



**CABINET AND PARLIAMENTARY SERVICES DEPARTMENT  
NIUE LEGISLATIVE ASSEMBLY**

**GOVERNMENT OF NIUE**  
50<sup>th</sup> PRESIDING OFFICERS & CLERKS CONFERENCE

BRISBANE, AUSTRALIA

9 – 13 JULY, 2019

**Niue's Experience, Opportunities and Precincts**



**CO-PRESENTED BY THE SPEAKER & CLERK OF THE NIUE LEGISLATIVE ASSEMBLY  
HON TOGIAVALU PIHIGIA & CHERIE MORRIS-TAFATU**

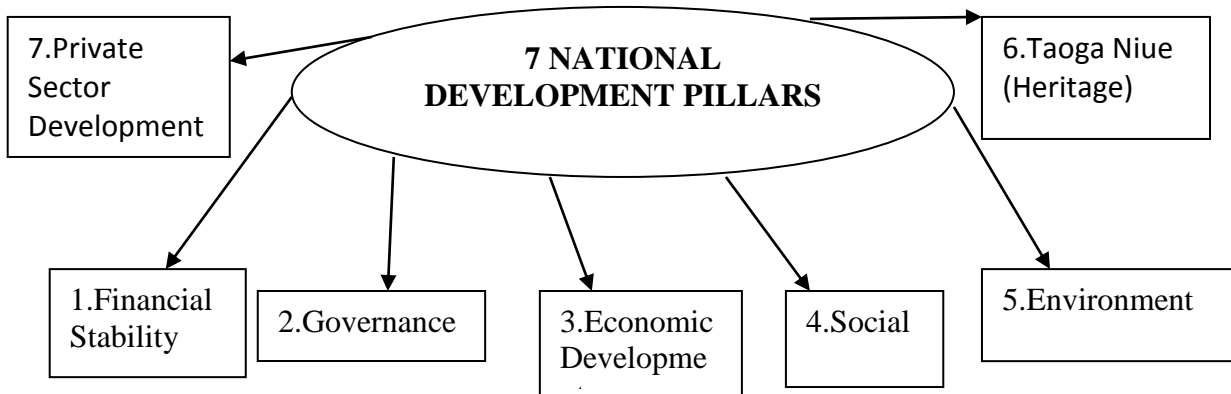
# VISION

**NIUE KE MONUINA - A PROSPEROUS NIUE**



# RATIONALE

**To build a sustainable future that meets Niue's economic and social needs while preserving environmental integrity, social stability, and the Niue culture**



## Overview

This Paper will provide a snapshot of the key activities of the Niue Legislative Assembly, opportunities and the environment in which they operate enshrined in the Supreme Law of the Country as its mandate and compass to fulfil the aspirations of the national vision of Niue.

## Introduction

The Supreme Law of Niue is the Constitution of Niue and Act assented in 1974. The Schedule of the Niue Constitution Act is the machinery that drives the business of the Government of Niue of which there are 3 arms; one being the Executive which comprises of Cabinet, second is the Legislative and the third one is the Judiciary. Separation of powers is clearly demarcated in the Constitution. It also provides for a Legislative of 20 members of Parliament,; 14 Village Constituencies and 6 Common roll members.

The Standing Orders of the Niue Legislative Assembly sets out how the business of government should be conducted which cascades and filters down through the different levels in the hierarchical ladder encompassing the activities highlighted in this Paper.

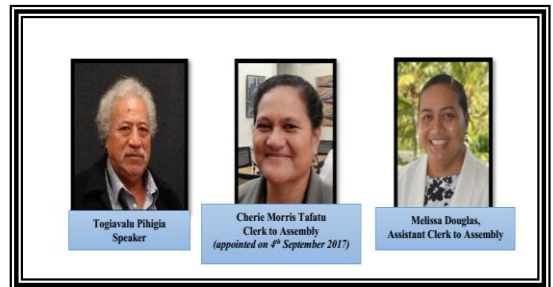
## Assembly Meetings

The Niue Assembly meets every 60 days in accordance with the Niue Constitution. The Constitution. By the same token, the Constitution also has provision for any four members to call for a meeting at any time and the meeting shall be convened.

The Speaker and the 2 clerks who are responsible for preparing the business of the Niue Legislature in terms of Assembly Meetings, Select Committee Meeting interalia.

The Clerk who is assisted by the Assistant Clerk prepares for an Assembly Meeting by sending out what is called a Meeting Notice to all Members informing them of the date of the Meeting, time, venue and invite members to submit their questions and motions by a certain date.

a Business Paper 10-14 days in advance and is distributed to the 20 Members of the Assembly. The Draft Business Paper is normally initially drafted by the Assistant Clerk and checked by the Clerk and discussed at a Meeting with the Speaker who will endorse and instruct that the Business Paper is circulated to Members.



The Niue Assembly has no Serjeant-at-arms and the heralding of the Speaker is conducted by the Clerk of the House where members are all asked to rise whilst the Speaker takes his seat. The Clerk would then close the door of the Meeting Chamber and anyone entering or exiting the Chambers must show respect and bow to the Speaker which is also normal practice for all or most jurisdictions

worldwide. There are minimal security issues in the House except for an incident in the last 2 meetings where a long serving member brought in a packet of a substance purported to have been of an illicit nature.

The incident was magnified over the social media and caused the Speaker who is responsible for the Chambers to submit an information paper to the House at the next sitting. To date, the House

has passed a resolution to dismiss the matter since no evidence was available and the Police was not contacted immediately on receipt of the said substance.

Lessons learnt and an opportunity from this incident is for due process to be carried out to avoid bringing the House of Assembly to disrepute.

Another opportunity is to recruit someone to the position of Serjeant-at-arms to avoid such behavior and for the Code of Conduct of the House to be revisited if it needs strengthening.

## Select Committees

The Standing Orders of the Niue Legislative Assembly make provision for Select Committees and how their order of business is to be conducted.



*Above: Speaker and members of parliament undertaking*

## Internal Workshops

Numerous workshops are conducted in-country on related issues and Members and staff are encouraged to attend as a means of upskilling and capacity building. The advantage of holding in-country workshops provides for a lot more participants in comparison to capability training overseas



In September 2018, UNDP funded a workshop to establish a caucus for Niue women in parliament that attracted a lot of interest and the Department invited a mixture of women at different age groups expressing interest to pursue a career in politics aspiring young ladies.

*Ms Rhonda Tiakia Chairperson of the Niue Youth Council at the Workshop to establish a caucus for the women parliamentarians.*

## Reviews

The Assembly passed a resolution for the review of the Standing Orders of the Niue Assembly a work that was earmarked to have been completed by June last year but was constrained due to competing claims on the priorities. It was then re-prioritised this year and the work started led by the Hon Speaker, the Director of Parliamentary and the Clerk. The Small Working Group also comprises of a representative from the Legal Office for legal advice and direction, Chairperson and Deputy Chairperson of the House Committee and one female member.

It was an experience and a daunting one at that given that only one person had legal qualification but the small working Group managed to complete the first rough draft in only 3 sittings.

The Work is now in its second phase and the goal is to have the final Document completed, critiqued by the House through a series of workshops with the Members and through technical assistance to ensure that the legal



## Opportunities



Too often the focus has always been directed at challenges and problems, however, the intention of our Paper is to focus on positive outlooks and how this has greatly assisted not only the Niue Legislature but Niue as a whole.

Opportunities for Niue come in different forms such as human resource development and capacity building through external exchanges, workshops, training, conferences. Others are relationships with other jurisdictions such as the Twinning Program where Niue has benefited largely from this relationship from funds provided to procure equipment recently the purchase of photocopiers, a recording system for its Assembly meetings. Other donor entities such as UNDP, CPA and many more have also assisted.

The recent one was a CPA Meeting, and launching of the CPA Benchmarks where Niue was invited and attended by the Director for Cabinet and Parliamentary Services and the Clerk of the Assembly.

The CPA launch was an opportunity to view benchmarks collectively agreed to by the CPA and to compare with the actual practice of jurisdictions in their respective countries.

Secretariat of the Legislature does not have a vehicle to deliver its papers to Members and refreshments to its meetings as the latter are outsourced. This is viewed as an opportunity for a potential donor to provide a suitable vehicle service the Legislature. The other alternative is that internal funds can be provided through the Government funds. The Secretariat has been critiqued time and again for delivering papers outside the legal timeframes as mandated in the Standing Orders.

Another opportunity is for a Serjeant-at-arms to be considered in response to a recent incident where a Member brought into the House an identified item purporting to be an illegal substance but having no such officer, the item entered the house and items were destroyed before it was referred to the proper authorities to undergo proper investigation. This incident was on social media and brought disrepute to the House of the Niue Assembly.

## Flag Raising and Constitution Celebrations

Flag raising is an annual and national event to celebrate the relationship Niue has with New Zealand through the instrument of the Constitution Act 1974. The Government normally invites dignitaries from New Zealand and flags raised in honour of the relationship.

An opportunity in this relationship needs to be further explored so both can reap the rich rewards that can only be obtained through an even closer tie. Niue although blessed to be part of the REAL but most Niue people are unaware of the implications of such an arrangement.

There are many benefits derived from this relationship one of which is that Niue people are New Zealand citizens and receive budgetary support from New Zealand.

## Confines

When we talk about precincts, we talk about boundaries, grounds, limits and other parameters whereby members can safely operate within the framework of the laws of the Country.

The Constitution of Niue, Standing Orders, Code of Conduct and other legal instruments help to

## **Conclusion**

The Niue Legislative Assembly through the instrument of its Constitution has provided for a small nation like Niue to make its own laws but enjoy free association with New Zealand.

The experience of a Niue Legislative jurisdiction provides numerous opportunities through training and many others because of the lack of resources we have and unfilled vacancies to provide support in order for the 3 arms of the Niue Government the Executive, Legislative and Judiciary to fully and competently conduct their business. Challenges as said earlier are viewed in a positive light in order to encourage innovativeness.