

Village Councils Act 2016

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An Act to provide for the establishment, membership, functions, and operation of Village Councils.

The Assembly enacts as follows—

- 1 Title**
This Act is the Village Councils Act 2016.
- 2 Commencement**
This Act comes into force on the day after the date on which this Act becomes law in accordance with Article 34 of the Constitution.

Part 1
Preliminary matters

- 3 Interpretation**
In this Act, unless the context otherwise requires,—

Assembly member, in respect of a village, means the member of the Niue Assembly representing the village

assets means property of any kind, whether tangible or intangible

Chief Electoral Officer means the Chief Electoral Officer appointed under section 3 of the Niue Assembly Act 1966

constituency electoral roll means the constituency electoral roll referred to in section 13 of the Niue Assembly Act 1966

constituent notice, in relation to a village council, means the notice or notices published under section 4

council area, in relation to a village council, means the area in and for which the council is established

election means an election of 1 or more village council members

Director means the head of the department responsible for administering this Act

Director-General means the head of the Ministry responsible for administering this Act

financial year means the period of 12 months commencing on 1 July in any 1 year and ending on 30 June the following year

resident in respect of a village, means a person whose name appears on the constituency electoral roll for the village

Secretary means the person appointed as Secretary of a village council under section 32

village means a village constituency established by section 5 of the Niue Assembly Act 1966

village council or **council** means a village council established by or under this Act.

Part 2

Establishment of Village Councils

4 Establishment and constitution of village councils

- (1) Cabinet may, by notice in the *Gazette*,—
 - (a) establish a council in and for the village described in the notice;
 - (b) provide for the manner in which the council is to be constituted;
 - (c) provide for the boundaries of the council area in accordance with the Niue Assembly Act 1966;
 - (d) provide for the manner of election to the council;
 - (e) if there are less than 3 members of the council, provide for the meetings and procedure of the council.
- (2) A village council must consist of—
 - (a) not more than 5 members; and
 - (b) unless otherwise specified in the constituent notice, not less than 3 members.
- (3) A village council is a body corporate as described in section 26 of the Interpretation Act 2004.

- (4) After consultation with the village council concerned, Cabinet may, by notice published in the *Gazette*,—
- (a) vary the boundaries of the council area in accordance with any change made in the boundaries of a constituency under the Niue Assembly Act 1966;
 - (b) change the name of the council;
 - (c) vary the constitution of the council;
 - (d) vary any matter referred to in subsection (1)(d) or (c).

5 Electoral rolls and electors

- (1) The electoral rolls to be used for village council elections are those required by section 13 of the Niue Assembly Act 1966.
- (2) The provisions relating to the compulsory registration of electors in section 14 of the Niue Assembly Act 1966 apply in the same manner to village council elections.
- (3) Before a village council election, the constituency electoral roll for that village must be closed on a date fixed by the Chief Electoral Officer.
- (4) The Chief Electoral Officer must give public notice of the date fixed for the closing of the roll at least 10 clear days before that date.
- (5) Except as otherwise provided in this Act, all other provisions relating to electors and electoral rolls in the Niue Assembly Act 1966 apply, with any necessary modifications, in respect of village council elections.

6 Elections of village council

- (1) All village council elections must be conducted by secret ballot.
- (2) Elections for individual councils must be held on the dates specified by Cabinet by notice in the *Gazette*.
- (3) Except as otherwise provided in this Act and the constituent notice,—
 - (a) the method of and the procedure to be followed at an election is the same as prescribed in the Niue Assembly Act 1966; and
 - (b) in the conduct and supervision of any village council election, the Chief Electoral Officer must have due regard to the relevant provisions in that Act.
- (4) Section 35(3) of the Niue Assembly Act 1966 does not apply to village council elections.

7 Where number of candidates 5 or less

If the number of candidates nominated for election to a village council is 5 or less, the Chief Electoral Officer must, by notice in the *Gazette*, declare those candidates to be elected as village council members on the date specified in the notice.

8 Qualifications of electors

A person is entitled to be an elector at a village council election if the person is enrolled on the constituency electoral roll for the village to which the election relates.

9 Qualifications of person nominating

- (1) A person is entitled to nominate a candidate for election to a village council if—
 - (a) the person is enrolled on the constituency electoral roll for the village to which the election relates; and
 - (b) the person is not—
 - (i) an officer or employee of the council; or
 - (ii) an undischarged bankrupt.
- (2) No elector may nominate more than 1 candidate.

10 Qualification of candidates

- (1) A person is entitled to be nominated as a candidate for election to a village council if—
 - (a) the person is enrolled on a constituency electoral roll; and
 - (b) the person is not a member of the Niue Assembly; and
 - (c) the person is not a candidate for election to, or a member of, another village council; and
 - (d) the person —
 - (i) is not an officer or employee of the council;
 - (ii) is not an undischarged bankrupt; or
 - (iii) has not been convicted of any offence involving the misappropriation of funds or fraud, being an offence that carried a maximum penalty of 12 months or more imprisonment.
- (2) A person is entitled to be nominated as a candidate for election to a village council irrespective of whether the person is enrolled on the constituency electoral roll for that village.

11 Term of office

- (1) The term of office of village council members is 3 calendar years from and including the day on which the previous election was completed.
- (2) A village councillor can be re-elected for 2 or more 3 year terms.
- (3) A member takes office when he or she has taken the oath under section 16.
- (4) Subsection (1) is subject to this Act and anything to the contrary in the constituent notice.

12 When office becomes vacant

The office of a village council member becomes vacant if the member—

- (a) refuses to take the oath under section 16; or
- (b) resigns by notice in writing to the Director; or
- (c) is absent, without leave of the council, for 3 consecutive meetings of the council; or
- (d) is convicted of any offence punishable by imprisonment for a term of 12 months or more; or
- (e) is incapable, because of any mental or physical infirmity, of performing his or her duties as a village council member; or

- (f) dies; or
- (g) is otherwise removed from office under section 13.

13 Removal or suspension from office

- (1) The Cabinet may, on the recommendation of the Director, remove or suspend a village council member from office if—
 - (a) the village council concerned has notified the Director of its concerns regarding the village council member; and
 - (b) the Cabinet is satisfied on reasonable grounds that the member—
 - (i) has abused his or her powers; or
 - (ii) is incapable of exercising his or her powers justly; or
 - (iii) is not, for any other reason, a fit and proper person to continue in office; and
 - (c) the member has been given a reasonable opportunity to answer any allegations made against him or her.
- (2) The Director must not recommend the removal or suspension of a member until the Director has conducted, to his or her satisfaction, appropriate enquiry and consultation with the village and village council concerned.
- (3) A removal or suspension takes effect on the date that the Cabinet notifies his or her decision to the village council.
- (4) The member or village council concerned may appeal to the court against the decision of the Cabinet.

14 Casual vacancies

- (1) If a casual vacancy occurs in the office of a village council member more than 6 months before the expiry date, the vacancy must be filled by election in accordance with section 6.
- (2) If a casual vacancy in the office of a village council member occurs within 6 months before the expiry date, the Director-General may, after consultation with the council, appoint a suitably qualified person to hold the vacant office.
- (3) A village council member elected or appointed under this section holds office for the balance of the term of office of the member being replaced.
- (4) In this section, **expiry date**, means the date on which a village council member's term of office expires under section 11.

15 Chairperson and deputy chairperson

- (1) Each village council must elect a chairperson and a deputy chairperson.
- (2) An Assembly member representing a village constituency holds office in the village council for that constituency as an *ex officio* member and must not vote in any meeting of the council.

16 Village council members must take oath

- (1) Unless re-elected, village council members vacate office immediately after the new village council members take their oath, which oath must be taken within 7 calendar days after the date of their election.

- (2) A person elected as a village council member must not sit or vote in a meeting of the village council until he or she has taken the following oath before the Assembly member, Director, or Minister:

I, [full name], swear by Almighty God that I will justly and faithfully carry out my duties as a village council member of the [name of village] village council according to law.

So help me God.

- (3) If a village council member is unable to take his or her oath verbally because he or she is overseas or hospitalised, he or she may instead take the oath by making a signed declaration in a form provided by the Director that contains the full oath set out in subsection (2).

Part 3

Functions and powers of Village Councils

17 Functions and powers of village council

- (1) The functions and powers of a village council are those specified in this Part, and are in addition to any functions and powers specified in this Act and any other enactment.
- (2) The functions and powers of a village council that are specified in this Part are subject to any other law in force in Niue.
- (3) Cabinet may direct a village council to perform a function specified in this Part, and it is the duty of the council to comply with that direction.

18 General functions of village council

The functions of a village council include—

- (a) the provision, construction, maintenance, and regulation of—
- (i) bush roads other than public roads;
 - (ii) sea tracks and access to the sea and fishing grounds;
 - (iii) public parks, gardens, recreation areas, scenic sites and look-outs, and other public places, reserves, and land vested in the council or placed under its control either permanently or temporarily;
 - (iv) public bathing places, shelter sheds, and other places for public decency;
 - (v) buildings, places of public recreation, stalls, and stands on roads;
- (b) the provision of services relating to health, sanitation, prevention and suppression of infection diseases, and disposal of the dead, including—
- (i) services for the purposes of establishing and maintaining village cleanliness;
 - (ii) the prevention of pollution of water sources and land resources;
- (c) the provision of services for the prevention and abatement of nuisances, including:

- (i) imposition of firebans and any other similar threats to persons or property;
- (ii) the prevention and control of noise pollution;
- (d) the establishment, operation, and regulation of markets and commercial enterprises, including—
 - (i) village council markets and commodities sold in those markets;
 - (ii) the supply of planting materials;
- (e) the maintenance of the peace and security of the village residents in close co-operation with the Police;
- (f) any other function specified in this Act or any other enactment.

19 Community facilities and activities

A function of a village council is to establish or encourage the establishment of facilities it considers will benefit the residents of the village, including—

- (a) the establishment, operation, and maintenance of public halls, libraries, and community, cultural, or sports facilities;
- (b) the provision of community education schemes;
- (c) the provision of funding to associations for the promotion of handcrafts, recreation and sports, tourism, or the welfare of residents.

20 Planning

- (1) A function of a village council is to establish and maintain plans for the following:
 - (a) schemes or development schemes for any part or all of the council area;
 - (b) adherence to safety at sea measures;
 - (c) responses to natural disasters;
 - (d) the sustainable use of coastal, reef, and sea foods.
- (2) For the purpose of subsection (1)(c), any plans relating to natural disasters must—
 - (a) identify assistance that residents are likely to require following natural disaster warnings;
 - (b) make provision for ensuring the safety of residents;
 - (c) make provision for safe houses to accommodate residents that are required to evacuate;
 - (d) identify means of assistance for residents to evacuate to safe houses;
 - (e) provide for the clearing and cleaning of debris and the preparation of roads for public access.

21 Powers of village council

- (1) A village council may, in the performance of its functions or duties under this Act,—
 - (a) organise, finance, engage in, or assist any business or enterprise;
 - (b) take any action it considers desirable to improve—
 - (i) the standards of housing; or

- (ii) the standards of agricultural, pastoral, forestry, horticultural, or other methods;
- (c) carry out any works for the benefit of the council area or of its residents; or
- (d) borrow money.
- (2) A village council must not borrow money under subsection (1)(d) without Cabinet approval.
- (3) A village council may do anything it considers necessary or desirable for the performance of its functions or duties under this Act, including anything that is ancillary or incidental to the performance of those functions or duties.
- (4) For the purposes of subsection (1)(b) and without limiting its generality, a village council may—
 - (a) acquire by lease, or otherwise (but not including compulsory acquisitions) land or buildings;
 - (b) develop or improve land;
 - (c) construct buildings;
 - (d) co-operate with the Government or other recognised authority or body in the provision of credit facilities;
 - (e) dispose of land or buildings.
- (5) A village council may—
 - (a) provide assistance with any matter affecting the residents of the village; and
 - (b) make recommendations to the Government regarding matters affecting the village.

22 Exercise of power not invalid or unlawful in certain circumstances

- (1) If the Director gives his or her prior consent, the exercise by a village council of a power conferred by section 21 is not invalid or unlawful merely because—
 - (a) it takes place outside the council area or is related to matters outside the council area; or
 - (b) it is for the benefit of only some of the persons in the council area or it is for the benefit of those persons jointly with other persons.
- (2) The Director's consent must relate to exercise of the power in the manner described in subsection (1)(a) or (b).

23 Bylaws

- (1) A village council may, with the approval of Cabinet, make bylaws for the performance of any of its functions.
- (2) A bylaw must not be inconsistent with this Act, any regulations made under this Act, and any other enactment.
- (3) A bylaw comes into force—
 - (a) when it is approved by the Cabinet; or
 - (b) on any later date specified in the bylaw.
- (4) A village council must publish its bylaws—

- (a) as soon as possible after they have been approved by Cabinet; and
 - (b) in a manner that the council considers will best bring notice of the bylaws to the attention of the general public.
- (5) Money payable to a village council pursuant to a bylaw is a debt due to the council.
- (6) A fine imposed for an offence against a bylaw of a village council is payable to the council.
- (7) A bylaw may exempt in whole or in part any person or class of person from the payment of a fee or fine imposed under this part.

24 Fees for services

A village council may, by bylaw or otherwise, and to the extent consistent with any regulations made under this Act, impose or charge fees for any services supplied or rendered, by or on behalf of the council.

25 Fees may be recovered as debt

Fees due to a village council under this Part may be recovered by the council as a debt.

Part 4
Meetings of Village Council

26 First village council meeting

- (1) The first meeting of a village council must be called by the Assembly member by notice in writing within 7 consecutive days after the village council members are elected.
- (2) If the first meeting is not called within 7 consecutive days after the village council members are elected, the Director must call the first meeting within the next 5 days (after the seventh day after the election).
- (3) A notice under subsection (1) must—
- (a) state the date of the first meeting which must be within 7 consecutive days of the notice; and
 - (b) be given to each member at least 3 days before the date of the meeting; and
 - (c) state the date, time, and place for the meeting.

27 Procedure at first village council meeting

- (1) At the first meeting of a village council,—
- (a) the Assembly member, or if the Assembly member is unavailable, the Director, presides until the chairperson is elected; and
 - (b) each village council member must take his or her oath under section 16; and
 - (c) after the oaths are taken, the chairperson and deputy chairperson must be elected and take office immediately.
- (2) This section is subject to the constituent notice.

28 Standing orders

- (1) A village council must, with the prior approval of the Director, adopt standing orders for—
 - (a) the calling, regulation, and conduct of the meetings of the council; and
 - (b) custody of the common seal of the council; and
 - (c) custody or control of all assets of the council; and
 - (d) any other matters that are necessary or convenient for the purposes of this Act.
- (2) Standing orders must not be inconsistent with any provision of this Act.

29 Regularity of meetings of village council

- (1) A village council must meet at least once every 6 weeks.
- (2) The chairperson must call each meeting of the council by giving each member at least 7 days' notice of the date, time, and place of the meeting.
- (3) The chairperson must call a meeting of the council if requested to do so by at least 2 members.
- (4) This section is subject to the constituent notice.

30 Meetings of village council

- (1) This section applies to any meeting of a village council.
- (2) The meeting must be presided over by—
 - (a) the chairperson; or
 - (b) if the chairperson is absent, the deputy chairperson; or
 - (c) in any other case, a member chosen by the members present.
- (3) One half of the total membership of the council, or 3 members, whichever is the greater number, constitutes a quorum for the meeting.
- (4) All questions and matters before the council for decision must be determined by a majority of the votes of the members present.
- (5) The member presiding has a deliberative vote, and if the votes are equal, a casting vote.
- (6) Members of the public may attend the meeting unless the council determines otherwise.
- (7) This section is subject to the constituency notice.

31 Meetings with residents

- (1) A village council must meet with the residents of the village at least once every 6 weeks.
- (2) If the Chairperson does not call a meeting in accordance with subsection (1), a meeting may be called by –
 - (a) any 2 members of the village council;
 - (b) any 5 residents duly enrolled in the electoral roll of that village; or
 - (c) the Assembly member representing that village constituency.
- (3) The Director may direct the chairperson to call a meeting of the residents of the village at a place and time determined by the Director.
- (4) A chairperson must—

- (a) call the meeting in accordance with any direction under subsection (2); and
- (b) preside, or arrange for another village council member to preside, over the meeting.

32 Administrative matters

- (1) A village council must ensure that—
 - (a) documents to be considered at a council meeting are distributed to members before the meeting; and
 - (b) minutes are made of each council meeting and confirmed by each member present at the original meeting; and
 - (c) all minutes of council meetings are kept in a form in which they may be quickly retrieved for reference purposes; and
 - (d) meeting minutes, correspondence, financial records, and other documents of the council are kept in safe custody; and
 - (e) there is an up-to-date assets register of all assets of the council.
- (2) The council may appoint a person, who may be a member, to be Secretary to the council.
- (3) The functions of the Secretary are those set out in subsection (1).
- (4) A person appointed as Secretary—
 - (a) continues in office until the council ends the appointment or the person resigns from that position or dies; and
 - (b) must, on ceasing to hold office as Secretary, ensure that any documents and records of the council in his or her custody are returned to the council.

33 Village council members must disclose conflicting interests

- (1) If a village council member has a direct or indirect interest (other than as a resident of the village) in any transaction or matter by the village council,—
 - (a) the member must, as soon as possible after becoming aware of that interest, disclose the interest at a meeting of the council; and
 - (b) the council must ensure that the member's disclosure is recorded in the minutes of the meeting.
- (2) The member who has made the disclosure—
 - (a) must not take part in a deliberation or decision of the council relating to the agreement; but
 - (b) may be counted, if present, for the purpose of forming a quorum of the council for the deliberation or decision.
- (3) Nothing done by a council is invalid solely because at the time it was done a member had not disclosed an interest in accordance with this section.

Part 5
Village Council money and assets

34 Administrative costs

Village councils may receive such amounts to cover administrative and development expenses as Cabinet determines from time to time from funds made available for that purpose by the Niue Assembly.

35 Ownership and control of assets

- (1) All assets of a village council must be in the name of the council and be registered on the assets register.
- (2) Until the council otherwise disposes of an asset, the asset—
 - (a) remains the property of the council; and
 - (b) must be in the control of the council at all times.
- (3) The Director may at any time inspect the assets register of a council.

36 Establishment of village council accounts

- (1) Every village council must establish a bank account to hold the funds of the council.
- (2) The bank account must be in the name of the council.
- (3) A council must ensure that all money that the council receives is paid into the bank account as soon as reasonably possible.
- (4) No money may be withdrawn from that account except with the council's approval.

37 Discretionary grants from public revenue

In addition to any other money that may be paid or advanced to or on behalf of a village council, Cabinet may grant to a council, on any terms as it thinks fit, any money appropriated by Act for the purpose.

38 Village councils may accept offers by Cabinet to advance money

A village council may accept an offer by Cabinet to advance money for the purposes of the council on any terms that are agreed between the council and Cabinet.

39 Reserve fund

A village council must, unless otherwise authorised by the Director,—

- (a) set aside during each financial year not less than one-tenth of its recurrent revenue for that year as a reserve; and
- (b) build up and maintain at all times a reserve fund equal to 50% of its average annual revenue over the 5 financial years immediately preceding; and
- (c) once it has built up the reserve fund to the level prescribed by paragraph (b), comply with paragraph (a) only to the extent necessary to maintain the fund at the level prescribed by paragraph (b).

40 Power to invest

A village council may invest in the reserve fund (referred to in section 39)—

- (a) on deposit in a bank; or
- (b) in any other manner approved by Cabinet.

41 Duty to keep proper accounts

- (1) A village council must keep proper accounts in accordance with an accounting practice approved by the Director.
- (2) In particular, a council must keep records of—
 - (a) its assets and liabilities; and
 - (b) the money it receives and spends.
- (3) A council must retain all financial records for a period of no less than 7 years.

42 Write-off of irrecoverable amounts

A village council may, subject to any directions or conditions specified by the Director, write off—

- (a) losses or deficiencies from its funds;
- (b) irrecoverable amounts of revenue;
- (c) irrecoverable debts or overpayments;
- (d) the value of lost, deficient, condemned, unserviceable, or obsolete stores.

43 Village council accounts must be audited

- (1) The accounts of a village council must be audited by an auditor approved by Treasury.
- (2) A person may be appointed to be the council auditor for more than one council.

44 Village council must provide annual report

- (1) A village council must, within the 2 months after the end of a financial year, provide the Director with a report of its proceedings, operations, and transactions during that financial year, including the audited financial statement for that year.
- (2) A village council must present its annual report to the village residents at a meeting before it is provided to the Director.
- (3) Cabinet may withhold payments to a council until the annual report has been submitted to Cabinet to its satisfaction.

45 Council may employ or engage persons to provide services

A village council may employ or engage any person to provide services to the council on any terms and conditions determined by the council.

**Part 6
Miscellaneous**

46 Remuneration of village council members

The remuneration of village council members must be determined by Cabinet and paid out of funds made available for that purpose by the Niue Assembly.

47 Village council members not personally liable for certain actions

A village council member is not personally liable for an act or omission by the member in respect of a power or function conferred by this Act if done or omitted to be done in good faith.

48 Suspension of village council

- (1) The Director must investigate any matter in respect of which the Director has reasonable cause to suspect that—
 - (a) the affairs of the council are so negligently, inefficiently, or badly conducted that the council is not acting for the welfare of the council area or of the village residents; or
 - (b) the council is not properly carrying out its duties under this Act or any other law in force in Niue.
- (2) Following the investigation, the Director may direct the council to resolve the matter or report the matter to Cabinet.
- (3) On receiving a report under subsection (2), Cabinet may, by written notice to the council concerned, suspend the operation of the council.
- (4) If notice is given under subsection (3), Cabinet must appoint a manager to temporarily manage the affairs of the council.
- (5) A notice under subsection (3) remains in force until Cabinet directs that the suspension be removed.

49 Abolition of village council

- (1) During any period of suspension under section 48, the Director may, with the concurrence of the Director-General, recommend to Cabinet that the village council be abolished.
- (2) Cabinet may, on receiving a recommendation under subsection (1) or on its own motion, by notice in the *Gazette*, abolish a village council.
- (3) The powers and functions of the council cease on the date that the notice under subsection (2) is published or on any later date specified in the notice.
- (4) In a notice under subsection (2) or by a subsequent notice, Cabinet must appoint a person to be the liquidator for the village council.
- (5) A person appointed as liquidator must—
 - (a) wind up the affairs of the council in accordance with any directions given by the Director; and
 - (b) dispose of the council's assets in any manner that Cabinet determines; and
 - (c) provide a report to Cabinet at the conclusion of the winding up and disposal of the assets of a council.

50 Village council may be exempted from taxes

Cabinet may, on receipt of written application from a village council, exempt the council from any tax, levy, duty or fee.

51 Regulations

Cabinet may make such regulations as it thinks fit for the purposes of this Act and in particular for providing for—

- (a) fees and allowances for village council members; and
- (b) the regulation of the imposition and collection of taxes and fees by village councils; and
- (c) the accounts and records to be kept by village councils; and
- (d) the forms for annual and financial reports and any other reports; and
- (e) the imposition of penalties not exceeding a fine of 100 penalty units (\$1,000) or imprisonment for one month, or both, for breaches of the regulations.

52 Offences

- (1) A person commits an offence who—
 - (a) consents to be nominated for election as a village council member knowing that he or she is not qualified to be a candidate; or
 - (b) nominates for election as a village council member a person he or she knows is not qualified to be a candidate.
- (2) A chairperson of a village council who fails to call a meeting of residents under section 31 when so required commits an offence.
- (3) A person who has held the office of Secretary of a village council who fails to comply with 32(4)(b) commits an offence.
- (4) Any person who fails to comply with a bylaw made by a village council under this Act commits an offence.
- (5) Any person who obstructs or interferes with the lawful exercise, by a village council or an officer authorised by the council, of its powers or functions under this Act commits an offence.
- (6) Any person who, whether intentionally or recklessly, misuses or abuses any funds for use by the village council or any council monies commits an offence and is liable on conviction to a fine not exceeding 100 penalty units.
- (7) A village council member who does not return to the council any asset or other property belonging to the council that is held by the member at the end of his term or her term of office commits an offence.
- (8) Any person who commits an offence against this section is liable on conviction to a fine not exceeding 100 penalty units.

53 Application of fines

All fines imposed for offences against this Act—

- (a) must be paid to the village council in respect of which the offence was committed; and
- (b) form part of the council's revenues.

54 Judicial notice

- (1) All courts and persons acting judicially must take judicial notice of—
 - (a) all bylaws made by a village council; and
 - (b) any act, matter, or thing that is directed by or under this Act to be published in the *Gazette*, when so published.
- (2) The common seals of all village councils must be judicially and officially noticed.

55 Purposes of village council deemed to be public purpose

The purposes of village councils and the purposes of a council are deemed to be a public purpose within the meaning of any law in force in Niue.

56 Village Councils Act 1967 repealed

The Village Councils Act 1967 is repealed.

57 Transitional provisions

Despite the repeal of the Village Councils Act 1967, a village council established under that Act continues in existence under this Act as if it were a council established by this Act, and accordingly—

- (a) its assets and liabilities are deemed to be the assets and liabilities of a village council established under this Act; and
- (b) its members are deemed to have been appointed under this Act with terms of office terminating on the same date as they would have terminated had the Village Councils Act 1967 not been repealed; and
- (c) any bylaws made by a village council established under the Village Councils Act 1967 and in force immediately before the commencement of this Act continue in force as if they were bylaws made under this Act by the village council deemed to be established by this Act.

I, Togiavalu Pihigia, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 14th day of June 2016.

COUNTERSIGNED in the presence of the Speaker



Speaker of the Niue Assembly





Clerk of the Niue Assembly

This Act is administered by the department responsible for village councils.
This Act was passed by the Niue Assembly on the 23rd day of March 2016.



**FAKATUFONO TOHI MA E TAU MATAKAU
FONO TAKITAKI MAAGA 2016**

Tau Matakupu

1. Mataulu
2. Kamataaga

**Vala 1
Folafolaaga**

3. Fakakakanoaga

Vala 2

Fakatūaga he tau Matakau Fono Takitaki Maaga

4. Fakatūaga mo e tau tagata ki loto he tau Matakau Fono Takitaki Maaga
5. Tau tohi fakamau tagata vili mo e tau tagata vili
6. Viliaga he tau Matakau Fono Takitaki Maaga
7. Tokolima po ke lalo hifo he tokolima a lautolu kua fakatū higoa ke vili
8. Lautolu kua lata mo tau tagata vili
9. Lautolu ke fakatū higoa he ha tagata ke vili ki ai
10. Lautolu e ta tagata fakatū higoa ke vili ki ai
11. Leva he kotofaaga
12. Magaaho fē ke tokanoa ai e nofoa takitaki maaga
13. Uta kehe po ke fakaokioki fakakū mai he kotofaaga
14. Tau gahua tokanoa he falu a magaaho ni
15. Takitaki fono mo e hagai takitaki fono
16. Ko e tau takitaki maaga ke taute e omonuoaga

Vala 3

Tau gahua mo e tau malolō gahua he tau Matakau Fono Takitaki Maaga

17. Tauteaga he tau gahua mo e fakaaoga e malolō gahua
18. Tau gahua laulahi he Matakau Fono Takitaki Maaga
19. Tau koloa he tau tagata he maaga mo e tau gahua
20. Fakaholoaga gahua onono ki mua
21. Tau malolō gahua he Matakau Fono Takitaki Maaga
22. Fakagahuaaga he tau malolo gahua kua nakai aoga po ke nakai tonuhia fakamatafakatufono ma e falu a fekau po ke falu a tauteaga
23. Tau Lā Fakatufono Matakau Fono Takitaki Maaga
24. Tau tupe totogi ma e tau gahua kua taute
25. Mouaaga he tau tupe totogi fakahigoa fakakaitalofa

Vala 4

Tau fono he Matakau Fono Takitaki Maaga

26. Fono fakamua he Matakau Fono Takitaki Maaga
27. Fakaholoaga he Fono Fakamua he Matakau Fono Takitaki Maaga
28. Matapatu Tohi Fakamauaga Fakaholoaga he tau Fono
29. Lagafiha e fono e Matakau Fono Takitaki Maaga
30. Tau fono he tau Matakau Fono Takitaki Maaga
31. Tau fono mo e tau tagata he maaga
32. Tau fekau fakaofisa

33. Tau tutaki Matakau Fono Takitaki Maaga ke fakailoa fakamua e tau gahua fakatagata kua lauia ki ai ha matapatu gahua he maaga

Vala 5

Tau tupe mo e tau koloa he Matakau Fono Takitaki Maaga

34. Tau tupe fakaholo gahua he matakau
35. Pule tonuhia ke he tau koloa mo e levekiaga
36. Fakatūaga he tau Pepa fakamauaga tupe he Matakau Fono Takitaki Maaga
37. Tau tupe foaki fakaalofa mai he tau potaaga tupe he kautū
38. Maeke he tau Matakau Fono Takitaki Maaga ke talia e tauteaga he Fono Ikipule ke totogi ki mua e tau tupe
39. Tau tupe pale tua
40. Malolō ke fakahū leva e tau tupe
41. Gahua ke taute e tau pepa fakamauaga tupe kua tonu, hako mo e katoatoa
42. Fakamagalonoa he tau tupe nakai maeke ke totogi mai
43. Tivi e tau fakamauaga tupe he tau Matakau Fono Takitaki Maaga
44. Ke taute he Matakau Fono Takitaki Maaga e taha fakailoaaga lagataha he tau
45. Maeke he Fono Takitaki Maaga ke fakagahua po ke tuku age e taugahua ke taute

Vala 6

Falu a matakupu Foki

46. Tau Totogi fakatautonu he tau tutaki Matakau Fono Takitaki Maaga
47. Ke nākai lauia fakatagata e tau tutaki Matakau Fono Takitaki Maaga ke he falu a tauteaga
48. Fakaokioki fakakū he Matakau Fono Takitaki Maaga
49. Fakaotiaga he Matakau Fono Takitaki Maaga
50. Tau Matakau Fono Takitaki Maaga ke nakai totogi e tau tukuhau
51. Tau Lā Fakatufono Tohi
52. Tau agahala
53. Fakaaogaaga he tau tupe totogi mai
54. Fakailoaaga he Fakafiliaga
55. Ko e tau gahuahuaaga he tau Matakau Fono Takitaki Maaga ke eke ia mo tau gahuahuaaga he tau tagata auloa he motu
56. Uta kehe e Fakatufono Tohi Tau Matakau Fono Takitaki Maaga 1967
57. Tau fakavēaga gahua to hoko e magaaho ke hiki ai e Fakatufono Tohi nai

Ko e Fakatufono Tohi ke maeke ke fakatū e tau tutaki ki loto he matakau, mo e tau gahua mo e fakaholoaga he tau Matakau Fono Takitaki Maaga.

Kua fakamooli he Fono Ekepule tuga a nā i lalo –

1. Mataulu

Ko e Fakatufono Tohi Matakau Fono Takitaki Maaga 2016.

2. Kamataaga

Ke fakagahua e Fakatufono Tohi nai he aho ka mole atu ai e aho he fakamooliaga fakamatafakatufono e Fakatufono Tohi nai munitua ke he Matakupu 34 he Tohi Fakavē.

Vala 1
Folafolaaga

3. Fakakakanoaga

Ma e Fakatufono Tohi nai, a to kehe mai kaeke kua fakamahino i loto he fakatufono tohi nai --

Ekepule, ke lata ma e maaga, kakano ko ia ki loto he Fono Ekepule ha Niue ke hukui aki e maaga

Tau koloa putoia ai e tau vahega koloa oti

Takitaki Lahi he tau Viliaga kakano ko e Takitaki Lahi he tau Viliaga ne kua kotofa ki lalo hifo he matakupu 3 he Fakatufono Tohi Fono Ekepule ha Niue 1966

Fakamauaga higoa he tau tagata vili he maaga kakano ko e fakamauaga higoa tagata vili kua fakakite mai he matakupu 13 he Fakatufono Tohi Fono Ekepule ha Niue 1966

Fakailoaaga fakamaaga, ke lata ma e Matakau Fono Takitaki Maaga, kakano ko e fakailoaaga po ke tau fakailoaaga kua tohia ki lalo hifo he matakupu 4.

Matakavi he Matakau Fono Takitaki Maaga kakano, ke lata ma e Matakau Fono Takitaki Maaga, ko e matakavi ne toka po ke ke lata ma e Matakau Fono Takitaki Maaga ne kua fakatū

Tau Viliaga ko e viliaga he 1 po ke loga atu a lautolu ki loto he Matakau Fono Takitaki Maaga

Ulu Fakatonu kakano ko e takitaki he faahi gahua kua fifili ke fakagahua e Fakatufono Tohi nai

Ulu Fakatonu Lahi kakano ko ia e takitaki he Matakau Faahi Gahua ke fakagahua e Fakatufono Tohi nai

Tau he tupe kakano ko e 12 mahina kamata mai he aho 1 Iulai he tau ke fakaoti mai he aho 30 ia Iuni he tau hake *

Tagata nofo mau ke lata ma e maaga, kakano ko ia kua tohia haana a higoa ke he fakamauaga tagata vili he maaga

Tohi Kupu kakano ko ia kua fifili ko e tohi kupu he Matakau Fono Takitaki Maaga i lalo hifo he matakupu 32

Maaga kakano ko e tau tagata vili he maaga ne kua fakatū ai ki lalo hifo he matakupu 5 he Fakatufono Tohi Tau Ekepule ha Niue 1966

Matakau Fono Takitaki Maaga po ke takitaki maaga kakano ko e matakau takitaki maaga ne kua fakatū he po ke ki lalo hifo he Fakatufono Tohi nai.

Vala 2

Fakatūaga he tau Matakau Fono Takitaki Maaga

4. Fakatūaga mo e tau tagata ki loto he tau Matakau Fono Takitaki Maaga

- (1) Maeke he Fono Ikipule ke he taha tohia ke he *Tohi Tala, ko e Kasete-*
- (a) fakatū e Matakau Fono Takitaki Maaga ki loto mo e ma e maaga tuga kua fakamatafeiga ai he fakailoaaga;
 - (b) fakakite e puhala ko e fiha e kotofa i loto he Matakau Fono Takitaki Maaga;
 - (c) ke taute e tau katofia he matakavi takitaki maaga muihua ke he Fakatufono Tohi Fono Ekepule ha Niue 1966; mo e
 - (d) ke taute e puhala ma e viliaga he tau Matakau Fono Takitaki Maaga;
 - (e) ke taute, kaeke kua tokolalo mai he 3 e tutaki he matakau fono takitaki maaga, ke lata ma e fakaholoaga he tau fono mo e tau gahua he matakau.

- (2) Kua lata e Matakau Fono Takitaki Maaga ke hā i ai –
 - (a) nā kai molea e toko 5 a lautolu ko e tau tutaki ki loto he matakau; mo e
 - (b) a to kehe mai, kaeke kua fakakite mai pihia he fakailoaga maaga, ke nā kai tokolalo mai he 3 e tutaki.
- (3) Ko e matakau kautaha e Matakau Fono Takitaki Maaga tuga kua fakamatafeiga mai he matakupu 26 he Fakatufono Tohi Fakakakano 2004.
- (4) Mole atu e fakamatutakiaga mo e Matakau Fono Takitaki Maaga kua lata ai, ko e Fono Ikipule ke taute e taha ki loto he *Tohi Tala, ko e Kasete-*
 - (a) hiki e tau katofia he matakavi Matakau Fono Takitaki Maaga maitua ke he ha hikihikiaga ne kua taute ke he tau katofia he maaga ki lalo hifo he Fakatufono Tohi Fono Ekepule ha Niue 1966;
 - (b) hiki fakakehekehe e higoa he Matakau Fono Takitaki Maaga;
 - (c) hiki fakakehekehe a lautolu ki loto he Matakau Fono Takitaki Maaga;
 - (d) hiki fakakehekehe e ha fekau kua fakakite mai he matakupu (1)(d) po ke
 - (e).

5. Tau tohi fakamau tagata vili mo e tau tagata vili

- (1) Ko e tau fakamauaga tagata vili ke fakaaoga ke he tau viliaga Matakau Fono Takitaki Maaga, ko e tau fakamauaga ia kua fakakite mai he matakupu 13 he Fakatufono Tohi Fono Ekepule ha Niue 1966.
- (2) Ko e tau fakavēaga ke fakamau oti e tau higoa he tau tagata kua tonuhia ke vili maitua ke he matakupu 14 he Fakatufono Tohi Fono Ekepule 1966 ke fakaaoga mo e maitua ki ai foki e tau viliaga Matakau Fono Takitaki Maaga.
- (3) A to hoko e viliaga Matakau Fono Takitaki Maaga, kua lata e pepa fakamau higoa he maaga vili ia ke pā he aho ne kua fakatoka he Takitaki Lahi he tau Viliaga.
- (4) Kua lata e Takitaki Lahi he tau Viliaga ke fai fakailoaga laulahi ke he aho ke pā ai e pepa fakamau higoa kaupā mai he 10 e aho to hoko e vili.
- (5) Ko e tau fakavēaga oti foki hagaa ke he tau tagata vili mo e tau tohi fakamau tagata vili ki loto he Fakatufono Tohi Fono Ekepule ha Niue 1966 ke fakagahua ke he tau viliaga ki lalo hifo he Fakatufono Tohi nai.

6. Viliaga he tau Matakau Fono Takitaki Maaga

- (1) Ko e tau viliaga Matakau Fono Takitaki Maaga oti ke taute ke he puhala vili fufū.
- (2) Ko e tau viliaga he tau Matakau Fono Takitaki Maaga takitaha ke fakahoko he tau aho ne kua fakatoka he Fono Ikipule ke he puhala ki loto he *Tohi Tala*.
- (3) A to kehe ai ni mo e tau matakupu I loto he Fakatufono Tohi nai mo e fakailoaga maaga vili,-
 - (a) Ko e puhala ke mo e tauteaga ke maitua ki ai ke he viliaga ke he tau amaamanakiaga mo e tau hagaaoga oti kua tatai nī tuga kua fakakite mai he Fakatufono Tohi Fono Ekepule ha Niue 1966; mo e
 - (b) ke he fakaholoaga mo e levekiaga he ha viliaga Matakau Fono Takitaki Maaga, ko e Takitaki Lahi he tau Viliaga kua toka ai e kitekiteaga ke he tau fakavēaga kua lata he Fakatufono Tohi ia.
- (4) Nā kai fakagahua e matakupu 35(3) he Fakatufono Tohi Fono Ekepule ha Niue ke he tau vili Matakau Fono Takitaki Maaga.

7. Ka toko lima po ketokolalo hifo he 5 a lautolu kua fakatū higoa ke vili

Kaeke kua toko lima po ketokolalo hifo he 5 a lautolu kua fakatū higoa ke vili ki loto he Matakau Fono Takitaki Maaga, ko e Takitaki Lahi he tau Viliaga, ke he taha ki loto he *Tohi Tala, ko e Kasete* ke fakamooli a lautolu nā kua eke tuai mo tau tutaki takitaki maaga kamata mai he aho ne kua fakakite mai he fakailoaga.

8. Tau tonuhia he tau tagata vili

Hā he tagata e tonuhia ke eke mo tagata vili he viliaga Matakau Fono Takitaki Maaga kaeke kua fakamau tohi haana a higoa ke he fakamauaga tagata vili he maaga ke taute e vili ki ai.

9. Tau tonuhia he tagata fakatū tagata vili

- (1) Hā he tagata e tonuhia ke fakatū higoa he ha tagata ke he ke lata mo e viliaga Matakau Fono Takitaki Maaga kaeke –
 - (a) kua fakamau e higoa he tagata ia ke he pepa fakamau higoa vili he maaga ia kua amanaki ke taute e vili; mo e
 - (b) ko e tagata nākai –
 - i) ko e ofisa gahua po ke tagata gahua he Matakau Fono Takitaki Maaga; po ke
 - ii) ko e tagata kua tomo haana a pisinisi.
- (2) Nākai maeke e tagata fakatū tagata vili ke molea mai he 1 haana a tagata ke fakatū higoa.

10. Tau tonuhia he tau tagata ke vili ki ai

- (1) Hā he tagata e tonuhia ke fakatū e higoa ko e tagata ke vili ki ai he Matakau Fono Takitaki Maaga kaeke –
 - (a) kua fakamau higoa he tagata ia ke he pepa fakamau higoa vili he ha maaga; mo e
 - (b) nākai ko e ekepule a ia ki loto he Fono Ekepule ha Niue; mo e
 - (c) nākai ko e taha tagata ke vili , po ke taha he, ha Matakau Fono Takitaki Maaga kehe a ia , mo e a ia
 - (d) ko e tagata –
 - i) nakai ko e ofisa gahua po ke tagata gahua ma e Matakau Fono Takitaki Maaga; po ke
 - ii) nakai kua tomo haana a pisinisi; po ke
 - iii) nakai kua fakahala ke he ha agahala he fakaaoga fakahanoa e tau tupe, po ke taute fufū/fakagalo ke he maaga kaina, ko e fakahala fafati ko e 12 mahina po ke tokolua hake ke tuku i loto he fale puipui.
- (2) Hā he tagata e tonuhia ke fakatū higoa he ha tagata a ia ke vili he Matakau Fono Takitaki Maaga pete he nākai ko e tagata nofomau a ia he maaga ia.

11. Leva he Kotofaaga

- (1) Ko e leva he tau kotofaaga he tau Matakau Fono Takitaki Maaga takitaha ko e tolu e tau, kamata mai mo e putoia ai mo e aho ne oti ai e viliaga fakahiku.
- (2) Maeke he tutaki takitaki maaga ke liu fifili ke he 2 po ke loga atu e tau 3 tau kotofa.
- (3) Ko e tutaki Takitaki Maaga ke taute haana a kotofaaga ka oti haana a omonuoaga ki lalo hifo he matakupu 16
- (4) Fai talahauaga e taha vala he matakupu (1) he Fakatufono Tohi nai mo e ha matakupu nī kua kehe mai ki loto he fakailoaga maaga.

12. Tau magaahō fē ke tokanoa ai e kotofaaga tutaki takitaki maaga

- (1) Kua tokanoa e kotofaaga takitaki maaga he tutaki takitaki maaga kaeke kua –
 - (a) nākai talia ke taute e omonuoaga ki lalo hifo he matakupu 16; po ke

- (b) taatu haana a fakailoaaga tohi ke he Ulu Fakatonu hā kua manako a ia motuhia ke tuku haana a gahua; po ke
- (c) kua nākai fakalataha ke he tau fono, 3 e fono he magaaho taha ka e nākai fai fakailoaaga mo e taliaaga mai he Matakau Fono Takitaki Maaga; po ke
- (d) kua fakahala hā ko e ha agahala ke tuku ke he fale puipui ke he 12 e tau mahina po ke molea atu; po ke
- (e) nākai fāhia, ke taute haana a tau gahua ko e tutaki he Matakau Fono Takitaki Maaga, hā kua fai lekua e tino po ke manamanatuaga; po ke
- (f) kua mate a ia; po ke
- (g) kua uta kehe mai he kotofaaga ki lalo hifo he matakupu 13.

13. Uta kehe po ke fakaokioki fakakū mai he kotofaaga

- (1) Maeke he Fono Ikipule, hā ko e pulega he Ulu Fakatonu, ke uta kehe po ke fakaokioki fakakū e tutaki takitaki maaga mai he haana a kotofaaga kaeke –
 - (a) kua fakailoa he Matakau Fono Takitaki Maaga ke he Ulu Fakatonu haana a tau tupetupe haggao ke he tutaki takitaki maaga; mo e
 - (b) kua makona e loto he Fono Ikipule –
 - i) kua fakaaoga fakahē e ia haana a tau malolō gahua; po ke
 - ii) kua lata ke fakagahua fakahako haana a tau malolō gahua; po ke
 - iii) kua nākai, hā ko e falu a kakano, ko e tagata malolō mo e aoga ke matutaki haana a kotofa
 - (c) kua fai magaaho ne tuku age ke he tutaki takitaki maaga ke fai talahauaga ke he tau mena kua talahau ki a ia.
- (2) Nākai maeke e Ulu Fakatonu ke pulega atu ke uta kehe po ke fakaokioki fakakū e taha takitaki maaga, a to taute e ia e taha kumikumiaga mo e fakatutalaaga, ke he haana a taliaaga, mo e Matakau Fono Takitaki Maaga kua lauia ai.
- (3) Ke fakamooli e uta kehe po ke fakaokioki fakakū ke he aho ne fakailoa ai he Fono Ikipule e fifiliaga ke he Matakau Fono Takitaki Maaga.
- (4) Maeke he tutaki po ke Matakau Fono Takitaki Maaga kua lauia ai ke taatu e fekau ke he Fakafiliaga ke moua taha fanogonogaaga ke he fifiliaga he Fono Ikipule.

14. Tau kotofa gahua tokanoa he falu a magaaho ni

- (1) Kaeke kua fai kotofagahua tokanoa he falu a magaahoo ni e Matakau Fono Takitaki Maaga, kua molea atu he ono e tau mahina to liu vili foki, kua lata e kotofa gahua tokanoa nai ke vili ki ai ki lalo hifo he matakupu 6.
- (2) Kaeke kua fai gahua tokanoa he falu a magaaho ni e Matakau Fono Takitaki Maaga, ki lalo hifo he 6 e tau mahina to liu vili foki, maeke he Takitaki Lahi he Faahi Gahua ke fifili e taha tagata kua lata tonu ke he gahua tokanoa ia, muihua ke he fakailoaaga pulega ne Matakau Fono Takitaki Maaga.
- (3) Ko e takitaki maaga kua fifili po ke kua kotofa ki lalo hifo he matakupu nai ke moua e kotofaaga ke he tau magaaho ne toe haana e takitaki maaga fakamua.
- (4) Ke lata ma e matakupu nai, ko e aho ke fakaoti ai, kakano ko e aho ke oti mai ai e gahua he tutaki fono takitaki maaga tuga kua tohia ai ki lalo hifo he matakupu 11.

15. Takitaki Fono mo e Hagai Takitaki Fono

- (1) Ko e tau Matakau Fono Takitaki Maaga oti ke fifili e Takitaki Fono mo e Hagai Takitaki Fono.
- (2) Ko e Ekepule Maaga, ko ia foki taha tutaki he Matakau Fono Takitaki Maaga ka e nākai fai malolō vili a ia ke he tau fono he matakau.

16. Ko e tau Matakau Fono Takitaki Maaga ke taute e Omonuoaga

- (1) Ato kehe mai kaeke kua liu fifili, ko e tutaki he Matakau Fono Takitaki Maaga kua oti po ke kau mahala kua lata ke toka fakamafiti e kotofaaga he magaaho ka omonuo ai e tau tutaki he Takitaki Maaga foou, ti ko e omonuoaga nai ke taute a to hoko e 7 aho ka oti e tau viliaga ha lautolu e tau tutaki foou.
- (2) Ko ia kua vili ke eke mo taha tutaki he Matakau Fono Takitaki Maaga, kua nā kai maeke a ia ke vili po ke fakalataha ke he Matakau Fono Takitaki Maaga a to taute e ia e omonuo nā i lalo ki mua he Ekepule, Ulu Fakatonu po ke Ikipule.

Ko au ko [*higoa katoa*], kua omonuo au ke he Atua Tokoluga, to taute fakamooli mo e fakamitaki e au e tau gahua ko e taha ki loto he Matakau Fono Takitaki Maaga [*higoa he maaga**) munitua ke he tau fakatufono tohi.

Ma Atua na ē, lagomatai mai au.

- (3) Kaeke kua nakai maeke he ha tutaki, he Fono Takitaki Maaga ke taute e totouaga he haana omonuo ha ko ia ke he tau motu kehe po ke toka ai he fale gagao, kua lata ia ia ke taute haana aomonuo ke tohi mo e fakamooli aki haana matalima tohi e pepa ne foaki age ai he Ulu Fakatonu ke tuga kua tohia oti e omonuo ia he valakupu (2).

Vala 3

Tau gahua mo e tau malolō gahua he tau Matakau Fono Takitaki Maaga

17. Tauteaga he tau gahua mo e tau malolō gahua

- (1) Ko e tau gahua mo e tau malolō gahua he Matakau Fono Takitaki Maaga kua tohia ai ke he Vala nai, mo e lalafi ki luga he tau gahua mo e tau malolō gahua kua fakamatafeiga mai he Fakatufono Tohi nai po ke ha Matafakatufono Tohi foki.
- (2) Ko e tau gahua mo e tau malolō gahua he Matakau Fono Takitaki Maaga kua fakamatafeiga mai he Vala nai ke fakagahua ia ke he ha matafakatufono i Niue.
- (3) Maeke he Fono Ikipule ke poaki atu ke he Matakau Fono Takitaki Maaga ke taute e ha gahua kua tohia ai ki loto he Vala nai ti ko e Matakau Fono Takitaki Maaga nī ke talia e poakiaga ia.

18. Tau Koloa he Tau Tagata mo e Tau Gahua

Putoia e tau gahua nai ke he tau gahua he Matakau Fono Takitaki Maaga –

- (a) tau fakavēaga, tau tālagaaga, tau levekiaga mo e tau La Fakatufono ma e –
 - i) tau hala vao po ke tau hala kehe mai mo e tau puhalatū lalahi fakaaoga auloa;
 - ii) tau hala tahi , tau gutu ava o vaka/posi mo e tau ava ika, po ke tau luo ika lalahi.
 - iii) tau fonua, tau fonua okioki, tau kāteni, tau matakavi fakafiafia, tau matakavi talahaua ke he tau tagata fenoga evaeva, mo e tau matakavi kitekite atu ki tutavaha, mo e falu foki a matakavi tolo, tau fonua leveki mo e tau fonua ki lalo hifo he levekiaga he Matakau Fono Takitaki Maaga ke he tau magaaho oti po ke falu nī a magaaho.
 - iv) tau matakavi koukou auloa, tau fale fakamalu, mo e falu a matakavi ke taute ai e tau fekau fufū he tagata.
 - v) tau fale, tau kaina fakafiafia, tau fale fakafua he tau kala puhalatū.

- (b) fakavēaga he tau gahua malolō tino, tau fale fakamumuli mo e puipuiaga he tau gagao pikitia, mo e uta keheaga he tau mena mamate, fakalataha -
 - i) mo e tau gahua ke tamata mo e fakatumau aki e meā he maaga;
 - ii) mo e tau puipuiaga ke ua tāpilo e vai mo e tau koloa he fonua.
- (c) mo e tau fakavēaga he tau gahua ke tukutuku hifo aki e tau fakalavelave ti putoia ai -
 - i) mo e tau tugi afi po ke falu a fakalavelave pehē nai ke he tau tagata po ke tau kaina;
 - ii) puipuiaga mo e levekiaga he tau leo fakahohā
- (d) mo e tāmataaga, fakagahuaaga mo . kitekiteaga ke he tau mākete mo e tau tauteaga moua tupe fakalataha -
 - i) mo e tau mākete he tau Matakau Fono Takitaki Maaga mo e tau koloa kua fakafua ai.
 - ii) mo e tau koloa tō.
- (e) mo e fakatumauaga he moui mafola mo e haohao mtaki he tau tagata he maaga ke he puhala fakafetui mitaki mo e faahi leoleo.
- (f) ha gahua foki kua fakamahino mai he Fakatufono Tohi nai mo e ha Fakatufono Tohi foki.

19. Tau gahua mo e tau matagahua he maaga

Ko e gahua he Matakau Fono Takitaki Maaga ke tāmata po ke fakaohoho e tāmataaga he tau koloa ke moua monuina ai e tau tagata he maaga, fakalataha mo e -

- (a) Tāmataaga, fakagahuaaga mo e levekiaga he tau fale tolo, tau fale toka tohi totou mo e tau koloa maaga, tau koloa fakamotu mo e tau koloa sipote.
- (b) tau fakavēaga ma e tau tauteaga fakaako ma e maaga.
- (c) tau fakavēaga ke he tau tupe moua ma e tau matakau ke ati hake aki e tau gahua lima, tau fakafiafia mo e tau feua sipote, tau gahua fakafenoga evaeva, po ke ma e tau momoui hagahaga mitaki he tau tagata he maaga.

20. Fakaholoaga tau Palana gahua

- (1) Ko e gahua he Matakau Fono Takitaki Maaga ke taute mo e fakatumau e tau fakaholoaga ma e tau gahua nā i lalo;
 - (a) ma e ha vala po ke tau gahua fakalaulahi he tau fonua oti he Matakau Fono Takitaki Maaga;
 - (b) muiuaaga he tau puhala haohao mitaki ki luga he tofia;
 - (c) tau matematekelea fakatufugatia
 - (d) tau fakaaogaaga hololoa tonu mo e hako he tau kaukau tahi, tau uluulu mo e tau kai tahi
- (2) Ke lata ma e taha vala he matakupu (1)(c) e ha fakaholoaga haggao ia ke he tau matematekelea fakatufugatia -
 - (a) kitia e tau lagomatai kua manako ki ai e tau tagata he maaga ke mole atu e tau fakailoaga ke lata mo e tau matematekelea fakatufugatia;
 - (b) mailoga e haohao mitaki he tau tagata he maaga
 - (c) taute e tau fale kua fakatoka ke fehola ki ai;
 - (d) fakakite e tau puhala ke fehola mo e uta aki e tau tagata ke he tau fale nai;
 - (e) ke lata ma e fakameāaga he tau veve mo e fakameā kea ta e tau puhalatū mo e tau hala fa fakaaoga.

21. Tau malolō gahua he Matakau Fono Takitaki Maaga

- (1) Maeke e Matakau Fono Takitaki Maaga, ke lata ma e tauteaga mo e fakagahuaaga he haana a tau malolō gahua mo e tau gahua ke, -

- (a) fakatoka, fakatupe, kaufakalataha po ke lagomatai e ha pisinisi po ke ha kautaha gahua;
- (b) taute he ha tauteaga kua mailoga e ia kua lata-
 - i) ke fakamalolō mitaki aki e tau kaina nonofo.
 - ii) tau tūaga gahua fonua, fakamagafaoa, tau akau, tau akau kai po ke falu a puhala gahua fonua foki.
- (c) taute e ha gahua ma e mitaki he tau fonua he Matakau Fono Takitaki Maaga po ke haana a tau tagata; po ke
- (d) ole fakakaitalofa e tau tupe
- (2) Kua nakai maeke he Matakau Takitaki Maaga ke kaiote tupe atu ki lalo hifo he valakupu (1)(d) mo e nakai fai fakamooliaga ai he Fono Ikipule.
- (3) Maeke e Matakau Fono Takitaki Maaga ke taute e ha mena kaeke kua mailoga e ia kua lata ke taute pihia hā ko e fakagahuaaga he haana a malolō gahua fakalataha foki mo e ha gahua ikiiki.
- (4) Ke lata ma e taha vala i lalo he vala (1)(b) ka e nākai fai fakakaupāaga foki haana a laulahiaga, maeke he Matakau Fono Takitaki Maaga ke-
 - (a) moua ke he puhala lisi he tau vala kekekele po ke ha puhala foki (ka e nākai putoia ai e fakatau pauaki), he tau fonua po ke tau fale.
 - (b) atihake mo e fakahagahaga mitaki e fonua;
 - (c) tālagaaga e tau fale;
 - (d) kaufakalataha mo e fakatufono po ke ha pule tonuhia po ke matakau fai talahauaga ke lata ma e tau kaina foaki tupe fakakaitalofa;
 - (e) mourmou e fonua po ke tau fale;
- (5) Maeke he Matakau Fono Takitaki Maaga ke --
 - (a) Taute e tau puhala lagomatai ma e ha fekau kua lauia mitaki ai e tau tagata he maaga; mo e
 - (b) Taute e tau manatu pulega ke he Fakatufono ke lata ma e tau fekau kua lauia ai e maaga.

22. Fakagahuaaga he tau malolō gahua kua nākai aoga po ke nākai tonuhia fakamatafakatufono ma e falu a fekau po ke falu a tauteaga

- (1) Ko e fakagahuaaga he malolō gahua he Ulu Fakatonu ki lalo hifo he taha vala i lalo he matakupu (21) ke nākai talahau kua nākai tonu po ke nākai tonu fakamatafakatufono hā kua --
 - (a) taute ai ki lalo hifo he fonua ki fafo po ke kua fai matutakiaga mo e tau fekau ki fafo he fonua kua fakaatā ki ai e Matakau Fono Takitaki Maaga; po ke
 - (b) kua taute nī ma e monuina he falu tokogāhoa ki loto he Maaga po ke kua fakamahao nī ma lautolu kua fai matutakiaga mo e falu a tagata.
- (2) Ko e fakamooliaga he Ulu Fakatonu kua tonuhia muihua ke he tau malolo kotofa haia ne folafola mai he vala kupu (1) (a) po ke (b).

23. Tau Lā Fakatufono Matakau Fono Takitaki Maaga

- (1) Maeke e Matakau Fono Takitaki Maaga, ka talia fakamua he Fono Ikipule ke taute Lā Fakatufono ke lagomatai aki e falu he haana a tau gahua.
- (2) Ko e tau Lā Fakatufono ke nākai muihua, ma e fetatai aki ke he Fakatufono Tohi nai mo e ha Matafaktufono Tohi foki.
- (3) Ke maeke fakagahua e lā fakatiufono --
 - (a) ke fakamooli he Fono Ikipule; po ke
 - (b) ke he ha aho kua fakamahino mai he Lā Fakatufono.
- (4) Ko e Matakau Fono Takitaki Maaga ke tohia mo e fakailoa haana a Lā Fakatufono

- (a) Taute fakamafiti ka oti he fakamooli he Fono Ikipule mo e
- (b) ke he puhala mitaki nī kua mailoga he Matakau Fono Takitaki Maaga ke taatu aki e fakailoaaga ma e iloaaga laulahi he tau tagata oti.
- (5) Ko e ha tupe ke totogi ke he Matakau Fono Takitaki Maaga ke lata ma e Lā Fakatufono, ko e kaitalofa a ia ke totogi ke he Matakau Fono Takitaki Maaga.
- (6) Ko e ha tupe totogi hā kua holia e agahala ke he Lā Fakatufono ne taute he Matakau Fono Takitaki Maaga ki a totogi atu ke he Matakau Fono Takitaki Maaga.
- (7) Maeke e Lā Fakatufono ke fakamagalalo oti po ke taha vala e ha tagata po ke ha vahega tagata ke nākai totogi e tupe po ke tupe fakahala ki lalo hifo he vala nai.

24. Tau tupe totogi ma e tau gahua

Maeke he Matakau Fono Takitaki Maaga, ha ko e malolo i lalo hifo he ha Fono po ke nakai, ka kia muihua ke he ha La Fakatufono kua taute ki lalo hifo he Fakatufono tohi nai, ke tuku atu e tau tupe ke totogi mai, ke lata mo e tau gahua he Matakau Takitaki Maaga po ke ha gahua kua taute ma e higoa ha lautolu he Matakau.

25. Mouaaga he tau tupe totogi

Ko e tau tupe ke totogi ke he Matakau Fono Takitaki Maaga ki lalo hifo he vala nai ke tuku atu ke totogi mai mo e fakahigoa ko e tau tupe kaitalofa ke he Matakau Fono Takitaki Maaga.

Vala 4

Tau fono he tau Matakau Fono Takitaki Maaga

26. Fono fakamua he Matakau Fono Takitaki Maaga

- (1) Kua lata e fono fakamua he Matakau Fono Takitaki Maaga ke fakailoa he Ekepule maaga ke he fakailoaaga tohi, he vahaloto he 7 e aho he mole atu e fakamooli he tau tutaki fouu.
- (2) Kaeke kua tu e 7 aho he oti ai e fakamooliaga he kotofa fouu ti nākai lā fakahoko ia e fono fakamua, ko e Ulu Fakatonu ke hea e fono fakamua he magaaho ia ki lalo hifo he 5 e tau aho (he mole atu e 7 aho he oti e fakamooliaga he tau kotofa fouu).
- (3) Kua lata e fakailoaaga ki lalo hifo he valakupu (1) –
 - (a) ke fakailoa kaupā mai he 7 e aho mai he vili ti taute e fakailoaaga he tau kotofa fouu; mo e
 - (b) ke taatu ke he tau tutaki takitaha – 3 e aho to hoko e fono; mo e
 - (c) tohia ai e aho, magaaho mo e matakavi ke hoko fono ai.

27. Fakaholoaga he fono fakamua he Matakau Fono Takitaki Maaga

- (1) Ke he fonoaga fakamua he Matakau Fono Takitaki Maaga
 - (a) ko e Ekepule maaga, po ke kaeke kua lavelave a ia, ko e Ulu Fakatonu ke fakahoko e fono a to fifili e takitaki; mo e
 - (b) ko e tau takitaki maaga takitaha ke taute e omonuoaga ki lalo hifo he matakupu 16; mo e
 - (c) ka oti e tau omonuoaga ti fifili ai e takitaki fono mo e hagai takitaki fono mo e kamata ai ha laua a tau gahua.
- (2) Ko e muihua nī e matakupu nai ke he fakailoaaga ma e maaga.

28. Tau tohi fakaholoaga fono

- (1) Kua lata e Matakau Fono Takitaki Maaga ke fai tohi fakaholoaga fono ka e fakamua ke moua mai e taliaaga he Ulu Fakatonu. Ko e tohi nai ke tohia ai e tau magaaho ke –
 - (a) hea ai e fono, holoaga mo e mahani he fono he Matakau Fono Takitaki Maaga; mo e
 - (b) toka ai e fakaamailoga peehi he Matakau Fono Takitaki Maaga; mo e
 - (c) tokaaga he tau koloa oti he Matakau Fono Takitaki Maaga; mo e
 - (d) ha fekau foki kua lata po ke tonuhia ma e tau hagioaga he Fakatufono Tohi nai.
- (2) Tatai ni ke nakai munitua e Tohi Fakaholo Fono nai ke he ha fakavēaga i loto Fakatufono Tohi nai.

29. Lagafiha e fono e Matakau Fono Takitaki Maaga

- (1) Ko e Matakau Fono Takitaki Maaga ke fono lagataha he tau 6 faahi tapu.
- (2) Ko e Takitaki fono ke hea e fono he Matakau Fono Takitaki Maaga kaupā mai he 7 e aho he fakailoaga kua hā i ai e aho, magaaho mo e matakavi ke fono ai.
- (3) Ko e Takitaki fono ke hea e fono he matakau takitaki maaga kaeke kua tokoua e tutaki kua fakailoa e manatu ke fakahoko taha fono.
- (4) Ko e munitua nī e matakupu nai ke he fakailoaga maaga.

30. Tau fono he Matakau Fono Takitaki Maaga

- (1) Fakahagaao e matakupu nai ke he ha fono nī he Matakau Fono Takitaki Maaga.
- (2) Kua lata e fono ke takitaki he –
 - (a) takitaki fono; po ke
 - (b) kaeke kua nākai hā i ai e takitaki fono, ko e hagai ke fakaholo e fono; po ke
 - (c) ke he falu a magaaho, ko ia mai he tau tutaki ne kua fifili a lautolu ki ai.
- (3) Tokotolu e tutaki takitaki maaga to maeke ke fakahoko e fono.
- (4) Ko e tau hūhū mo e tau fekau oti kua fakatutala ki ai ke moua a lautolu kua tokologa mai he tau tutaki.
- (5) Maeke a ia ka takitaki ke fai vili pauaki ka e kaeke kua tatai e tau vili, ko ia ke taute e taha vili foki (vili pauaki).
- (6) Maeke e tau tagata he maaga ke fakalataha ke he fono a to kehe mai kaeke kua fai fifiliaga kua ke he mai e Matakau Fono Takitaki Maaga.
- (7) Ko e munitua nī e matakupu nai ke he fakailoaga maaga.

31. Tau fono mo e tau tagata he maaga

- (1) Kua lata e Matakau Fono Takitaki Maaga ke fono lagataha he ono e faahi tapu mo e tau tagata he maaga.
- (2) Kaeke kua nakai fakailoa he Takitaki e fono ki lalo hifo he valakupu(1), kua maeke e fono ke fakailoa ai he -
 - (a) ko hai ni he 2 e tutaki he Matakau Takitaki Maaga; po ke
 - (b) toko 5 e tagata ne nonofo he maaga mo e kua tohia e tau higoa ke he Pepa Fakamau Tagata Vili ke lata mo e maaga; po ke
 - (c) Ekepule he maaga ia.
- (3) Maeke he Ulu Fakatonu ke poaki ke he Takitaki Fono ke taute e taha fono maaga ke he matakavi mo e magaaho kua fifili a ia ki ai.
- (4) Kua lata e Takitaki Fono –
 - (a) ke hea e fono ke lata ma e poakiaga I lalolo hifo he valakupu (2); mo e
 - (b) takitaki, po ke fifili taha takitaki maaga ke takitaki e fono ia.

32. Tau fekau fakaofisa

- (1) Kua lata e fono takitaki maaga ke iloa mitaki –
 - (a) kua fai matakupu fono kua tufa atu tuai ke he tau tutaki to fakahoko e fono; mo e
 - (b) taute e tau kupu fonoaga (minute) ke fakamooli e lautolu e tau takitaki maaga ne fakalataha atu ke he fono fakahiku; mo e
 - (c) ke fai lagaki kupu fono e tau fono oti kua pota fakalataha ke maeke ke moua mafiti ka manako ki ai; mo e
 - (d) tau kupu fono, tau tohi, tau fakamauaga tupe mo e falu a tohi he Matakau Fono Takitaki Maaga ke toka ke he taha tokaaga mitaki; mo e
 - (e) kua fai tohi ke fakamau aki e tau koloa oti he Matakau Fono Takitaki Maaga.
- (2) Maeke he Matakau Fono Takitaki Maaga ke fifili taha tagata, ko e taha mai ha lautolu, po ke nakai ke eke mo Tohi Kupu he matakau.
- (3) Ko e tau gahua he Tohi Kupu haia kua tohia ai he taha vala i lalo he matakupu (1).
- (4) Ko ia kua kotofa ke eke mo Tohi Kupu –
 - (a) ke fakatumau haana a gahua a to fakaoti he Matakau Fono Takitaki Maaga e kotofaaga, fakaoti ni e ia po ke mate.
 - (b) kua lata, kaeke kua fakaoti mai e kotofaaga tohi kupu, ke mailoga kua liuaki oti e tau pepa gahua mo e tau fakamauaga ne toka ia ia ke he Matakau Fono Takitaki Maaga.

33. Tau tutaki takitaki maaga ke fakakite e tau manatu kaikalau fakatagata

- (1) Kaeke kua fai manako (kehe mai ko e taha tagata kua nofo he maaga) ke he ha maveheaga kua fakamooli ki ai po ke ke fakamooli ki ai e Matakau Fono Takitaki Maaga, -
 - (a) kua lata e takitaki maaga ke fakailoa fakamafiti he magaaho kua mailoga ai e ia e tūaga ia haana ke he Matakau Fono Takitaki Maaga; mo e
 - (b) ko e Matakau Fono Takitaki Maaga ke mailoga kua fakamau hifo e tūaga nai he tutaki fono nai ke he tau kupu fono.
- (2) Ko e takitaki maaga kua taute e fakailoaaga pehē nai ke –
 - (a) nākai lata ke fakalataha ke he fakatutalaaga po ke fifiliaga he Matakau Fono Takitaki Maaga ke he maveheaga; ka e
 - (b) maeke a ia ke totou ke moua e nūmela fono he Matakau Fono Takitaki Maaga ma e fakatutalaaga po ke fifiliaga.
- (3) Nākai fai mena kua taute he Matakau Fono Takitaki Maaga kua talahau kua nākai tonu ma e kakano nī ke he magaaho tonu ia ne taute ai e fekau, ne fakatauhele e takitaki maaga po ke fakatauhele e matakupu nai.

Vala 5

Tau tupe mo e tau koloa he Matakau Fono Takitaki Maaga

34. Tau tupe fakagahua he Ofisa

Maeke he tau Matakau Fono Takitaki Maaga ke moua falu a lagomatai tupe ke taute aki e tau gahua he ofisa mo e falu a gahua atihake kua fifili ki ai e Fono Ikipule mai he taha magaaho ke he taha magaaho mai he tau tupe kua fatifati pauaki he Fono Ekepule ha Niue.

35. Pule tonuhia ke he tau koloa

- (1) Ko e tau koloa oti ke he higoa he Matakau Fono Takitaki Maaga kua lata nī ke fakamau tohi ke he Pepa Fakamau Koloa.
- (2) Ato uta kehe ni he Fono Takitaki Maaga e tau koloa, ko e tau koloa oti -

- (a) ko e tau koloa he Matakau Fono Takitaki Maaga; mo e
 - (b) toka ke he levekiaga he Matakau Fono Takitaki Maaga he tau magaaho oti.
- (3) Maeke he Ulu Fakatonu ke kitekite ke he pepa fakamau koloa nai he ha magaaho kua manako a ia ki ai.

36. Fakatuaga he tau fakamauaga tupe he Matakau Fono Takitaki Maaga

- (1) Ko e tau Matakau Fono Takitaki Maaga oti, kua lata ke toka oti e tau tupe ke he taha pepa fakahū tupe.
- (2) Ko e pepa fakahū tupe ke tohia ai ke he higoa he Matakau Fono Takitaki Maaga.
- (3) Ko e Matakau Fono Takitaki Maaga ke mailoga ko e tau tupe oti ka moua he matakau nai, ke tuku fakamafiti ki loto he pepa fakahū tupe.
- (4) Nākai maeke ke taaki mai ha tupe he pepa fakahū tupe ia a to moua e taha fakamooliaga tohi mai he Matakau Fono Takitaki Maaga.

37. Tau tupe foaki lagomatai mai he potaaga tupe he kautū

Lafi ki luga ke he falu a tupe foki ke totogi po ke totogi ki mua ke he po ke ma e higoa he Matakau Fono Takitaki Maaga, maeke he Fono Ikipule ke foaki ke he Matakau Fono Takitaki Maaga, ke he tau fakatokatokaaga kua bagahaga mitaki ke he haana a kitiaaga, e ha tupe kua fatifati pauaki fakamatafakatufono ma e fakaaogaaga pihia.

38. Maeke he tau Matakau Fono Takitaki Maaga ke talia e tauteaga he Fono Ikipule ke totogi ki mua e tau tupe

Maeke he Matakau Fono Takitaki Maaga ke talia e tauteaga he Fono Ikipule ke totogi ki mua e tau tupe ma e tau manako he Matakau Fono Takitaki Maaga ke he ha fakatokaaga kua talia tokoua ki ai e Matakau Fono Takitaki Maaga mo e Fono Ikipule.

39. Tau tupe paletua

Ke lata ma e matakupu nai, kua lata he Matakau Fono Takitaki Maaga, a to kehe mai kaeke kua fai poakiaga e Ulu Fakatonu,

- (a) ke tuku kehe he tau tau takitaha ha tupe, nākai ke tote hifo he taha e mena ke hogofulu aki he haana a tau tupe moua he tau ia ke eke mo tupe paletua, mo e.
- (b) kua lata e Matakau Fono Takitaki Maaga ke atihake mo e leveki tumau he tau magaaho oti e tupe paletua nai, fakataitai ai ke he 50 e pasene he haana a tupe moua fakaevalesi ke he 5 e tau tau ia kua mole ki tua.
- (c) ko e magaaho ka tupu ai e tupe paletua muihua ke he taha vala he matakupu (b), to fakagahua nī e tau fakavēaga he taha vala he matakupu (a) ma e tau mena kua lata ke leveki tumau aki e tupe paletua ia ke he fafatiaga kua fakakite he taha vala he matakupu (b).

40. Malolō ke fakahū leva e tupe

Maeke he Matakau Fono Takitaki Maaga ke fakahū leva e ha vahega tupe ke he fakaputuaga tupe paletua (kua fakakite mai he matakupu 39) –

- (a) ke fakahū ke he fale tupe; po ke
- (b) taute ke he ha puhala kua talia ki ai e Fono Ikipule.

41. Gahua ke taute e tau fakamauaga tupe kua tonu mo e katoatoa

- (1) Ko e Matakau Fono Takitaki Maaga ke taute e tau fakamauaga tupe kua tonu mo e taute muihua mo e tatai e tau fakamauaga tupe ia ke he puhala kua fakamooli ki ai e Ulu Fakatonu.

- (2) Mua atu, kua lata he Matakau Fono Takitaki Maaga ke fakamau tohi –
 - (a) haana a tau koloa mo e tau maveheaga tupe; mo e
 - (b) haana a tau tupe moua mo e fakamole.
- (3) Kua lata he Matakau Fono Takitaki Maaga ke gata mai he 7 e tau ke toka ai e tau fakamauaga tupe oti.

42. Fakamagalonoa he tau tupe nā kai maeke ke totogi mai

Ko e Matakau Fono Takitaki Maaga, ki lalo hifo he ha poakiaga po ke ha fakavēaga kua fakakite he Ulu Fakatonu ke fakamagalonoa e –

- (a) tau tupe kua ku mo e oti he moua mai po ke molea ki mua he haana a tau tupe fakagahua;
- (b) tau tupe moua nā kai moua mai katoatoa;
- (c) tau kaitalofa mo e tau fakamoleaga tupe molea;
- (d) fuafuaaga he tau koloa galo, kū, tiaki, nā kai maeke ke fakafoou po ke kua tuai fai fakaaogaaga.

43. Tivi e tau fakamauaga tupe he Matakau Fono Takitaki Maaga

- (1) Ko e tau fakamauaga tupe oti he Matakau Fono Takitaki Maaga, kua lata ke tivi he taha tagata tivi tupe ne kua talia he Faahi Tanaki Tupe.
- (2) Maeke he tagata tokotaha ke eke mo tagata tivi tupe ke he loga he tau Matakau Fono Takitaki Maaga.

44. Ke taute he Matakau Fono Takitaki Maaga e taha Fakailoaga Tohi Hokotaki Lagataha he tau

- (1) Kua pauaki he Matakau Fono Takitaki Maaga ki lalo hifo he 2 e mahina he mole e tau fakagahua he tupe, ke tuku atu ke he Ulu Fakatonu e taha hokotaki ke he haana a tau gahua, tau fakaholoaga mo e tau fekafekauaga he tau ia he tupe ti fakapiki fakalataha ai foki mo e fakamatalaaga tupe kua oti he tivi.
- (2) Kua pauaki he Matakau Takitaki Maaga ke tuku atu e Fakailoaga Lagataha he Tau ke he tau tagata ne nonofo he maaga ke he taha fonoaga, a to taatu ai agataha ke he Ulu Fakatonu.
- (3) Maeke he Fono Ikipule ke taofi e ha tupe ke he Matakau Fono Takitaki Maaga a to tuku atu ia e Fakailoaga Lagataha he tau ke he Fono Ikipule mo e kua hagahaga mitaki ke he ha lautolu a kitiaaga.

45. Maeke he Fono Takitaki Maaga ke fakagahua ke taute e tau gahua

Maeke he Matakau Fono Takitaki Maaga ke fakagahua e ha tagata ke taute e tau gahua he matakau ke he tau fakavēaga kua fifili ki ai e matakau mo e tau puhala gahua kua talia ki ai foki e Fono Takitaki Maaga.

Vala 6

Falu a matakupu foki

46. Tau Totogi Fakatautonu he tau tutaki Matakau Fono Takitaki Maaga

Kua lata he Fono Ikipule ke fatifati e tau tupe ke fakatautonu aki e tau tutaki Matakau Fono Takitaki Maaga ke totogi mai he tau tupe kua fakatoka pauaki he Fono Ekepule ke fakaaoga pihia mo e tuku fakahako atu ke he fakaputuaga tupe he matakau fono takitaki.

47. Ke nākai lauia fakatagata e tau tutaki Matakau Fono Takitaki Maaga ke he falu he tau tauteaga

Ke nākai lauia fakatagata e tutaki Matakau Fono Takitaki Maaga hā ko e tauteaga po ke nākai taute he tutaki ke lata ma e malolō gahua po ke gahua kua tohia ai he Fakatufono Tohi nai kaeke kua taute po ke tiaki nākai taute ke he agaaga fakamooli.

48. Fakaokioki fakakū he Matakau Fono Takitaki Maaga

- (1) Ko e Ulu Fakatonu kua lata ke taute e taha kumikumiaga ke he ha fekau kua fai tuahā ki ai a ia kua –
 - (a) nākai holo mitaki, nākai katoatoa po ke kua taute fakakelea e tau fekau he Matakau Fono Takitaki Maaga mo e nākai taute foki ma e mitaki he maaga po ke tau tagata he maaga, po ke
 - (b) nākai taute fakamitaki he Matakau Fono Takitaki Maaga haana a tau gahua ki lalo hifo he Fakatufono Tohi nai po ke ha Fakatufono Tohi kua fakagahua ai i Niue.
- (2) Ka oti e kumikumiaga, maeke he Ulu Fakatonu ke poaki atu ke he Matakau Fono Takitaki Maaga ke fakahagahaga mitaki e lekua po ke tuku atu taha hokotaki ke he Fono Ikipule.
- (3) Ka moua e hokotaki, ki lalo hifo he taha vala he matakupu (2), maeke he Fono Ikipule ke puhala atu ke he taha fakailoaga tohi ke he Matakau Fono Takitaki Maaga ia ke fakaokioki fakakū e gahuahuaaga he Matakau Fono Takitaki Maaga ia.
- (4) Kaeke kua lauia e taha vala he matakupu 3, kua lata he Fono Ikipule ke kotofa e taha tagata gahua ke matutaki fakakū e tau gahua he Fono Takitaki Maaga ia..
- (5) Ke tumau e fakagahuaaga he fakailoaga ki lalo hifo he taha vala he matakupu (3) a to poaki he Fono Ikipule ke uta kehe e fakaokioki fakakū.

49. Fakaotiaga he Matakau Fono Takitaki Maaga *

- (1) Ke he ha magaaho ne fakaokioki fakakū ai e matakau, ki lalo hifo he matakupu 48, maeke he Ulu Fakatonu, ka moua e omoiaga he Ulu Fakatonu Lahi he Faahi Gahua, ke taatu e manatu pulega ke he Fono Ikipule ke fakaoti e Matakau Fono Takitaki Maaga ia.
- (2) Maeke he Fono Ikipule he magaaho ka moua ai e manatu pulega ki lalo hifo he taha vala he matakupu (1) po ke ke he haana a fifiliaga nī, ke taute taha fakailoaga tohi ke he *Tohi Tala, ka e Kasete-* ke fakaoti e Matakau Fono Takitaki Maaga ia.
- (3) Ko e tau malolō gahua mo e tau gahua he Matakau Fono Takitaki Maaga ke fakaoti he aho ka taute ai e fakailoaga tohi ki lalo hifo he taha vala he matakupu (2) po ke ha aho kehe nī kua fakakite mai he fakailoaga tohi.
- (4) Ke he fakailoaga ka taute ki lalo hifo he matakupu (2) po ke ha fakakailoaga foki, kua lata he Fono Ikipule ke fifili taha tagata ke eke mo tagata Leveki atu e Matakau Fono Takitaki Maaga kua fakaoti motuhiua
- (5) Kua lata he tagata Leveki atu ke he Matakau Fono Takitaki Maaga ke –
 - (a) fakaoti e tau gahua he Matakau Fono Takitaki Maaga munitua ke he ha poakiaga he Ulu Fakatonu, mo e
 - (b) uta kehe po ke fakafua e tau koloa he Matakau Fono Takitaki Maaga ia ke he ha puhala kua fifili ki ai e Fono Ikipule; mo e
 - (c) taute e taha hokotaki mo e tuku atu ke he Fono Ikipule ka oti e pā mo e uta keheaga he tau gahua mo e tau koloa he Matakau Fono Takitaki Maaga.
 - (d)

50. Maeke he Matakau Fono Takitaki Maaga ke fakamagalonoa mai mo e tau Tukupu

Maeke he Fono Ikipule ke poaki nakai totogi e Matakau Fono Takitaki Maaga ke he totogiaga he ha tukuhau, tau tupe fakaaoga po ke tau puhala moua tupe he Fakatufono.

51. Tau Lā Fakatufono

Maeke he Fono Ikipule ke taute falu a Lā Fakatufono kua lata tonu ke he hana a manamanatuaga ma e fakagahuaaga he Fakatufono Tohi nai mua atu ke lata ma e –

- (a) tau tupe moua mo e tau alauni he tau tutaki he Matakau Fono Takitaki Maaga; mo e
- (b) fuafuaaga he fakatūaga mo e fakaputupuaga he tau tukuhau mo e tau tupe moua he tau Matakau Fono Takitaki Maaga; mo e
- (c) tau fakamauaga tupe mo e tau fakamauaga tohi ke toka ai ke he Matakau Fono Takitaki Maaga; mo e
- (d) tau laupepa fakapuke ma e tau hokotaki mo e tau fakamatalaaga tupe mo e falu a hokotaki foki; mo e
- (e) fakagahuaaga he tau fakahala nākai molea e tau tupe totogi ko e 100 uniti fakahala (\$1,000) po ke tuku ke he fale puipui ke he 1 e mahina, po ke tau fakahala ua nai ke lata ma e holiaga he tau Lā Fakatufono.

52. Tau agahala

- (1) Kua agahala e tagata kua –
 - (a) fakamooli ke fakatū higoa ke vili ke eke mo tutaki he Matakau Fono Takitaki Maaga ka e iloa maaliali e ia, nākai fai tonuhia a ia ke eke mo tagata fakatū higoa ke vili ki ai; po ke
 - (b) fakatū higoa vili e tagata ka e iloa maaliali e ia nākai fai tonuhia e tagata ia ke eke mo taha tagata fakatū higoa vili ki ai ke he viliaga ke eke mo taha tutaki he Matakau Fono Takitaki Maaga,
- (2) Ko e Takitaki Fono he Matakau Fono Takitaki Maaga kua nākai taute ha fono auloa mo e tau tagata he maaga ki lalo hifo he matakupu 31 ka e kua lata a ia, kua agahala a ia.
- (3) Ko e tagata kua taute e gahua Tohi Kupu he Matakau Fono Takitaki Maaga kua nākai muihua ke he matakupu 32(4)(b) kua agahala a ia.
- (4) Ko e ha tagata kua nākai muihua ke he Lā Fakatufono ne taute he Matakau Fono Takitaki Maaga ki lalo hifo he Fakatufono Tohi nai, kua agahala a ia.
- (5) Ko e ha tagata kua fakalavelave po ke fakatauhele atu ke he tauteaga fakamatafakatufono he ha gahua he tutaki Matakau Fono Takitaki Maaga po ke taha ofisa gahua kua kotofa he Matakau Fono Takitaki Maaga ki lalo hifo he Fakatufono Tohi nai, kua agahala a ia.
- (6) Ko e ha tagata kua taute pauaki po ke fakaaoga fakahanoa po ke fakaaoga fakahehē e ha tupe ma e fakaaogaaga he Matakau Fono Takitaki Maaga, kua agahala a ia mo e ke fakahala ke he tau tupe totogi nākai molea e 100 uniti fakahala.
- (7) Ko e ha tutaki he Matakau Takitaki Maaga ka nakai liuaki atu e tau koloa uho po ke ha koloa ni he Matakau Takitaki Maaga ne toka ia ia he magahā ka oti ai e kotofaaga haana kua lago a ia ke he agahala.
- (8) Ko e ha tagata kua taute e agahala ki lalo hifo he matakupu nai ke fakahala ke he tau tupe totogi nākai molea e 100 uniti fakahala.

53. Fakaaogaaga he tau tupe totogi

Ko e tau tupe totogi oti kua fakatoka ma e tau agahala he Fakatufono Tohi nai –

- (a) ke totogi ke he Matakau Fono Takitaki Maaga ne kua lauia he agahala; mo e
- (b) kua eke ia mo tau tupe moua he Matakau Fono Takitaki Maaga.

54. Fakailoaga he Fakafiliaga

- (1) Ko e tau fakafiliaga oti mo lautolu kua gahua ke he tau fakafiliaga ke fai iloaaga fakafakafiliaga ke he -
 - (a) tau fakatufono oti kua taute he Matakau Fono Takitaki Maaga; mo e
 - (b) ha Fakatufono Tohi, ha fekau po ke ha mena kua tohi ai he *Tohi Tala, ko e Kasete*- kua mai ia he, po ke ki lalo he, Fakatufono Tohi nai, he magaaho ne tohia ai.
- (2) Ko e tau piliaga mau he tau Matakau Fono Takitaki Maaga oti kua lata ke iloa faka-fakafiliaga mo e faka-fakatufono.

55. Tau gahuahuaaga he tau Matakau Fono Takitaki Maaga ke eke ia mo tau gahuahuaaga he tau tagata

Ko e tau haggaoaga he tau Matakau Fono Takitaki Maaga ke talahau ai kua eke ia mo haggaoaga he tau tagata oti ki lalo hifo he kakano he ha fakatufono tohi kua fakagahua ai i Niue.

56. Uta kehe e Fakatufono Tohi tau Matakau Fono Takitaki Maaga 1967

Kua uta kehe tuai mo e nakai fai malolo e Fakatufono Tohi ha Niue 1967.

57. Tau fakavēaga ma e tau magaaho to fakahoko ai e hiki.



Pete kua uta kehe e Fakatufono Tohi tau Matakau Fono Takitaki Maaga 1967, ko e matakau takitaki ne kua fakatū ki lalo hifo he Fakatufono Tohi ia ke tumau haana a fakagahuaaga ke he Fakatufono Tohi nai tuga nī mena kua fakatū he Fakatufono Tohi foou nai, mo e ke –

- (a) talahau haana a tau koloa mo e tau maveheaga tupe, ko e tau mena kua fakatū he Fakatufono Tohi nai; mo e
- (b) ko e haana a tau tutaki ko e tau tutaki Matakau Fono Takitaki Maaga ne kua fakatū he Fakatufono Tohi nai mo e tau fakatokaaga fakaoti gahua ke fakahoko he aho agaia nī ke fakaoti ai mena nākai uta kehe e Fakatufono tau Matakau Fono Takitaki Maaga 1967; mo e
- (c) ha Lā Fakatufono kua taute ai he Matakau Fono Takitaki Maaga ne fakatū he Fakatufono Tohi tau Matakau Fono Takitaki Maaga 1967 mo e fakagahua fakamafiti ai a to fakagahua e Fakatufono Tohi nai ke fakagahua ke tuga nī ko e tau Lā Fakatufono kua tauteute ki lalo hifo he Fakatufono Tohi nai ne kua taute he Matakau Fono Takitaki Maaga ne kua fakatū ki lalo hifo he Fakatufono Tohi nai.

Ko au, **TOGIAVALU PIHIGIA**, ko e Fakatonu Fono he Fono Ekepule a Niue, hanai kua fakamooli ko e tau fakavēaga he Matakupu 34 he Tohi Fakavē a Niue kua muitua ki ai.

FAKAMOOLI MO E PILIMAU he poko he Fono Ekepule a Niue he aho 14 he mahina

Juni 2016.



Fakatonu Fono he Fono Ekepule ha Niue

FAKAMOOLI FOKI ki mua he Fakatonu Fono


Tohi Kupu he Fono Ekepule ha Niue

Ko e Faahi Gahua ne levekiki e tau Matakau Fono Takitaki Maaga ka fakagahua e Fakatufono Tohi nai.
Kua fakamooli ai he Fono Ekepule a Niue e Fakatufono Tohi nai he aho 23 he mahina Mati 2016.
