



# NIUE ASSEMBLY PRIVILEGES ACT 2013

No. 324

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## AN ACT

### TO PROVIDE FOR THE PROTECTION OF PARLIAMENTARY PRIVILEGES

#### 1 Name

This is the Niue Assembly Privileges Act 2013.

#### 2 Interpretation

“Assembly” means the Niue Assembly and the committees of the Niue Assembly;

“Contempt” means –

- a) any act or omission in the Assembly or in the precincts of the Assembly which obstructs or impedes the Assembly in the performance of its functions, or which obstructs or impedes any Member or officer of the Assembly in the discharge of the duties of that person or affronts the dignity of the Assembly, or which tends either directly or indirectly to produce such a result;
- b) assaulting, obstructing or insulting a member or the Speaker in the member’s coming to or going from the Assembly, or anywhere else because of the member’s or Speaker’s performance of his or her parliamentary duties;
- c) attempting to compel a member by force, insult or menace to take a particular position in relation to a proposition or matter pending, or expected to be brought, before the Assembly;

- d) sending a threat to a member because of the member's performance of his or her parliamentary duties;
- e) offering of a bribe to a member;
- f) creating or joining in any disturbance in the Assembly or in the precincts of the Assembly while it is sitting that may interrupt its proceedings;
- g) improperly influencing a person, in relation to any evidence to be given by the person to the Assembly;
- h) the failure without reasonable cause of a member of the Public Service to attend a meeting of a committee of the Assembly when given notice to do so by the Speaker;

“precincts of the Assembly” means the offices of the Assembly and includes, while the Assembly is sitting, the designated area where any sitting or committee meeting is held.

“proceedings of the Assembly” means all words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly, and includes –

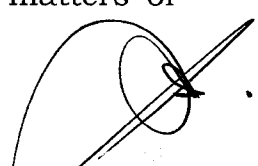
- (a) the giving of evidence to the Assembly, and evidence so given;
- (b) the presentation or submission of a document to the Assembly;
- (c) the preparation of a document for the purposes of or incidental to the transacting of any business of the Assembly;
- (d) the formulation, making or publication of a document, including a report, by or pursuant to an order of the Assembly and the document so formulated, made or published.

### **3 Parliamentary privilege**

(1) Article 24 of the Constitution provides for privileges of the Assembly and its members.

(2) Subject to Article 24 of the Constitution, a court may require the production, or admit as evidence in court any proceedings of the Assembly if the proceedings in question relate to the prosecution for an offence against this Act.

(3) The Assembly shall in all its proceedings have due regard to matters of personal privacy, matters likely to prejudice the security or defence of Niue or the international relations of the Government of Niue, and matters of commercial sensitivity.



#### **4 Contempt**

(1) A person who commits a contempt commits an offence.

(2) Proceedings for contempt may be initiated only by the Speaker and in the High Court according to the rules for summary proceedings.

#### **5 Protection of witnesses**

(1) A person commits an offence who, by fraud, intimidation, force or threat, by the offer or promise of any inducement or benefit, or by other improper means, influences another in respect of any evidence given or to be given before the Assembly, or induces another to refrain from giving any such evidence.

(2) A person commits an offence who inflicts any penalty or injury on another, or deprives another of any benefit on account of:

- a) the giving or proposed giving of any evidence before the Assembly; or
- b) any evidence given or to be given before the Assembly.

#### **6 Unauthorised disclosure of evidence**

A person commits an offence who, without the authority of the Assembly notified in writing by the Speaker, publishes or discloses:

- a) a document that has been prepared for the purpose of submission, and submitted, to the Assembly or has been directed by the Assembly to be treated as evidence taken with the public excluded; or
- b) any oral evidence taken by the Assembly with the public excluded, or a report of any such oral evidence.

#### **7 Immunities from arrest and attendance before courts**

(1) Subject to Article 24 of the Constitution and to this Act, a member, an officer of the Assembly and a person required to attend before the Assembly has no immunity from compulsory attendance before a court or from arrest or detention in a civil cause by reason only of being a member or such an officer or person.

(2) A member:

- a) shall not be required to attend before a court; and
- b) shall not be arrested or detained in a civil cause;

on any day on which the Assembly meets being a day on which that member is entitled to attend the Assembly.

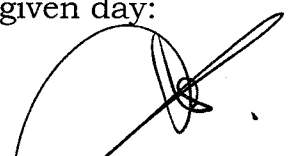
(3) An officer of the Assembly:

- a) shall not be required to attend before a court; and
- b) shall not be arrested or detained in a civil cause;

on any day on which that officer is required to attend the Assembly.

(4) A person who is required to attend before the Assembly on a given day:

- a) shall not be required to attend before a court; and
- b) shall not be arrested or detained in a civil cause.



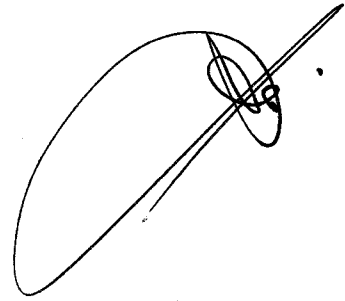
on that day.

### **8 Penalty**

(1) A person who commits an offence against this Act shall be liable on conviction to-

- a) a penalty of imprisonment for a period not exceeding 6 months,  
or
- b) a fine:
  - (i) in the case of a natural person, not exceeding 5 penalty units;
  - (ii) in the case of a body corporate, not exceeding 250 penalty units.

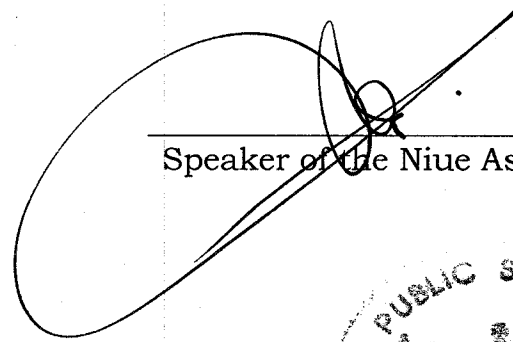
(2) Proceedings for contempt may be initiated only by the Speaker and in the High Court according to the rules for summary proceedings.

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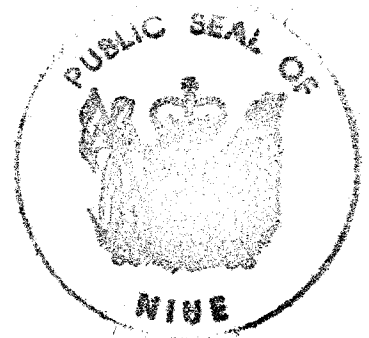
I, **AHOHIVA LEVI**, Speaker of the Niue Assembly, hereby certify that the requirements of Article 34 of the Niue Constitution have been duly complied with.


**SIGNED AND SEALED** at the Assembly Chambers this  
2013.

10<sup>th</sup> day of May

  
\_\_\_\_\_  
Speaker of the Niue Assembly

**COUNTERSIGNED** in the presence of the Speaker



  
\_\_\_\_\_  
Clerk of the Niue Assembly

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This Act was passed by the Niue Assembly on the 6<sup>th</sup> day of May 2013.  
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