fakatufono Fakalatalata ne tuku atu ke he Fono Ekepule Niue ke lata mo e vala kupu nei, ka kua mole e totouaga fakamua po ke taha po ke molea e falu a mena tuga ne toka he Matakupu 25, 30, 31, 32 mo e 33 he Fakatufono-tohi Fakavē nei, ko e Fono Ekepule Niue to nakai maeke ke liu fakatutala foki ki ai ke he Fakatufono Fakalatalata po ke ha Fakahuiaga,

Vala VII—*continued*

a to pehē kua maitua fakamua ai ke he matakupu po ke tau matakupu ia.

- (7) Mo e maitua ke he Fakatufono-tohi Fakavē nei ko e tau Poakiaga Fakavē ma e Faholoaga Fono he Fono Ekepule Niue ne fakaaoga to hoko e Aho Fakakatoatoaaga he Pule Fakamotu to mau ni ke eke mo tau Poakiaga Fakavē ma e Fakaholoaga Fono he Fono Ekepule Niue, ti to maeke ni ke hiki po ke moumou po ke lafi ke lata mo e Matakupu 22(10) he Fakatufono-tohi Fakavē nei.
- (8) Ke he vahā a to fakamooli ai ha Fakatufono-tohi ke lata mo e Matakupu 25 he Fakatufono-tohi Fakavē nei, ko e Poakiaga Palepale he tau Ekepule 1972 to fakatumau ni ke fakagahua mo e to maeke ke hiki po ke tiaki he aho ka kamata fakagahua ai e ha Fakatufono-tohi kua hagai ki ai.
- (9) Ke lata mo e Matakupu 26(1) he Fakatufono-tohi Fakavē nei, ko e aho he viliaga fakahiku kua mole ko e aho ha ia ke totou ko e aho ne taute ai e viliaga fakahiku kua mole he Fono Ekepule Niue.

74 Ko e Fakafiliaga Lahi

- (1) Ko e Fakafiliaga Lahi ha Niue ne fakatu i lalo he Matakupu 37 he Fakatufono-tohi Fakavē nei, kua fakapuloa nei ko e Fakafiliaga Lahi a Niue taha ia ni ne fakatu he Matakupu 53 he Matapatu Fakatufono-tohi Niue 1966.
- (2) Ko e Fakafiliaga Lahi kua fakapuloa nei ko e fakafiliaga ni kua tatai mo e ha Fakafiliaga kehe foki ne toka ai i lalo he fakatufono-tohi ne fakagahua mogonei, ko e Fakafiliaga taha ia ni tatai mo e Fakafiliaga Lahi a Niue ne fakatu i lalo he Matakupu 53 he Matapatu Fakatufono-tohi Niue 1966.
- (3) Ko e tau fifiliaga, fakailoaaga, fakamauaga tohi mo e tau gahua he tau Fakafiliaga Lahi a Niue ne fakatu ai he Matakupu 53 mo e tau fakafiliaga ne lauia ai e vala kupu (2) he Matakupu nei, to fakatumau ke fakagahua ka mole e Aho Fakatoatoaaga he Pule Fakamotu ke eke mo tau fifiliaga, fakailoaaga, fakamauaga tohi mo e tau gahua he Fakafiliaga Lahi ne fakatu ai i lalo he Fakatufono-tohi Fakavē nei; ti ko e tau fakaholoaga oti he tau fekau fakatagata mo e tau holifono kehekehe ne nakai la

Vala VII—*continued*

fakafili ke he Fakafiliaga Lahi to hoko e Aho Fakakatoatoaaga he Pule Fakamotu to maeke ni ke tutaki atu e tau fakafiliaga he tau mena ia ka mole e Aho Fakakatoatoaaga he Pule Fakamotu i loto he Fakafiliaga Lahi ne fakatu i lalo he Fakatufono-tohi Fakavē nei.

- (4) Ko e tau Fakafili mo e tau Komisina Fakafili he Fakafiliaga Lahi a Niue ne ha ha i ai to hoko e Aho Fakakatoatoaaga he Pule Fakamotu (ka e nakai ko e Komisina Nofomau ha Niue) to fakatumau ai ke he tau kotofaaga ia ke eke mo tau Fakafili mo e tau Komisina Fakafili he Fakafiliaga Lahi i lalo he Fakatufono-tohi Fakavē nei, ti ko e tau Fakafili mo e tau Komisina Fakafili ia to moua ni e tau palepale mo e tau tupe lafi ki luga tuga ni ne mahani ki ai to hoko e Aho Fakakatoatoaaga he Pule Fakamotu tuga ni e pehē ko e mena tohia e fakamauaga ia he taha fakatufono-tohi ke lata mo e Matakupu 50 he Fakatufono-tohi Fakavē nei.

75 Fakafiliaga Fonua

- (1) Ko e Fakafiliaga Fonua ne fakatu i lalo he Matakupu 40 he Fakatufono-tohi Fakavē nei, kua fakapuloa nei ko e fakafiliaga taha ia ni mo e Fakafiliaga Fonua ha Niue ne fakatu fakamua ke he Matakupu 335 he Matapatu Fakatufono-tohi Niue 1966.
- (2) Ko e Fakafiliaga Fonua kua fakapuloa foki nei ko e Fakafiliaga taha ia ni ne tatai mo e ha Fakafiliaga ne fakahigoa ai he fakatufono mogonei mo e fakahigoa ai foki ko e Fakafiliaga Fonua ha Niue ne fakatu he Matakupu 335 ne talahau mai nei.
- (3) Ko e tau fifiliaga, fakailoaaga, tau fakamauaga tohi mo e gahuahuaaga he Fakafiliaga Fonua Niue ne fakatu he Matakupu 335 he Matapatu Fakatufono-tohi Niue 1966 to tatai ni mo e ha Fakafiliaga ne lauia ai e vala kupu (2) to fakatumau ni ke fakaaoga mo e malōlō katoa ka mole e Aho Fakakatoatoaaga he Pule Fakamotu ke eke me tau fifiliaga, fakailoaaga, fakamauaga tohi mo e tau gahua he Fakafiliaga Fonua ne fakatu ai he Fakatufono-tohi Fakavē nei, mo e ko e tau fakaholoaga oti he tau fekau fakatagata mo e tau holifono kehekehe ne nakai la fakafili to hoko e Aho Fakakatoatoaaga he Pule Fakamotu to maeke ni ke tutaki atu ke fakafili e tau

Vala VII—*continued*

mena ia ka mole e Aho Fakakatoatoaaga he Pule Fakamotu ne fakatu ai ki lalo he Fakatufono-tohi Fakavē nei.

- (4) Ko e tau Fakafili mo e tau Komisina Fakafili he Fakafiliaga Fonua Niue, (ka e nakai ko e Komisina Nofomau) ne kotofa to hoko e Aho Fakakatoatoaaga he Pule Fakamotu, to fakatumau ni e tau kotofaaga ia i lalo he Fakatufono-tohi Fakavē nei ti ko e tau Fakafili mo e tau Komisina Fakafili to moua ni e tau palepale mo e tau tupe lafi ki luga tuga ni e mahani ki ai to hoko e Aho Fakakatoatoaaga he Pule Fakamotu, tuga ni e pehē ko e mena tohia he fakamauaga ia e taha la fonon-tohi ke lata mo e Matakupu 50 he Fakatufono-tohi Fakavē nei.

76 Ko e Fakafiliaga Fonua Tokoluga

- (1) Ko e Fakafiliaga Fonua Tokoluga ha Niue ne fakatu ai i lalo he Matakupu 43 he Fakatufono-tohi Fakavē nei kua fakapuloa tuai ke fakahigoa ai ko e Fakafiliaga Fonua Tokoluga ha Niue ne fakatu fakamua ai he Matakupu 386 he Matapatu Fakatufono-tohi Niue 1966.
- (2) Kua fakapuloa nai, ko e Fakafiliaga Fonua Tokoluga kua tatai ni mo e ha Fakafiliaga ne toka ai i lalo ne fakagahua ai he tau fakatufono-tohi mogonei, kua fakapuloa pehē ko e Fakafiliaga Fonua Tokoluga ha Niue ne fakatu ai i lalo he Matakupu 386 kua talahau ai.
- (3) Ko e tau fifiliaga, fakailoaaga, tau fakamauaga tohi mo e tau gahuahuaaga he Fakafiliaga Fonua Tokoluga ha Niue ne fakatu ai he Matakupu 386 he Matapatu Fakatufono-tohi Niue 1966, po ke falu a Fakafiliaga ne toka ai he vala kupu (2) he Matakupu nai to fakatumau ni ke fakaaoga mo e malōlō katoa he mole e Aho Fakakatoatoaaga he Pule Fakamotu ke eke mo tau fifiliaga, fakailoaaga, fakamauaga tohi mo e tau Fakafiliaga Fonua Tokoluga ne fakatu ai he Fakatufono-tohi Fakavē nei; mo e ko e tau fakaholoaga oti ne nakai la fakafili i loto he Fakafiliaga Fonua Tokoluga ha Niue tuga ne tohia ai he Matakupu 386 kua talahau ki ai to maeke ke fakafili e tau mena oti ia ka mole e Aho Fakakatoatoaaga he Pule Fakamotu i loto he Fakafiliaga Fonua Tokoluga ne fakatu ai he Fakatufono-tohi Fakavē nei.

Vala VII—*continued***77 Tau Ole Liu Fakafili mai he Fakafiliaga Lahi**

- (1) Fakamua to hoko e Aho Fakakatoatoaaga he Pule Fakamotu, ko e ha ole liu fakafili ke he Fakafiliaga Tokoluga Ue Atu ha Niu Silani mai he ha fifiliaga fakahiku he Fakafiliaga Lahi a Niue ne fakatu he Matakupu 53 he Matapatu Fakatufono-tohi 1966, ne nakai la fakafili, to maeke e ole liu fakafili ia ke liu fakafili ka mole e Aho Fakakatoatoaaga he Pule Fakamotu mo e to maeke ni ke liu fakafili i lalo he tau fakatufono-tohi ne fakagahua mogo ia; ti ko e fifiliaga he Fakafiliaga Tokoluga Ue Atu he ha ole ke liu fakafili to liu ni ke fakafili ke lata mo e vala kupu nei, ke fakailoa atu ke he Letisitala he Fakafiliaga Lahi mai he Letisitala he Fakafiliaga Tokoluga Ue Atu i lalo he fakamailoga he Fakafiliaga Tokoluga ia, ti ko e Fakafiliaga Lahi to gahua ni ke tuga ko e taha fifiliaga he Fakafiliaga Liu Fakafili ha Niu Silani ke lata mo e tauteaga mai he Matakupu 52 he Fakatufono-tohi Fakavē nei.
- (2) Ko e ha mena kehe foki he tau mena kehe oti kua talahau ko e fifiliaga fakahiku he Fakafiliaga Lahi a Niue ne fakatu he Matakupu 53 kua talahau ai ne kua eke ia to hoko e Aho Fakakatoatoaaga he Pule Fakamotu, ko e tonuhia mai he fifiliaga fakahiku ia kua poaki nai ke muihua ke he tau fakaveaga he Fakatufono-tohi Fakavē nei ke tuga ni ko e fifiliaga fakahiku ia mai he Fakafiliaga Lahi a Niue ne fakatu ki lalo he Matakupu 37 he Fakatufono-tohi Fakavē nai.

78 Tau Lagomatai Fakafili

- (1) Ko e ha tagata ka ha ha i ai e kotofaaga Lagomatai Fakafili ma Niue to hoko e Aho Fakakatoatoaaga he Pule Fakamotu to fakatumau ni a ia ke he kotofaaga ia, tuga ni ko e mena ne kotofa a ia ki ai i lalo he Matakupu 53 he Fakatufono-tohi Fakavē nei.
- (2) Mo e muihua atu ke he Matakupu 53(3) he Fakatufono-tohi Fakavē nei, ko e tau kotofaaga oti ia to fakatumau ni mai he taliaaga fiafia he Fono He Tau Ikipule, mo e to moua e tau palepale kua lata ai mo lautolu, tuga ne fakamau ai to hoko e Aho Fakakatoatoaaga he Pule Fakamotu ke tuga e pehē kua

Vala VII—*continued*

talahau mai he ha la fono, po ke ko e mena taute e talahauaga ia i lalo he Matakupu 53(4) he Fakatufono-tohi Fakavē nei.

79 Tau Tupe moua he Fakatufono Niue

- (1) Ko e Fakaputuaga Tupe he Fakatufono ne fakatu ai i lalo he Matakupu 56 he Fakatufono-tohi Fakavē nei to fakapuloa ai mo e fakahigoa ai ke tatai ni mo e Fakaputuaga Tupe he Fono Ekepule Niue ne fakatu ai i lalo he Matakupu 15 he Matapatu Fakatufono-tohi 1966; ti ko e tau tupe oti ia ne talahau ai to hoko ke he Aho Fakakatoatoaaga he Pule Fakamotu po ke mole e aho ia, to eke ia mo tau tupe he Fakaputuaga Tupe he Fakatufono Niue.
- (2) He fakatatai atu mo e Matakupu 59(4) he Fakatufono-tohi Fakavē nei, ke lata mo e Fakatufono-tohi Fakalatalata Tupe ma e tau kua mole atu, to lalafi atu mo e totou pehē kua pihia ni e fakalatalataaga ma e tau ia, tuga ne toka ai he Fakatufono Fakalatalata Tupe he Fono Ekepule he Motu ko Niue ma e tau ia.

80 Ko e Kau Gahua Fakatufono Niue

- (1) Ko e Kau Gahua Fakatufono Niue ne fakatu he Matakupu 62 he Fakatufono-tohi Fakavē nei kua fakapuloa ai to tatai ni mo e Kau Gahua Fakatufono Niue ne fakatu ai he Vala XXXI he Matapatu Fakatufono-tohi Niue 1966.
- (2) Ko e tau tagata oti ne gahua ai ma e Kau Gahua Fakatufono Niue to hoko e Aho Fakakatoatoaaga he Pule Fakamotu to fakatumau ni e tau gahuaaga ia ko e tau tagata he Kau Gahua Fakatufono Niue tuga ni ko e mena kua kotofa ai ke he tau kotofaaga i lalo he Kau Pule Gahua Fakatufono Niue ke lata mo e Matakupu 69 he Fakatufono-tohi Fakavē nei.
- (3) Ko e ha matakau auloa po ke ha matakau faka-fakatufono ne gahuahua to hoko e Aho Fakakatoatoaaga he Pule Fakamotu i lalo he tau fakatufono-tohi ha Niue, to nakai ha ha he Matakupu 62(3) he Fakatufono-tohi Fakavē nei, ke talahau ai pehē kua nakai aoga e ha kotofaaga, tuga e ha kotofaaga ne taute to hoko e Aho Fakatoatoaaga he Pule Fakamotu he ha tagata kua kotofa he ha matakau po ke ha matakau

Vala VII—*continued*

fakatu-faka-fakatufono, po ke, pehē ai kua lata he Kau Pule Gahua Niue ke liu taute kotofaaga kaeke ko e kotofaaga taute he mole e Aho Pule Fakamotu, a to kehe ai ni kaeke ko e ha kotofaaga kua talahau pauaki he ha fakatufono-tohi ke taute pauaki he Kau Pule Gahua Niu Silani.

- (4) Tuga kua ha i lalo he Fakatufono-tohi Fakavē nei, ko e ha kotofaaga kua talahau ke lata ke eke ni mo kotofaaga he Kau Gahua he Fakatufono ti ko e ha kotofaaga pihia to hoko e Aho Fakakatoatoaaga he Pule Fakamotu, to tumau ni e kotofaaga ia; ka e nakai ko e mena nei ke ha ha i ai e ha lauiāga ke he tau malōlō fifili kotofa he Kau Pule Gahua Niue ko e matakau fakagahua tagata.

81 Fakamailoga a Niue

A to talia la he Fono He Tau Ikipule ke talaga po ke taute taha Fakamailoga foou, ko e Fakamailoga a Niue ne talahau mai he Matakupu 15 he Fakatufono-tohi Fakavē 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 Fakavē nei, a to kehe ai ni ka talahau pauaki ko e kehe, ko e—
 “Fakatufono-tohi”, kakano ko e ha Fakatufono-tohi he Fono Ekepule ha Niue tuga ne toka ai he Matakupu 34 he Fakatufono-tohi Fakavē nei:
 “Fono He Tau Ikipule”, ko e kakano ko e Fono He Tau Ikipule a Niue ne fakatu he Matakupu 2 he Fakatufono-tohi Fakavē nai.
 “Iki Fakafili Lahi”, kakano ko e Iki Fakafili Lahi he Fakafiliaga Lahi ha Niue ne kotofa ai i lalo he Matakupu 45 he Fakatufono-tohi Fakavē nei; lafi ki ai e ha Fakafili he Fakafiliaga Lahi ne

Vala VIII—*continued*

moua e fakaataaga i lalo he Matakupu 48 he Fakatufono-tohi Fakavē nai ke taute e tau gahua fakafili po ke taute e gahua fakafili he Iki Fakafili Lahi.

“Fakamu 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 Fakavē 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 Fakavē nei.

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

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

“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.
- (b) 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, Fakapuloaaga, poakiaga, la fakatufono-tohi, tohi kotofa faka-Ikipule, la fono po ke ha mena pihia tuga ne taute ha ko e muitua 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.

“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.

Vala VIII—*continued*

“Fakafiliaga Lahi”, kakano ko e Fakafiliaga Lahi a Niue ne fakatu ai i lalo he Matakupu 37 he Fakatufono-tohi Fakavē nei.

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

“Ko e Fakafiliaga Fonua Tokoluga a Niue”, kakano ko e Fakafiliaga Fonua Tokoluga a Niue ne fakatu ai he Matakupu 43 he Fakatufono-tohi Fakavē nei.

“Fakafiliaga Fonua”, kakano ko e Fakafiliaga Fonua a Niue ne fakatu he Matakupu 40 he Fakatufono-tohi Fakavē nei.

“Fakatufono-tohi” - kakano ko e ha fakatufono-tohi ni ne fakagahua ai i Niue lafi ki ai e Fakatufono-tohi Fakavē 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 mo e Matakupu 16 he Fakatufono-tohi Fakavē nei; ka e nakai ko e Fakatonu Fono; mo e ka pehē kua tuku e Fono Ekepule to fakahoko atu ia ke lata mo e kakano he vala kupu (4) he Matakupu ia.

“Ikipule”, ko e 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 Fakavē nei:

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

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

Vala VIII—*continued*

“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 Fakavē nei he mole atu e fifiliaga haana ke eke mo Ikipule ke lata mo e Matakupu 5 he Fakatufono-tohi Fakavē 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 Fakavē nei.

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

“Fakatonu Fono”, kakano ko e Fakatonu Fono he Fono Ekepule Niue ne fifili ke lata mo e Matakupu 20 he Fakatufono-tohi Fakavē 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 Fakavē 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 Fakavē 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 Fakavē 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 malōlō kotofa ke taute e tau gahua oti he kotofaaga ia.

Schedule 2
The Constitution of Niue (English
language version)

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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 ex-

Part I—*continued*

ecutive 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.
- (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) Appointments 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

Part I—*continued*

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.

Part I—*continued*

- (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

Part I—*continued*

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.

Part I—*continued***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

Part I—*continued*

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,

Part II—*continued*

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,—
- (a) He is a New Zealand citizen; and
 - (b) He has been ordinarily resident in Niue throughout the period of 3 months immediately preceding his application for enrolment as an elector or, as the case may be, his nomination as a candidate, and has at some period resided continuously in Niue for not less than 12 months.

Part II—*continued*

- (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.

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

Part II—*continued*

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 dispatch 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

Part II—*continued*

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.

Part II—*continued*

- (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 a 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.

Part II—*continued*

- (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.

Part II—*continued*

- (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 the 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 had 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

Part II—*continued*

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, subject to Article 31 of this Constitution, 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—

Part II—*continued*

- (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 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

Part II—*continued*

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 extra-territorial 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 amend-

Part II—*continued*

ment 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 Special provisions with regard to measures affecting the criminal law or personal status

- (1) The Niue Assembly shall not proceed upon any Bill, or upon any amendment to a Bill, after its introduction, if, in the opinion of the Speaker, that Bill or that amendment makes provision concerning—
- (a) The constitution or jurisdiction of any Court other than the Land Court and the Land Appellate Court; or
 - (b) The definition of any criminal offence; or
 - (c) The sentence to be imposed on any person convicted of any criminal offence; or
 - (d) The arrest or release on bail of any person; or
 - (e) The procedure to be followed for the trial of any person charged with having committed any criminal offence; or
 - (f) The law of evidence; or
 - (g) The extradition of any offender or the return of any fugitive to or from Niue; or
 - (h) The law relating to marriage; or
 - (i) The law relating to divorce; or
 - (j) The law of adoption; or
 - (k) The law relating to maintenance and affiliation—
- unless the Chief Justice has been invited to comment on the legal, constitutional, and policy issues raised by that Bill or by that amendment, and there is before the Assembly the response of the Chief Justice to that invitation.
- (2) If, pursuant to this Article, the Assembly by resolution decides to invite the Chief Justice to comment in relation to a Bill or to an amendment, the Speaker shall cause to be sent to the Chief Justice a copy of that resolution and an account of the Assembly's discussions thereon, together with a copy of that

Part II—*continued*

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) Whenever, pursuant to this Article, the Chief Justice is invited to comment in relation to a Bill or to an amendment, he shall, in responding to that invitation, either furnish comments or state that there are no comments which he considers should be made.
- (4) When pursuant to this Article the Assembly has received the response of the Chief Justice to any invitation to comment 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 invitation to the Chief Justice or by his response.

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

Part II—*continued*

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) The constitution or jurisdiction of the Land Court or of the Land Appellate Court,—
- 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 Assem-

Part II—*continued*

bly'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,

Part II—*continued*

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.

Part II—*continued*

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

Part II—*continued*

- (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.

Part II—*continued*

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

Part III

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) The High Court shall have all such jurisdiction (both civil and criminal) as may be necessary to administer the law in force in Niue.
- (3) No provision, except in an existing law, shall limit or restrict the jurisdiction or powers of the High Court, or confer exclusive jurisdiction on any other Court or tribunal, unless that provision is made by this Constitution or by Act.

38 Judges and Commissioners of the High Court

- (1) The High Court shall consist of the Chief Justice and such other Judges and such Commissioners as are from time to time appointed under this Constitution.
- (2) A person shall not be qualified for appointment as Chief Justice or as another Judge or as a Commissioner of the High Court unless he possesses such qualifications as may, subject to this Constitution, be prescribed by Act.

39 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 law, either generally or with respect to any particular Commissioner or Commissioners of that Court, and all references in any enactment to a Judge of the High Court shall be construed

Part III—*continued*

as applying to a Commissioner of the High Court within the limits of the jurisdiction so conferred on him.

- (2) The office of Commissioner of the High Court may, with the approval of the Niue Public Service Commission, be held concurrently with the office of a Registrar of that Court or with any other office in the Niue Public Service, or may be held concurrently with any other position or employment, but a Commissioner of the High Court in the exercise of his functions shall not be under the control of the Niue Public Service Commission.
- (3) Provision may be made by law for appeals from a Commissioner of the High Court to a Judge of that Court.

The Land Court of Niue

40 Land Court established

There shall be a Court of record, to be called the Land Court of Niue, which shall have the jurisdiction and powers conferred on it by existing law or by this Constitution or by Act.

41 Judges and Commissioners of the Land Court

- (1) The Land Court shall consist of a Chief Judge and such other Judges and such Commissioners of that Court as are from time to time appointed under this Constitution.
- (2) A person shall not be qualified for appointment as Chief Judge or as another Judge or as a Commissioner of the Land Court unless he possesses such qualifications as may, subject to this Constitution, be prescribed by Act.

42 Jurisdiction of Commissioners of the Land Court

- (1) A Commissioner of the Land Court shall possess and may exercise such of the functions of a Judge of the Land Court (whether judicial or administrative, but excluding those vested exclusively in the Chief Judge of that Court) as may be prescribed by law, either generally or with respect to any particular Commissioner or Commissioners of that Court, and all references in any enactment to a Judge of the Land Court shall

Part III—*continued*

be construed as applying to a Commissioner of the Land Court within the limits of the jurisdiction conferred upon him.

- (2) The office of Commissioner of the Land Court may, with the approval of the Niue Public Service Commission, be held concurrently with any other office in the Niue Public Service other than the office of Registrar of that Court, or may be held concurrently with any other position or employment, but a Commissioner of the Land Court in the exercise of his functions shall not be under the control of the Niue Public Service Commission.
- (3) Provision may be made by law for appeals from a Commissioner of the Land Court to a Judge of that Court.

The Land Appellate Court of Niue

43 Land Appellate Court of Niue

There shall be a Court of record, to be called the Land Appellate Court of Niue, which shall have the jurisdiction and powers conferred on it by existing law or by this Constitution or by Act.

44 Judges of the Land Appellate Court

- (1) The Chief Judge and the other Judges of the Land Court of Niue and the Chief Judge and the other Judges of the Maori Land Court of New Zealand shall be the Judges of the Land Appellate Court.
- (2) Any 2 or more of the Judges (other than a Judge who determined the matter in dispute in the Land Court) shall have power to act as the Land Appellate Court but at least 2 Judges, or a majority of those Judges if the Court comprises more than 3 Judges, shall concur in every decision of that Court.
- (3) The Chief Judge of the Land Court of Niue shall preside at any sitting of the Land Appellate Court at which he is present. In his absence the Chief Judge of the Maori Land Court of New Zealand, if present, shall preside, and in the absence of both of those Judges the Judge who is senior in terms of the date of his appointment to his present judicial office shall preside.

Part III—*continued*Appointment, Tenure of Office, and Salaries of
Judges and Commissioners**45 Appointment of Judges and Commissioners**

- (1) The Chief Justice and the other Judges of the High Court shall be appointed by the Governor-General on the advice of the Cabinet.
- (2) The Chief Judge and the other Judges of the Land Court and the Commissioners of the High Court or of the Land Court shall be appointed by the Cabinet.
- (3) A person may be appointed as a Judge or Commissioner of the High Court or of the Land Court whether he holds any other judicial office, in Niue or elsewhere.

46 Tenure of office of Judges and Commissioners

- (1) Except in the case of an appointment made under Article 47 of this Constitution, no person who has attained the age of 68 years shall be appointed to or continue to hold office as a Judge or a Commissioner of the High Court or of the Land Court.
- (2) Nothing done by a Judge or Commissioner of the High Court or of the Land 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, in the case of a Judge or Commissioner appointed under Article 47 of this Constitution, that his term of office has expired.
- (3) A Judge or Commissioner of the High Court or of the Land Court may resign his office by writing under his hand addressed to the Premier.

47 Temporary Judges and Commissioners

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 or as a Commissioner of the High Court or as Chief Judge or as another Judge or as a Commissioner of the Land Court for such time, not exceeding one year, as is specified in his warrant of appointment.

Part III—*continued*

48 Acting Chief Justice of the High Court and Acting Chief Judge of the Land Court

- (1) 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 and assumes office, or, as the case may be, until the Chief Justice is again able to perform the functions of his office.
- (2) Where any vacancy exists in the office of Chief Judge of the Land Court or it appears that the Chief Judge 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 Land 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 Judge is appointed and assumes office, or, as the case may be, until the Chief Judge is again able to perform the functions of his office.

49 Removal of Judges and Commissioners from office

- (1) A Judge of the High Court shall not be removed from office except by the Governor-General, acting on the advice of the Cabinet given in accordance with a recommendation contained in a resolution of the Niue Assembly.
- (2) A Judge of the Land Court shall not be removed from office except by the Cabinet, acting in accordance with a recommendation contained in a resolution of the Niue Assembly.
- (3) A Commissioner of the High Court or of the Land Court shall not be removed from office except by the Cabinet, acting in accordance with a recommendation of the Chief Justice.

Part III—*continued*

- (4) The only ground upon which any Judge or 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.

50 Salaries of Judges and Commissioners

- (1) The Judges and Commissioners of the High Court or of the Land Court shall receive such salaries and allowances as may from time to time be prescribed by enactment; but, if any Judge or 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 he has performed and to the terms and conditions of his appointment.
- (2) The salaries of the Judges and Commissioners shall be a charge upon the Niue Government Account.
- (3) During the term of office of any Judge or 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.

Appeals From the High Court

51 Appeal from High Court to Court of Appeal of New Zealand

- (1) Subject to this Constitution, an appeal shall lie to the Court of Appeal of New Zealand from a final 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 imprisonment for a term

Part III—*continued*

exceeding 6 months or to a fine of not less than \$200, and from any such sentence (not being a sentence fixed by law):

- (c) As of right, when the matter in dispute on the appeal amounts to or is of the value of \$400 or upwards:
 - (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 interests affected, or for any other reason, ought to be submitted to the Court of Appeal of New Zealand for decision.
- (2) Notwithstanding anything in subclause (1) of this Article, the Court of Appeal of New Zealand may, in any case in which it thinks fit and at any time, grant special leave to appeal to that Court from any final judgment of the High Court, subject to such conditions as to security for costs and otherwise as the Court of Appeal thinks fit.

52 Transmission of order of Court of Appeal on appeal

The determination of the Court of Appeal of New Zealand on any appeal from the High Court under Article 51 of this Constitution 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 new trial or otherwise shall be taken in the High Court as are required by that determination.

Justices of the Peace

53 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 2 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 39 of this Constitution, with the necessary

Part III—*continued*

modifications, shall apply as if references therein to a Commissioner of the High Court were references to any 2 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 has attained the age of 68 years.

- (3) A Justice of the Peace for Niue shall not be removed from office except by the Cabinet acting in accordance with a recommendation of the Chief Justice.
- (4) Justices of the Peace for Niue shall receive, in respect of any duties they perform, such remuneration as may from time to time be prescribed by enactment.

Oath of Allegiance and Judicial Oath

54 Oath of Allegiance and Judicial Oath

- (1) Every Judge or Commissioner of the High Court, every Justice of the Peace for Niue, every Judge or Commissioner of the Land Court, and every Judge of the Land Appellate Court who is not also a Judge of the Land Court (being persons appointed to those offices on or after Constitution Day) shall, before performing the functions of his office, take and subscribe the Oath of Allegiance and the Judicial Oath prescribed in subclauses (2) and (3) of this Article, respectively, before the following persons:
 - (a) In the case of the Chief Justice or of any other Judge or any Commissioner of the High Court, before a Judge of the High Court or before the Premier:
 - (b) In the case of the Chief Judge or any other Judge or any Commissioner of the Land Court, or of a Judge of the Land Appellate Court, before a Judge of the High Court or of the Land Court, or before the Premier:
 - (c) In the case of any Justice of the Peace for Niue, before any Judge or Commissioner of the High Court.
- (2) The Oath of Allegiance shall be 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*

Part III—*continued*

Elizabeth the Second] Her (*or* His) heirs and successors, in accordance with the Constitution and the law. So help me God.

- (3) The Judicial Oath shall be in the following form—
I,, swear by Almighty God that I will well and truly serve Her (*or* His) Majesty [*Specify as above*] 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.
- (4) No proceedings before any judicial officer or officers to whom this Article applies shall be questioned in any Court solely on the ground that any one or more of those judicial officers have failed to comply with a requirement of this Article.

Comment by Chief Justice on Certain Bills

55 Chief Justice to comment on certain Bills

Whenever, pursuant to Article 31 of this Constitution, the Chief Justice is invited to comment on the legal, constitutional, and policy issues raised by any Bill or amendment, he 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 invitation, either by furnishing his comments to the Speaker, or by informing the Speaker that there are no comments which he considers should be made, or, if he requires further time or information before forming a final opinion, by making that known to the Speaker.

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.

Part IV—*continued*

- (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.

Part IV—*continued*

- (3) Any delegation by the Cabinet, whether or not to 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

Part IV—*continued*

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 of the Land Court, a Judge of the Land Appellate Court, 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.

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

Part VI—*continued*

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, which shall be constituted as follows—
 - (a) The Chairman of the New Zealand State Services Commission shall be the Chairman of the Niue Public Service Commission:
 - (b) Another member of the New Zealand State Services Commission shall be appointed by that Commission to hold office as a member of the Niue Public Service Commission:
 - (c) A person having special knowledge of Niue shall be appointed by the New Zealand State Services Commission with the concurrence of the Cabinet to hold office for a term of not more than 5 years, but shall be eligible for reappointment.
- (2) Notice of every appointment to the Niue Public Service Commission shall be published in the *Niue Gazette*.
- (3) The following provisions shall apply with respect to the member of the Niue Public Service Commission appointed under subclause (1)(c) of this Article:
 - (a) He shall be paid such remuneration as the Cabinet determines from time to time on the recommendation of the New Zealand State Services Commission:

Part VI—*continued*

- (b) He may resign his office by notice in writing to the New Zealand State Services Commission, or he may be removed from office by that Commission with the concurrence of 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).

65 Acting members of Commission

- (1) In the event of the incapacity, by reason of illness or absence or any other cause, of the Chairman of the New Zealand State Services Commission, or if the office of the Chairman of that Commission is vacant, the member of the New Zealand State Services Commission for the time being acting as the Chairman of that Commission shall also act as the Chairman of the Niue Public Service Commission during that incapacity or vacancy.
- (2) In the event of the incapacity, by reason of illness or absence or any other cause, of the other member of the New Zealand State Services Commission who is a member of the Niue Public Service Commission, the New Zealand State Services Commission may appoint another of its members to act for that member during that incapacity.
- (3) In the event of the incapacity, by reason of illness or absence or any other cause, of the member of the Niue Public Service Commission appointed under Article 64(1)(c) of this Constitution, or if the office of that member is vacant, the New Zealand State Services Commission, with the concurrence of the Cabinet may appoint a person to act in place of that member during that incapacity or vacancy.
- (4) Any person acting in place of a member of the Niue Public Service 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.

Part VI—*continued***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 who, in either case, is visiting Niue on the Commission's business 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.

Part VI—*continued*

- (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.

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.
- (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

Part VI—*continued*

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 well-being 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.

Part VI—*continued*

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.

Part VII—*continued***72 Premier and Cabinet**

- (1) The Leader of Government holding office pursuant to section 9 of the Niue Act 1966 (as substituted by section 3 of the Niue Amendment Act 1971) immediately before Constitution Day shall be deemed to have been duly elected under this Constitution as the Premier of Niue and appointed and sworn in as a Minister under this Constitution.
- (2) The other appointed members of the Executive Committee of Niue holding office pursuant to section 10 of the Niue Act 1966 (as substituted by section 3 of the Niue Amendment Act 1971) immediately before Constitution Day shall be deemed to have been duly appointed and sworn in under this Constitution as Ministers.

73 Niue Assembly

- (1) The elected members of the Niue Island Assembly immediately before Constitution Day shall be deemed to have been duly elected and sworn in under this Constitution as members of the Niue Assembly, and, notwithstanding anything in Article 16 of this Constitution, the Niue Assembly shall consist, during the period commencing on Constitution Day and ending at the time of the first dissolution of the Assembly thereafter, of the Speaker and those members.
- (2) Until provision is otherwise made by law, the seat of any member of the Niue Assembly to whom Article 19(b) of this Constitution applies shall not become vacant if—
 - (a) His interest in the execution or enjoyment of any contract under which any public money is payable is as a member of the general public or of any section or class of the general public; or
 - (b) On any occasion when he is present at a meeting of the Niue Assembly, any matter concerning a contract in whose execution or enjoyment he is interested comes before the Assembly, he discloses his interest to the Assembly and refrains from otherwise speaking and from voting on that matter.

Part VII—*continued*

- (3) The Speaker of the Niue Island Assembly who is in office immediately before Constitution Day shall be deemed to have been duly elected and sworn in as Speaker of the Niue Assembly under this Constitution.
- (4) Any person becoming a member of the Niue Assembly pursuant to subclause (1) of this Article who has, in the absence of the Speaker of the Niue Island Assembly, presided over any sitting of that Assembly shall, for the purposes of Article 20 of this Constitution, be deemed to be a member of the Niue Assembly who has presided over a meeting of the Assembly.
- (5) Notwithstanding anything in Article 22(6) of this Constitution, business may be transacted at any meeting of the Niue Assembly during the period referred to in subclause (1) of this Article if, but only if, the number of members present is not less than 7.
- (6) Any Bill or other business before the Niue Island Assembly immediately before Constitution Day shall not lapse, but shall become a Bill or other business before the Niue Assembly: Provided that, where any Bill or amendment to a Bill before the Niue Island Assembly pursuant to this subclause has proceeded beyond its introduction and is one to which any one or more of Articles 25, 30, 31, 32, and 33 of this Constitution applies, the Niue Assembly shall not proceed further upon that Bill or amendment unless the requirements of the applicable Article or Articles have first been met.
- (7) Subject to this Constitution, the Standing Orders of the Niue Island Assembly in force immediately before Constitution Day shall be the Standing Orders of the Niue Assembly, and they may be amended, repealed, or added to under Article 22(10) of this Constitution.
- (8) Until an Act first passed pursuant to Article 25 of this Constitution comes into force, the Niue Civil List Regulations 1972 shall continue in full force and effect and shall be deemed to be repealed on the date on which that Act comes into force.
- (9) For the purposes of Article 26(1) of this Constitution, the date of the last preceding general election shall be the date of the

Part VII—*continued*

last preceding general election of the Niue Island Assembly in being on Constitution Day.

74 The High Court

- (1) The High Court of Niue established by Article 37 of this Constitution is hereby declared to be the same Court as the High Court of Niue established by section 53 of the Niue Act 1966.
- (2) The High Court is hereby declared also to be the same Court as every other Court which, under existing law, was deemed to be the same Court as the High Court of Niue established by section 53 of the Niue Act 1966.
- (3) All judgments, decrees, records, and acts of the High Court of Niue as established by the said section 53 and of every other Court to which subclause (2) of this Article applies shall continue to have full force and effect on and after Constitution Day as judgments, decrees, records, and acts of the High Court established by this Constitution; and all proceedings, civil or criminal, pending in the High Court of Niue immediately before Constitution Day may be continued on and after Constitution Day in the High Court established by this Constitution.
- (4) The Judges and Commissioners of the High Court of Niue in office immediately before Constitution Day (other than the Resident Commissioner of Niue) shall continue to hold office on and after Constitution Day as Judges or Commissioners of the High Court established by this Constitution, as if they had been appointed under this Constitution, and those Judges and Commissioners shall receive the salaries and allowances to which they were entitled immediately before Constitution Day as if those salaries and allowances had been prescribed by enactment pursuant to Article 50 of this Constitution.

75 The Land Court

- (1) The Land Court of Niue established by Article 40 of this Constitution is hereby declared to be the same Court as the Land Court of Niue established by section 335 of the Niue Act 1966.
- (2) The Land Court is hereby declared also to be the same Court as every other Court which, under existing law, was deemed

Part VII—*continued*

to be the same Court as the Land Court of Niue established by the said section 335.

- (3) All judgments, decrees, records, and acts of the Land Court of Niue as established by the said section 335 and of every other Court to which subclause (2) of this Article applies shall continue to have full force and effect on and after Constitution Day as judgments, decrees, records, and acts of the Land Court established by this Constitution; and all proceedings pending in the Land Court of Niue established by the said section 335 immediately before Constitution Day may be continued on and after Constitution Day in the Land Court established by this Constitution.
- (4) The Judges and Commissioners of the Land Court of Niue (other than the Resident Commissioner) in office immediately before Constitution Day shall hold office on and after Constitution Day as Judges or Commissioners of the Land Court established by this Constitution, as if they had been appointed under this Constitution, and those Judges and Commissioners shall receive the salaries and allowances to which they were entitled immediately before Constitution Day as if those salaries and allowances had been prescribed by enactment pursuant to Article 50 of this Constitution.

76 The Land Appellate Court

- (1) The Land Appellate Court of Niue established by Article 43 of this Constitution is hereby declared to be the same Court as the Land Appellate Court of Niue established by section 386 of the Niue Act 1966.
- (2) The Land Appellate Court is hereby declared also to be the same Court as every other Court which, under existing law, was deemed to be the same Court as the Land Appellate Court of Niue established by the said section 386.
- (3) All judgments, decrees, records, and acts of the Land Appellate Court of Niue as established by the said section 386 and of every other Court to which subclause (2) of this Article applies shall continue in full force and effect on and after Constitution

Part VII—*continued*

Day as judgments, decrees, records, and acts of the Land Appellate Court established by this Constitution; and all proceedings pending in the Land Appellate Court of Niue established by the said section 386 immediately before Constitution Day may be continued on and after Constitution Day in the Land Appellate Court established by this Constitution.

77 Appeals from High Court

- (1) In any case in which, immediately before Constitution Day, an appeal to the Supreme Court of New Zealand from any final judgment of the High Court of Niue established by section 53 of the Niue Act 1966 was pending, that appeal may be continued on and after Constitution Day and shall otherwise in all respects be heard and disposed of in accordance with the existing law; and the determination of the Supreme Court on any appeal continued pursuant to this subclause shall be transmitted to the Registrar of the High Court by the Registrar of the Supreme Court under the seal of the Supreme Court, and the High Court shall act in respect thereof as if it were a determination of the Court of Appeal of New Zealand transmitted under Article 52 of this Constitution.
- (2) In any other case where any final judgment of the High Court of Niue established by the said section 53 has been given before Constitution Day, the right of appeal from that final judgment shall be governed by the provisions of this Constitution as if that final judgment had been a final judgment of the High Court of Niue established by Article 37 of this Constitution.

78 Justices of the Peace

- (1) Every person holding office immediately before Constitution Day as a Justice of the Peace for Niue shall continue in office as if he had been appointed to that office pursuant to Article 53 of this Constitution.
- (2) Subject to Article 53(3) of this Constitution, every such person shall continue to hold office during the pleasure of the Cabinet, and shall be paid the remuneration to which he was entitled immediately before Constitution Day as if that remuneration

Part VII—*continued*

had been prescribed by enactment pursuant to Article 53(4) of this Constitution.

79 Public revenues

- (1) The Niue Government Account established by Article 56 of this Constitution is hereby declared to be the same account as the Niue Assembly Account established by section 15 of the Niue Act 1966; and all money in the last-mentioned account immediately before Constitution Day shall on and after Constitution Day be deemed to form part of the Niue Government Account.
- (2) The reference in Article 59(4) of this Constitution to the Appropriation Act for the preceding financial year shall be read as if it included a reference to the Appropriation Ordinance of the Niue Island Assembly for the preceding financial year.

80 The Niue Public Service

- (1) The Niue Public Service established by Article 62 of this Constitution is hereby declared to be the same Service as the Niue Public Service constituted by Part XXXI of the Niue Act 1966.
- (2) Every person who was an employee of the Niue Public Service immediately before Constitution Day shall continue to hold office as an employee of the Niue Public Service as if he had been appointed to that position by the Niue Public Service Commission pursuant to Article 69 of this Constitution.
- (3) Where any public corporation or other statutory authority or public body has been constituted before Constitution Day under the law of Niue, nothing in Article 62(3) of this Constitution shall, in the case of any appointment made before Constitution Day of any person as an employee of that public corporation or other statutory authority or public body, be construed as affecting the validity of that appointment, or, in the case of any such appointment made after Constitution Day, be construed as requiring that appointment to be made by the Niue Public Service Commission, except to the extent that, under existing law that appointment was required to be made by the New Zealand State Services Commission.

Part VII—*continued*

- (4) Where under this Constitution the holder of any office is required to be an employee of the Niue Public Service, any employee of the Niue Public Service holding the corresponding office immediately before Constitution Day shall be deemed to be the holder of that office; but this provision shall be without prejudice to the powers and discretions of the Niue Public Service Commission as the employing authority.

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 45 of this Constitution; and includes any other Judge of the High Court authorised under Article 48 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 intituled the Niue Constitution Act 1974; and also includes any constitutional amend-

Part VIII—*continued*

ment, 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:

“Enactment” means—

- (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, and, in relation to the Land Court, means any Judge of that Court including the Chief Judge of that Court:

“Land Appellate Court” means the Land Appellate Court of Niue established by Article 43 of this Constitution:

“Land Court” means the Land Court of Niue established by Article 40 of this Constitution:

“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

Part VIII—*continued*

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

Part VIII—*continued*

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.

Contents

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 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
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Notes**1 *General***

This is a reprint of the Niue Constitution Act 1974. The reprint incorporates all the amendments to the Act as at 1 April 1988, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

State Sector Act 1988 (1988 No 20): section 90(a)

Niue Constitution Act Commencement Order 1974 (SR 1974/286)
