

PART II

ACTS



BUILDING CODE AMENDMENT ACT 2021

No. 361

Contents

1	Title	1
2	Commencement	1
3	Principal Act amended	1
4	Section 5 amended (Standards and controls)	1
5	Section 7 amended (Application for permit)	1
6	Section 16 amended (Offences)	2
7	New section 18A inserted (Ministerial exemption)	2
8	Transitional provision	2

An Act to amend the Building Code Act to—

- (a) reflect changes made by the Building Code Regulations 2021 in replacing the National Building Code 1990 with the National Building Code 2020; and
- (b) allow the Minister to grant exemptions to requirements imposed by or under the Act in certain circumstances; and
- (c) make other minor and technical changes.

The Niue Assembly enacts as follows—

- 1 Title**
This Act is the Building Code Amendment Act 2021.
- 2 Commencement**
This Act comes into force on the day after the date on which it becomes law in accordance with Article 34 of the Constitution.
- 3 Principal Act amended**
This Act amends the Building Code Act 1992.
- 4 Section 5 amended (Standards and controls)**
Repeal section 5(2).
- 5 Section 7 amended (Application for permit)**
After section 7(2)(a)(v), insert:

“(vi) the location or any waste disposal facility, including septic tank;

6 Section 16 amended (Offences)

- (1) In section 16(1), replace “exceeding” with “exceeding 5 penalty units”.
- (2) In section 16(2), replace “exceeding.....” with “exceeding 0.5 penalty units”.

7 New section 18A inserted (Ministerial exemption)

After section 18A, insert:

“18A Ministerial exemption

- “(1) The Minister may, if requested, exempt anything or anyone from a restriction imposed by or under this Act.
- “(2) A request under **subsection (1)** must be made in writing to the Building Inspector in the first instance.
- “(3) The Minister may grant a request, with or without conditions, including a condition that a fee is payable for costs associated with the investigation of the request.
- “(4) However, the Minister must not grant a request unless he or she has received written advice from the Building Inspector to the effect that the risk to the wellbeing of the occupants as a result of granting the request will not be increased in a material way or can be satisfactorily managed in accordance with any conditions set out in the advice.”

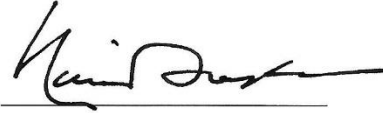
8 Transitional provision

- (1) Subsection (2) applies to an application for a permit received by the Building Inspector before the commencement of this Act.
- (2) The provisions of section 7 of the principal Act, as it read before the commencement of this Act, continue to apply to the application.

Building Code Amendment Act

I, Hima Douglas, 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 3rd day of November 2021.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker



Assistant Clerk of the Niue Assembly

This Act is administered by the Department of Utilities.

This Act was passed by the Niue Assembly on the 3rd day of November 2021.



**KO E FAKATUFONO-TOHI KE FAKAHUI E
FAKATUFONO-TOHI MA E TAU FATIFATIAGA TĀLAGA
FALE 2021**

Nūmela 361

Tau Matakupu

1	Ko e Higoa	1
2	Kamataaga	1
3	Kua fakahui e Matapatu Fakatufono-tohi	1
4	Matakupu 5 kua fakahui(Tau fatifatiaga mo e fakagahuahuaaga)	1
5	Matakupu 7 kua fakahui (Tau tohi ole pemitā)	2
6	Matakupu 16 kua fakahui (Tau Agahala)	2
7	Matakupu fōou 18A kia lalafi (Tonuhia he Ikipule ke fakaatā)	2
8	Tau Tauteaga fakakū	2

Ko e Fakatufono-tohi ke fakahui e Fakatufono-tohi ma e tau Fatifatiaga Tāлага Fale.

- (a) ne kua fakakite e tau hikiaga ne fakamau he Lā-fakatufono ma e Fatifatiaga Tāлага Fale he tau 2021 ke hukui aki e Fatifatiaga Tāлага Fale he tau 1990, ne kua hukui he Fatifatiaga Tāлага Fale he tau 2020;
- (e) ke foaki e tonuhia ke he Ikipule ke fakaatā falu a fatifatiaga i lalo hifo he Fakatufono-tohi he falu a mena; mo e
- (i) hiki falu mena ikiiki mo e falu mena foki ke fakahagahaga mitaki.

Kua eke faka-matafakatufono he Fono Ekepule pehē nai -

- 1 **Ko e Higoa**
Ko e Fakatufono-tohi nai ko e Fakatufono-tohi ma e Fatifatiaga Tāлага Fale 2021.
- 2 **Kamataaga**
Ko e Fakatufono-tohi nai to fakagahua ka mole e aho ne eke faka-matafakatufono, muiua ke he Matakupu 34 he Fakatufono-tohi Fakavē.
- 3 **Kua fakahui e Matapatu Fakatufono-tohi**
Ko e Fakatufono-tohi nai ne fakahui e Fakatufono-tohi ma e Fatifatiaga Tāлага Fale he tau 1992.
- 4 **Matakupu 5 kua fakahui (Tau fatifatiaga mo e fakagahuahuaaga)**
Kia utakehe e vala matakupu 5(2)

Building Code Amendment Act

- 5 **Matakupu 7 kua fakahui (Tau tohi ole pemita)**
He fakaotiaga he vala matakupu 7(2) (a)(v), kia lalafi e vala kupu nai:
“(vi) ko e tokaaga po ke ha mena ne tafe ki ai e tau vai
kiva he kaina, aofia ai e luo ne tafe ki ai e vai mai he
falevao.
- 6 **Matakupu 16 kua fakahui (Tau Agahala)**
(1) Vala Matakupu 16 (1), kia utakehe e kupu “molea ...” ti huhui aki e tau kupu “molea 5 e poini fakahala.”
(2) Vala Matakupu 16(2), utakehe e kupu “molea...” Ti huhui aki e tau kupu “molea e 0.5 poini fakahala.”
- 7 **Matakupu foou 18A kia lalafi (Tonuhia he Ikipule ke fakaatā)**
Ke he fakaotiaga he matakupu 18A, kia lalafi e:
“18 A Tonuhia he Ikipule ke fakaatā”
“(1) Ko e tonuhia he Ikipule ke fakagofua ha mena po ke ha tagata mai he taha mena ne nākai fakaatā he Fakatufono-tohi nai.
“(2) Ko e tohi ole ma e vala kupu(1) kia tukuatu fakamua he taha tohi, ke he Takitaki Kitekite tālaga fale.
“(3) Ko e tonuhia he Ikipule ke foaki e taliaaga ke he ha tohi ole, mo e fai kakano po ke nākai, ti aofia ai e kakano ke fai tofogi, ke lata mo e tau kumikumiaga ha ko e tohi ole.”
“(4) Pete ia, ko e tonuhia he Ikipule ke nākai talia e tohi ole, ka e to fai kehe kaeke kua moua mai he taha tohi e fakamatalaaga he Takitaki Kitekite tālaga fale, hagai ke he tohi ole, ha kua nākai amanaki ke fai kelea mo e fakamole ha mena he tagata, po ke kua fai fakatokaaga ke muiua ki ai, ti to nākai fai kelea kaeke kua talia e tohi ole ia.
- 8 **Tau Tauteaga fakakū**
(1) Ko e Vala kupu (2) kua tuku ke lata mo e tau tohi ole ne moua fakamua he Takitaki Kitekite tālaga fale to kamata ke fakagahua e fakatufono-tohi nai.
(2) Ko e tau fakatokaaga he matakupu 7 he matapatu Fakatufono-tohi, ke lata mo e tau tohi ole, kia muiua ki ai, to kamata ke fakagahua e Fakatufono-tohi nai.

Ko au, **HIMA DOUGLAS**, Fakatonu Fono he Fono Ekepule, kua fakamooli kua maopoopo e tau poakiaga he Fakatufono-tohi Fakavē ha Niue.

FAKAMOOLI MO E FAKAMAIILOGA he liu fale he Fono Ekepule he Aho 3 Novema 2021.



Fakatonu Fono he Fono Ekepule

FAKAMOOLI ki mua he Fakatonu Fono



Hagai Tohi Kupu he Fono Ekepule

Ko e Faahi Gahua Tālaga mo e Leveki Koloa he Kautū ka fakagahua e Fakatufono-tohi nai.
Kua fakamooli e Fakatufono-tohi nai he Aho 3 Novema 2021.



HEALTH PRACTITIONERS ACT, 2021

No. 362

Contents

1	Title	2
2	Commencement	2
Part 1		
General provisions		
3	Interpretation	2
4	Act binds the Government	3
Part 2		
Requirements to practise as health practitioner		
<i>Requirements for health practitioners</i>		
5	Unqualified person must not claim to be health practitioner	4
6	Requirements for registration of practitioners	4
7	Health practitioner must not practise outside scope of practice	5
8	Exceptions to practising requirements	5
9	Visiting health professionals	6
<i>Registration as health practitioner</i>		
10	Application for registration of health practitioner	6
11	Consideration of applications for registration	6
12	Decision of Board on registration	7
13	Cancellation of registration by order of Board	7
14	Requirements for order cancelling registration	8
15	Cancellation of registration on request of practitioner or on death of practitioner	8
16	Cancellation of registration in other circumstances	8
<i>Annual practising certificate</i>		
17	Application for annual practising certificate	9
18	Annual practising certificate may specify scope of practice	9
19	Board may decline to issue annual practising certificate when information false or misleading	9
20	Board must decline to issue annual practising certificate in certain circumstances	10
21	Decision of Board on application for annual practising certificate	10
22	Currency of annual practising certificate	10
23	Surrender of practising certificate if registration cancelled	11
Part 3		
Review of Board decision		
24	Review of Board decision by Director of Health	11
25	Effect of Director's decision	11

Health Practitioners Act, 2021

Part 4
Administration
Board

26	Board established	12
27	Functions of Board	12
28	Procedure	13
29	Natural justice	13
30	Information Board may act on	13
31	Confidentiality	13
32	Member must not be present if subject of Board consideration	13
33	Remuneration of Board members	13
	<i>Register and administration</i>	
34	Register	14
35	Administration	14
36	Money to be appropriated by Niue Assembly for purposes of this Act	14

Part 5
Miscellaneous provisions

37	False declarations and representations	14
38	Regulations	14
39	Regulations relating to transitional matters	15
40	Transitional provision	15
41	Revocation	15
42	Amendments to other enactments	16

Schedule 1
Requirements for registration

Schedule 2
Amendments to Acts

An Act to protect the health and safety of members of the public by providing for mechanisms to ensure that health practitioners are competent and fit to practise their professions.

The Niue Assembly enacts as follows—

- 1 Title**
This Act is the Health Practitioners Act 2021.
- 2 Commencement**
This Act comes into force on 1 January 2022.

Part 1
General provisions

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

Health Practitioners Act

Health Practitioners Act, 2021

applicant means a person who makes an application under this Act

Board means the Health Practitioners Board established under **section 26**

Chief Dental Officer means the Chief Dental Officer appointed by the Niue Public Service Commission

Chief Medical Officer means the Chief Medical Officer appointed by the Niue Public Service Commission

condition includes a restriction or limit

Department means the Department or Ministry of Government for the time being responsible for administering this Act

Director of Health means the Director of Health appointed under section 23 of the Niue Act 1966

Head of Public Health means the Head of Public Health appointed by the Niue Public Service Commission

health practitioner –

- (a) means a person who is registered under this Act as a practitioner of a health profession specified in **Schedule 1**; and
- (b) includes a person treated as registered as a practitioner of a health profession under **section 9 or 40**

mental or physical condition means any mental or physical condition or impairment; and includes a condition or an impairment caused by alcohol or drug abuse

practise, in relation to a health practitioner, means to perform services of the kind practised by members of the profession to which the practitioner belongs, and **practice** has a corresponding meaning

Principal Nursing Officer means the Principal Nursing Officer appointed by the Niue Public Service Commission

register means the register maintained by the Board under **section 34**

required standard of competence, in relation to a health practitioner, means the standard of competence reasonably to be expected of that kind of health practitioner

scope of practice means a scope of practice imposed on an annual practising certificate in accordance with **section 18**.

- 4 Act binds the Government**
This Act binds the Government.

Health Practitioners Act, 2021

Part 2

Requirements to practise as health practitioner

Requirements for health practitioners

5 Unqualified person must not claim to be health practitioner

- (1) A person may only use names, words, titles, initials, abbreviations, or descriptions stating or implying that the person is a health practitioner of a particular health profession if the person is registered, and is qualified to be registered, as a health practitioner of that health profession.
- (2) A person must not claim to be practising a profession as a health practitioner of a particular kind, or state or do anything that is calculated to suggest that the person practises or is willing to practise as a health practitioner of that kind, unless the person—
 - (a) is a health practitioner of that kind; and
 - (b) holds a current annual practising certificate as a health practitioner of that kind.
- (3) A person must not make an express or implied statement about another person that the other person is prohibited by **subsection (1) or (2)** from making about himself or herself.
- (4) **Subsection (2)** does not prohibit a person from stating his or her willingness to practise a profession for the purposes of seeking employment if the person is, or on obtaining that employment would be, qualified to be registered as a health practitioner of that profession and to hold an annual practising certificate as a health practitioner of that profession.
- (5) A person who contravenes this section commits an offence punishable on conviction by a fine not exceeding 100 penalty units.

6 Requirements for registration of practitioners

- (1) The Board may register an applicant as a health practitioner if the applicant meets the registration requirements in **Schedule 1** for the profession of that kind of health practitioner, at the date of application for registration.
- (2) However, the Board must not register an applicant as a health practitioner if—
 - (a) the applicant fails to satisfy the Board that he or she is able to communicate effectively for the purposes of practising as that kind of health practitioner; or
 - (b) the applicant fails to satisfy the Board that his or her ability to communicate in, and comprehend, English is sufficient to protect the health and safety of the public; or
 - (c) the applicant has been convicted by a court in Niue or elsewhere of any offence punishable by imprisonment for a term of 3 months

Health Practitioners Act

Health Practitioners Act, 2021

- or longer, and the applicant does not satisfy the Board that, having regard to all the circumstances, including the time that has elapsed since the conviction, the offence does not reflect adversely on the applicant's fitness to practise as that kind of health practitioner; or
- (d) the Board is satisfied that the applicant is unable to perform the functions required to practise as that kind of health practitioner because of some mental or physical condition; or
 - (e) the applicant is the subject of professional disciplinary proceedings in another country and the Board believes on reasonable grounds that those proceedings reflect adversely on his or her fitness to practise as that kind of health practitioner; or
 - (f) the applicant is under investigation in another country in respect of any matter that may be the subject of professional disciplinary proceedings in that country, and the Board believes on reasonable grounds that that investigation reflects adversely on his or her fitness to practise as that kind of health practitioner; or
 - (g) the applicant –
 - (i) is subject to an order of a professional disciplinary tribunal in another country; and
 - (ii) fails to satisfy the Board that the order does not reflect adversely on his or her fitness to practise as that kind of health practitioner; or
 - (h) the Board has reason to believe that the applicant may endanger the health or safety of members of the public.

7 Health practitioner must not practise outside scope of practice

- (1) A person who practises as a health practitioner must have a current annual practising certificate for the kind of practice for which the person is registered.
- (2) A health practitioner must not perform a health service that forms part of a scope of practice of the profession for which the practitioner is registered unless he or she –
 - (a) is permitted to perform that service by the scope of practice;
 - (b) performs that service in accordance with any conditions stated in the scope of practice.
- (3) A person who contravenes this section commits an offence punishable on conviction by a fine not exceeding 300 penalty units.

8 Exceptions to practising requirements

- (1) Section 7 does not apply to a health practitioner who performs health services –
 - (a) in an emergency; or
 - (b) as part of a course of training or instruction; or
 - (c) in the course of an examination or assessment.

Health Practitioners Act, 2021

- (2) **Section 7** does not prevent a medical practitioner from performing a dental operation, or doing any other act that is within the profession of dentistry, in the ordinary course of practice or in any case when a dentist is not available.

9 Visiting health professionals

- (1) The Director of Health may, in writing, authorise a person referred to in **subsection (5)** to be treated as—
- (a) a health practitioner of a particular health profession despite the person not being registered under this Act; and
 - (b) holding a current practising certificate.
- (2) The Director must, before making an authorisation under **subsection (1)**, be satisfied that—
- (a) the person is providing specialist services otherwise unavailable in Niue; and
 - (b) the person is entitled to provide those specialist services in another country.
- (3) An authorisation under **subsection (1)**,—
- (a) must be for a period not exceeding 3 months; and
 - (b) is subject to any conditions imposed by the Director.
- (4) The Director may not extend or renew an authorisation under this section.
- (5) This section applies to a person who practises a health profession specified in **Schedule 1** in another country.

Registration as health practitioner

10 Application for registration of health practitioner

- (1) A person who wishes to be registered as a health practitioner must apply to the Board in accordance with this section.
- (2) An application must—
- (a) be in the form, and include the information, that is determined by the Board; and
 - (b) be accompanied by the prescribed fee (if any).

11 Consideration of applications for registration

- (1) The Board must consider a duly completed application for registration as soon as is reasonably practicable after receiving it.
- (2) The Board may, if it thinks fit, request any information from, or question, the applicant, or any other person, in respect of an application being considered by the Board.
- (3) Before making a decision not to register a person as a health practitioner, the Board must give the person—

Health Practitioners Act

Health Practitioners Act, 2021

- (a) a notice containing enough particulars to inform the applicant clearly of the substance of the grounds on which the Board proposes to decline to register the person; and
- (b) a copy of any information on which the Board relies in proposing to decline to register the person; and
- (c) a reasonable opportunity to make written submissions and to be heard on the question, either personally or through his or her representative.

12 Decision of Board on registration

- (1) As soon as the Board decides that an applicant is suitable to be registered as a health practitioner, the Board must promptly register the applicant by entering the applicant's name and contact details in the appropriate part of the register.
- (2) The Board must promptly notify an applicant of his or her registration.
- (3) The Board must promptly notify an unsuccessful applicant that his or her application has been declined.
- (4) The notification that an application has been declined must include –
 - (a) a statement of the reasons for the decision; and
 - (b) information about the applicant's right to apply for it to be reviewed under **section 24**.

13 Cancellation of registration by order of Board

- (1) The Board may make an order cancelling the registration of a health practitioner if, after investigating and reaching conclusions in accordance with natural justice, the Board decides that –
 - (a) the practitioner has been guilty of professional misconduct because of any act or omission that, in the judgement of the Board, amounts to malpractice or negligence as that kind of health practitioner; or
 - (b) the practitioner has been guilty of professional misconduct because of any act or omission that, in the judgement of the Board, brought or was likely to bring discredit to the profession that the health practitioner practised at the time that the conduct occurred; or
 - (c) the practitioner has been convicted of an offence that reflects adversely on his or her fitness to practise; or
 - (d) the practitioner has practised as that kind of health practitioner while not holding a current practising certificate.
- (2) Before making a decision to cancel the registration of a health practitioner, the Board must give the health practitioner –
 - (a) a notice containing enough particulars to inform the applicant clearly of the substance of the grounds on which the Board proposes to cancel the registration; and

Health Practitioners Act, 2021

- (b) a copy of any information on which the Board relies in proposing to cancel the registration; and
 - (c) a reasonable opportunity to make written submissions and to be heard on the question, either personally or through his or her representative.
- (3) The Board must not cancel the registration of a health practitioner—
- (a) merely because that person has adopted and practised any theory of medicine or healing if, in doing so, the person has acted honestly and in good faith; or
 - (b) on the basis of a conviction under **subsection (1)(c)** if the Board was aware of the conviction at the date of the practitioner's registration.
- (4) When making an order that the registration of a health practitioner be cancelled, the Board may do either or both of the following:
- (a) fix a date before which the person may not apply for registration again;
 - (b) impose 1 or more conditions that the person must satisfy before the person may apply for registration again.

14 Requirements for order cancelling registration

- (1) An order of the Board cancelling registration must be in writing and must be promptly given to the health practitioner concerned.
- (2) The order must also be accompanied by—
- (a) a statement of the reasons for the decision to cancel the health practitioner's registration; and
 - (b) information about the person's right to apply for review of the decision under **section 24**.

15 Cancellation of registration on request of practitioner or on death of practitioner

The Board must cancel the registration of a health practitioner as soon as practicable after—

- (a) being requested to do so by the health practitioner, in writing; or
- (b) receiving notice that the practitioner has died.

16 Cancellation of registration in other circumstances

- (1) The Board may cancel the registration of a health practitioner and give the health practitioner notice of the cancellation, if the Board is satisfied that the health practitioner—
- (a) obtained registration by making a false or misleading representation or declaration (whether oral or written); or
 - (b) was not entitled to be registered.
- (2) The Board may not cancel the registration unless it has first—

Health Practitioners Act

Health Practitioners Act, 2021

- (a) informed the health practitioner concerned why it may cancel the registration under **subsection (1)**; and
- (b) given the health practitioner a reasonable opportunity to make written submissions and be heard on the question, either personally or through his or her representative.

Annual practising certificate

17 Application for annual practising certificate

- (1) A health practitioner who wishes to obtain an annual practising certificate must apply to the Board for that certificate in accordance with this section.
- (2) An application must—
 - (a) be in the form, and include the information, that is determined by the Board; and
 - (b) be accompanied by the prescribed fee (if any).
- (3) The Board must grant an annual practising certificate if it considers that none of the grounds for declining to issue a certificate in **section 19 or 20** apply.

18 Annual practising certificate may specify scope of practice

- (1) When granting an annual practising certificate for a health practitioner, the Board may specify a scope of practice (including conditions) for the health practitioner.
- (2) A scope of practice may be—
 - (a) the same as, or similar to, a scope of practice issued by an authority for that kind of health practitioner under legislation regulating health practitioners in New Zealand; or
 - (b) specified in regulations.

19 Board may decline to issue annual practising certificate when information false or misleading

- (1) The Board may decline to issue an annual practising certificate if it is satisfied that any information included in the application is false or misleading.
- (2) Before the Board decides to decline to issue an annual practising certificate under this section, the Board must give the applicant—
 - (a) a notice informing the applicant why the Board believes that the information included in the application is false or misleading; and
 - (b) a reasonable opportunity to make written submissions and to be heard on the question, either personally or through his or her representative.

Health Practitioners Act, 2021

20 Board must decline to issue annual practising certificate in certain circumstances

- (1) The Board must decline to issue an annual practising certificate if the Board believes on reasonable grounds that—
 - (a) the applicant has, at any relevant time, failed to maintain the required standard of competence; or
 - (b) the applicant has failed to fulfil, or has failed to comply with, a condition in the applicant's scope of practice; or
 - (c) the applicant is unable to perform the functions required for the applicant's profession because of some mental or physical condition.
- (2) Before the Board decides to decline to issue an annual practising certificate under **subsection (1)**, the Board must give the applicant—
 - (a) a notice containing enough particulars to inform the applicant clearly of the substance of the grounds on which the Board proposes to decline the application; and
 - (b) a copy of any information on which the Board relies in proposing to decline the application; and
 - (c) a reasonable opportunity to make written submissions and to be heard on the question, either personally or through his or her representative.

21 Decision of Board on application for annual practising certificate

- (1) After the Board decides to grant an annual practising certificate, it must issue the certificate to the applicant as soon as practicable.
- (2) The certificate may be in electronic or hard copy form.
- (3) After the Board decides to decline to grant an annual practising certificate, the Board must notify the applicant of the decision and the reasons for it as soon as possible.
- (4) The notification must—
 - (a) be in writing; and
 - (b) include information about how the applicant can apply to have the decision reviewed under **section 24**.

22 Currency of annual practising certificate

- (1) An annual practising certificate is in force for a period decided by the Board (generally or in any particular case).
- (2) The period must be stated in the certificate and must be no longer than 1 year, commencing on the date on which the certificate is issued.
- (3) A health practitioner who has submitted an application, accompanied by the prescribed fee (if any), under **section 18** for a renewal of an annual practising certificate must be treated as the holder of that certificate after the date on which the Board receives the application until the earlier of the following dates:

Health Practitioners Act

Health Practitioners Act, 2021

- (a) the date on which the practising certificate is issued; or
- (b) the date on which the applicant is notified by the Board that the practising certificate will not be issued.

23 Surrender of practising certificate if registration cancelled

- (1) A health practitioner who receives notice that his or her registration is cancelled must surrender his or her practising certificate within 14 days after receiving notice of the cancellation.
- (2) A person who fails to comply with **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding 20 penalty units.

Part 3

Review of Board decision

24 Review of Board decision by Director of Health

- (1) A person may apply to the Director of Health for review of a decision by the Board –
 - (a) not to register the person as a health practitioner; or
 - (b) to cancel the person's registration as a health practitioner; or
 - (c) not to issue an annual practising certificate to the person; or
 - (d) to specify a scope of practice for the person as a health practitioner.
- (2) An application for review of a decision must be made –
 - (a) in the form and contain the information required by the Director; and
 - (b) within 20 working days after the date on which the person was notified of the decision.
- (3) In considering and making a decision on an application for review, the Director may seek advice, and may rely on any statement, document, information, or matter, whether or not it would be admissible in a court of law, but must make a decision within a reasonable time and in accordance with natural justice.
- (4) The Director may make a decision confirming, reversing, or modifying the Board's decision.
- (5) The Director must promptly notify the person of the Director's decision and the reasons for it.

25 Effect of Director's decision

- (1) The Director's decision on a review is final.
- (2) The Board must act in accordance with the Director's decision.

Health Practitioners Act, 2021

**Part 4
Administration**

Board

26 Board established

- (1) The Health Practitioners Board is established.
- (2) The Board is a body corporate with perpetual succession, and has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.
- (3) The Board may exercise its rights and powers, and may incur liabilities or obligations, only for the purpose of performing its functions.
- (4) The Board must comprise the following members:
 - (a) the Chief Medical Officer:
 - (b) the Chief Dental Officer:
 - (c) the Principal Nursing Officer:
 - (d) the Head of Public Health:
 - (e) the Solicitor-General:
 - (f) 2 other independent members determined by Cabinet.
- (5) The Board may appoint another suitably qualified health professional in place of any of the persons holding a position specified in **subsection (4)(a) to (d)** if the position is vacant or the person holding the position is unavailable.

27 Functions of Board

The Board has the following functions in accordance with this Act:

- (a) to consider applications for registration as a health practitioner, and to maintain a register:
- (b) to consider applications for annual practising certificates:
- (c) to receive information from any person about the practice, conduct, or competence of particular health practitioners and, if it is appropriate to do so, act on that information:
- (d) to cancel a person's registration as a health practitioner if it is appropriate to do so:
- (e) to receive information from, and share information with, overseas health authorities about the practice, conduct, or competence of particular health practitioners:
- (f) to liaise with health authorities and organisations in other countries about matters of common interest:
- (g) to promote public awareness of the responsibilities of the Board:
- (h) to exercise and perform any other functions, powers, and duties that are conferred or imposed on it by or under this Act or any other enactment.

Health Practitioners Act

Health Practitioners Act, 2021

28 Procedure

- (1) The Board may regulate its procedure in any manner that it thinks fit, subject to this Act and any regulations made under it.
- (2) A quorum for making a decision at any Board meeting is 5 members.

29 Natural justice

The Board must observe the rules of natural justice.

30 Information Board may act on

- (1) The Board may, when making any decision, rely on any statement, document, information, or matter, whether or not it would be admissible in a court of law.
- (2) This section is subject to sections 28 and 29.

31 Confidentiality

- (1) The members of the Board must keep confidential all information provided by an applicant for registration or a practising certificate.
- (2) However, they may disclose that information—
 - (a) to other persons for the purpose of making a decision about granting or cancelling registration, whether to issue a practising certificate, or whether to impose a scope of practice when issuing a practising certificate; or
 - (b) to a health authority in another country if the Board or the health authority has concerns about the practice, conduct, or competence of the applicant.
- (3) This section is subject to the provisions of any other Act or a Court order which requires the disclosure of information provided by an applicant.
- (4) A person who discloses any information in contravention of this section commits an offence and is liable on conviction to a fine not exceeding 100 penalty units.

32 Member must not be present if subject of Board consideration

No member of the Board is entitled to be present, vote, or otherwise participate in the capacity of a member of the Board at any part of a Board meeting where any matter relating to the member's registration or entitlement to practise as a health practitioner is being considered.

33 Remuneration of Board members

- (1) Board members who are employed in the Niue Public Service must not be paid remuneration for their services to the Board.
- (2) Other Board members may be paid remuneration by way of fees, salary, or allowances, and expenses, in accordance with regulations.

Health Practitioners Act, 2021

Register and administration

34 Register

- (1) The Board must maintain a register of the health practitioners registered by the Board in electronic or written form, or both.
- (2) The register may have separate parts that identify different kinds of health practitioners and, within those parts, the register may identify which health practitioners—
 - (a) hold current annual practising certificates (and the details of any scope of practice that is specified in their practising certificate); and
 - (b) do not hold current annual practising certificates.
- (3) The Board must give a person who asks for it a certificate stating all the current information then entered in the register in relation to the person.

35 Administration

The Department must provide administrative support for the Board to carry out its functions.

36 Money to be appropriated by Niue Assembly for purposes of this Act

All expenditure payable or incurred under or in the administration of this Act must be paid out of money to be appropriated by the Niue Assembly for the purpose.

Part 5

Miscellaneous provisions

37 False declarations and representations

A person commits an offence and is liable on conviction to a fine not exceeding 100 penalty units if the person, for any purpose relating to this Act, either on his or her own behalf or on behalf of any other person,—

- (a) either orally or in writing, makes a declaration or representation that he or she knows is false or misleading in any material particular; or
- (b) produces to the Board, or makes use of, a document knowing it to contain any declaration or representation of that kind; or
- (c) produces to the Board, or makes use of, a document knowing that it is not genuine.

38 Regulations

- (1) Cabinet may make regulations for the purposes of this Act.
- (2) In particular, regulations may be made for any or all of the following purposes:
 - (a) prescribing forms to be used for the purposes of this Act:

Health Practitioners Act

Health Practitioners Act, 2021

- (b) prescribing fees payable under this Act and the amounts of those fees:
- (c) prescribing grounds for an exemption from fees, in whole or in part:
- (d) specifying scopes of practice of professions for any or all kinds of health practitioner:
- (e) setting out, or providing a method of determining, remuneration and expenses payable to Board members:
- (f) amending or replacing **Schedule 1**, including—
 - (i) adding professions to, or removing professions from, the requirements for registration:
 - (ii) changing registration requirements:
- (g) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

39 Regulations relating to transitional matters

- (1) Cabinet may make regulations for any or all of the following purposes:
- (a) providing transitional, consequential, and savings provisions relating to the coming into force of this Act, which may be in addition to, or in place of, **section 40**:
 - (b) facilitating the bringing into force of any regulations under this Act:
 - (c) providing that, subject to any conditions that are specified in the regulations, during a specified transitional period, specified provisions of this Act (including definitions) do not apply:
 - (d) providing for any other matters necessary for facilitating or ensuring an orderly transition from any enactments replaced by this Act to the provisions of this Act.

40 Transitional provision

A person who is entitled to practise as a health practitioner in Niue immediately before the commencement of this Act must be treated as registered to practise, and holding a practising certificate, under this Act until the earliest of the following dates:

- (a) the date on which the person is registered as a health practitioner, and issued with a practising certificate, under this Act:
- (b) the date on which the person's registration is cancelled under this Act:
- (c) the date that is 12 months after the commencement of this Act.

41 Revocation

The Niue Dental Regulations 1970 are revoked.

Health Practitioners Act, 2021

- 42 Amendments to other enactments**
Amend the enactments specified in Schedule 2 as set out in that schedule.

Schedule 1
Requirements for registration

1. Interpretation

In this schedule, unless the context otherwise requires, —

New Zealand Act means the Health Practitioners Competence Assurance Act 2003 enacted by the New Zealand Parliament

New Zealand Dental Council means the Dental Council established by section 114 of the New Zealand Act, or a successor organisation

New Zealand Medical Council means the Medical Council of New Zealand continued under section 114 of the New Zealand Act, or a successor organisation

New Zealand Medical Radiation Technologists Board means the Medical Radiation Technologists Board continued under section 114 of the New Zealand Act, or a successor organisation

New Zealand Medical Sciences Council means the Medical Sciences Council of New Zealand continued under section 114 of the New Zealand Act, or a successor organisation

New Zealand Midwifery Council means the Midwifery Council established by section 114 of the New Zealand Act, or a successor organisation

New Zealand Nursing Council means the Nursing Council of New Zealand continued under section 114 of the New Zealand Act, or a successor organisation

New Zealand Paramedic Council means the Paramedic Council established by the Health Practitioners Competence Assurance (Designation of Paramedic Services as Health Profession) Order 2019 made under the New Zealand Act, or a successor organisation

New Zealand Pharmacy Council means the Pharmacy Council established by section 114 of the New Zealand Act, or a successor organisation

New Zealand Physiotherapy Board means the Physiotherapy Board continued under section 114 of the New Zealand Act, or a successor organisation.

2. Dentist

A person may be registered as a health practitioner who is entitled to practise as a dentist (while holding an annual practising certificate), if—

- (a) the person is registered by the New Zealand Dental Council or by a regulatory body in another country that the Board considers equivalent to the New Zealand Dental Council; or
- (b) the person—

Health Practitioners Act, 2021

- (i) is a graduate of a New Zealand dental school, or a dental school in another country that the Board considers to be equivalent to a New Zealand dental school; and
- (ii) has attained a standard of practice in dentistry that the Board considers equivalent to that required for registration by the New Zealand Dental Council.

3. Medical imaging technician

A person may be registered as a health practitioner who is entitled to practise as a medical imaging technician (while holding an annual practising certificate), if—

- (a) the person is registered by the New Zealand Medical Radiation Technologists Board or by a regulatory body in another country that the Board considers equivalent to the New Zealand Medical Radiation Technologists Board; or
- (b) the person—
 - (i) holds a relevant qualification from New Zealand or another country and the Board considers that the qualification is equivalent to a relevant New Zealand qualification; and
 - (ii) has attained a standard of practice in medical imaging that the Board considers equivalent to that required for registration by the New Zealand Medical Radiation Technologists Board; or
- (c) the Board considers that the person—
 - (i) has knowledge of and training in medical imaging that is equivalent to that of a person with a relevant qualification from New Zealand; and
 - (ii) has attained a standard of medical imaging equivalent to that required for registration by the New Zealand Medical Radiation Technologists Board.

4. Medical laboratory technician

A person may be registered as a health practitioner who is entitled to practise as a medical laboratory technician (while holding an annual practising certificate), if—

- (a) the person is registered with the New Zealand Medical Sciences Council or with a regulatory body in another country that the Board considers equivalent to the New Zealand Medical Sciences Council; or
- (b) the person—
 - (i) holds a relevant qualification from New Zealand or another country and the Board considers that the qualification is equivalent to a relevant New Zealand qualification; and
 - (ii) has attained a standard of practice in medical laboratory services that the Board considers equivalent to that required

Health Practitioners Act

Health Practitioners Act, 2021

for registration by the New Zealand Medical Sciences Council; or

- (c) the Board considers that the person—
 - (i) has knowledge of and training in medical laboratory services that is equivalent to that of a person with a relevant qualification from New Zealand; and
 - (ii) has attained the standard of medical laboratory services equivalent to that required for registration by the New Zealand Medical Sciences Council.

5. Medical practitioner

A person may be registered as a health practitioner who is entitled to practise as a medical practitioner (while holding an annual practising certificate), if—

- (a) the person is registered by the New Zealand Medical Council or by a regulatory body in another country that the Board considers to be equivalent to the New Zealand Medical Council; or
- (b) the person—
 - (i) is a graduate of a New Zealand medical school, or a medical school in another country that the Board considers equivalent to a New Zealand medical school; and
 - (ii) has attained a standard of practice in medicine and surgery that the Board considers equivalent to that required for registration by the New Zealand Medical Council.

6. Midwife

A person may be registered as a health practitioner who is entitled to practise as a midwife (while holding an annual practising certificate), if—

- (a) the person is registered by the New Zealand Midwifery Council or by a regulatory body in another country that the Board considers equivalent to the New Zealand Midwifery Council; or
- (b) the person—
 - (i) holds a relevant qualification from New Zealand or another country and the Board considers that the qualification is equivalent to a relevant New Zealand qualification; and
 - (ii) has attained a standard of practice in midwifery that the Board considers equivalent to that required for registration by the New Zealand Midwifery Council; or
- (c) the Board considers that the person—
 - (i) has knowledge of and training in midwifery that is equivalent to that of a person with a relevant qualification from New Zealand; and

Health Practitioners Act, 2021

- (ii) has attained a standard of midwifery equivalent to that required for registration by the New Zealand Midwifery Council.

7. Nurse

A person may be registered as a health practitioner who is entitled to practise as a nurse (while holding an annual practising certificate), if—

- (a) the person is registered by the New Zealand Nursing Council or by a regulatory body in another country that the Board considers equivalent to the New Zealand Nursing Council; or
- (b) the person—
 - (i) holds a relevant qualification from New Zealand or another country and the Board considers that the qualification is equivalent to a relevant New Zealand qualification; and
 - (ii) has attained the standard of practice in nursing that the Board considers equivalent to that required for registration by the New Zealand Nursing Council; or
- (c) the Board considers that the person—
 - (i) has knowledge of and training in nursing that is equivalent to that of a person with a relevant qualification from New Zealand; and
 - (ii) has attained a standard of nursing equivalent to that required for registration by the New Zealand Nursing Council.

8. Paramedic

A person may be registered as a health practitioner who is entitled to practise as a paramedic (while holding an annual practising certificate), if—

- (a) the person is registered by the New Zealand Paramedic Council or by a regulatory body in another country that the Board considers to be equivalent to the New Zealand Paramedic Council; or
- (b) the person—
 - (i) holds a relevant qualification from New Zealand or another country and the Board considers that the qualification is equivalent to a relevant New Zealand qualification; and
 - (ii) has attained a standard of practice in paramedic services that the Board considers equivalent to that required for registration by the New Zealand Paramedic Council; or
- (c) the Board considers that the person—
 - (i) has knowledge of and training in paramedic services that is equivalent to that of a person with a relevant qualification from New Zealand; and

Health Practitioners Act

Health Practitioners Act, 2021

- (ii) has attained a standard of paramedic services equivalent to that required for registration by the New Zealand Paramedic Council.

9. Pharmacist

A person may be registered as a health practitioner who is entitled to practise as a pharmacist (while holding an annual practising certificate) if—

- (a) the person is registered with the New Zealand Pharmacy Council or with a regulatory body in another country that the Board considers to be equivalent to the New Zealand Pharmacy Council; or
- (b) the person—
 - (i) holds a relevant qualification from New Zealand or another country and the Board considers that the qualification is equivalent to a relevant New Zealand qualification; and
 - (ii) has attained the standard of practice in pharmacy that the Board considers equivalent to that required for registration by the New Zealand Pharmacy Council; or
- (c) the Board considers that the person—
 - (i) has knowledge of and training in pharmacy that is equivalent to that of a person with a relevant qualification from New Zealand; and
 - (ii) has attained a standard of pharmacy equivalent to that required for registration by the New Zealand Pharmacy Council.

10. Physiotherapist

A person may be registered as a health practitioner who is entitled to practise as a physiotherapist (while holding an annual practising certificate), if—

- (a) the person is registered by the New Zealand Physiotherapy Board or by a regulatory body in another country that the Board considers to be equivalent to the New Zealand Physiotherapy Board; or
- (b) the person—
 - (i) holds a relevant qualification from New Zealand or another country and the Board considers that the qualification is equivalent to a relevant New Zealand qualification; and
 - (ii) has attained a standard of practice in physiotherapy that the Board considers equivalent to that required for registration by the New Zealand Physiotherapy Board; or
- (c) the Board considers that the person—

Health Practitioners Act, 2021

- (i) has knowledge of and training in physiotherapy that is equivalent to that of a person with a relevant qualification from New Zealand; and
- (ii) has attained a standard of physiotherapy equivalent to that required for registration by the New Zealand Physiotherapy Board.

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**Schedule 2
Amendments to Acts**

Niue Act 1966

Replace section 21 with:

“21 Persons authorised to practise medicine or surgery

No person may practise medicine or surgery for fee, salary, or other remuneration or reward, except in accordance with the Health Practitioners Act 2021.”

Replace section 23A(1) with:

“(1) Without restricting the provisions of section 23(1), the Director of Health must provide for all persons in Niue, any medical and surgical services that may be reasonably required and that it is reasonably practicable to provide.”

Niue Assembly Act 1966

Replace section 9(i) with:

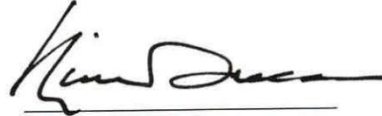
“(i) If he or she becomes of unsound mind and is certified as such by 2 medical officers; or”

Health Practitioners Act

Health Practitioners Act, 2021

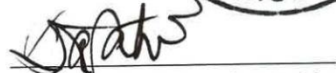
I, Hima Douglas, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 15th day of December 2021.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker


Clerk of the Niue Assembly

This Act is administered by the Department of Health.
This Act was passed by the Niue Assembly on the 15th day of December 2021.



**KO E FAKATUFONO-TOHI MA E TAU
EKEGAHUA HE FAAHI GAHUA MALOLŌ TINO, 2021**

Nūmela 362

Ko e tau Matakupu

1	Higoa	3
2	Kamataaga	3
Vala 1		
Ko e Tau Tauteaga fakamua		
3	Fakakakanoaga	3
4	Kua kaufakalataha e Fakatufono ke he Fakatufono-tohi nai	4
Vala 2		
Ko e tau fatifatiaga ke eke mo ekegahua he faahi gahua malolō tino		
<i>Ko e tau fatifatiaga mae tau ekegahua he faahi gahua malolō tino</i>		
5	Ko ia ne nākai katoatoa e tau tohi fakaako kia nākai talahau a ia ko e ekegahua he faahi gahua malolō tino.	4
6	Ko e tau fatifatiaga to tohia fakamau e tau ekegahua.	5
7	Ko e ekegahua he faahi gahua malolō tino kia nākai fakalao atu e tau gahua ke he falu mena kehe ka e ko e gahua fafati nī	6
8	Lautolu kua nākai putoia ke he tau fatifatiaga gahua	6
9	Ko e tau ekegahua he faahi gahua malolō tino ne ahiahi mai ke he motu	6
<i>Tohiaaga Fakamau ko e ekegahua faahi gahua malolō tino</i>		
10	Tohi ole ke tohia fakamau ko e ekegahua he faahi gahua malolō tino	7
11	Fifiliaga he tohi ole ke tuku he tohiaga fakamau	7
12	Fifiliaga he Fono Fakatonu ke he tohiaga fakamau	7
13	Fakaotiaga he Tohiaga Fakamau ha ko e poakiaga he Fono Fakatonu	8
14	Ko e tau mena taute kaeke kua fai poaki ke falaoti e tohiaaga fakamau	8
15	Fakaotiaga he tohiaaga fakamau ha ko e ole he ekegahua po ke kua mate e ekegahua.	9
16	Fakaotiaga he tohiaaga fakamau ha ko e falu kakano	9
<i>Setifikete tohi gahua ma e tau taha</i>		
17	Tohi ole ma e setifikete tohi gahua he tau taha	9
18	Ko e setifikete tohi gahua ma e tau taha kia tohia ai e tau vahega gahua ka eke	10
19	Kia nākai foaki he Fono Fakatonu e setifikete tohi gahua ma e tau taha kaeke kua nakai tonu e tau talahauaga mo e fakahēhē	10
20	Kia nākai talia he Fono Fakatonu ke foaki e setifikete tohi gahua ma e tau taha he falu mena tuga a nai	10

Health Practitioners Act

21	Fifiliaga he Fono Fakatonu ke he tohi ole ma e setifikete tohi gahua ma e tau taha	11
22	Moui gahua he setifikete tohi gahua ma e tau taha	11
23	Liuakiaga he setifikete tohi gahua kaeke kua fakaoti e tohiaaga fakamau	11

Vala 3

Liu Onoono ke he Fifiliaga he Fono Fakatonu

24	Liu onoono ke he fifiliaga he Fono Fakatonu ka taute he Ulufakatonu he Faahi Gahu Malolō Tino	11
25	Ko e fakaotiaga ha ko e fifiliaga he Ulufakatonu	12

Vala 4

Fakagahuahuaaga

Ko e Fono Fakatonu

26	Kua fakatū e Fono Fakatonu	12
27	Ko e tau Gahua he Fono Fakatonu	13
28	Fakaholoaga	13
29	Tau pūhala ke mailoga e tonuhia he tagata	13
30	Ko e tau talahauaga ke gahuahua ki ai e Fono Fakatonu	13
31	Ko e tau mena Fakagalogo	14
32	Kia nākai nofo e hukui he fonoaga kaeke kua onoono e Fono Fakatonu ke he higoa haana	14
33	Fakapalepaleaga he tau hukui he Fono Fakatonu <i>Ko e Fakamauaga mo e tau gahua faka-ofisa</i>	14
34	Fakamauaga	14
35	Fakagahuahuaaga	15
36	Ko e fakatupeaga he tau gahua nai, to fatifati he Fono Ekepule.	15

Vala 5

Ko e tau Fakatokaaga kehekehe

37	Ko e tau talahauaga kua nākai hako mo e fakahēhē	15
38	Tau Lā-fakatufono	15
39	Ko e tau Lā-fakatufono ma e tau gahua he magaaho ku nai	16
40	Ko e tau fakatokaaga ma e magaaho kū	16
41	Fakaotiaga	16
42	Fakahuiaga he falu matafakatufono	16

Fakaholoaga Fakamatafeiga Nūmela 1

Tau fatifatiaga ma e tohiaga fakamau

Fakaholoaga Fakamatafeiga Nūmela 2

Fakahuiaga he tau Fakatufono-tohi

Ko e Fakatufono-tohi ke leveki mo e puipui e tau tagata he motu ke he tau pūhala kua lata mai he tau ekegahua faahi gahua malolō tino ke gahua mo e iloilo katoa ma e tau momoui he tau tagata.

Kua taute fakamatafakatufono he Fono Ekepule pehē nai -

1 Higoa
Ko e Fakatufono-tohi nai ko e Fakatufono-tohi ma e Tau Ekegahua he Faahi Gahua Malolō Tino he tau 2021.

2 Kamataaga
To kamata fakagahua e Fakatufono-tohi nai he Aho 1 Ianuari, 2022.

Vala 1
Ko e Tau Tauteaga fakamua

3 Fakakakanoaga
Ke lata mo e Fakatufono-tohi nai, ka e to fai kehe kaeke kua lata -
Ko ia ne tuku e tohi ole kakano ko e tagata ne tuku e tohi ole muitua ke he Fakatufono-tohi nai

Ko e Fono Fakatonu kakano ko e Fono Fakatonu he tau Ekegahua ne fakatū i lalo hifo he Matakupu 26

Takitaki he tau ekegahua pulotu Taute Nifo kakano ko e Takitaki he tau ekegahua taute nifo ne kotofa he Kau Pulegahua he Fakatufono.

Takitaki he tau pulotu Ekekafo (tului gagao) kakano ko e Takitaki he tau ekekafo ne kotofa he Kau Pulegahua he Fakatufono

Fatifatiaga gahua kakano ko e tau mena kua taofi e fakaatāaga po ke fakakaupāaga

Faahi Gahua kakano ko e Faahi gahua po ke Potaaga he Tau Faahi Gahua kua lago ki luga e fakagahuaaga he Fakatufono-tohi nai

Ulufakatonu he Faahi gahua malolō tino kakano ko e Ulufakatonu he Faahi gahua malolō tino ne kua kotofa muitua ke he matakupu 23 he Fakatufono-tohi Niue Act 1966.

Takitaki he lā gahua Puipui Malolō he tau tagata kakano ko e ekegahua ne takitaki e lā gahua Puipui Malolō he tau tagata ne kotofa he Kau Pulegahua he Fakatufono

ekegahua he faahi gahua malolō tino –

(a) kakano ko e tagata kua tohia fakamau muitua ke he Fakatufono-tohi nai ko e pulotu ekegahua he faahi gahua malolō tino kua fakamatafeiga he Fakaholoaga Fakamatafeiga Nūmela 1; mo e

(e) kua aofia ai e tagata ne mailoga ko e pulotu ekegahua he Faahi gahua malolō tino kua tohia fakamau muitua ke he matakupu 9 po ke 40

loto manamanatu po ke tūaga he tino kakano ko e ha mena ne lekua e manamanatuaga po ke tino tagata ti pihia foki mo e ha lekua ne tupu mai he kava kona mo e tau vai tulaki kona.

gahuahua kakano kaeke ko e ekegahua he faahi gahua malolō tino, ko e gahuahua ke he tau mena ne mahani gahua ki ai e vahega ekegahua ia, ti pihia e maamaaga foki ke he kupu taha.

Health Practitioners Act

Ko e Takitaki he tau Ekegahua Nosi kakano ko e ekegahua nosi kua kotofa he Kau Pulegahua he Fakatufono ke ulu e tau ekegahua nosi.

ko e fakamauaga kakano ko e fakamauaga he tau ekegahua ne tokamau he Fono Fakatonu maitua ke he matakupu 34

lakaaga fafati he lotomatala gahua, kakano kaeke ko e ekegahua he faahi gahua malolō tino, ko e tūaga he lotomatala gahua kua falanaki ki ai he vahega ekegahua pihia

tau gahua kua lagoia kakano ko e tau gahua takitaha kua fakakite he setifikete tohi gahua maitua ke he matakupu 18.

- 4 Kua kaufakalataha e Fakatufono ke he Fakatufono-tohi nai**
Kua aofia e Fakatufono ke he Fakatufono -tohi nai.

Vala 2

Ko e tau fatifatiaga ke eke mo ekegahua he faahi gahua malolō tino

Ko e tau fatifatiaga mae tau ekegahua he faahi gahua malolō tino

- 5 Ko ia ne nākai katoatoa e tau tohi fakaako kia nākai talahau a ia ko e ekegahua he faahi gahua malolō tino.**
- (1) Ko e taha ekegahua nī he faahi gahua malolō tino ka fakagofua ke fakaaoga e tau higoa, tau kupu, tau matauluhigoa, tau matatohi he higoa, tau kupu po ke matahigoa fakakū, po ke tau talahauaga ke fakailoa ko e pulotu ekegahua he faahi gahua malolō tino he taha vahega gahua, kaeke kua tohia fakamau e tagata mo e kua maeke foki ke tohia fakamau ko e ekegahua he faahi gahua malolō tino he vahega gahua ia.
 - (2) Ko e atāina he tagata ke fakaaoga e tau higoa, tau kupu, tau mataulu higoa, tau matatohi, matatohi fakaku, po ke fakamaamaaga ko e ekegahua he faahi gahua malolō tino a ia he taha vahega gahua, po ke kua talahau po ke taute ha mena ke fakakite ko e mena gahua po ke fia gahua he vahega gahua pihia, ato fai kaehe kaeke ko e tagata -
 - (a) ekegahua he faahi gahua pihia;
 - (e) ko e setifikete tohi gahua haana he magaaho ia ko e ekegahua he vahega gahua ia.
 - (3) Kua nākai maeke taha ke talahau po ke fakahihiga pihia ha tala ke he taha tagata kua nākai lata e tagata ia maitua ke he vala kupu (1) po ke (2) ke talahau pihia maana nī.
 - (4) **Vala kupu (2)** kia nākai fakatapu taha ke fakailoa haana a manako ke gahua he ha vahega gahua ha ko e kumi gahua, kaeke kua gahua a ia, po ke kaeke kua moua e gahua, kua maeke a ia ke tohia fakamau ko e taha ekegahua he vahega gahua ia, to moua foki e setifikete tohi gahua he vahega gahua ia.
 - (5) Ko e tagata kua nākai omaoma ke he matakupu nai kua agahala a ia ti ka fakamooli he fakafiliaga to fakahala a ia ke he 100 poini fakahala.

6 Ko e tau fatifatiaga to tohia fakamau e tau ekegahua.

- (1) To tohia fakamau he Fono Fakatonu a ia ne tuku e tohi ole ke eke mo ekegahua he faahi gahua malolō tino kaeke kua katoatoa e tau lakaaga ne fakakite he **Fakaholoaga Fakamatafeiga Numela 1** ma e vahega gahua pulotu he tau ekegahua he faahi gahua malolō tino, he aho tonu ne tuku e tohi ole ke tohia fakamau e higoa.
- (2) Taha e mena, to nākai tohia fakamau he FonoFakatonu a ia ne tohi ole ne tohia fakamau mo ekegahua he faahi gahua malolō tino kaeke -
 - (a) kua nākai talitonu e Fono Fakatonu to maeke ia ia ke vagahau po ke tohi ke lata mo e kotofaaga he vahega gahua ia he faahi gahua malolō tino; po ke
 - (e) kua nākai talitonu e Fono kua fahia haana a vagahau po ke tohitohi po ke maama e vagahau palagi-Peritania ke leveki e malolō tino mo e haohao mafola he moto tagata; po ke.
 - (i) Kua fakahala a ia he fakafiliaga I Niue ne tuku e tohi ole ke he molea e 3 e mahina he fale pagotā i Niue po ke he taha motu foki, ti nākaila talitonu e Fono Fakatonu, pete he fakamaama e tau kakano mo e leva he tau magaaho ne kua mole ki tua tali mai he fakahala, mo e nākai fai kitiaaga kelea ke gahua a ia he vahega gahua ia; po ke
 - (o) Kua talitonu e Fono Fakatonu to nākai fahia a ia ko e ekegahua he faahi gahua malolō tino he vahega gahua ia ha ko e haana loto manamanatu mo e tino kua nākai katoatoa; po ke
 - (u) Ko ia ne tuku e tohi ole, kua fai kumikumiaga ke he haana tau gahua faka-malolō tino he taha motu ti nākai haghagamitaki ke gahua a ia he vahega gahua pihia he faahi gahua malolō tino; po ke
 - (fa) Ko ia ne tuku e tohi ole kua fai kumikumiaga kia ia ha ko e haana mahani gahua he motu, ti kua mailoga e Fono Fakatonu ha ko e falu iloaaga foki to nākai haghagamitaki ke gahua a ia he vahega gahua ia; po ke
 - (ga) ko ia ne tuku e tohi ole---
 - (i) kua fai hokotaki faka-faahi gahua ke he haana a mahani gahua he taha motu; mo e
 - (ii) kua nākai kautū haana a fakamatalaaga ke he FonoFakatonu ke he hokotaki ke fakalavelave haana a gahua he vahega gahua ia; po ke
 - (ha) Kua fai iloaaga e Fono Fakatonu kia ia ne tuku e tohi ole ha ko e to nākai haohao mitaki mo e malolō e tau tagata.

Health Practitioners Act

- 7 Ko e ekegahua he faahi gahua malolō tino kia nākai fakalaoa atu e tau gahua ke he falu mena kehe ka e ko e gahua fafati nī**
- (1) Ko e ekegahua he faahi gahua malolō tino kia moua e setifikete tohi gahua ma e tau taha ke he tau vahega gahua ne kua tohia fakamau a ia ki ai.
- (2) Ko e ekegahua he faahi gahua malolō tino to nākai gahua he tau mena he haana a kotofaaga ne kua tohia fakamau ki ai ato
- (a) maeke ke eke pihia ha ko e tau gahua kua fakatoka ki ai;
- (e) kua taute e gahua ha ko e fatifatiaga gahua he haana a vahega gahua.
- (3) Ko e tagata ne nākai omaoma ke he matakupu nai, kua agahala a ia mo e kaeke kua fakamooli he fakafiliaga, to fakahala a ia ke kaupā mai he 300 e poini fakahala.
- 8 Lautolu kua nākai putoia ke he tau fatifatiaga gahua**
- (1) **Matakupu 7** kua nākai aofia e ekegahua he faahi gahua malolō tino ne gahua
- (a) he taha lekua tupu fakafofo;
- (e) ko e taha vala he fakaako fakamahani agaia
- (i) ko e vala gahua he kamatamata po ke gahua faka-faiola.
- (2) **Matakupu 7** kua nākai taofi ha ekekafo tului gagao ke gahua taute nifo po ke taute ha mena he vahega gahua taute nifo ha ko e haana gahua po ke ha magaaho ka nākai fai ekekafo taute nifo.
- 9 Ko e tau ekegahua he faahi gahua malolō tino ne ahiahi mai ke he motu**
- (1) Ko e Ulufakatonu he faahi gahua malolō tino kia foaki he tohi e malolō kia ia ne fakakite he valakupu (5)
- (a) ko e ekegahua malolō tino he taha vahega gahua pulotu faka-malolō tino pete nī e nākaila tohia fakamau i lalo hifo he Fakatufono-tohi nai; mo e
- (e) kua fai setifikete tohi gahua he magaaho nai.
- (2) Ko e Ulufakatonu, to foaki e malolō i lalo hifo he valakupu(1), ka iloa tonu e ia -
- (a) ko ia ne fai lotomatala pauaki ne nākai fai tagata i Niue ne fai mo e
- (e) ko e tagata taha ia foki ka gahua pihia he taha motu kehe .
- (3) Ko e fakaataaga i lalo hifo he valakupu nai, -
- (a) ko e leva ko e 3 e mahina
- (e) kia munitua ke he ha poaki he Ulufakatonu.
- (4) Kua hā hā he Ulufakatonu e puletonu ke matutaki po ke fakafoou e fakaatāaga i lalo hifo he matakupu nai.

- (5) Ko e matakupu nai kua lata mo e tagata ne gahua he vahega gahua malolō tino kua fakakite he **Fakaholoaga Fakamatafeiga Nūmela 1.**

Tohiaaga Fakamau ko e ekegahua faahi gahua malolō tino

- 10 Tohi ole ke tohia fakamau ko e ekegahua he faahi gahua malolō tino**
(1) Ko e tagata kua manako ke tohia fakamau ko e ekegahua he faahi gahua malolō tino kia tuku e tohi ole ke he Fono Fakatonu muihua ke he matakupu nai.
(2) Kia taute e tohi ole tuga ae nei -
(a) kia fakapuke e pepa pauaki ne kua taute ti tohi e tau mena ne kua manako e Fono Fakatonu ki ai; mo e
(e) kia tuku mo e tupe fafati (ka fai).

- 11 Fifiliaga he tohi ole ke tuku he tohiaga fakamau**
(1) Kia fakahoko e fifiliaga he Fono Fakatonu ke he tohi ole kua mau maopoopo, he magaaho kua lata.
(2) Kaeke kua manako e Fono Fakatonu, kia kumi atu kia ia ne tuku e tohi ole taha talahauaga foki, po ke hūhū kia ia, po ke ha tagata kehe, ha ko e tohi ole i mua he Fono Fakatonu.
(3) Fakamua to fifili e Fono Fakatonu ke nākai foaki e fakaatāaga ke tohia fakamau e tagata , kia fakailoa he Fono Fakatonu kia ia -
(a) he tohi ke fakamaama e tau kakano ne amanaki e Fono Fakatonu ke nākai foaki e tohiaaga fakamau kia ia; mo e
(e) taha e lagaki he talauaga ne kua falanakai e Fono ki ai ati amanaki ai ke nakai talia ke tohia fakamau e tagata; mo e
(i) tukuage e magaaho ke tali a ia mo e logona haana a tali mai ia po ke haana a tagata lalago.

- 12 Fifiliaga he Fono Fakatonu ke he tohiaga fakamau**
(1) Ko e magaaho ka fifili he Fono Fakatonu kua lata e ekegahua ke tohia fakamau ko e ekegahua malolō tino, kia tohia fakamau he Fono Fakatonu e tagata ia ke he higoa haana mo e tau mena ke matutaki ki ai, he vala hako he fakamauaga.
(2) Kia fakailoa mafiti he Fono Fakatonu kia ia ne tohi ole kua kautū haana a tohiaaga fakamau.
(3) Kia mafiti e Fono Fakatonu ke fakailoa kia ia ne nākai kautū e tohi ole kua pihia e fifiliaga.
(4) Ko e fakailoaaga ke he tagata kua nākai kautū e tohi ole, kia talahau e tau mena nai-
(a) Ko e fakamatalaaga he tau kakano ati nākai kautū e tohi ole
(e) Talahauaga kia ia ne tuku e tohi ole ke he tonuhia haana ke ole ke liu kitekite ki ai i lalo hifo he matakupu 24.

Health Practitioners Act

- 13 Fakaotiaga he Tohiaga Fakamau ha ko e poakiaga he Fono Fakatonu**
- (1) Kua maeke e Fono Fakatonu ke fakaoti e tonuhia he tohiaaga fakamau he ekegahua malolō tino kaeke kua oti e kumikumiaga ti ko e fakahikuaga ha ko e tau pūhala fakatoka, kua fifili he Fono Fakatonu -
- (a) kua agahala e ekegahua malolō tino ke he haana a gahua ha kua tōkaunaka falu a mena he maama he Fono Fakatonu ti kua nākai gahua fakamooli a ia po ke gahua fakateaga e vahega ekegahua pihia; po ke
 - (e) kua agahala e ekegahua mo e nakai fakamooli ke he haana gahua ha ko e tau gahua po ke ha mena kua taute po ke nākai taute, he maama he Fono Fakatonu, ti kua fakahigoa kelea auloa e tau ekegahua ne fakalataha mo ia he magaaho ia ne taute ai e kelea; po ke
 - (i) Ko e ekegahua kua fakahala he fakafiliaga ha ko e taha agahala ti fakahigoa kelea mo e kua lata tonu nakai ke gahua pihia; po ke
 - (o) Kua gahua e ekegahua ke he gahua ia ka e nākai fai setifikete tohi gahua.
- (2) Fakamua to taute e fifiliaga ke fakaoti e tohiaga fakamau he ekegahua malolō tino, kia tukuage he Fono Fakatonu ke he ekegahua ia -
- (a) e tohi ne fakamaama ke he ekegahua e tau kakano ne kua amanaki e Fono ke fakaoti e tohiaga fakamau; mo e
 - (e) taha e lagaki he taha talahauaga ne falanaki e Fono Fakatonu ki ai ati amanaki ke fakaoti e tohiaga fakamau; mo e
 - (i) ke tukuage taha magaaho kia ia ke tali mo e logona haana a tala, mai ia ia po ke tagata lalago haana.
- (3) Kia nākai fakaoti he Fono Fakatonu e tohiaaga fakamau he ekegahua malolō tino -
- (a) kaeke kua fakagahua e ia e taha mena iloa he tau tuluiaga po ke fakamauluaga, ha ko e haana falanakaiaga kua tonu ke eke pihia.
 - (e) kaeke ko e agahala ke fakahala, i lalo hifo he vala kupu (1)(i) ka e iloa he Fono Fakatonu e fakahalaaga he magaaho ne fakamooli ai e tohiaaga fakamau.
- (4) Kaeke kua fakamooli ke fakaoti e tohiaga fakamau he tagata, kia taute he Fono Fakatonu taha he tau mena nai po ke taute ua:
- (a) fifili e aho ka nākai maeke e tagata ke liu ke tuku e tohi ole ke tohia fakamau foki:
 - (e) kia fakakite taha po ke loga e mena ke taute he tagata to liu ke tuku e tohi ole ke tohia fakamau.
- 14 Ko e tau mena taute kaeke kua fai poaki ke falaoti e tohiaaga fakamau**
- (1) Ko e poakiaga he Fono Fakatonu ke fakaoti e tohiaaga fakamau, kia tohia he matalima tohi ti taatu fakahako ke he ekegahua malolō tino.
- (2) Ko e poakiaga nai kia hā hā i ai e tau mena nai -

- (a) ko e fakamatalaaga he tau kakano ke he fifiliaga ke fakaoti e tohiaaga fakamau he ekegahua; mo e
- (e) talahauaga ke he tonuhia he tagata ke ole ke liu onoono ke he fifiliaga muiua ke he **matakupu 24**

15 Fakaotiaga he tohiaaga fakamau ha ko e ole he ekegahua po ke kua mate e ekegahua.

Kia fakaoti fakamafiti he Fono Fakatonu e tohiaaga fakamau he ekegahua ka mole atu e -

- (a) ole he ekegahua ke taute pihia he ekegahua, he tohi: po ke
- (e) kua moua e fakailoaga haggao ke he mate he ekegahua.

16 Fakaotiaga he tohiaaga fakamau ha ko e falu kakano

(1) Kua atāina e Fono Fakatonu ke utakehe e tohiaaga fakamau he ekegahua malolō tino mo e fakailoa ke he ekegahua e fakaotiaga ia, kaeke kua talitonu e Fono Fakatonu ha ko e tau kakano nai

- (a) kua kautū e tohi ole ke tohia fakamau ha ko e tau talahuaga kua nākai tonu po ke tau talahauaga fakahēhē (kua talahau gutu po ke he tohi)
- (e) Kua nākai fai tonu ke tohia fakamau.

(2) Kua nākai maeke e Fono Fakatonu ke fakaoti e tohiaaga fakamau ka e nākaila taute fakamua e tau mena nai -

- (a) fakailoa ke he ekegahua malolō tino ne lauia e tau kakano kua amanaki ke fakaoti e tohiaaga fakamau muiua ke he **valakupu (1)**
- (e) ke tukuage ke he ekegahua malolō tino taha magaaho ke tali mai he tohi mo e fanogonogo ke he talahauaga, fakatagata po ke mai he tagata lalago haana.

Setifikete tohi gahua ma e tau taha

17 Tohi ole ma e setifikete tohi gahua he tau taha

(1) Ko e ekegahua malolō tino ka manako ke moua e setifikete tohi gahua kia tuku e tohi ole ke he Fono Fakatonu ke moua e setifikete tohi gahua, muiua ke he matakupu nai.

(2) Kia muiua a ia ka tuku e tohi ole pehē nai -

- (a) kia fakapuke e pepa pauaki, mo e tau iloaga, ne manako e Fono Fakatonu ki ai;
- (e) kia tuku e tupe fafati (ka fai)

(3) Kia foaki he Fono e setifikete tohi gahua ma e tau taha kaeke kua nākai fai kakano ke fakatikai ti nakai foaki e setifikete muiua ke he **matakupu 19 po ke 20.**

Health Practitioners Act

- 18 Ko e setifikete tohi gahua ma e tau taha kia tohia ai e tau vahega gahua ka eke**
- (1) Ko e magaaho ka foaki e setifikete tohi gahua ma e tau taha ke he ekegahua malolō tino, kia tohia he Fono Fakatonu e tau vahega gahua ka eke (putoia ai e tau fatifatiaga) ma e ekegahua malolō tino.
- (2) Falu he tau vahega gahua a nai -
- (a) kua tatai, po ke teitei tatai, ke he tau gahua ne fakatoka he pule gahua ma e ekegahua malolō tino kua fakamatafakatufono ma e tau ekegahua malolō tino i Niu Silani;
- (e) kua fakamatafeiga he tau lā fakatufono.
- 19 Kia nākai foaki he Fono Fakatonu e setifikete tohi gahua ma e tau taha kaeke kua nākai tonu e tau talahauaga mo e fakahēhē**
- (1) Kia nākai foaki he Fono Fakatonu e setifikete tohi gahua kaeke kua iloa tonu ko e tau talahauaga ne tokutoku he tohi ole kua nākai tonu mo e fakahēhē.
- (2) Fakamua to fifili e Fono Fakatonu ke nākai foaki e setifikete tohi gahua ma e tau taha, kia tukuage he Fono Fakatonu kia ia ne tuku e tohi ole ke -
- (a) fakailoa kia ia e kakano ne manatu e Fono Fakatonu kua nākai tonu mo e fakahēhē e tau talahauaga i loto he tohi ole; mo e
- (e) ke tukuage taha magaaho ke fai tali mo e fanogonogo ke he talahauaga, fakatagata po ke mai he tagata lalago haana.
- 20 Kia nākai talia he Fono Fakatonu ke foaki e setifikete tohi gahua ma e tau taha he falu mena tuga a nai**
- (1) Kia nākai talia he Fono ke foaki e setifikete tohi gahua ma e tau taha kaeke kua falanaki ke he tau iloaaga pehē nai
ko ia ne tuku e tohi ole, he taha magaaho, kua lololole e gahua mo e tote lotomatala katoatoa; po ke
- (a) ko ia ne tuku e tohi ole ne nākai muiua ke he taha fatifatiaga he tau vahega gahua haana; po ke
- (e) kua nākai maeke a ia ne tuku e tohi ole ke taute e tau gahua kua lata mo e vahega gahua haana ha ko e haana a manamanatuaga mo e tino kua nākai katoatoa.
- (2) Fakamua to fifili he Fono Fakatonu ke nākai foaki e setifikete tohi gahua muiua ke he **valakupu (1)**, kia tukuage he Fono Fakatonu kia ia e -
- (a) fakailoaaga kua fakamatafeiga e tau kakano ati amanaki e Fono Fakatonu ke nākai foaki; mo e
- (e) ha lagaki he tau iloaaga ne kua talitonu e Fono Fakatonu ki ai ati nākai foaki; mo e
- (i) taha magaaho ke moua taha tali he tohi mo e fanogonogo fakatagata po ke mai he tagata lalago haana.

- 21 Fifiliaga he Fono Fakatonu ke he tohi ole ma e setifikete tohi gahua ma e tau taha**
- (1) Kaeke kua fifili e Fono Fakatonu ke foaki e setifikete tohi gahua ma e tau taha, kia tukuage e setifikete fakamafiti kia ia ne ole.
 - (2) Kia tukuage e setifikete he meli hila po ke tohi pepa pauaki.
 - (3) Ka oti e fiifiliaga he Fono Fakatonu ke nākai foaki e setifikete tohi gahua ma e tau taha, kia fakailoa mafiti he Fono Fakatonu kia ia ne tuku e tohi ole e fifiliaga mo e tau kakano.
 - (4) Ko e fakailoaaga, kia taute pehē nai -
 - (a) kia tohi he taha tohi;
 - (e) kia fakamaama e pūhala ki ia ke ole ke liu onoono ke he haana a ole muiua ke he matakupu 24.
- 22 Moui gahua he setifikete tohi gahua ma e tau taha**
- (1) Ko e moui he setifikete tohi gahua ma e tau taha to fifili he Fono Fakatonu ke he leva (tuga fā mahani po ke taha kakano foki)
 - (2) Ko e leva he setifikete, kia fakakite e aho ne tukuage ai, ka e nākai loa he taha e tau, kamata he aho ne tukuage e setifikete.
 - (3) Ko e ekegahua he faahi gahua malolō tino ne kua tuku e tohi ole mo e tau tupe fafati (ka fai) i lalo hifo he matakupu 18, ke fakafoou e setifikete tohi gahua ma e tau taha, kia tūmau ke fakaaoga e setifikete ia he mole e moua he Fono Fakatonu e e tohi ole ato hoko e taha he magaaho nai -
 - (a) ko e aho ne foaki e setifikete tohi gahua
 - (e) ko e aho ne fakailoa he Fono Fakatonu, to nākai foaki e setifikete tohi gahua.
- 23 Liuakiaga he setifikete tohi gahua kaeke kua fakaoti e tohiaaga fakamau**
- (1) Ko e ekegahua he faahi gahua malolō tino ne kua moua e fakailoaaga ke he fakaotiaga he tohiaaga fakamau haana, kia liuaki e setifikete tohi gahua to oti e 14 e aho mai he aho ne moua e fakailoaaga.
 - (2) Ko e tagata ne nākai muiua ke he valakupu (1) kua agahala a ia mo e fakahala ke he 20 e poini fakahala kaeke kua fakamooli he fakafiliaga.

Vala 3

Liu Onoono ke he Fifiliaga he Fono Fakatonu

- 24 Liu onoono ke he fifiliaga he Fono Fakatonu ka taute he Ulufakatonu he Faahi Gahu Malolō Tino**
- (1) Kua maeke e tagata ke ole ke he Ulufakatonu he Faahi Gahua Malolō Tino ke liu onoono ke he fifiliaga he Fono Fakatonu -
 - (a) ke nākai tohia fakamau e tagata ke eke mo ekegahua he faahi gahua malolō tino; po ke
 - (e) fakaoti e tohiaaga fakamau ko e ekegahua he faahi gahua malolō tino, po ke

Health Practitioners Act

- (i) ke nākai foaki e setifikete tohi gahua ma e tau taha ke he tagata; po ke
 - (o) ke fakakite e tau vahega gahua ma e tagata ke eke mo ekegahua he faahi gahua malolō tino.
- (2) Ko e tohi ole ke liu onoono ke he fifiliaga kia taute -
- (a) fakapuke e tohi pauaki mo e tohia e tau mena ne manako e Ulufakatonu; mo e
 - (e) tali atu ato oti e 20 aho tali mai he moua he tagata e fakailoaaga he fifiliaga.
- (3) Kaeke kua liu onoono mo e taute foki taha fifiliaga ke lata mo e tohi ole, kia kumi tala foki e Ulufakatonu, mo e falanaki ke he tau talahauaga, tau pepa tau fakailoaaga po ke ha mena taha pete ni ka nakai maeke ke tuku he taha fakafiliaga he motu, ka e kia taute e fifiliaga fakaave mo e tau kumikumiaga he tau puhala kua lata.
- (4) Ko e fifiliaga he Ulufakatonu ke fakamooli, nakai fakamooli e fifiliaga, po ke fakakehe e fifiliaga he Fono Fakatonu.
- (5) Kia fakailoa mafiti he Ulufakatonu e fifiliaga ke he tagata mo e tau kakano ne pihia ai.

25 Ko e fakaotiaga ha ko e fifiliaga he Ulufakatonu

- (1) Ko e fifiliaga he gahua liu onoono he Ulufakatonu, ko e fakahikuaga ni a ia.
- (2) Kia muitua e Fono Fakatonu ke he fifiliaga he Ulufakatonu,

Vala 4 Fakagahuahuaaga

Ko e Fono Fakatonu

26 Kua fakatū e Fono Fakatonu

- (1) Kua fakatū e Fono Fakatonu he tau Ekegahua he Faahi Gahua Malolō Tino.
- (2) Ko e Fono Fakatonu kua fakamoui tukulagi, ko e matakau he tau ekegahua ne hā hā i ai po ke maeke he tagata ke fakaaoga haana a puletonu, ko e tagata moui mo e gahuahua.
- (3) Ko e Fono Fakatonu kia gahua mo e puletonu mo e falu a mena foki ke mitaki e haana a gahuahuaaga.
- (4) Ko e Fono Fakatonu, kia hā hā i ai a lautolu nai:
 - (a) Ko e Takitaki pulotu he tau Ekekafo (tului kafokia)
 - (e) Ko e Takitaki pulotu taute nifo
 - (i) Ko e Takitaki he tau ekegahua nosi
 - (o) Ko e Takitaki he tau ekegahua Puipui Malolō he tau tagata
 - (u) Ko e Takitaki he tau ekegahua loea he Fakatufono

- (fa) tokoua e tagata ka kofa mo e fakamooli he Fono Ikipule
- (5) Kia kotofa he Fono Fakatonu e taha pulotu he faahi gahua malolō tino ke hukui aki taha tagata ne kua kotofa i lalo hifo he valakupu (4)(a) ke he (4)(o) kaeke kua tokanoa e pū gahua po ko ia ne nofo ai he kotofaaga kua nākai maeke.
- 27 Ko e tau Gahua he Fono Fakatonu**
Hanai e tau gahua he Fono Fakatonu ha ko e Fakatufono- tohi nai:
- (a) ke fifili e tau tohi ole ha lautolu ke eke mo tau ekegahua he faahi gahua malolō tino mo e leveki e tau fakamauaga:
- (e) ke onoono ke he tau tohi ole ma e tau setifikete tohi gahua he tau taha
- (i) ke moua e tau talahauaga mai he ha tagata hagao ke he gahuahuaaga, mahani gahua, po ke lotomatala he taha vahega ekegahua, ti kaeke kua lata, kia gahuahua ke he iloaaga ia:
- (o) kia fakaoti e tohia fakamau he ekegahua ha faahi gahua malolō tino kaeke kua lata ke eke pihia:
- (u) ke moua mai, mo e feutaaki e tau talahauaga mo e tau kau pulegahua he tau motu kehe hagao ke he gahuahuaaga, mahani, po ke lotomatala he falu ekegahua he faahi gahua malolō tino:
- (fa) kia fefakatonutonuaki mo e tau pulegahua mo e tau matakau gahua faka-faahi gahua malolō tino he tau motukehe ke he tau mena gahua.
- (ga) ke fakailoa mo e fakatātā ke he tau tagata e tau gahua kua lagoia e Fono Fakatonu ki ai.
- (ha) ke gahua mo e taute e falu mena kua tonuhia ke eke ha ko e tau mena kua lagoia ki ai he Fakatufono-tohi nai po ke ha matafakatufono foki.
- 28 Fakaholoaga**
- (1) Kia fakatoka he Fono Fakatonu e tau fakaholoaga haana munitua ke he Fakatufono-tohi nai mo e tau lā-fakatufono ka fakamooli.
- (2) Ko e numela he tau hukui ka hohokoatu he fono he Fono Fakatonu, ko e 5, to fakahoko e fono.
- 29 Tau pūhala ke mailoga e tonuhia he tagata**
Kia mailoga he Fono Fakatonu e tau pūhala ma e tonuhia he tagata.
- 30 Ko e tau talahauaga ke gahuahua ki ai e Fono Fakatonu**
- (1) Kaeke kua amanaki e Fono Fakatonu ke taute taha fifiliaga, kia moua mai e tau fakamatalaaga, ha tohi, ha talahauaga, po ke ha mena, ka maeke ke fakaaoga he fakafiliaga po ke nākai.
- (2) Ko e matakupu nai, kia fakatauō mo e tau matakupu 28 mo e 29.

Health Practitioners Act

31 Ko e tau mena Fakagalogalo

- (1) Ko e tau hukui oti he Fono Fakatonu kia leveki fakagalalo e tau talahauaga ne tuku he tagata he tohi ole ke tohia fakamau po ke tohi ole setifikete tohi gahua.
- (2) Ka e kia fakakite e talahauaga ia ke he----
 - (a) falu a hukui ke lagomatai e tau fifiliaga ke foaki po ke fakaoti e tohiaga fakamau, po ke foaki e setifikete tohi gahua po ke fakamatafeiga e tau gahua ma e setifikete tohi gahua; po ke
 - (e) pulegahua Malolō Tino he taha motukehe kaeke kua fai tuahā e Fono Fakatonu po ke pulegahua malolō tino hagao ke he gahuahuaaga, mahani gahua, po ke lotomatala gahua haana ne tuku he tohi ole.
- (3) Ko e matakupu nai kia onoono ki ai kaeke kua fai fakatokaaga foki e taha Fakatufono-tohi po ke poakiaga he Fakafiliaga, ne kua manako ke fakakite e tau talahauaga ne tuku e ia he tohi ole.
- (4) Ko e ha tagata kua fakakite ha talahauaga mo e nākai munitua ke he matakupu nai kua agahala a ia mo e kaeke kua fakamooli he fakafiliaga, to fakahala ke hoko atu ke he 100 poini fakahala.

32 Kia nākai nofo e hukui he fonoaga kaeke kua onoono e Fono Fakatonu ke he higoa haana

To nākai fai hukui e Fono Fakatonu ka nofo he fonoaga, po ke vili, po ke nofo ha ko e taha hukui he Fono Fakatonu, po ke ha vala he fonoaga he Fono Fakatonu kaeke kua tutala ke he tohiaaga fakamau haana, po ke taha ekegahua he faahi gahua malolō tino.

33 Fakapalepaleaga he tau hukui he Fono Fakatonu

- (1) Ko e tau hukui he Fono Fakatonu ne gahua ma e kau gahua he fakatufono, to nākai fai palepale a lautolu ha ko e gahua ma e Fono Fakatonu.
- (2) Ko e tau hukui he Fono Fakatonu ne toe, kia fakapalepale ke he tau vahega totogi kua lata tuga ne fakamooli he lā-fakatufono.

Ko e Fakamauaga mo e tau gahua faka-ofisa

34 Fakamauaga

- (1) Kia leveki he Fono Fakatonu e fakamauaga he tau ekegahua faahi gahua malolō tino ne fifili ke tohia fakamau he FonoFakatonu he pūhala tohi hila po ke tohi lima po ke tau pūhala ua ia.
- (2) Ko e fakamauaga nai kia hā hā i ai e tau veveheaga kehekehe ma e tau ekegahua faahi gahua malolō tino kehekehe mo e tau veveheaga kua fakamahino he fakamauaga ko e ekegahua faahi gahua malolō tino fē ne -
 - (a) fai setifikete tohi gahua ma e tau taha he magaaho nai (mo e tau mena oti he vahega gahua i loto he setifikete tohi gahua); mo e

- (e) nakaila moua e setifikete tohi gahua ma e tau taha he magaaho nai.
- (3) Kia foaki he Fono Fakatonu e setifikete kia ia ne ole, mo e tohia ai e tau talahauaga he magaaho ia, ti toka he fakamauaga he tagata.
- 35 Fakagahuahuaaga**
Kia lagomatai he Faahi Gahua e Fono Fakatonu ke taute haana tau fekau.
- 36 Ko e fakatupeaga he tau gahua nai, to fatifati he Fono Ekepule.**
Ko e tau tupe fakamole po ke tupe moua ke lagomatai aki e Fono Fakatonu kia totogi mai he tau tupe ne fatifati he Fono Ekepule ma e tau gahua ia.

Vala 5

Ko e tau Fakatokaaga kehekehe

- 37 Ko e tau talahauaga kua nākai hako mo e fakahēhē**
Kua agahala e tagata mo e ka fakamooli he fakafiliaga to fakahala ke he 100 poini fakahala kaeke kua taute ha mena he Fakatufono-tohi nai maana ni, po ke ma e taha tagata foki,
- (a) ke he tau pūhala vagahau po ke tohi, kua fakailoa e ia kua iloa e ia kua nākai hako mo e fakahēhē ha mena; po ke
- (e) tukuage ke he FonoFakatonu, po ke fakaaoga e taha tohi ne iloa e ia hā ha i ai e tau talahauaga pihia;
- (i) kua tukuage ke he Fono Fakatonu, po ke fakaaoga, e taha tohi ne iloa e ia kua nākai ko e tohi mooli.
- 38 Tau Lā-fakatufono**
- (1) Kia fakamooli he Fono Ikipule e tau lā-fakatufono ma e fakagahuaaga he Fakatufono-tohi nai.
- (2) Kia taute mo e fakamooli e tau lā-fakatufono ma e tau mena nai:
- (a) Kia taute e tau pepa pauaki ma e tau tauteaga he Fakatufono-tohi nai:
- (e) kia tofi e tau tupe ka totogi i lalo hifo he Fakatufono-tohi nai mo e lahi he tupe:
- (i) fakamahino e kakano ka tapiki ki ai ke nākai totogi e tau tupe fafati po ke ko e vala nī ka totogi:
- (o) fakamahino e tau vahega gahua kehekehe ma e tau ekegahua oti he faahi gahua malolō tino:
- (u) kia fakatoka, po ke fakamaama e pūhala ke fuafua aki e tau palepale mo e tau tupe fakamole he tau hukui he Fono Fakatonu:
- (fa) Fakahui po ke fakafoou e Fakaholoaga Fakamatafeiga Nūmela 1, mo e
- (i) lalafi e falu vahega gahua pulotu po ke utakehe falu vahega gahua pulotu mai he fatifatiaga ma e tohiaaga fakamau:

Health Practitioners Act

- (ii) hiki e tau fatifatiaga ma e tohia fakamau.
 - (ga) kia fakatoka falu a mena ne putoia ke he hagaiaga he Fakatufono-tohi nai ke katoa e fakagahuahuaaga, po ke kua lata ma e fakagahuahuaaga mitaki he Fakatufono-tohi nai.
- 39 Ko e tau Lā-fakatufono ma e tau gahua he magaaho ku nai**
- (1) Kia taute mo e fakamooli he Fono Ikipule e tau lā-fakatufono ma e tau mena oti nai:
- (a) ko e fakatokaaga ma e magaaho he tau hikiaga, tau mena ka mumui mai, mo e tua mena ka fakatumau ato fakagahua he Fakatufono-tohi, ka liga lalafi ki luga po ke huhui e **matakupu 40**.
 - (e) fakahagahagamitaki e fakagahuahuaaga he tau lā-fakatufono he Fakatufono-tohi nai:
 - (i) Kia nākai fakagahua e falu fakatokaaga, ka e to fai kehe kaeke kua talahau pihia he tau lā-fakatufono, he magaaho kū (ti pihia mo e tau fakakakanoaga).
 - (o) Ke fakatoka falu a puhala ke holo mitaki e tau gahua kaeke kua fakafouu e falu matafakatufono tuai, he magaaho ku nai ato fakagahua e Fakatuono-tohi nai.
- 40 Ko e tau fakatokaaga ma e magaaho kū**
- Ko e tagata ne kua fakagahua ko e taha ekegahua he Faahi Gahua Malolō Tino i Niue ato fakagahua e Fakatufono-tohi nai, kia eke a ia mo taha ekegahua kua tohia fakamau mo e moua e setifikete tohi gahua mutiua ke he Fakatufono-tohi nai ato hoko e magaaho, ko e aho fē nī ka hoko mua:
- (a) ko e aho ne tohia fakamau ai e ekegahua malolō tino mo e tukuatu e setifikete tohi gahua, muiua ke he Fakatufono-tohi nai:
 - (e) ko e aho ne fakaoti ai e tohia fakamau haana muiua ke he Fakatufono-tohi nai:
 - (i) ko e aho ne tū ai e 12 mahina he mole atu e kamataaga ke fakagahua e Fakatufono-tohi nai.
- 41 Fakaotiaga**
- Kua fakaoti tuai e lā-fakatufono, Niue Dental Regulations 1970.
- 42 Fakahuiaga he falu matafakatufono**
- Kia fakahui e tau matafakatufono ne fakamahino he Fakaholoaga Fakamatafeiga Nūmela 2 ne fakakite he Fakaholoaga ia.

**Fakaholoaga Fakamatafeiga Nūmela 1
Tau fatifatiaga ma e tohiaga fakamau**

1. Fakakakanoaga

Ma e fakaholoaga fakamatafeiga nai, ka e fai kehe kaeke kua pihia e maamaaga,-

Ko e Fakatufono tohi ha Niu Silani kakano ko e Fakatufono tohi ma e Tau Ekegahua Malolō Tino ha Niu Silani ma e Lotomatala Gahua, 2003 ne fakamatafakatufono he Palemene ha Niu Silani.

Ko e Matakau Tūfono he tau Pulotu Taute Nifo ha Niu Silani kakano ko e Matakau he tau pulotu taute nifo ha Niu silani ne fakatū i lalo hifo he matakupu 114 he New Zealand Act.

Ko e Matakau Tūfono he tau Pulotu Ekekafo tului kafo ha Niu Silani kakano ko e Matakau Tufono he tau pulotu ekekafo tuli kafo ne matutaki i lalo hifo he matakupu 114 he New Zealand Act po ke ha matakau ne kua hukui aki.

Ko e Fono Fakatonu he tau pulotu ekegahua hulu gagao ha Niu Silani kakano ko e Fono Fakatonu he tau pulotu ekegahua hulu gagao ne matutaki i lalo hifo he matakupu 114 he New Zealand Act, po ke ha matakau kua hukui aki.

Ko e Matakau Tūfono he tau pulotu ekekafo saienetisi tului kafo kakano ko e Matakau Tūfono he tau pulotu ekekafo saienetisi tului gagao i lalo hifo he matakupu 114 he New Zealand Act po ke ha matakau kua hukui aki

Ko e Matakau Tūfono he tau ekegahua fakafanau tama kakano ko e Matakau Tūfono he tau ekegahua fakafanau tama ne fakatū he matakupu 114 he New Zealand Act.

Matakau Tūfono he tau Nosi kakano ko e Matakau Tūfono he tau ekegahua nosi a Niu Silani ne matutaki i lalo hifo he matakupu 114 he New Zealand Act po ke ha matakau kua hukui aki.

Ko e Matakau he kau gahua nosi he tau lekua tupu fakafofo kakano ko e Matakau Tūfono he kau gahua ma e tau lekua tupu fakafofo ne fakatū he Health Practitioners Competence Assurance (designation of Paramedic Services as Health profession) Order 2019, i lalo hifo he New Zealand Act po ke taha matakau kua hukui aki.

Ko e Matakau Tūfono he tau Fale Talavai kakano ko e Matakau Tūfono he tau Fale Talavai ne fakatū he matakupu 114 he New Zealand Act, po ke ha matakau kua hukui aki.

Fono Fakatonu he tau ekegahua pulotu mulumulu kakano ko e Fono Fakatonu ne matutaki i lalo hifo he matakupu 114 he New Zealand Act po ke taha matakau kua hukui aki.

Health Practitioners Act

2. Pulotu Taute Nifo

Kua maeke e tagata ke tohia fakamau ko e ekegahua malolō tino ne kua lata ke gahua taute nifo (ti fai setifikete tohi gahua a ia ma e tau taha), kaeke -

- (a) kua tohia fakamau e tagata he Matakau Tūfono a Niu Silani po ke taha matakau kitekite gahua pihia he taha motu ne kua talitonu e Fono Fakatonu kua tatai mo e Matakau Tūfono he tau pulotu taute nifo ha Niu Silani; po ke
- (e) ko e tagata
 - (i) kua kautū e tau fakaakoaga mai he taha aoga pulotu fakaako taute nifo i Niu Silani, po ke aoga pulotu fakaako taute nifo he taha motu ne kua talitonu e Fono Fakatonu kua tatai mo e aoga pulotu fakaako taute nifo i Niu Silani;
 - (ii) kua hokotia ke he lakaaga ke gahua he faahi gahua taute nifo ne talitonu e Fono Fakatonu kua fetataiaki ke he tau fatifatiaga ke tohia fakamau he Matakau Tūfono he tau pulotu taute nifo ha Niu Silani.

3. Ko e pulotu hulu kafo

Kua maeke ha tagata ke tohia fakamau ko e ekegahua maloō tino kaeke kua tonuhia ke gahua hulu kaeke -

- (a) kua tohia fakamau a ia he New Zealand Medical Radiation Technologists Board po ke mai he taha matakau pihia he taha motu ne kua talitonu e Fono Fakatonu kua tatai mo e Matakau New Zealand Medical Radiation Technologists Board;
- (e) ko e tagata kua -
 - (i) ne kautū e tau fakaakoaga i Niu Silani po ke taha motu foki ti kua talitonu e Fono Fakatonu kua fetataiaki e tau fakaakoaga mo e ha Niu Silani; mo e
 - (ii) kua hokotia e lotomatala gahua he faahi hulu ti kua talitonu e Fono Fakatonu kua tatai mo e tau lakaaga ke tohia fakamau he Matakau New Zealand Medical Radiation Technologists Board; po ke
 - (i) Kua manatu e Fono Fakatonu ko e tagata ia -
 - (iii) kua hokulo e lotomatala mo e gahua fakaako he faahi gahua hulu ti kua tatai ni mo e katoatoa he tau fakaakoaga mai Niu Silani mo e
 - (iv) kua/hokotia e gahua hulu ke he lakaaga ne fatifati ma e tohiaaga fakamau he Matakau New Zealand Medical Radiation Technologists Board.

4. Ko e ekegahua pulotu huki toto

Kua maeke ha tagata ke tohia fakamau ko e ekegahua malolō tino ne kua lata ke gahua huki toto (ti fai setifikete tohi gahua ma e tau taha) kaeke -

- (a) ko e tagata kua tohia fakamau he New Zealand Medical Sciences Council po ke taha matakau kitekite pihia he taha motu ne kua talitonu e Fono Fakatonu kua fetataiaki mo e New Zealand Medical sciences Council; po ke
- (e) ko e tagata
 - (i) ne kua kautū e tau fakaakoaga i Niu Silani po ke taha motu foki mo e kua talitonu e Fono Fakatonu kua fetataiaki e tau fakaakoaga mo e ha Niu Silani; mo e
 - (ii) kua hokotia e mahani gahua huki toto ke he lakaaga ne talitonu e Fono Fakatonu kua tatai mo e lakaaga ke tohia fakamau he New Zealand Medical Sciences Council; po ke
 - (i) Kua manatu e Fono Fakatonu ko e tagata
 - (iii) kua fai lotomatala a ia mo e fakaako he faahi huki toto ne kua fetataiaki mo e taha tagata ne kua moua e tohi fakaako ke he tau gahua pihia mai i Niu Silani; mo e
 - (iv) kua hokotia e lotomatala gahua huki toto ke he lakaaga ke tohia fakamau mai he New Zealand Medical Sciences Council.

5. Ekekafo tului kafokia

Kua maeke e tagata ke tohia fakamau ko e ekegahua malolō tino ke eke mo ekekafo tului kafokia (ti fai setifikete tohi gahua ma e tau taha), kaeke -

- (a) kua tohia fakamau e tagata ia he New Zealand Medical Council po ke taha matakau kitekite he taha motu ne kua talitonu e Fono Fakatonu kua fetataiaki mo e New Zealand Medical Council; po ke
- (e) ko e tagata
 - (i) kua kautū e tau fakaakoaga mai he aoga pulotu fakaako ekekafo i Niu Silani, po ke taha aoga pulotu pihia he taha motu foki ne kua talitonu e Fono Fakatonu kua fetataiaki mo e aoga pulotu fakaako ekekafo i Niu silani; mo e
 - (ii) kua hokotia e tau gahua faka-ekekafo tului mo e iihia tagata ne kua talitonu e Fono Fakatonu kua fetataiaki mo e fatifatiaga ke tohia fakamau he New Zealand Medical Council.

6. Pulotu Nosi Fakafanau tama

Kua maeke e tagata ke tohia fakamau ko e ekegahua malolō tino ne fai tonuhia ke gahua fakafanau tama (ti fai setifikete tohi gahua ma e tau taha), kaeke

- (a) ko e tagata kua tohia fakamau he matakau NZ Midwifery Council po ke he matakau kitekite pihia he taha motu ne kua talitonu e Fono Fakatonu kua fetataiaki mo e matakau NZ Midwifery Council; po ke
- (e) Ko e tagata

Health Practitioners Act

- (i) kua fai tohi kautū e tau fakaakoaga mai i Niu Silani po ke taha motu foki ne kua talitonu e Fono Fakatonu kua fetataiaki e tau tohi fakaako mo e ha Niu Silani ; mo e
- (ii) kua hokotia e lotomatala he gahua fakafanau tama ke fetataiaki mo e lakaaga ke tohia fakamau he matakau NZ Midwifery Council; po ke
- (i) Kua manatu e Fono Fakatonu ko e tagata -
 - (iii) kua lotomatala mo e fai fakaakoaga ke fakafanau tama ne kua fetataiaki mo e ha tagata kua kautū e fakaakoaga pihia mai i Niu silani; mo e
 - (iv) kua hokotia e lotomatala he fakafanau tama ke he lakaaga ke tohia fakamau he matakau New Zealand Midwifery Council.

7. Ekegahua nosi

Kua maeke e tagata ke tohia fakamau ko e ekegahua faahi gahua malolō tino kaeke kua lata ke gahua nosi (mo e fai setifikete tohi gahua ma e tau taha), kaeke -

- (a) kua tohia fakamau he matakau New Zealand Nursing Council po ke he taha matakau kitekite pihia he taha motu ne kua talitonu e Fono Fakatonu kua fetataiaki mo e New Zealand Nursing Council; po ke
- (e) ko e tagata
 - (i) kua kautū e tau fakaakoaga mai i Niu Silani po ke taha motu mo e kua talitonu e Fono Fakatonu kua tatai mo e tau fakaakoaga mai Niu Silani; mo e
 - (ii) kua hokotia e lotomatala he gahua nosi ne talitonu e Fono Fakatonu kua fetataiaki mo e lakaaga ke tohia fakamau he New Zealand Nursing Council; po ke
- (f) kua mailoga he Fono Fakatonu ko e tagata
 - (i) kua fai lotomatala mo e fakaakoaga gahua nosi ti kua fetataiaki mo e tagata kua kautū e tau fakaakoaga nosi mai i Niu Silani; mo e
 - (ii) kua hokotia e gahua nosi ke he lakaaga ke tohia fakamau he matakau NZ Nursing Council.

8. Pulotu Ekegahua he tau kafokia tupufakafo

Kua maeke ha tagata ke tohia fakamau ko e ekegahua malolō tino ha kua gahua ke he tau kafokia tupufakafo he emepelene (ti fai setifikete tohi gahua ma e tau taha), kaeke

- (a) kua tohia fakamau a ia he matakau New Zealand Paramedic Council po ke ha matakau kitekite pihia he taha motu ne kua talitonu e Fono Fakatonu kua fetataiaki mo e New Zealand Paramedic Council.
- (e) ko e tagata

- (i) Kua kautū e fakaakoaga mai i Niu Silani po ke taha motu foki ti kua talitonu e Fono Fakatonu ko e fakaakoaga kua fetataiaki mo e taha fakaakoaga pihia i NZ; mo e
- (ii) kua hokotia e lotomatala he gahua pihia ti kua talitoni e Fono Fakatonu kua fetataiaki mo e lakaaga ke tohi a fakamau he matakau NZ Paramedic Council;
- (f) Kua tali tonu e Fono Fakatonu ko e tagata kua -
 - (i) fai lotomatala mo e fakaakoaga he gahua paramedic ne kua fetataiaki mo e tau fakaakoaga pihia mai i Niu Silani; mo e
 - (ii) kua hokotia e lotomatala ke he lakaaga ne fafati he matakau NZ Paramedic Council ke moua to tohia fakamau a ia.

9. Ekegahua Pulotu Talavai

Kua maeke e tagata ke tohia fakamau ko e ekegahua malolō tino ne kua gahua talavai (ti kua fai setifikete tohi gahua ma e tau taha), kaeke

- (a) kua tohia fakamau e tagata mo e NZ Pharmacy Council po ke taha matakau kitekite pihia he taha motu ne kua talitonu e Fono Fakatonu kua fetataiaki mo e NZ Pharmacy Council; po ke
- (e) ko e tagata
 - (i) ne kua kautū e tau fakaakoaga mai Niu Silani po ke taha motu ti kua talitonu e Fono Fakatonu ko e tau fakaakoaga kua fetataiaki mo e tau fakaakoaga i Niu Silani; mo e
 - (ii) kua hokotia e lotomatala ke he lakaaga ne manako e matakau NZ Pharmacy Council to tohia fakamau; po ke
- (i) kua mailoga he Fono Fakatonu ko e tagata -
 - (iii) kua fai lotomatala mo e fakaakoaga he gahua talavai ne kua fetataiaki mo e ha tagata ne fakaako i Niu Silani ; mo e
 - (iv) kua hokotia e lotomatala ke he lakaaga ne manako e matakau NZ Pharmacy Council, to tohia fakamau.

10. Ekegahua pulotu Mulumulu

Kua maeke e tagata ke tohia fakamau ko e ekegahua malolō tino kaeke ko e taha pulotu mulumulu (ti fai setifikete tohia gahua ma e tau taha), kaeke

- (a) ko e tagata kua tohia fakamau he NZ Physiotherapy Board po ke taha matakau kitekite pihia he taha motu ne kua talitonu e Fono Fakatonu ko e fetataiaki mo e NZ Physiotherapy Board; po ke
- (e) ko e tagata
 - (i) ne kua katoatoa e tau fakaakoaga mai Niu Silani po ke taha motu kehe ti kua talitonu e Fono Fakatonu ko e fakaakoaga kua fetataiaki mo e fakaakoaga pihia i Niu Silani; mo e
 - (ii) kua hokotia e lotomatala mulumulu ne talitonu e Fono Fakatonu kua fetataiaki mo e lakaaga ke tohia fakamau he NZ Physiotherapy Board; po ke

Health Practitioners Act

- (i) Kua mailoga he Fono Fakatonu ko e tagata -
- (iii) kua fai lotomatala mo e fakaakoaga mulumulu ne kua fetataiki mo e ha tagata ne fai fakakoaga pihia mai Niu Silani; mo e
- (iv) kua hokotia e lotomatala ke he lakaaga ke tohia fakamau he matakau NZ Physiotherapy Board .

s 42

Fakaholoaga Fakamatafeiga Nūmela 2 Fakahuiaga he tau Fakatufono-tohi

Niue Act 1966

Kua huhui e matakupu 21 aki e:

“21 Ko e tau tagata ne kua fakagofua ke ekegahua ekekafo po ke pulotu iihi tagata

Kia nākai fai tagata ke gahua ekekafo po ke iihī tagata ma e tau tupe fafati, palepale po ke ha pūhala faka-palepale, ka e kia muitua ke he Fakatufono-tohi ma e tau Ekegahua malolō tino.

Kua huhui e matakupu 23A(1) aki e:

“(1) Kia gahua e Ulufakatonu he Faahi Gahua Malolō Tino ma e tau tagata oti i Niue, ke fai ekekafo mo e pulotu iihī tagata ke lata mo e tau kafokia kua maeke ke taute, pete e fai fakatokaaga he matakupu 23A (1).”

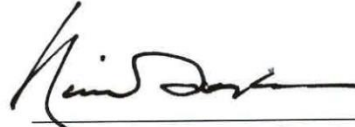
Niue Assembly Act 1966

Kia huhui e matakupu 9 (i) aki e:”

“(i) Kaeke kua gagao haana a manamanatuaga ti kua fakamooli kua pihia he tokoua e ekekafo tului kafo; po ke”

Ko au, **HIMA DOUGLAS**, Fakatonu Fono he Fono Ekepule, kua fakamooli kua maopoopo e tau poakiaga he Fakatufono-tohi Fakavē ha Niue.

FAKAMOOLI MO E FAKAMAIOGA he liu fale he Fono Ekepule he Aho 15 Tisema 2021.



Fakatonu Fono he Fono Ekepule

FAKAMOOLI ki mua he Fakatonu Fono



Tohi Kupu he Fono Ekepule

Ko e Faahi Gahua Malolō Tino ka fakagahua e Fakatufono-tohi nai.
Kua fakamooli e Fakatufono-tohi nai he Aho 15 Tisema 2021.



APPROPRIATION (ANNUAL) ACT 2022

No. 363

A Bill for an Act to appropriate certain sums of money out of the Niue Government account to the services for the year ending 30 June 2023 and to authorise the appropriation of the supplies required in that year.

The Assembly enacts as follows –

1 Title

This is the Appropriation (Annual) Act 2022.

2 Commencement

- (1) This Act shall relate to the financial year commencing on the 01 July 2022 and ending on the 30 day of June 2023 (hereinafter referred to as “the financial year”).
- (2) This Act comes into force on the day after the date on which it becomes law in accordance with Article 34 of the Constitution.

3 Grant and Appropriation of Expenditure

There may be issued and supplied from the Niue Assembly Account towards making good the supplies required and granted for the services to be provided within the financial year:

- (a) for Recurrent Operational Expenditure, Capital Projects and Investment and Development Projects a sum of which does not exceed **\$44,944,000** in total; and
- (b) for development partner, Investment and Development projects a sum which does not exceed **\$7,308,000** in total
the particulars of which are set out under the relevant headings in the Schedules hereto.

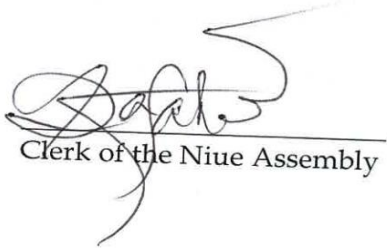
I, **HIMA DOUGLAS**, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 23rd day of June 2022.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker



Clerk of the Niue Assembly



This Act is administered by the Department of Finance and Planning.
This Act was passed by the Niue Assembly on the 23rd day of JUNE 2022.

Appropriation (Annual) Act 2022

SCHEDULE A
Budget Summary

	2022-2023 NATIONAL BUDGET SUMMARY													
	2019-20	2019-20	2020-21	2020-21	2020-21	2020-21	2020-21	2020-21	2020-21	2021-22	2021-22	2022-23	2023-24	2024-25
(\$'000)	Voted	Actual	Voted	Supp	Revised Budget	Actual	Voted	Actual *	Budget ESTIMATES	Budget ESTIMATES	Budget ESTIMATES	Budget ESTIMATES	Budget ESTIMATES	Budget ESTIMATES
Total Niue Recurrent Revenue	28,735	27,552	26,770	0	26,770	22,258	28,819	25,512	29,796	30,435	29,796	30,435	29,130	
Total Niue Recurrent Expenditure	28,173	24,116	31,082	0	31,082	25,171	32,612	26,189	39,694	40,789	39,694	40,789	39,971	
Total Niue Funded Capital	100	63	100	0	100	40	100	201	100	100	100	100	100	
Niue Funded Investment & Development Revenue														
Niue Funded Investment & Development Expenditure	7,462	366	1,322	8,000	9,322	460	800	636	5,150	8,150	5,150	8,150	5,150	
Total Appropriation	35,735	24,545	32,504	8,000	40,504	25,671	33,512	27,026	44,944	49,039	44,944	49,039	45,221	
Niue Budget Surplus/Deficit	7,000	3,007	5,734	8,000	13,734	3,413	(4,693)	(1,514)	(9,998)	(10,454)	(9,998)	(10,454)	(10,941)	
Donor Investment & Development Revenue	27,595	0	23,608	(8,000)	31,608	11,979	37,392	9,709	7,308	5,308	7,308	5,308	5,308	
Donor Investment & Development Expenditure	20,595	0	23,608	0	23,608	11,979	37,392	14,421	7,308	5,308	7,308	5,308	5,308	
Total Revenue	56,330	27,552	50,378	(8,000)	58,378	34,236	66,211	35,221	42,254	43,893	42,254	43,893	39,588	
Total Expenditure	56,330	24,545	56,112	8,000	64,112	37,650	70,904	41,447	52,252	54,347	52,252	54,347	50,529	
Surplus(-ve) / Deficit (+ve)	0	3,007	(5,734)	0	(5,734)	(3,413)	(4,693)	(6,225)	(9,998)	(10,454)	(9,998)	(10,454)	(10,941)	

*Actuals as of 31st May 2022

SCHEDULE B
Ministry Revenue Summary

GOVERNMENT OF NIUE 2022-2023 OPERATIONAL BUDGET																		
Entity	Department	RECURRENT EXPENDITURE BY MINISTRIES																
		2019-20	2019-20	2020-21	2020-21	2020-21	2020-21	2020-21	2021-2022	2021-2022	2021-2022	2022-2023	2022-2023	2023-2024	2023-2024	2024-2025	2024-2025	
		Voted	Actual	Voted	Supp	Revised	Actual	Voted	Actual *			BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	
CENTRAL AGENCIES	Office of the Premier & Cabinet Services	1,171,000	955,642	944,000	0	944,000	531,292	1,164,900	695,250			1,454,368	1,442,868	1,442,868	1,442,868	1,442,868	1,442,868	
	Niue Assembly	1,033,000	763,655	889,000	0	889,000	924,121	950,000	686,824			1,103,104	1,162,596	1,221,998	1,162,596	1,221,998	1,221,998	
	Office of the Secretary of Government	755,000	705,558	862,000	0	862,000	694,255	1,048,500	713,756			1,092,500	1,092,500	1,092,500	1,092,500	1,092,500	1,092,500	
	Project Management Coordination Unit	347,000	225,654	349,650	0	349,650	182,346	344,000	224,480			371,100	382,233	393,700	382,233	393,700	393,700	
	Crown Law	450,000	394,353	408,000	0	408,000	208,458	419,780	234,012			474,315	474,315	474,315	474,315	474,315	474,315	
	Niue Public Service Commission & Secretariat	1,378,000	1,188,070	1,325,000	0	1,325,000	1,456,543	1,544,400	1,264,268			1,644,700	1,644,700	1,644,700	1,644,700	1,644,700	1,644,700	
	Police	720,000	527,790	649,700	0	649,700	608,731	752,287	563,087			820,534	831,634	843,234	831,634	843,234	843,234	
	Sub total: Central Agencies		5,854,000	4,760,722	5,427,350	0	5,427,350	4,605,745	6,223,867	4,381,677			6,960,621	7,030,846	7,113,315	7,030,846	7,113,315	7,113,315
	Corporate & Treasury	917,000	616,362	1,210,500	616,362	1,210,500	1,263,525	1,326,700	657,759			1,443,980	1,480,879	1,480,879	1,480,879	1,480,879	1,480,879	
	Tax & Customs	462,000	401,625	388,000	0	388,000	406,927	446,734	372,548			602,890	618,930	604,522	602,890	618,930	604,522	
Economic Development, Trade & Investment, Immigration, Statistics	240,000	242,080	235,500	0	235,500	227,481	273,100	223,916			1,129,838	1,124,838	1,124,838	1,129,838	1,124,838	1,124,838		
Sub total: Ministry of Finance		1,619,000	1,260,067	1,834,000	616,362	1,834,000	1,897,933	2,046,534	1,254,223			3,176,708	3,224,647	3,210,239	3,224,647	3,210,239	3,210,239	
MINISTRY OF SOCIAL SERVICES	Education Department	3,052,000	2,971,234	3,179,600	0	3,179,600	3,109,822	3,285,540	2,827,845			3,813,414	3,886,500	3,912,000	3,886,500	3,912,000	3,912,000	
	Health Department	2,639,000	2,757,704	2,755,000	0	2,755,000	2,950,103	3,216,456	2,696,305			3,511,120	3,590,100	3,657,767	3,590,100	3,657,767	3,657,767	
	Justice Department (Incl. Community Affairs)	4,402,000	4,401,854	5,288,860	0	5,288,860	4,379,249	5,465,293	4,103,294			5,905,333	5,905,333	5,905,333	5,905,333	5,905,333	5,905,333	
	Taoga Niue	384,000	250,415	343,500	0	343,500	280,232	377,000	260,815			377,000	413,000	438,000	413,000	438,000	438,000	
	Sub total: Ministry of Social Services		10,477,000	10,381,207	11,566,960	0	11,566,960	10,719,405	12,344,289	9,888,259			13,606,867	13,774,933	13,913,100	13,774,933	13,913,100	13,913,100
	Agriculture, Fisheries & Forestry	1,028,000	824,085	958,500	0	958,500	863,639	965,110	827,248			1,148,792	1,148,792	1,148,792	1,148,792	1,148,792	1,148,792	
	Environment Department	395,000	341,573	322,000	0	322,000	358,539	304,500	347,892			555,030	555,030	555,030	555,030	555,030	555,030	
	Mit Office	231,000	234,335	249,000	0	249,000	200,638	251,868	173,005			251,868	251,868	251,868	251,868	251,868	251,868	
	Sub total: Ministry of Natural Resources		1,654,000	1,399,993	1,529,500	0	1,529,500	1,422,816	1,521,478	1,348,145			1,955,690	1,955,690	1,955,690	1,955,690	1,955,690	1,955,690
	Utilities	1,008,000	742,212	828,000	0	828,000	934,387	924,440	633,784			1,233,165	1,233,165	1,233,165	1,233,165	1,233,165	1,233,165	
Transport	1,496,000	1,394,733	1,584,000	0	1,584,000	1,256,553	1,924,500	1,295,859			2,371,250	2,371,250	2,371,250	2,371,250	2,371,250	2,371,250		
Civil & Quarry	0	21,173	650,500	0	650,500	729,423	1,421,588	1,057,627			1,570,470	1,570,470	1,570,470	1,570,470	1,570,470	1,570,470		
Niue Power	0	281,070	1,904,000	0	1,904,000	2,069,073	1,861,300	1,690,342			2,132,500	2,132,500	2,132,500	2,132,500	2,132,500	2,132,500		
Sub total: Ministry of Infrastructure		2,504,000	2,439,188	4,966,500	0	4,966,500	4,989,436	6,131,838	4,677,612			7,313,385	7,307,385	7,307,385	7,307,385	7,307,385	7,307,385	
COMMERCIAL AND TRADING	Niue Tourism Authority	436,000	332,353	393,000	0	393,000	260,328	429,950	219,366			534,000	542,000	586,000	542,000	586,000	586,000	
	Bulk Fuel	5,629,000	6,419,258	5,365,000	0	5,365,000	3,704,705	3,914,000	4,419,382			6,147,000	6,953,000	5,885,000	6,953,000	5,885,000	5,885,000	
	Sub total: Commercial and Trading		6,065,000	6,751,611	5,758,000	0	5,758,000	3,965,033	4,343,950	4,638,748			6,681,000	7,495,000	6,471,000	7,495,000	6,471,000	6,471,000
TOTAL RECURRENT EXPENDITURE		28,173,000	26,992,788	31,082,310	616,362	31,082,310	27,600,368	32,611,956	26,188,664			39,694,271	40,788,501	39,970,729	40,788,501	39,970,729	39,970,729	

Appropriation (Annual) Act 2022

SCHEDULE C
Departmental Expenditure Summary

GOVERNMENT OF NIUE 2022-2023 BUDGET																					
RECURRENT EXPENDITURE BY VOTE AND DEPARTMENT																					
DEPARTMENTS	VOTE	2019-20		2019-20		2020-21		2020-21		2020-21		2021-2022		2021-2022		2022-2023		2023-2024		2024-2025	
		Voted	Actual	Voted	Actual	Voted	Actual	Supp	Revised Budget	Actual	Voted	Actual	Voted	Actual	Budget	Budget	Budget	Budget	Budget	Budget	
OFFICE OF PREMIER & CABINET	Corporate Services	266,000	292,781	260,000	331,474	0	260,000	0	260,000	331,474	189,024	463,191	550,764	550,764	550,764	550,764	550,764	550,764	550,764	550,764	550,764
OFFICE OF PREMIER & CABINET	Cabinet Services	905,000	662,861	684,000	199,818	0	684,000	0	684,000	199,818	506,226	701,709	903,604	892,104	892,104	892,104	892,104	892,104	892,104	892,104	892,104
	Office of Premier & Cabinet Total	1,171,000	955,642	944,000	531,292	0	944,000	0	944,000	531,292	695,250	1,164,900	1,454,368	1,442,868	1,442,868	1,442,868	1,442,868	1,442,868	1,442,868	1,442,868	1,442,868
NIUE ASSEMBLY	Legislative	1,033,000	763,655	889,000	924,121	0	889,000	0	889,000	924,121	686,824	950,000	1,103,104	1,162,596	1,221,998	1,221,998	1,103,104	1,162,596	1,221,998	1,221,998	1,221,998
	Niue Assembly Total	1,033,000	763,655	889,000	924,121	0	889,000	0	889,000	924,121	686,824	950,000	1,103,104	1,162,596	1,221,998	1,221,998	1,103,104	1,162,596	1,221,998	1,221,998	1,221,998
OFFICE OF SECRETARY OF GOVERNMENT	Secretary of Government	0	0	134,000	34,805	0	134,000	0	134,000	34,805	115,689	320,500	174,500	174,500	174,500	174,500	174,500	174,500	174,500	174,500	174,500
OFFICE OF SECRETARY OF GOVERNMENT	Technicals	0	0	58,000	0	0	58,000	0	58,000	0	0	58,000	58,000	58,000	58,000	58,000	58,000	58,000	58,000	58,000	58,000
OFFICE OF SECRETARY OF GOVERNMENT	External Affairs	501,000	498,310	416,000	459,104	0	416,000	0	416,000	459,104	402,554	416,000	606,000	606,000	606,000	606,000	606,000	606,000	606,000	606,000	606,000
OFFICE OF SECRETARY OF GOVERNMENT	Niue High Commission	254,000	207,248	254,000	200,346	0	254,000	0	254,000	200,346	195,513	254,000	254,000	254,000	254,000	254,000	254,000	254,000	254,000	254,000	254,000
	Office of the Secretary of Government Total	755,000	705,558	862,000	694,255	0	862,000	0	862,000	694,255	713,756	1,048,500	1,092,500	1,092,500	1,092,500	1,092,500	1,092,500	1,092,500	1,092,500	1,092,500	1,092,500
PROJECT MANAGEMENT COORDINATION UNIT	Administration	347,000	225,654	349,650	182,346	0	349,650	0	349,650	182,346	224,480	344,000	371,100	382,233	393,700	393,700	371,100	382,233	393,700	393,700	393,700
	Project Management Unit Total	347,000	225,654	349,650	182,346	0	349,650	0	349,650	182,346	224,480	344,000	371,100	382,233	393,700	393,700	371,100	382,233	393,700	393,700	393,700
CROWN LAW	Administration	450,000	394,353	408,000	208,458	0	408,000	0	408,000	208,458	234,012	419,780	474,315	474,315	474,315	474,315	474,315	474,315	474,315	474,315	474,315
	Crown Law Total	450,000	394,353	408,000	208,458	0	408,000	0	408,000	208,458	234,012	419,780	474,315	474,315	474,315	474,315	474,315	474,315	474,315	474,315	474,315
NIUE PUBLIC SERVICE COMMISSION	Corporate Services/HRMIS	887,000	777,911	805,000	815,211	0	805,000	0	805,000	815,211	710,192	875,500	958,500	958,500	958,500	958,500	875,500	958,500	958,500	958,500	958,500
NIUE PUBLIC SERVICE COMMISSION	Human Resource Development	225,000	147,261	211,000	213,553	0	211,000	0	211,000	213,553	265,839	225,000	225,000	225,000	225,000	225,000	225,000	225,000	225,000	225,000	225,000
NIUE PUBLIC SERVICE COMMISSION	Employment Relations	69,000	69,163	72,000	48,275	0	72,000	0	72,000	48,275	66,376	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000
NIUE PUBLIC SERVICE COMMISSION	Strategic Human Resource	49,000	46,999	49,000	213,553	0	49,000	0	49,000	213,553	42,945	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000	57,000
NIUE PUBLIC SERVICE COMMISSION	Manpower Supplementation	148,000	146,736	188,000	138,095	0	188,000	0	188,000	138,095	122,315	178,000	178,000	178,000	178,000	178,000	178,000	178,000	178,000	178,000	178,000
NIUE PUBLIC SERVICE COMMISSION	Centre of Excellence in Information Technology	0	0	0	27,856	0	0	0	0	27,856	56,601	132,900	150,200	150,200	150,200	150,200	150,200	150,200	150,200	150,200	150,200
	Niue Public Service Commission Total	1,378,000	1,188,070	1,325,000	1,456,543	0	1,325,000	0	1,325,000	1,456,543	1,264,268	1,544,400	1,644,700	1,644,700	1,644,700	1,644,700	1,644,700	1,644,700	1,644,700	1,644,700	1,644,700
POLICE	Administration	568,000	432,119	526,000	444,022	0	526,000	0	526,000	444,022	432,797	545,653	601,500	605,500	609,500	609,500	601,500	605,500	609,500	609,500	609,500
POLICE	Disaster Management	112,000	78,316	95,000	101,055	0	95,000	0	95,000	101,055	92,027	118,767	129,767	136,267	143,267	143,267	129,767	136,267	143,267	143,267	143,267
POLICE	Prison	40,000	17,355	28,700	63,654	0	28,700	0	28,700	63,654	38,263	87,867	89,267	89,267	90,467	90,467	89,267	89,267	90,467	90,467	90,467
	Niue Police Total	720,000	527,790	649,700	608,731	0	649,700	0	649,700	608,731	563,087	752,287	820,534	831,634	843,234	843,234	820,534	831,634	843,234	843,234	843,234
CORPORATE & TREASURY	Corporate	0	0	0	0	0	0	0	0	0	0	0	206,401	250,000	250,000	250,000	206,401	250,000	250,000	250,000	250,000
CORPORATE & TREASURY	Treasury	917,000	616,362	1,210,500	1,263,525	616,362	1,210,500	616,362	1,210,500	1,263,525	657,759	1,326,700	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879
	Corporate & Treasury Total	917,000	616,362	1,210,500	1,263,525	616,362	1,210,500	616,362	1,210,500	1,263,525	657,759	1,326,700	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879
	Corporate & Treasury Total	917,000	616,362	1,210,500	1,263,525	616,362	1,210,500	616,362	1,210,500	1,263,525	657,759	1,326,700	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879	1,230,879

Appropriation (Annual) Act 2022

SCHEDULE C
Departmental Expenditure Summary

AGRICULTURE, FISHERIES & FORESTRY	Fisheries	154,000	99,486	131,000	0	131,000	130,389	136,898	137,170	151,998	151,998	151,998
AGRICULTURE, FISHERIES & FORESTRY	Crop Research & Animal Health	168,000	140,754	140,500	0	140,500	121,183	182,383	103,539	188,181	188,181	188,181
AGRICULTURE, FISHERIES & FORESTRY	Quarantine	142,000	131,869	166,000	0	166,000	130,202	125,075	120,404	155,982	155,982	155,982
AGRICULTURE, FISHERIES & FORESTRY	Crop Extension Services	91,000	43,133	76,000	0	76,000	50,480	103,656	60,296	113,200	113,200	113,200
AGRICULTURE, FISHERIES & FORESTRY	Forestry	64,000	86,936	113,000	0	113,000	97,237	82,972	102,015	95,805	95,805	95,805
	Agriculture, Fisheries & Forestry Total	1,028,000	824,085	958,500	0	958,500	863,639	965,110	827,248	1,148,792	1,148,792	1,148,792
ENVIRONMENT	Administration	395,000	341,573	322,000	0	322,000	358,539	304,500	347,892	555,030	555,030	555,030
	Environment Total	395,000	341,573	322,000	0	322,000	358,539	304,500	347,892	555,030	555,030	555,030
NIUE METEOROLOGICAL SERVICE	Administration	231,000	234,335	249,000	0	249,000	200,638	251,868	173,005	251,868	251,868	251,868
	Niue Met Total	231,000	234,335	249,000	0	249,000	200,638	251,868	173,005	251,868	251,868	251,868
UTILITIES	Corporate Services	163,000	99,202	104,000	0	104,000	120,200	111,193	111,675	179,474	179,474	179,474
UTILITIES	Regulatory and Compliance Unit	331,000	191,515	291,000	0	291,000	350,475	334,666	97,709	443,306	443,306	443,306
UTILITIES	Water Supply	514,000	451,495	433,000	0	433,000	463,712	478,581	424,400	610,385	610,385	610,385
	Utilities Total	1,008,000	742,212	828,000	0	828,000	934,387	924,440	633,784	1,233,165	1,233,165	1,233,165
CIVIL & QUARRY	Civil Work	0	0	471,500	0	471,500	466,737	1,066,518	780,602	1,184,752	1,184,752	1,184,752
CIVIL & QUARRY	Quarry	0	21,173	179,000	0	179,000	262,686	355,080	277,025	385,718	385,718	385,718
	Civil & Quarry Total	0	21,173	650,500	0	650,500	729,423	1,421,598	1,057,627	1,570,470	1,570,470	1,570,470
NIUE POWER	Energy Administration	0	16,427	101,000	0	101,000	97,896	125,800	71,874	141,000	141,000	141,000
NIUE POWER	Energy Production	0	233,867	1,458,000	0	1,458,000	1,643,532	1,343,000	1,334,524	1,587,500	1,587,500	1,587,500
NIUE POWER	Energy Reticulation	0	30,776	345,000	0	345,000	327,645	392,500	283,944	410,000	410,000	410,000
	Niue Power Total	0	281,070	1,904,000	0	1,904,000	2,069,073	1,861,300	1,690,342	2,132,500	2,132,500	2,132,500
TRANSPORT	Corporate Services	131,000	121,479	178,000	0	178,000	117,300	215,000	118,049	252,000	252,000	252,000
TRANSPORT	Civil Aviation	263,000	245,964	278,000	0	278,000	213,872	324,000	188,717	339,000	339,000	339,000
TRANSPORT	Rescue Fire Services	245,000	226,717	309,000	0	309,000	222,586	332,000	263,495	388,000	388,000	388,000
TRANSPORT	Maritime	64,000	34,327	65,000	0	65,000	34,440	74,500	43,354	78,250	78,250	78,250
TRANSPORT	Outside Services	527,000	498,485	543,000	0	543,000	434,739	659,000	477,644	830,000	830,000	830,000
TRANSPORT	Heavy Plant	266,000	267,761	211,000	0	211,000	233,616	320,000	224,600	484,000	484,000	484,000
	Transport Total	1,496,000	1,394,733	1,584,000	0	1,584,000	1,256,553	1,924,500	1,295,859	2,371,250	2,371,250	2,371,250
TOURISM	Administration	436,000	332,353	393,000	0	393,000	260,328	429,950	219,366	534,000	534,000	534,000
	Niue Tourism Total	436,000	332,353	393,000	0	393,000	260,328	429,950	219,366	534,000	534,000	534,000
BULK FUEL	Administration	5,629,000	6,419,258	5,365,000	0	5,365,000	3,704,705	3,914,000	4,419,382	6,147,000	6,953,000	6,953,000
	Bulk Fuel Total	5,629,000	6,419,258	5,365,000	0	5,365,000	3,704,705	3,914,000	4,419,382	6,147,000	6,953,000	6,953,000
	TOTAL RECURRENT EXPENDITURE	28,173,000	26,992,788	31,082,310	616,362	31,082,310	27,600,368	32,611,956	26,188,664	40,788,501	40,788,501	39,970,729

RECURRENT OPERATIONAL EXPENDITURE	28,173,000	26,992,788	31,082,310	616,362	31,082,310	27,600,368	32,611,956	26,188,664	39,694,271	40,788,501	39,970,729
RECURRENT CAPITAL EXPENDITURE	100,000	105,830	100,000	0	100,000	40,160	100,000	200,780	100,000	100,000	100,000
RECURRENT INVESTMENT & DEVELOPMENT (Special Projects)	7,462,000	470,000	1,322,000	8,000,000	9,322,000	459,660	800,000	636,440	5,150,000	8,150,000	5,150,000
TOTAL RECURRENT BUDGET	35,735,000	27,568,618	32,504,310	8,616,362	40,504,310	28,100,188	33,511,956	27,025,884	44,944,271	49,038,501	45,220,729
NEW ZEALAND GOVERNMENT FUNDED PROJECTS	17,595,000	0	12,608,000	0	20,608,000	11,244,109	33,730,000	5,285,260	3,300,000	1,300,000	1,300,000
OTHER DONOR FUNDED PROJECTS	3,000,000	0	7,112,000	0	7,112,000	3,231,135	3,662,000	4,423,787	4,008,000	4,008,000	4,008,000
TOTAL DONOR BUDGET	20,595,000	0	19,720,000	0	27,720,000	14,475,244	37,392,000	9,709,047	7,308,000	5,308,000	5,308,000

GOVERNMENT OF NIUE 2022-23 BUDGET

DEPARTMENTS	VOTE	RECURRENT REVENUE BY VOTE AND DEPARTMENT													
		2019-20 Voted	2019-20 Actual	2020-21 Voted	2020-21 Supp	2020-21 Revised Budget	2020-21 Actual	2021-2022 Voted	2021-2022 Actual *	2022-2023 BUDGET	2023-2024 BUDGET	2024-2025 BUDGET			
OFFICE OF PREMIER & CABINET	Corporate Services	(1,000)	(225)	(1,000)	0	(1,000)	0	(1,000)	0	0	0	0	0	0	0
OFFICE OF PREMIER & CABINET	Cabinet Services	0	0	0	0	0	(16,565)	(1,000)	0	0	0	0	0	0	0
	Office of Premier & Cabinet Total	(1,000)	(225)	(1,000)	0	(1,000)	(16,565)	(2,000)	0	0	0	0	0	0	0
NIUE ASSEMBLY	Legislative	(1,000)	0	(1,000)	0	(1,000)	(1,050)	(1,000)	0	0	0	0	0	0	0
	Niue Assembly Total	(1,000)	-	(1,000)	-	(1,000)	(1,050)	(1,000)	-	-	-	-	-	-	-
OFFICE OF SECRETARY OF GOVERNMENT	Secretary of Government	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OFFICE OF SECRETARY OF GOVERNMENT	Technicals	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OFFICE OF SECRETARY OF GOVERNMENT	External Affairs	0	0	0	0	0	(200)	0	(74,642)	0	0	0	0	0	0
OFFICE OF SECRETARY OF GOVERNMENT	Niue High Commission	(10,000)	(10,484)	(10,000)	0	(10,000)	(1,280)	(10,000)	(1,483)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)
	Office of the Secretary of Government Total	(10,000)	(10,484)	(10,000)	0	(10,000)	(1,480)	(10,000)	(76,125)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)
PROJECT MANAGEMENT COORDINATION UNIT	Administration	(150,000)	(63,070)	0	0	0	(16,565)	0	0	0	0	0	0	0	0
	Project Management Unit Total	(150,000)	(63,070)	0	0	0	(16,565)	0	0	0	0	0	0	0	0
CROWN LAW	Administration	(1,000)	(620)	(1,000)	0	(1,000)	(70)	(50,000)	(150)	(150)	(150)	(150)	(150)	(150)	(150)
	Crown Law Total	(1,000)	(620)	(1,000)	0	(1,000)	(70)	(50,000)	(150)	(150)	(150)	(150)	(150)	(150)	(150)
NIUE PUBLIC SERVICE COMMISSION	Corporate Services/HRMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIUE PUBLIC SERVICE COMMISSION	Human Resource Development	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIUE PUBLIC SERVICE COMMISSION	Employment Relations	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIUE PUBLIC SERVICE COMMISSION	Strategic Human Resource	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NIUE PUBLIC SERVICE COMMISSION	Manpower Supplementation	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Appropriation (Annual) Act 2022

SCHEDULE C
Departmental Expenditure Summary

NIUE PUBLIC SERVICE COMMISSION	Centre of Excellence in Information Technology	0	0	0	0	0	0	0	0	0	0	(15,000)	(1,450)	(5,000)	(5,000)	(5,000)
	Niue Public Service Commission Total	0	0	0	0	0	0	0	0	0	0	(15,000)	(1,450)	(5,000)	(5,000)	(5,000)
POLICE	Administration	(173,000)	(160,301)	(173,000)	0	0	0	0	0	0	0	(169,304)	(107,724)	(105,000)	(105,000)	(105,000)
POLICE	Disaster Management	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
POLICE	Prison	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Niue Police Total	(173,000)	(160,301)	(173,000)	0	0	0	0	0	0	0	(169,304)	(107,724)	(105,000)	(105,000)	(105,000)
CORPORATE & TREASURY	Corporate	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CORPORATE & TREASURY	Treasury	(8,553,000)	(9,076,246)	(10,503,000)	0	0	0	0	0	0	0	(8,993,405)	(12,470,984)	(8,751,000)	(8,751,000)	(8,751,000)
	Corporate & Treasury Total	(8,553,000)	(9,076,246)	(10,503,000)	0	0	0	0	0	0	0	(8,993,405)	(12,470,984)	(8,751,000)	(8,751,000)	(8,751,000)
TAX & CUSTOMS	Tax	(5,612,000)	(5,040,066)	(2,707,000)	0	0	0	0	0	0	0	(4,326,791)	(3,705,190)	(3,939,995)	(4,176,995)	(4,411,000)
TAX & CUSTOMS	Customs	(3,960,000)	(3,377,082)	(2,271,000)	0	0	0	0	0	0	0	(2,216,095)	(1,683,311)	(2,271,000)	(2,421,000)	(2,421,000)
	Tax & Customs Total	(9,572,000)	(8,417,148)	(4,978,000)	0	0	0	0	0	0	0	(6,542,886)	(5,388,501)	(6,210,995)	(6,597,995)	(6,832,000)
ECONOMIC DEVELOPMENT, TRADE & INVESTMENT, IMMIGRATION, STATISTICS	Economic Development & Planning	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ECONOMIC DEVELOPMENT, TRADE & INVESTMENT, IMMIGRATION, STATISTICS	Trade & Investment	(1,000)	0	(1,000)	0	0	0	0	0	0	0	(1,000)	0	0	0	0
ECONOMIC DEVELOPMENT, TRADE & INVESTMENT, IMMIGRATION, STATISTICS	Immigration	(51,000)	(48,651)	(40,000)	0	0	0	0	0	0	0	(25,278)	(19,807)	(35,000)	(35,000)	(35,000)
ECONOMIC DEVELOPMENT, TRADE & INVESTMENT, IMMIGRATION, STATISTICS	Statistics	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Economic Development, Trade & Investment, Immigration, Statistics Total	(52,000)	(48,651)	(41,000)	0	0	0	0	0	0	0	(25,278)	(19,807)	(35,000)	(35,000)	(35,000)
EDUCATION	Administration	(25,000)	(5,684)	0	0	0	0	0	0	0	0	(7,469)	(3,450)	(54,000)	(54,000)	(54,000)
EDUCATION	Niue Primary School	0	0	0	0	0	0	0	0	0	0	0	0	(100,000)	(100,000)	(100,000)
EDUCATION	Niue High School	(3,000)	(1,479)	(3,000)	0	0	0	0	0	0	0	(300)	(2,380)	(103,000)	(104,000)	(105,000)
EDUCATION	Library	0	0	0	0	0	0	0	0	0	0	(1,000)	0	0	0	0
EDUCATION	Aoga Ofega Tolitopolulu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Education Total	(28,000)	(7,163)	(3,000)	0	0	0	0	0	0	0	(7,769)	(19,807)	(257,000)	(257,000)	(259,000)
HEALTH	Administration	(55,000)	(36,265)	(50,000)	0	0	0	0	0	0	0	(27,131)	(14,406)	(260,000)	(260,000)	(270,000)
HEALTH	Medical	(11,000)	(5,642)	0	0	0	0	0	0	0	0	(170)	(93,220)	(10,000)	(11,000)	(12,000)
HEALTH	Nursing	0	0	0	0	0	0	0	0	0	0	(30)	0	0	0	0
HEALTH	Public Health	(2,000)	(455)	0	0	0	0	0	0	0	0	(405)	(110)	(500)	(500)	(500)
HEALTH	Dental	(3,000)	(2,275)	0	0	0	0	0	0	0	0	(885)	(295)	(1,000)	(1,000)	(1,000)
	Health Total	(71,000)	(44,637)	(50,000)	0	0	0	0	0	0	0	(28,621)	(108,031)	(271,500)	(271,500)	(283,500)
JUSTICE	Administration & Registry	(20,000)	(16,534)	(20,000)	0	0	0	0	0	0	0	(14,359)	(23,754)	(20,000)	(20,000)	(20,000)
JUSTICE	Civil/Criminal Court	(6,000)	(16,772)	(6,000)	0	0	0	0	0	0	0	(5,160)	(1,774)	(6,000)	(6,000)	(6,000)
JUSTICE	Land Court	(15,000)	(8,986)	(15,000)	0	0	0	0	0	0	0	(1,909)	(1,352)	(15,000)	(15,000)	(15,000)
JUSTICE	Land Management	(26,000)	(51,416)	(41,000)	0	0	0	0	0	0	0	(47,662)	(9,524)	(41,000)	(41,000)	(41,000)
COMMUNITY AFFAIRS	Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

SCHEDULE C
Departmental Expenditure Summary

Niue Tourism Total												
BULK FUEL	(48,000)	(14,249)	(38,000)	0	(38,000)	(1,073)	(10,000)	(3,537)	(301,500)	(303,000)	(305,000)	
Administration	(6,073,000)	(5,862,147)	(5,987,000)	0	(5,987,000)	(4,474,067)	(3,943,000)	(4,004,524)	(8,775,000)	(9,017,000)	(7,468,000)	
Bulk Fuel Total	(6,073,000)	(5,862,147)	(5,987,000)	0	(5,987,000)	(4,474,067)	(3,943,000)	(4,004,524)	(8,775,000)	(9,017,000)	(7,468,000)	
	(28,273,000)	(27,552,000)	(26,770,000)	0	(26,770,000)	(25,171,000)	(28,818,525)	(25,512,197)	(29,795,990)	(30,434,970)	(29,130,225)	
RECURRENT OPERATIONAL REVENUE	28,273,000	27,552,000	26,770,000	0	26,770,000	25,171,000	28,818,525	25,512,197	29,795,990	30,434,970	29,130,225	
RECURRENT INVESTMENT & DEVELOPMENT REVENUE	462,000			0	1,322,000		800,000		5,150,000	8,150,000	5,150,000	
TOTAL RECURRENT BUDGET	28,735,000	27,552,000	26,770,000	0	28,092,000	25,171,000	29,618,525	25,512,197	34,945,990	38,584,970	34,280,225	
NEW ZEALAND GOVERNMENT FUNDED PROJECTS	24,595,000		16,496,000	8,000,000	24,496,000		33,730,000	5,285,260	3,300,000	1,300,000	1,300,000	
OTHER DONOR FUNDED PROJECTS	3,000,000		7,112,000	0	7,112,000		3,662,000	4,423,787	4,008,000	4,008,000	4,008,000	
TOTAL DONOR BUDGET	27,595,000	0	23,608,000	8,000,000	31,608,000	11,979,000	37,392,000	9,709,047	7,308,000	5,308,000	5,308,000	

Niue Legislation Supplement 2021-2024

GOVERNMENT OF NIUE 2022-2023														
NIUE GOVERNMENT FUNDED PROJECTS														
Department	Title	FY 2019/20 Voted	FY 2019/20 SUPP	FY 2019/20 REVISED	FY 2019/20 Actual	FY 2020/21 Voted	FY 2020/21 SUPP	FY 2020/21 Actual	FY 2021/22 Voted	FY 2021/22 Actual	FY 2021/22 Receipts	FY 2022/23 Budget	FY 2023/24 Budget	FY 2024/25 Budget
TREASURY	DONOR GRANTS: PDF FUNDING	(220,000)	0	(220,000)	0	0	0	0	0	0	0	0	0	0
COMMUNITY AFFAIRS	Other Community Projects	100,000	0	100,000	0	150,000	0	188,263	350,000	100,357	0	350,000	350,000	350,000
COMMUNITY AFFAIRS	Youth Employment Scheme	100,000	0	100,000	0	0	0	49,390	0	0	0	0	0	0
COMMUNITY AFFAIRS	Community Development - Bathroom & Amenities	100,000	0	100,000	52,121	100,000	0	163,432	200,000	117,510	0	200,000	200,000	200,000
ENVIRONMENT	Waste Management	62,000	0	62,000	14,257	80,000	0	67,440	80,000	76,728	0	80,000	80,000	80,000
ENVIRONMENT	Feral Pig Management	0	0	0	0	0	0	1,775	10,000	10,618	0	10,000	10,000	10,000
DAFF	Vanilla Maintenance	100,000	0	100,000	374	100,000	0	73,006	80,000	48,668	0	50,000	50,000	50,000
EDUCATION	Niue Island Organic Farmers Association	0	0	0	0	0	0	21,444	80,000	0	0	50,000	50,000	50,000
EDUCATION	Creche	0	0	0	0	0	0	0	0	0	0	0	0	0
TREASURY	Niue Growers Association	0	0	0	0	0	0	0	0	5,811	0	80,000	80,000	80,000
TREASURY	Airport Runway Resurfacing	0	0	0	0	0	0	0	0	0	0	0	3,000,000	0
TREASURY	Airport Air Traffic Control Tower	0	0	0	0	700,000	0	0	0	0	0	0	0	0
TOURISM	Tourism Support	0	0	0	0	192,000	0	0	0	0	0	0	0	0
EXTERNAL AFFAIRS	Private Sector Development	0	0	0	0	0	0	0	0	0	0	0	0	0
HEALTH	Niue Health Development Program	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC SERVICE COMMISSION	Strengthen Governance: Capability	0	0	0	0	0	0	0	0	13,063	0	500,000	500,000	500,000
PUBLIC SERVICE COMMISSION	Administrative Support	0	0	0	0	0	0	0	0	0	0	1,900,000	1,900,000	1,900,000
EDUCATION	Education Support Program	0	0	0	0	0	0	0	0	0	0	300,000	300,000	300,000
EDUCATION	Other Projects	0	0	0	0	0	0	0	0	264,885	0	0	0	0
TOTAL ALLOCATION BY DON		(462,000)	0	(462,000)	(462,000)	(1,322,000)	0	564,750	(800,000)	636,440	0	(5,150,000)	(8,150,000)	(5,150,000)
TOTAL SPENDING		462,000	0	462,000	470,000	1,322,000	0	564,750	800,000	636,440	0	5,150,000	8,150,000	5,150,000
		0	0	0	8,000	0	0	0	0	0	0	0	0	0
NIUE INTERNATIONAL TRUST FUND BALANCE														
TREASURY	Niue International Trust Fund - Balance	65,500,000	0	65,500,000	0	64,000,000	0	64,000,000	64,000,000	0	0	65,150,000	66,300,000	67,450,000
TREASURY	NITF - estimate available for distribution (2% interest)	1,600,000	0	1,600,000	0	1,100,000	0	1,196,000	1,150,000	0	0	1,150,000	1,150,000	1,150,000
		67,100,000	0	67,100,000	0	65,100,000	0	65,196,000	65,150,000	0	0	66,300,000	67,450,000	68,600,000

Appropriation (Annual) Act 2022

GOVERNMENT OF NIUE 2022-2023														
DONOR FUNDED PROJECTS														
Department	Title	FY 2019/20 Voted	FY 2019/20 SUPP	FY 2019/20 REVISED	FY 2019/20 Actual	FY 2020/21 Voted	FY 2020/21 SUPP	FY 2020/21 Actual	FY 2021/22 Voted	FY 2021/22 Actual*	FY 2021/22 Receipts	FY 2022/23 Budget	FY 2023/24 Budget	FY 2024/25 Budget
NEW ZEALAND FUNDED PROJECTS														
NFSC & SECRETARIAT	NZAIID AA: Administrative Support	1,710,000	0	1,710,000	0	1,350,000	0	839,748	1,730,000	999,378	1,900,000	0	0	0
HEALTH	NZAIID AA: Niue Health Development Program	587,000	0	587,000	587,430	567,000	0	434,613	567,000	161,332	551,160	0	0	0
EDUCATION	NZAIID AA: Education Support Program	798,000	0	798,000	798,500	533,000	0	557,940	533,000	442,223	384,100	0	0	0
TREASURY	NZAIID: Asset Maintenance	1,000,000	0	1,000,000	1,000,000	1,000,000	0	981,496	1,300,000	1,048,547	1,300,000	1,300,000	1,300,000	1,300,000
TREASURY	NZAIID AA: Grant	(3,095,000)	0	(3,095,000)	(1,385,930)	(2,450,000)	0		(2,830,000)		(2,835,260)	(1,300,000)	(1,300,000)	(1,300,000)
TREASURY	NZAIID AM: Grant	(1,000,000)	0	(1,000,000)	(1,000,000)	(1,000,000)	0		(1,300,000)			(1,300,000)	(1,300,000)	(1,300,000)
TREASURY	NZAIID: Renewable Energy	0	0	0	0	0	0	0	4,900,000	0	0	0	0	0
TREASURY	NZAIID: Economic Development	7,000,000	0	7,000,000	0	0	0	0	0	0	0	0	0	0
TREASURY	NZAIID: Manatua Cable	2,000,000	0	2,000,000	834,890	1,000,000	0	3,118,061	0	118,831	0	0	0	0
TOURISM	NZAIID: Tourism Support	1,150,000	0	1,150,000	1,103,481	1,150,000	0	403,412	1,150,000	351,708	1,150,000	0	0	0
TREASURY	NZAIID: NDB Capitalisation	0	0	0	0	0	0	0	0	0	0	0	0	0
EXTERNAL AFFAIRS	NZAIID Private Sector Development	350,000	0	350,000	350,000	350,000	0	471,000	350,000	380,032	0	0	0	0
CAPITAL Projects														
TREASURY	NZAIID: Falelono	3,000,000	0	3,000,000	365,811	2,658,000	0	2,248,273	1,000,000	859,786	0	0	0	0
CIVIL AVIATION	NZAIID: Airport Runway Resurface	0	0	0	0	5,000,000	0	0	20,000,000	0	0	0	0	0
CIVIL AVIATION	NZAIID: Airport Runway Fencing	0	0	0	0	0	0	0	700,000	94	0	2,000,000	0	0
CIVIL AVIATION	NZAIID: Airport Terminal Upgrade	0	0	0	0	0	0	0	0	0	0	0	0	0
JUSTICE, LAND & SURVEY	NZAIID: Justice, Land & Survey Centre	0	0	0	0	0	0	0	0	0	0	0	0	0
TREASURY	NZAIID: BCN TV & Radio Niue Building Refurbishment and Upgrade	0	0	0	0	0	0	0	0	0	0	0	0	0
BULK FUEL	NZAIID: LPG Gas Filling Facility & Equipment Upgrade	0	0	0	0	0	0	0	500,000	0	0	0	0	0
TREASURY	NZAIID: Ministry Building Upgrades	0	0	0	0	0	0	0	0	0	0	0	0	0
TREASURY	NZAIID: Protective Security Framework	0	0	0	0	0	0	0	1,000,000	0	0	0	0	0
TREASURY	NZAIID: Heavy Machinery & Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0
TREASURY	NZAIID: Government Housing	0	0	0	0	0	0	0	0	0	0	0	0	0
EDUCATION	NZAIID: Creche Expansion	0	0	0	0	0	0	0	0	0	0	0	0	0
TREASURY	NZAIID: Renewable Energy	(5,000,000)	0	(5,000,000)	0	0	0	0	(4,900,000)	0	0	0	0	0
TREASURY	NZAIID: Economic Development	(7,350,000)	0	(7,350,000)	(9,008,000)	(9,008,000)	0		(23,550,000)			(2,000,000)	0	0
TREASURY	NZAIID: Tourism Development	(1,150,000)	0	(1,150,000)	0	(1,150,000)	0		(1,150,000)		(1,150,000)	0	0	0
TREASURY	NZAIID: COVID 19 Funding Support	0	(7,000,000)	(7,000,000)	(3,750,000)	(3,500,000)	(8,000,000)		0		0	0	0	0
COVID-19 Projects														
TREASURY	Repatriation & Isolation (20500)	0	50,000	50,000	42,787	750,000	0	3,981	0	1,800	0	0	0	0
TREASURY	Health (20501)	0	1,000,000	1,000,000	829,763	750,000	1,750,000	658,035	0	1,063,339	0	0	0	0

Niue Legislation Supplement 2021-2024

TREASURY	Covid-19 Private Sector Support (20502)	0	1,850,000	1,850,000	600,000	1,700,000	1,400,000	1,521,000	0	606,387	0	0	0	0
TREASURY	Vulnerable (20503)	0	100,000	100,000	0	0	0	16,929	0	0	0	0	0	0
TREASURY	Food Security (20504)	0	550,000	550,000	350,000	400,000	950,000	400,000	0	1,225,150	0	0	0	0
TREASURY	Mataiava Niue Ltd (20505)	0	600,000	600,000	150,000	0	0	0	0	0	0	0	0	0
TREASURY	Infrastructure (20508)	0	470,000	470,000	82,000	400,000	1,400,000	322,896	0	266,882	0	0	0	0
TREASURY	Niue Development Bank (20507)	0	600,000	600,000	150,000	0	1,000,000	471,000	0	180,000	0	0	0	0
TREASURY	GoN (20508)	0	1,230,000	1,230,000	0	0	0	0	0	0	0	0	0	0
TREASURY	Discretionary Grants/Soft funding ((20509)	0	150,000	150,000	28,048	250,000	500,000	183,506	0	115,715	0	0	0	0
TREASURY	Tourism recovery (20510)	0	50,000	50,000	0	0	1,000,000	0	0	0	0	0	0	0
TREASURY	Sustainable Tourism Plan & Other projects using redeployed staff	0	350,000	350,000	0	0	0	0	0	0	0	0	0	0
TREASURY	CovidCats Fire Appliance (22502)									291,910	0	0	0	0
Total NZAID Grants		(17,585,000)	(7,000,000)	(24,585,000)	(6,135,830)	(17,108,000)	(8,000,000)		(33,730,000)		(5,285,260)	(3,300,000)	(1,300,000)	(1,300,000)
Total NZAID Project Costs		16,595,000	0	16,595,000	2,522,710	12,608,000	8,000,000	12,631,900	33,730,000	8,113,114		3,300,000	1,300,000	1,300,000
Direct Recurrent Budget Support		(7,500,000)	0	(7,500,000)	(7,500,000)	(7,500,000)	0		(7,500,000)			(7,500,000)	(7,500,000)	(7,500,000)
Total NZAID Contributions		(25,085,000)	(7,000,000)	(32,085,000)	(13,635,930)	(24,608,000)	(8,000,000)		(41,230,000)		(5,285,260)	(10,800,000)	(8,800,000)	(8,800,000)
OTHER DONOR FUNDED PROJECTS														
TREASURY	FFA	200,000	0	0	0	317,000	0	9,885	0	267,685	0	260,000	260,000	260,000
NAO	EU-EDF 11	300,000	0	0	0	460,000	0	0	0	460,000	0	460,000	460,000	460,000
TREASURY	UNESCO	250,000	0	0	0	36,000	0	27,260	88,000	48,246	0	88,000	88,000	88,000
TREASURY	AUSAID	1,400,000	0	0	0	2,700,000	0	247,604	1,200,000	1,405,542	1,052,000	0	0	0
TREASURY	RIDGE TO REEF	800,000	0	0	0	700,000	0	873,940	519,000	1,418,821	676,263	0	0	0
TREASURY	ROAD UPGRADE PROJECT	0	0	0	0	500,000	0	0	0	0	0	500,000	500,000	500,000
TREASURY	BCN OFFICE RENOVATIONS & EQUIPMENT	0	0	0	0	500,000	0	0	0	0	0	0	0	0
TREASURY	HIAP CRANE TRUCK	0	0	0	0	750,000	0	0	0	0	0	0	0	0
TREASURY	GREEN CLIMATE FUND - READINESS	0	0	0	0	45,000	0	95,580	45,000	60,834	780,772	200,000	200,000	200,000
TREASURY	GEF - ACCELERATING RENEWABLE ENERGY EFFICIENCY APPLICATIONS	0	0	0	0	762,000	0	316,852	350,000	1,032,843	988,024	1,500,000	1,500,000	1,500,000
TREASURY	OTHER DONORS	50,000	0	0	0	342,000	0	2,568,344	1,000,000	2,072,551	926,728	1,000,000	1,000,000	1,000,000
Total OTHER DONOR FUNDS		(3,000,000)	0	0	0	(7,112,000)	0	(3,662,000)	(3,662,000)	(4,423,787)	(4,008,000)	(4,008,000)	(4,008,000)	(4,008,000)
Total OTHER DONOR FUNDED PROJECT COSTS		3,000,000	0	0	0	7,112,000	0	4,139,465	3,662,000	6,307,522	4,008,000	4,008,000	4,008,000	4,008,000
DONOR INVESTMENT AND DEVELOPMENT SUMMARY														
FUNDING ALLOCATION														
NZ AID		(17,585,000)	(7,000,000)		0	(17,108,000)	(8,000,000)	0	(33,730,000)	0	(5,285,260)	(3,300,000)	(1,300,000)	(1,300,000)
OTHER DONORS		(3,000,000)	0	0	0	(7,112,000)	0	0	(3,662,000)	0	(4,423,787)	(4,008,000)	(4,008,000)	(4,008,000)
Total Donor Funding Allocation		(20,585,000)	(7,000,000)	0	0	(24,220,000)	(8,000,000)	0	(37,392,000)	0	(9,709,047)	(7,308,000)	(5,308,000)	(5,308,000)

Appropriation (Annual) Act 2022

DISBURSEMENTS												
NZ AID	17,595,000	0	32,095,000	2,522,710	12,608,000	8,000,000	12,631,900	33,730,000	8,113,114	3,300,000	1,300,000	1,300,000
OTHER DONORS	3,000,000	0	0	0	7,112,000	0	4,139,465	3,662,000	6,307,522	4,008,000	4,008,000	4,008,000
Total Donor Spending	20,595,000	0	32,095,000	2,522,710	19,720,000	8,000,000	16,771,365	37,392,000	14,420,636	7,308,000	5,308,000	5,308,000



NIUE GOVERNMENT GAZETTE ACT 2022

No. 364

Contents

1	Title	1
2	Commencement	1
	<i>Preliminary matters</i>	
3	Interpretation	2
4	Act binds the Government	2
	<i>Gazette</i>	
5	Purposes of Gazette	2
6	Responsibility for publication of Gazette	2
7	Form of Gazette	2
8	Frequency of Gazette	3
	<i>Notification requirements</i>	
9	Notification requirements for enactments	3
10	Notification requirements for proclamations	3
11	Notification of matters (other than enactment or proclamation)	3
	<i>Miscellaneous matters</i>	
12	Regulations	3
13	Interpretation Act 2004 amended	3
14	Transitional provision	4

An Act to provide for the purposes and operation of the Niue Government Gazette.

The Niue Assembly enacts as follows—

- Title**
This Act is the Niue Government Gazette Act 2022.
- Commencement**
This Act comes into force on the day after the date on which it becomes law in accordance with Article 34 of the Constitution.

Niue Government Gazette ACT 2022

Preliminary matters

3 Interpretation

In this Act, unless the context otherwise requires, *Gazette* means the *Niue Government Gazette* published under the authority of the Niue Government.

4 Act binds the Government

This Act binds the Government.

Gazette

5 Purposes of Gazette

(1) The purposes of the *Gazette* are –

- (a) to provide the Niue Government with a means to notify the public of –
 - (i) the making of enactments; and
 - (ii) the making of proclamations; and
 - (iii) the making of Cabinet and Ministerial orders and directives; and
 - (iv) matters published under the Seal of Niue; and
 - (v) the appointment of all senior public servants by the Niue Public Service Commission; and
 - (vi) other matters of Government business that the Secretary to the Government considers necessary or appropriate to notify in the *Gazette*; and
- (b) to provide the Niue Assembly with a means to give the public advance notice of ordinary sittings of the Assembly; and
- (c) to provide the High Court and Court of Appeal with a means to give the public advance notice of court sittings.

(2) To avoid doubt, failure to notify a matter referred to in subsection (1) in the *Gazette* does not, of itself, invalidate or otherwise affect the matter unless notification in the *Gazette* is required by an enactment other than this Act.

6 Responsibility for publication of Gazette

The Secretary to the Government is responsible for publishing the *Gazette*.

7 Form of Gazette

(1) The *Gazette* must be published –

- (a) in English and Vagahau Niue; and
- (b) in hard copy or on a website maintained by, or on behalf of, the Office of the Secretary to the Government.

Niue Government Gazette Act 2022

Niue Government Gazette ACT 2022

- (2) **Subsection (1)** is subject to any requirements in regulations about the form of the *Gazette*.

8 **Frequency of Gazette**

- (1) The *Gazette* must be published at least every 6 weeks, if practicable.
(2) An extraordinary *Gazette* may be published at any time.

Notification requirements

9 **Notification requirements for enactments**

- (1) An enactment must be notified by the Secretary to the Government in the *Gazette*, as soon as practicable after it is enacted.
(2) An Act is notified by the publication of the Act's short title and the date on which it was enacted by the Niue Assembly.
(3) An enactment other than an Act is notified by the publication of the enactment's title and the date that on which it was made by Cabinet.

10 **Notification requirements for proclamations**

- (1) A proclamation must be notified by the Secretary to the Government in the *Gazette* as soon as practicable after it is made.
(2) The full text of the proclamation must be published in the *Gazette*.

11 **Notification of matters (other than enactment or proclamation)**

- (1) Notices and documents for publication in the *Gazette* must be provided to the Secretary to the Government within the time frame, and in the form and manner, directed by Secretary to the Government in writing.
(2) This section does not apply to enactments or Proclamations.

Miscellaneous matters

12 **Regulations**

Cabinet may make regulations for all or any of the following purposes:

- (a) prescribing forms to be used for the purposes of this Act;
(b) prescribing the form and manner of publication of the *Gazette*;
(c) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

13 **Interpretation Act 2004 amended**

In section 5 of the Interpretation Act 2004, insert in its appropriate alphabetical order:

"Gazette has the same meaning as in the Niue Government Gazette Act 2022".

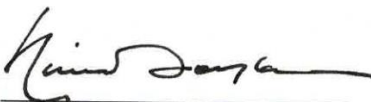
Niue Government Gazette ACT 2022

14 Transitional provision

Notices published in the *Gazette* before the commencement of this Act are not invalidated by the commencement of this Act.

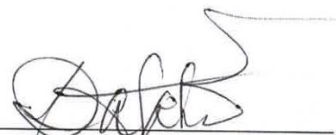
I, Hima Douglas, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 23rd day of June 2022.


Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker




Clerk of the Niue Assembly

This Act is administered by the Office of the Secretary to the Government.
This Act was passed by the Niue Assembly on the 22nd day of June 2022.



PUBLIC REVENUES (FINANCIAL REPORTING AND AUDIT SPECIAL PROVISIONS) AMENDMENT ACT 2022

Number 365

Contents

1	Title	1
2	Commencement	1
3	Principal Act amended	1
	<i>Amendments to principal Act</i>	
4	New sections 25A to 25E inserted	2
	<i>Amendments to other Acts</i>	
5	Amendment to Broadcasting Act 1989	4
6	Amendment to Companies Act 2006	5
7	Amendment to Niue Philatelic and Numismatic Act 1996	5

An Act to—

- (a) amend the Public Revenues Act 1959 to, with respect to the Government and some entities, —
- (i) provide for multi-year accounts during a particular period; and
 - (ii) impose certain requirements for annual accounts during a particular period; and
- (b) make consequential amendments to other Acts.

The Assembly enacts as follows—

- 1 Title**
This Act is the Public Revenues (Financial Reporting and Audit Special Provisions) Amendment Act 2022.
- 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.
- 3 Principal Act amended**
This Act amends the Public Revenues Act 1959.

Public Revenues (Financial Reporting and Audit Special Provisions) Amendment Act 2022

Amendments to principal Act

4 New sections 25A to 25E inserted

After section 25, insert:

"25A Accounts relating to multi-year period must be submitted to Cabinet

"(1) This section and **sections 25B to 25E** apply to the Government and a specified entity, instead of **section 25**, with respect to the multi-year period.

"(2) As soon as practicable after the commencement of this section, the Financial Secretary must submit to Cabinet—

"(a) annual accounts of the Government and each specified entity for each financial year of the multi-year period; and

"(b) multi-year accounts for the Government and each specified entity for the multi-year period.

"(3) In this section and **sections 25B to 25E**,—

"**annual accounts** means accounts that comply with **section 25C**

"**multi-year accounts** means accounts that comply with **section 25D**

"**multi-year period** means—

"(a) for the Government, the period beginning on 1 July 2016 and ending at the close of 30 June 2021:

"(b) for the Broadcasting Corporation of Niue, the period beginning on 1 July 2018 and ending at the close of 30 June 2021:

"(c) for the Niue Bond Liquor Company Limited, the period beginning on 1 July 2018 and ending at the close of 30 June 2021:

"(d) for the Niue Philatelic and Numismatic Corporation, the period beginning on 1 July 2018 and at ending at the close of 30 June 2021:

"(e) for Telecom Niue Limited, the period beginning on 1 July 2016 and ending at the close of 30 June 2021:

"(f) for any other specified entity, the multi-year period specified for the entity in regulations

"**regulations** mean regulations made under **section 25E**

"**specified entity** means—

"(a) the Broadcasting Corporation of Niue established by the Broadcasting Act 1989:

"(b) the Niue Bond Liquor Company Limited:

"(c) the Niue Philatelic and Numismatic Corporation established under the Niue Philatelic and Numismatic Act 1996:

"(d) Telecom Niue Limited:

"(e) any other entity prescribed as a specified entity in regulations.

Public Revenues (Financial Reporting and Audit Special Provisions) Amendment Act 2022

“25B Actions of Cabinet after accounts submitted to it

- “(1) Cabinet must consider whether to approve annual accounts and multi-year accounts submitted to it under **section 25A**.
- “(2) Cabinet must approve the accounts if it considers that they fairly reflect the financial operations of the Government or the specified entity (as the case may be) for the period to which the accounts relate.
- “(3) When deciding whether to approve annual accounts and multi-year accounts, Cabinet may –
 - “(a) consider the annual accounts with the multi-year accounts of the Government or the specified entity (as the case may be); and
 - “(b) have regard to the different requirements for preparing annual accounts and multi-year accounts.
- “(4) Cabinet must lay before the Assembly all accounts that it approves under this section (and approved multi-year accounts laid before the Assembly must be accompanied by any related audit reports).

“25C Requirements for annual accounts under section 25A

- “(1) For the purposes of **section 25A**, annual accounts of the Government or a specified entity –
 - “(a) must be prepared on a basis approved by Cabinet after consultation with the Auditor-General (including any requirements as to the information that the annual accounts must contain and the manner in which that information must be presented, calculated, or prepared); and
 - “(b) must include an income statement showing income derived and expenditure incurred for the financial year to which they relate; and
 - “(c) must comply with any regulations; and
 - “(d) may, with the approval of Cabinet after consultation with the Auditor-General, include items reported on a cash-accounting basis, but only if the items are disclosed in the annual accounts as reported on that basis; and
 - “(e) are not required to be audited.
- “(2) Annual accounts of the Government must also include a statement of any unauthorised expenditure, which must be prepared on the basis approved by Cabinet for the annual accounts of the Government under **subsection (1)(a)**.
- “(3) Annual accounts for more than 1 financial year during the multi-year period may be included in a single document.
- “(4) The annual accounts for each year that are included in a single document must be set out so that they can be readily compared.

Public Revenues (Financial Reporting and Audit Special Provisions) Amendment Act 2022

“(5) In this section and **section 25D**, **Auditor-General** means the Auditor-General of New Zealand.

“25D Requirements for multi-year accounts under section 25A

“(1) For the purposes of **section 25A**, multi-year accounts for the Government or a specified entity must—

“(a) include—

“(i) a statement of financial performance for the Government or the specified entity (as the case may be) for the multi-year period; and

“(ii) a statement of financial position of the Government or the specified entity (as the case may be) as at the close of 30 June 2021; and

“(b) be prepared in accordance with the Government’s accounting policies; and

“(c) be audited by the Auditor-General.

“(2) Multi-year accounts are not required to include a statement of financial performance, or a statement of financial position, for any financial year in the multi-year period.

“25E Regulations for purposes of sections 25A to 25D

Cabinet may make regulations for the purposes of **sections 25A to 25D** including—

“(a) prescribing entities as specified entities for the purpose of **sections 25A to 25D**;

“(b) specifying or amending the multi-year period for a specified entity (including a multi-year period specified in **section 25A(3)**) but only if the multi-year period of any specified entity does not end later than 30 June 2021;

“(c) prescribing matters relating to annual accounts, including the information that must be contained in the accounts or the manner in which the information must be presented, calculated, or prepared;

“(d) any other matters necessary to give full effect, or incidental, to the requirements in **sections 25A to 25D**.”

Amendments to other Acts

5 Amendment to Broadcasting Act 1989

(1) This section amends the Broadcasting Act 1989.

(2) After section 43, insert:

“44 Financial reporting for period 1 July 2018 to 30 June 2021

The requirements in sections 33 (audit) and 34 (annual report) do not apply to the Corporation for the period beginning on 1 July 2018 and ending at the close of 30 June 2021 if the Corporation

Public Revenues (Financial Reporting and Audit Special Provisions) Amendment Act

complies with its requirements as a specified entity under sections 25A to 25D of the Public Revenues Act 1959.”

6 Amendment to Companies Act 2006

- (1) This section amends the Companies Act 2006.
- (2) After section 349, insert:

“34A Transitional provision for applicable companies that are specified entities under Public Revenues Act 1959

- “(1) An applicable company that complies with its requirements as a specified entity during the multi-year period in sections 25A to 25D of the Public Revenues Act 1959 must be treated as complying with any any enactment or rules of the company, relating to the preparation and audit of the company’s financial statements during that period.
- “(2) In this section, **applicable company** means –
 - “(a) the Niue Bond Liquor Company Limited; or
 - “(b) Telecom Niue Limited; or
 - “(c) any other company prescribed as a specified entity for the purposes of section 25A of the Public Revenues Act 1959.”

7 Amendment to Niue Philatelic and Numismatic Act 1996

- (1) This section amends the Niue Philatelic and Numismatic Act 1996.
- (2) After section 23, insert:

“24 Financial reporting for period 1 July 2018 to 30 June 2021


The requirements in sections 19 (audit) and 20 (annual report) do not apply to the Corporation for the period beginning on 1 July 2018 and ending at the close of 30 June 2021 if the Corporation complies with its requirements as a specified entity under sections 25A to 25D of the Public Revenues Act 1959.”

Niue Legislation Supplement 2021-2024

Public Revenues (Financial Reporting and Audit Special Provisions) Amendment Act 2022

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

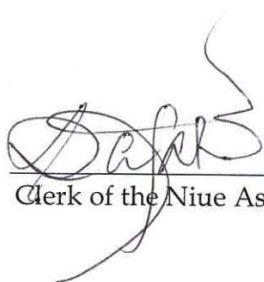
SIGNED AND SEALED at the Assembly Chambers this 22nd day of June 2022.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker





Clerk of the Niue Assembly

This Act is administered by the Department of Finance and Planning.
This Act was passed by the Niue Assembly on the 22nd day of June 2022.



FAMILY RELATIONSHIPS ACT 2022

No. 366

Contents

1	Title	5
2	Commencement	5
Part 1		
Preliminary matters		
3	Purposes	5
4	Act binds the Government	6
5	Interpretation	6
Part 2		
Relationships between adults		
Subpart 1--Marriage		
6	Requirements for marriage	7
7	Capacity to marry	7
<i>How to get married</i>		
8	Formalities before marriage	7
9	Solemnisation	7
10	Record of marriage in marriage register	8
11	Registrar to keep marriage register	8
12	Discretion of Registrar	8
13	Offences by parties to marriage	9
14	Offence by marriage celebrant or supposed marriage celebrant	9
15	Appointment of marriage celebrants	9
16	Legal status of married people	9
<i>How marriages end</i>		
17	Divorce	9
18	Court may declare marriage void	10
Subpart 2--De facto relationships		
19	Definition of de facto relationship	10
20	When de facto relationship ends	10
Subpart 3--Property and financial support		
<i>Division of property</i>		
21	Definition of relationship property	10
22	Relationship property normally to be divided 50:50	11
23	Court may determine how relationship property to be divided	11
24	Niuean land not affected	11
<i>Domestic support</i>		

Family Relationships Act 2022

25	Nature of domestic support order	12
26	Application for domestic support	12
27	Court may make domestic support order	12
28	Expiry, discharge, suspension, and variation of domestic support order	13
29	Enforcement of domestic support orders	13
	Part 3	
	Children and parents	
30	Purposes of this Part	14
31	Determining child's best interests	14
32	Status of children	15
33	Consent to medical procedures	15
	Subpart 1--Parents	
34	Parental responsibility	16
35	Duty to maintain child	17
	<i>Parentage</i>	
36	Determining who is child's father	17
37	Parentage orders	17
	Subpart 2--Parenting	
38	Agreements between parents	18
	<i>Parenting plans</i>	
39	Nature of parenting plans	18
40	Registering parenting plans	19
41	Expiry, discharge, and variation of registered parenting plan	19
	<i>Parenting orders</i>	
42	Nature of parenting orders	20
43	Application for parenting order	20
44	Court may make parenting order	20
45	Application for direction on major long-term issues	21
46	Court may give directions on major long-term issues	21
47	Expiry, discharge, and variation of parenting order	21
48	Enforcement of parenting orders	21
	Subpart 3--Financial support orders	
	<i>Child maintenance</i>	
49	Nature of child maintenance order	22
50	Application for child maintenance	22
51	Court may make child maintenance order	23
52	Expiry, discharge, suspension, and variation of child maintenance order	24
53	Enforcement of child maintenance orders	24
	<i>Birth expenses</i>	
54	Birth expenses order	25
	Subpart 4--Guardians	
55	Nature of guardianship order	25
56	Application for guardianship order	26
57	Court may make guardianship order	26
58	Expiry, discharge, and variation of guardianship order	27

Family Relationships Act

Family Relationships Act 2022

59	Testamentary guardians	28
	Subpart 5--Preventing removal of child from Niue	
60	Preventing removal of child from Niue	28
61	Offence of taking child from Niue	29
	Subpart 6--Adoption	
62	Application for adoption order	29
63	Court may make adoption order	29
64	Consents required before adoption order made	30
65	Revocation of consent	30
66	Effect of adoption order	31
67	Limit on further adoption	31
68	Cancellation of adoption order	31
69	Prohibition on payment in consideration of adoption	32
70	Inspection of adoption records	32
71	Adoption by Niuean custom invalid	32
72	Existing adoptions not affected by Part	32
	Subpart 7--Care of elderly parents	
73	Nature of care of parent order	32
74	Application for care of parent order	33
75	Court may make care of parent order	33
76	Expiry, discharge, and variation of care of parent order	34
	Part 4	
	Children in need of care and protection	
77	Purposes of this Part	35
78	When child in need of care and protection	35
79	Duty of Secretary for child in need of care and protection	36
80	Effect of placing child in care of Department	36
81	Carers appointed by Secretary	36
82	Notifying Secretary that child in need of care and protection	37
83	Safety warrant for child in need of urgent care and protection	37
84	Search without warrant	38
85	Other children in need of care and protection	38
	<i>Temporary care arrangement</i>	
86	Nature of temporary care arrangements	39
87	Making temporary care arrangements	39
	<i>Care orders</i>	
88	Nature of care order	40
89	Application for care order	40
90	Court may make care order	40
91	Expiry, discharge, and variation of care order	41
92	Access to reports	41
93	Court may order report not to be disclosed	41
94	Fees for reports	42
	Part 5	
	Domestic violence	
95	Meaning of domestic relationship	42

Family Relationships Act 2022

96	Meaning of domestic violence	42
97	Special obligations of police in domestic violence cases	43
	<i>Police safety orders</i>	
98	Nature of police safety order	44
99	Issue of police safety order	44
100	Service and notice of police safety order	44
101	Effect of police safety order	45
102	Enforcing police safety order	45
	<i>Protection orders</i>	
103	Nature of protection order	46
104	Applying for temporary or full protection order	47
105	Court may make temporary protection order	48
106	Court may make full protection order	48
107	Duration of protection order	49
108	Service of protection order	49
109	Variation or revocation of temporary or full protection order	50
110	Enforcement of protection order or registered foreign protection order	50
111	Registration of foreign protection orders	51
112	Compensation for injuries and losses and for expenses	51
	<i>Procedures under this Part</i>	
113	Application for full protection order	52
114	Hearings for protection order	52
115	Withdrawal of complaint	53
116	Publication of proceedings	53
117	No application fees payable	53
	<i>Offence</i>	
118	Assault on person in domestic relationship	53
	Part 6	
	Miscellaneous provisions	
119	Jurisdiction of court	53
120	Evidence generally	53
121	Appeals	53
122	Court must appoint representative for child	54
123	Evidence of child	54
124	Court may conduct hearings in private	54
125	Content and explanation of court orders	55
126	Regulations	55
127	Transitional provisions	56
128	Repeals	56

Schedule 1

Forbidden marriages

Schedule 2

Repealed enactments

Family Relationships Act

Family Relationships Act 2022

An Act to—

- (a) replace the law relating to—
 - (i) marriage and divorce;
 - (ii) adoption;
 - (iii) guardianship;
 - (iv) maintenance and affiliation orders; and
- (b) provide new law relating to—
 - (i) de facto relationships;
 - (ii) care and protection of children;
 - (iii) care of elderly parents;
 - (iv) domestic violence.

The Assembly enacts as follows—

- 1 **Title**
This Act is the Family Relationships Act 2022.
- 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 **Purposes**
The principal purposes of this Act are—
 - (a) to consolidate and simplify the law relating to marriage, and to provide for—
 - (i) no-fault divorce; and
 - (ii) the recognition of de facto relationships; and
 - (iii) a default position of a 50:50 division of assets when a marriage or de facto relationship ends; and
 - (iv) various forms of financial support to spouses and partners:
 - (b) to confirm that the best interests of the child are the paramount consideration in all matters relating to parenting and the care and protection of children:
 - (c) to confirm the responsibilities of parents to their children, and to update the law relating to adoption and guardianship:
 - (d) to provide the Secretary to Justice with powers to arrange for the care of children in need of care and protection:
 - (e) to provide a mechanism for the ongoing care of elderly parents whose children do not provide the care and support they need:
 - (f) to provide effective mechanisms to protect the victims of domestic violence.

Family Relationships Act 2022

4 Act binds the Government

This Act binds the Government.

5 Interpretation

In this Act, unless the context otherwise requires, –

adoptive parent means any person who adopts a child under an adoption order and, if 2 people jointly adopt a child, means both of those people

carer means a person appointed under section 81 to provide day-to-day care of a child who is in the care of the Department

child means a person under the age of 18 years

court means the High Court of Niue

day-to-day care, for a child, means providing for the child's practical daily needs and supervising the child to the degree appropriate to the child's age and maturity

Department means the department of the Niue Public Service for the time being responsible for the administration of this Act

family member, in relation to a person, means any of the following:

- (a) the person's spouse or partner:
- (b) any child or grandchild of the person or of the person's spouse or partner:
- (c) the person's grandparents, parents, aunts, and uncles, and the grandparents, parents, aunts, and uncles of the person's spouse or partner:
- (d) the children of the person's parents, aunts, and uncles, and the children of the parents, aunts, and uncles of the person's spouse or partner:
- (e) any other person who, in the context in which the issue arises, it is reasonable to treat as a member of the person's family

guardian means a guardian appointed under section 55 or a testamentary guardian appointed under section 59 and, if 2 people are jointly appointed as guardians of a child, means both of those people

marriage celebrant means any of the following:

- (a) the Registrar of the High Court:
- (b) a Judge or Commissioner of the High Court:
- (c) a person appointed as a marriage celebrant under section 15

marriage register or **register** means a marriage register kept by the Registrar under section 11

parent means a natural parent or an adoptive parent

parental responsibility has the meaning given in section 34

parenting order means an order made under section 44

Family Relationships Act

Family Relationships Act 2022

party, in relation to a marriage or a de facto relationship, includes a party to a former marriage or former de facto relationship

Registrar means the Registrar of the High Court, and includes the Deputy Registrar of the High Court

regulations means regulations made under this Act

Secretary means Secretary to Justice, the Head of the Department

weapon means anything that is capable of being used as a weapon and includes a firearm.

Part 2

Relationships between adults

Subpart 1--Marriage

6 Requirements for marriage

- (1) Every marriage must—
 - (a) be between a man and a woman; and
 - (b) be solemnised by a marriage celebrant before 2 witnesses in accordance with section 9; and
 - (c) be recorded in the marriage register.
- (2) A marriage that does not comply with this section is void.

7 Capacity to marry

- (1) No person may marry unless they are aged 18 years or older.
- (2) No person may marry another person who is related to them in a way set out in Schedule 1.
- (3) However, if the relationship is not a blood relationship, the parties may apply to the court for its consent to their marriage and the court may make an order that overrides the prohibition in subsection (2).

How to get married

8 Formalities before marriage

- (1) At least 3 working days before a marriage, one of the parties must go in person to the Registrar and give notice of the intended marriage.
- (2) The notice must be in the form prescribed by regulations and be accompanied by the prescribed fee.
- (3) On receiving a properly completed notice and the prescribed fee, the Registrar must give public notice of the intended marriage.
- (4) However, no marriage is void just because of a breach of this section.

9 Solemnisation

- (1) A marriage may be solemnised in any manner that is in accordance with the regulations and that the marriage celebrant thinks fit, if at some point each party indicates that they —

Family Relationships Act 2022

- (a) are freely entering the marriage; and
 - (b) know of no reason why the marriage should not be solemnised.
- (2) The marriage must be witnessed by 2 witnesses who are each of or over the age of 18 years.

10 Record of marriage in marriage register

- (1) Before solemnising a marriage, the marriage celebrant must collect the marriage register and any other necessary forms from the Registrar.
- (2) Immediately after solemnising a marriage, the marriage celebrant must record the details of the marriage in the marriage register and the register must be signed by –
- (a) both parties; and
 - (b) both witnesses.
- (3) The marriage celebrant must return the register to the Registrar as soon as practicable after the marriage.
- (4) No marriage is void just because of an error or a defect in the register or the details recorded in it.

11 Registrar to keep marriage register

- (1) The Registrar must maintain the marriage register as if it were a record of the High Court.
- (2) The marriage register must be available to the public at all times when the court is open.
- (3) An entry in a marriage register must not be altered after the entry has been completed except at the direction of the Registrar, who may, if satisfied on the basis of evidence before them, require the correction in the register of any clerical error, or error of fact or substance, or any omission of a material fact.
- (4) On application by any person, and on payment of the prescribed fee, the Registrar must issue a certificate (a **marriage certificate**) showing the details of a specified marriage as recorded in the marriage register.
- (5) However, the Registrar may waive payment of the prescribed fee –
- (a) in cases of genuine hardship; or
 - (b) where the marriage certificate is needed for an official purpose.
- (6) A marriage certificate issued by the Registrar must be received in any court as prima facie evidence of the marriage to which it relates.

12 Discretion of Registrar

The Registrar may waive strict compliance with any procedural provision of this subpart if they are satisfied that there is good reason why strict compliance is not possible or not necessary.

Family Relationships Act

Family Relationships Act 2022

13 Offences by parties to marriage

- (1) A party or witness to a marriage commits an offence and is liable on conviction to a fine not exceeding 10 penalty units, if the person signs an entry in the marriage register knowing that the entry contains a statement that is false.
- (2) Any person who, by wilful misrepresentation made to a marriage celebrant, procures or attempts to procure the solemnisation of a marriage by the celebrant commits an offence and is liable on conviction to a fine not exceeding 10 penalty units.

14 Offence by marriage celebrant or supposed marriage celebrant

- (1) Any person who is not a marriage celebrant commits an offence if they purport to act as a marriage celebrant and are liable on conviction to a fine not exceeding 10 penalty units.
- (2) A marriage celebrant commits an offence, and is liable on conviction to a fine not exceeding 10 penalty units, if they –
 - (a) breach any provision of this subpart; or
 - (b) sign an entry in the marriage register knowing that the entry contains a statement that is false.

15 Appointment of marriage celebrants

- (1) Cabinet may appoint any minister of religion as a marriage celebrant, in which case the appointment is for all marriages within the period specified in the notice of appointment.
- (2) Cabinet may also appoint as a marriage celebrant any other person whom Cabinet believes to be a fit and proper person, in which case the appointment –
 - (a) is for a specific marriage, or for all marriages during a specific period, as set out in the notice of appointment; and
 - (b) is subject to any conditions set out in the notice of appointment.

16 Legal status of married people

Marriage does not, of itself, –

- (a) confer on either party any rights to or in relation to the property of the other party, except for intestate succession; or
- (b) affect the domicile of either party.

How marriages end

17 Divorce

- (1) Either or both of the parties to a marriage may apply to the court for a divorce order.
- (2) On application for a divorce order, the court must, and may only, make a divorce order if it is satisfied that the parties to the marriage have been separated for a total period of at least 12 months.

Family Relationships Act 2022

- (3) The 12-month period of separation need not be continuous.
- (4) For the purposes of this section, being **separated** means no longer living together as a couple.

18 Court may declare marriage void

The court may of its own initiative or on application declare that 2 people who were purportedly married in Niue are not married, and that the marriage is void, if the court is satisfied that—

- (a) the marriage did not satisfy the requirements of section 6; or
- (b) at least one of the parties did not have the capacity to marry, as required by section 7.

Subpart 2--De facto relationships

19 Definition of de facto relationship

- (1) A **de facto relationship** is a relationship between a man and a woman who—

- (a) live together as a couple in a relationship in the nature of marriage; and
- (b) are not married to each other; and
- (c) are both aged at least 18 years.

- (2) In determining whether 2 people live together as a couple in a relationship in the nature of marriage, the court or person required to determine the question must have regard to—

- (a) the context, or the purpose of the law, under which the question is to be determined; and
- (b) all the circumstances of the relationship.

20 When de facto relationship ends

A de facto relationship ends if—

- (a) the de facto partners cease to live together as a couple in a relationship in the nature of marriage; or
- (b) the couple marry; or
- (c) one of the de facto partners dies.

Subpart 3--Property and financial support

Division of property

21 Definition of relationship property

- (1) **Relationship property** is property acquired by a married couple or a de facto couple during any period when they have been married (but not separated) or in a de facto relationship, other than property that is—

- (a) land; or

Family Relationships Act

Family Relationships Act 2022

- (b) property that the couple agrees, in writing, is not or will not be relationship property.
- (2) Property owned by a party to a marriage or a de facto relationship immediately before the marriage or the start of the de facto relationship remains that person's property, and does not become relationship property, unless the parties agree in writing that it is or will be relationship property.
- (3) The court may set aside an agreement referred to in subsection (1)(b) or (2) if it is satisfied that the agreement—
 - (a) was obtained by duress or undue pressure; or
 - (b) is otherwise unconscionable.

22 Relationship property normally to be divided 50:50

When a marriage or de facto relationship ends, the relationship property of the parties must be divided between them on a 50:50 basis, unless the parties agree otherwise, or the court orders a different division under section 23.

23 Court may determine how relationship property to be divided

- (1) If the parties to a marriage or de facto relationship that ends cannot agree how their relationship property is to be divided, either party may apply to the court for an order under this section.
- (2) The court must order that relationship property be divided in accordance with section 22 unless satisfied that—
 - (a) a 50:50 division would be grossly unfair, given either or both of the following:
 - (i) the relative contributions of each party to the relationship;
 - (ii) the fact that one party has an occupation right over land owned by the other party; or
 - (b) an uneven distribution is justified because one party has entered into a agreement to provide domestic support to the other party, and that support requires the first party to retain more than 50% of the relationship property.
- (3) Any agreement referred to in subsection (2)(b) may be enforced as if it were an order of the court.

24 Niuean land not affected

- (1) Nothing in this Act allows a court to make an order alienating Niuean land or any legal or equitable interest in Niuean land.
- (2) In making an order under section 23, the court may take into account the existence of a person's interests in Niuean land when determining what would be a fair division of property between a couple.
- (3) In this section, **Niuean land** has the same meaning as Niuean Land under section 3 of the Land Act 1969.

Family Relationships Act 2022

Domestic support

25 Nature of domestic support order

- (1) A domestic support order is an order requiring one party to a marriage or de facto relationship (whether the relationship still exists or has ended) to provide material support (including money) to the other party on a regular basis.
- (2) The order must specify –
 - (a) the amount or type of support; and
 - (b) the frequency of provision; and
 - (c) the way in which the support is to be provided.

26 Application for domestic support

Any person present in Niue may apply for a domestic support order against the person's current or former spouse or de facto partner, whether or not the spouse or de facto partner is resident or present in Niue.

27 Court may make domestic support order

- (1) The court may make a domestic support order requiring one party to a marriage or de facto relationship (the **respondent**) to provide domestic support to the other party.
- (2) If the respondent to an application cannot be found, the court may determine the application and make the order without notice to the respondent.
- (3) The court must consider the following when determining whether to make the order and, if the court makes the order, the amount of, and the method of providing, the support:
 - (a) the age and state of health of each party;
 - (b) the income, earning capacity, property, and financial resources of each party;
 - (c) whether either party has parental responsibility for a child or has any dependants;
 - (d) the ability of each party to support –
 - (i) themselves; and
 - (ii) any child for whom they have parental responsibility; and
 - (iii) any dependants;
 - (e) the eligibility of either party for a pension, allowance, or benefit, whether the fund or scheme was established, or operates, within or outside Niue, and the rate of the pension, allowance, or benefit that is being paid, or will be paid, to either party;
 - (f) the extent to which the payment of support to one party would increase the earning capacity of that person by enabling the person to –

Family Relationships Act

Family Relationships Act 2022

- (i) undertake a course of education or training; or
 - (ii) establish a business; or
 - (iii) obtain an adequate income or property:
 - (g) the extent to which the party who has applied for support has made financial or non-financial contributions to the other party's—
 - (i) income; or
 - (ii) earning capacity; or
 - (iii) property; or
 - (iv) financial resources:
 - (h) the duration of the marriage or the de facto relationship and the extent to which it has affected the earning capacity of the party who applies for support:
 - (i) any fact or circumstance that, in the opinion of the court, the justice of the case requires to be taken into account.
- (4) In this section, a **dependant** is a person who relies on the material support provided by another person by reason of age, disability, or infirmity.

28 Expiry, discharge, suspension, and variation of domestic support order

- (1) A domestic support order expires—
- (a) on the date, or on the occurrence of any event or circumstance, specified in the order; or
 - (b) on the death of either party to the order.
- (2) The respondent under the order may at any time apply to the court to discharge, suspend, or vary a domestic support order on the grounds that the circumstances of either party, as specified in section 27, have changed to the extent that the order is no longer fair or reasonable.
- (3) The court may discharge, suspend, or vary the order, taking into consideration the matters specified in section 27, and may order that all or part of any support owing be remitted on the grounds that the respondent is not able to provide it.

29 Enforcement of domestic support orders

- (1) The court may make a domestic support enforcement order under this section, on its own initiative or on application by the person in whose favour the order is made, if satisfied that the respondent under a domestic support order has failed to comply with the order.
- (2) A domestic support enforcement order may do any or all of the following:
- (a) order the respondent to file with the court a written proposed maintenance plan:

Family Relationships Act 2022

- (b) issue a wage deduction order to the employer of the respondent, for periodic payments:
 - (c) issue any other order necessary or desirable to ensure that—
 - (i) any arrears of domestic support are provided in accordance with the order; and
 - (ii) future provision is made as required by the order.
- (3) A person who fails to comply with a domestic support enforcement order commits an offence and is liable on conviction to either or both of the following:
- (a) a fine not exceeding 10 penalty units:
 - (b) imprisonment for a term not exceeding 2 years.

Part 3
Children and parents

30 Purposes of this Part

The purposes of this Part are—

- (a) to promote the welfare and best interests of children, and facilitate their development, by providing for appropriate arrangements to be in place for their care; and
- (b) to recognise certain rights of the child; and
- (c) to ensure that children receive adequate and proper parenting to help them achieve their full potential; and
- (d) to ensure that parents fulfil their duties and meet their responsibilities concerning the care, welfare, development, and financial support of their children; and
- (e) to provide for the care of elderly parents whose adult children do not provide adequate care and support for them.

31 Determining child's best interests

(1) In order to determine what is in the best interests of a child, the court must consider all the following matters (unless the matters are inapplicable in the circumstances):

- (a) any wishes expressed by the child, with appropriate weight given to those wishes in the light of the child's maturity and level of understanding:
- (b) the child's maturity, gender, and background:
- (c) the cultural heritage and linguistic and racial identity of the child, and the child's need to maintain a connection with their lifestyle, culture, and traditions:
- (d) the nature of the relationship of the child with each of their parents and with any other significant person:

Family Relationships Act

Family Relationships Act 2022

- (e) the likely effect that a change of circumstances will have on the child, including the likely effect of separation from either parent or any other child or other person with whom the child has been living:
 - (f) the practical difficulty and expense of a child having contact with a parent and whether that difficulty will substantially affect the child's right to maintain personal relations and direct contact with both parents on a regular basis:
 - (g) the capacity of each parent, or of any other person, to provide for the needs of the child, including emotional and intellectual needs:
 - (h) the attitude to the child, and to the responsibilities of parenthood, demonstrated by each of the child's parents:
 - (i) whether the child has been exposed to family violence involving the child or any other person:
 - (j) the need to protect the child from physical or psychological harm caused, or that may be caused, by being subjected to abuse or ill-treatment, or being exposed to the abuse or ill-treatment of another person:
 - (k) any other fact or circumstance that the court thinks is relevant.
- (2) The court must consider the factors in subsection (1) even if it is asked to make an order with the consent of all parties.

32 Status of children

- (1) For the purpose of determining the relationship of any person to their mother or father, it is irrelevant whether the mother and the father are, or ever have been, married to each other.
- (2) However, subsection (1) does not apply, and the law that applied before the Niue Act 1966 came into force applies instead, to –
- (a) the will of any testator who died before 1 January 1967; and
 - (b) any other instrument executed before 1 January 1967; and
 - (c) the distribution of the estate of any person who died intestate before 1 January 1967.

33 Consent to medical procedures

- (1) If the consent of any person is required before a medical, surgical, or dental procedure (including a blood transfusion) is carried out on a child, –
- (a) if the child is of or over the age of 16, the consent of the child is sufficient; and
 - (b) if the child is under the age of 16, consent may be given by –
 - (i) either parent of the child; or
 - (ii) any guardian of the child; or

Family Relationships Act 2022

- (iii) if there is no parent or guardian of the child who can be found (after reasonable attempts to do so) or who is capable of giving consent, the court.
- (2) Nothing in this section limits or affects any enactment or rule of law under which—
 - (a) no consent or express consent is necessary; or
 - (b) the consent of the child, in addition to that of any other person, is necessary; or
 - (c) the consent of another person instead of the consent of the child is sufficient.

Subpart 1--Parents

34 Parental responsibility

- (1) Each parent of a child has parental responsibility for the child, except to the extent that this Act or an order of the court provides otherwise.
- (2) Having **parental responsibility** for a child means being responsible for—
 - (a) providing, or knowing who is providing, day-to-day care of the child; and
 - (b) safeguarding and promoting the child’s welfare, best interests, and development; and
 - (c) providing direction and guidance to the child, in a manner appropriate to the stage of development of the child; and
 - (d) contributing to the child’s intellectual, emotional, physical, social, cultural, and other personal development; and
 - (e) maintaining personal relations and direct contact with the child on a regular basis if the child is not living with the parent; and
 - (f) acting as the child’s legal representative; and
 - (g) determining major long-term issues affecting the child.
- (3) Other people, besides parents, may be responsible for exercising some or all parental responsibility for a child at different times, as provided in this Act.
- (4) Every person who has parental responsibilities for a child must exercise those responsibilities, as far as possible, in consultation with every other person who has parental responsibilities for the child.
- (5) A parent’s parental responsibility for a child is not affected by changes in the nature of the relationship between the child’s parents, such as separation or divorce, or either of them marrying or entering into a de facto relationship.
- (6) In this section, **major long-term issues**, in relation to a child, means issues about the care, welfare, and development of the child of a long-term nature and includes (but is not limited to) issues about—
 - (a) the child’s education (both current and future); and

Family Relationships Act

Family Relationships Act 2022

- (b) the child's religious and cultural upbringing; and
- (c) the child's health; and
- (d) the child's name; and
- (e) changes to the child's living arrangements that will make it significantly more difficult for the child to spend time with a parent or other family member.

35 Duty to maintain child

- (1) Each parent of a child has a duty to maintain the child, unless or until an order of the court modifies that duty.
- (2) Other persons (such as guardians) may also have a duty to maintain a child, but only as specified by this Act or a court order.
- (3) The Secretary may seek an order from the court requiring any person who has a duty under this section to maintain a child to comply with that duty.

Parentage

36 Determining who is child's father

- (1) A man is presumed to be the father of a child if—
 - (a) he and the child's mother were married or in a de facto relationship—
 - (i) at the time of the child's conception; or
 - (ii) at the time of the child's birth; or
 - (b) he is named as the child's father on the child's birth certificate.
- (2) However, any of the following may apply to the court for a parentage order that determines who is the father of a child:
 - (a) either parent of the child;
 - (b) the child, if they are of an age and maturity to understand the consequences of a parentage order;
 - (c) any guardian of the child.

37 Parentage orders

- (1) On an application for a parentage order in relation to a child (whether under section 36 or otherwise), the court may make an order specifying that a named person is, or is not, a natural parent of the child.
- (2) The court may make a parentage order without hearing the evidence of a natural parent of the child.
- (3) If a natural parent of the child gives evidence in relation to a parentage order, corroboration of their evidence is unnecessary.
- (4) The court may recommend that a DNA parentage test be carried out on a child before making a parentage order.
- (5) In any proceedings,—

Family Relationships Act 2022

- (a) a parentage order in relation to a child is conclusive evidence that the person against whom it is made is a natural parent of the child; and
- (b) an order declaring a person is not a natural parent of the child is conclusive evidence that the person is not a natural parent of the child.

Subpart 2--Parenting

38 Agreements between parents

As far as possible, the parents of every child must seek to agree upon how they care for the child and exercise their parental responsibilities, whether or not the parents live together, and regardless of the relationship between the parents.

Parenting plans

39 Nature of parenting plans

- (1) A parenting plan is a written agreement about a child that addresses the matters in subsection (2) and is made between—
 - (a) the parents of the child; or
 - (b) the guardians of a child; or
 - (c) any parent and any guardian of the child; or
 - (d) the Secretary and any parent, guardian, or carer of the child.
- (2) A parenting plan must set out the following:
 - (a) who has the day-to-day care of the child, and when and where:
 - (b) who (if anyone) the child may, or may not, have contact with, and any restrictions on or conditions of contact:
 - (c) the allocation of parental responsibilities for the child:
 - (d) how the parties will consult together:
 - (e) the forms of communication that the child may or must have with their parents, guardians, or with other persons:
 - (f) the process for resolving disputes about the operation of the plan, and for changing the plan.
- (3) The plan may also deal with any other aspect of the care, welfare, or development of the child, or any other aspect of parental responsibility for the child, including financial support.
- (4) Every person who signs the parenting plan is a party to the parenting plan.
- (5) Regulations made under this Act may set out a template for a parenting plan.

Family Relationships Act

Family Relationships Act 2022

40 Registering parenting plans

- (1) Any party to a parenting plan may apply to the court to register the parenting plan.
- (2) The court must register the plan if it is satisfied that the plan is in the best interests of the child.
- (3) If the child concerned is of an age and maturity to understand the nature and effect of the plan, the court must take into account the views of the child on the matter.
- (4) If the court is not satisfied that the plan is in the child's best interests, the Registrar must set down the matter for a hearing and give notice to the parties identified by the court of the date, time, and place of the hearing.
- (5) Following the hearing, the court may, on its own initiative or on the application of any party to a parenting plan to review the plan, –
 - (a) vary the plan, with the agreement of the parties, and register it; or
 - (b) cancel the plan and make a parenting order.
- (6) A parenting plan that is registered has the same effect as a parenting order.

41 Expiry, discharge, and variation of registered parenting plan

- (1) Every parenting plan for a child expires when the child turns 18 years of age.
- (2) The following persons may apply to discharge or vary a registered parenting plan:
 - (a) any party to the parenting plan;
 - (b) any child to whom the plan relates, if the child is of an age and maturity to understand the nature and effect of the plan.
- (3) On an application for the discharge or variation of a parenting order, the court must –
 - (a) give each party to the parenting plan, and any affected child of an age and maturity to understand the nature and effect of the plan, an opportunity to make submissions on the application; and
 - (b) review the plan.
- (4) Following its review of the parenting plan, the court may, if satisfied that it is in the best interests of the child to do so, –
 - (a) vary the parenting plan; or
 - (b) discharge the plan; or
 - (c) confirm the plan.
- (5) A parenting plan that is varied by the court under this section has the same effect as if it were the plan originally agreed to and registered by the parties.

Family Relationships Act 2022

Parenting orders

42 Nature of parenting orders

- (1) A **parenting order** is an order of the court that sets out or includes, in relation to a child, at least the following matters:
- (a) who has the day-to-day care of the child, and when and where:
 - (b) who (if anyone) the child may, or may not, have contact with, and any restrictions or conditions on contact:
 - (c) the allocation of parental responsibilities, including financial support, for the child.
- (2) A parenting order may also address any other matters the court considers relevant, such as--
- (a) directions for determining any specific question that has arisen, or that may arise, in connection with any aspect of parental responsibility for a child:
 - (b) steps or actions that a parent or guardian cannot take without the consent of the court:
 - (c) the nature of the contact permitted with any person (for example, whether it is direct contact (that is, face to face) or some form of indirect contact (for example, by way of letters, phone calls, or email)):
 - (d) the place, duration, and timing of contact with another person, and whether another person must or may be present during contact.
- (3) If there is a conflict between a parenting order and a person's parental responsibilities, the parenting order takes priority.
- (4) All parties to a parenting order, and every person with parental or other responsibilities under the parenting order, must fully adhere to the order and not act in a way that is incompatible with it.

43 Application for parenting order

Any of the following persons may apply for a parenting order:

- (a) either or both of the child's parents:
- (b) any guardian of the child:
- (c) the child, if the child is of an age and maturity to understand the nature and effect of the order:
- (d) with the leave of the court, a family member of the child.

44 Court may make parenting order

- (1) The court may make a parenting order for a child –
- (a) on its own initiative, whether in the course of other proceedings or not; or
 - (b) on an application made under section 43.

Family Relationships Act

Family Relationships Act 2022

- (2) The best interests of the child are the first and paramount consideration in determining whether to make a parenting order and, if an order is made, in determining its terms.
- (3) A person is a **party to a parenting order** concerning a child if, under the order, the person—
 - (a) is obliged or allowed to exercise parental responsibilities for the child; or
 - (b) is specifically authorised to have contact with the child.

45 Application for direction on major long-term issues

If there is a parenting order in force for a child, any of the following persons may apply to the court for directions on any major long-term issues affecting the child:

- (a) either or both of the child's parents;
- (b) any guardian of the child;
- (c) the child, if the child is at an age and maturity to understand the nature and effect of the order;
- (d) with the leave of the court, a family member of the child.

46 Court may give directions on major long-term issues

The court may give directions on major long-term issues--

- (a) on its own initiative, whether in the course of other proceedings or not; or
- (b) on an application made under section 45.

47 Expiry, discharge, and variation of parenting order

- (1) A parenting order concerning a child expires when a child turns 18 years.
- (2) Any of the following persons may apply to the court to vary or discharge a parenting order:
 - (a) any party to the order;
 - (b) the child, if the child is of an age and maturity to understand the nature and effect of the plan;
 - (c) the Secretary.
- (3) The applicant, each party to the parenting order, and the child (if the child is of an age and maturity to understand the nature and effect of the order) must be given an opportunity to be heard or make submissions on an application to vary or discharge a parenting order.
- (4) The court may vary or discharge a parenting order only if it is satisfied that the variation or discharge is in the best interests of the child.

48 Enforcement of parenting orders

- (1) Any of the following persons may apply to the court to determine whether a party to a parenting order is not complying with it:

Family Relationships Act 2022

- (a) any party to the parenting order:
 - (b) any child to whom the parenting order applies, if the child is of an age and maturity to understand the nature and effect of the order:
 - (c) the Secretary.
- (2) If satisfied that a person is not complying with the order, the court may do any of the following, if it is in the best interests of the child to do so:
- (a) give further directions to the person who has breached the order (including requiring a person to pay a bond not exceeding \$5,000 into court):
 - (b) vary or discharge the order (by, for example, reducing the time during which the child is in the care of, or has contact with, the person in breach).
- (3) If the court is satisfied that a party to a parenting order has breached the order by not returning a child as required by the parenting order, the court may issue a warrant authorising a police officer or a person named in the warrant—
- (a) to take immediate custody of the child; and
 - (b) to deliver the child to the person to whom the child should have been returned under the parenting order.
- (4) If a person who has paid a bond into court breaches the parenting order or parenting enforcement order, the court may order that the bond be forfeited to the Crown, in whole or in part.

Subpart 3--Financial support orders

Child maintenance

49 Nature of child maintenance order

- (1) A child maintenance order is an order requiring a person who has a duty under section 35 to maintain a child to provide financial or other material support for the benefit of a child to a person exercising some or all parental responsibilities for the child.
- (2) The making of a child maintenance order against one person for the support of a child does not reduce the liability of any other person who has a duty to maintain the child to provide that financial or material support.

50 Application for child maintenance

- (1) Any of the following persons may apply to the court for a child maintenance order (whether or not the person is exercising parental responsibilities for the child):
- (a) a parent of the child:
 - (b) a guardian of the child:
 - (c) the Secretary:

Family Relationships Act

Family Relationships Act 2022

(d) any family member of the child.

51 Court may make child maintenance order

- (1) The court may make a child maintenance order if satisfied that it is reasonable to do so having regard to—
 - (a) the proper needs of the child; and
 - (b) the type and extent of the parental responsibilities that the intended recipient is exercising; and
 - (c) the resources of the person from whom maintenance is sought.
- (2) In considering the proper needs of the child, the court must have regard to the following:
 - (a) the age of the child;
 - (b) the need to provide suitable accommodation for the child;
 - (c) the health and any special medical needs of the child;
 - (d) the educational or training needs of the child;
 - (e) any special needs of the child;
 - (f) the financial circumstances of the child.
- (3) In considering the resources of the person from whom maintenance is sought, the court must have regard to the following:
 - (a) the income, earning capacity, property, and financial resources of the person;
 - (b) the commitments of the person to support—
 - (i) themselves; and
 - (ii) any other child or other person that they have a duty to maintain;
 - (c) the direct and indirect costs incurred by the person in looking after the child;
 - (d) any special circumstances which, if not taken into account, would result in injustice or undue hardship to any person.
- (4) A child maintenance order may require any or all of the following:
 - (a) payment of a lump sum, whether in one amount or by instalments;
 - (b) payment of a weekly, monthly, yearly, or other periodic amount;
 - (c) that one person deliver goods specified in the order to a person who looks after the child.
- (5) A child maintenance order may—
 - (a) be permanent or interim; or
 - (b) be made urgently, pending disposal of proceedings; or
 - (c) be for a fixed period, or until a particular event (such as the child turning a particular age); or
 - (d) be made by consent; or
 - (e) include any conditions.

Family Relationships Act 2022

- (6) In this section and sections 52 and 53,--
adult child means a son or daughter of or over the age of 18 years
child includes an adult child who--
(a) is undergoing education; or
(b) suffers from a physical or mental disability.

52 Expiry, discharge, suspension, and variation of child maintenance order

- (1) A child maintenance order for a child expires when the child turns 18 years, unless the court specifies that child maintenance must continue to be paid for an adult child --
(a) to enable the adult child to complete their education; or
(b) because of a mental or physical disability of the adult child.
- (2) A child maintenance order also expires if --
(a) the child dies, is adopted, or marries; or
(b) the person liable to pay child maintenance dies; or
(c) the person entitled to receive child maintenance under the order dies.
- (3) The court may, on application by any party to the order, discharge, suspend, or vary a child maintenance order if satisfied that --
(a) the order was obtained by fraud or perjury; or
(b) since the order was made, new and material evidence has been discovered; or
(c) since the order was made, circumstances have so changed that the order ought to be cancelled or suspended, or a new order substituted.
- (4) The power to vary an order includes the power to remit any arrears owing under an order.

53 Enforcement of child maintenance orders

- (1) The court may make a child maintenance enforcement order under this section on its own initiative or on application by a person in whose favour the order is made if satisfied that a person who is liable, under a child maintenance order, to pay child maintenance to another person has failed to comply with the order.
- (2) An order under this section may do 1 or more of the following:
(a) order the liable person to file with the court a written proposed maintenance plan;
(b) issue a wage deduction order to the employer of the liable person, for periodic payments;
(c) issue any other order necessary or desirable to ensure that --
(i) any arrears of child maintenance are paid in accordance with the order; and

Family Relationships Act

Family Relationships Act 2022

- (ii) future payments are made as required by the order.

Birth expenses

54 Birth expenses order

- (1) A birth expenses order is an order requiring the father of a child to make a proper contribution towards any of the following:
 - (a) the maintenance of the mother during pregnancy;
 - (b) the mother's reasonable medical expenses relating to the pregnancy and birth;
 - (c) if the mother dies as a result of the pregnancy or birth, the reasonable expenses of the mother's funeral;
 - (d) if the child is stillborn or dies, and the death is related to the birth, the reasonable expenses of the child's funeral.
- (2) The court may make a birth expenses order on an application by –
 - (a) the mother of the child; or
 - (b) if the mother is deceased, any family member of the mother.
- (3) Subsection (2) applies only if the father of the child is not married to the mother.
- (4) In determining the amount of contribution to order, the court must take into account only the following matters:
 - (a) the income, earning capacity, property, and financial resources of the mother and father of the child;
 - (b) the requirement for the mother and the father of the child to support themselves and any child or other person that the person has a duty to maintain;
 - (c) any special circumstance that, if not taken into account, would result in injustice or undue hardship to any person.
- (5) An order under this section may be enforced as a debt due under a judgment of the court.

Subpart 4--Guardians

55 Nature of guardianship order

- (1) A **guardianship order** is an order that appoints a person who is not a parent of a child to act in place of a parent of the child in accordance with the terms of the guardianship order and, in particular, –
 - (a) to exercise some or all parental responsibilities for the child; and
 - (b) if required by the guardianship order, to maintain the child.
- (2) If a guardianship order is made for a child who has a living parent, the parental responsibilities of the parent are subject to the terms of the guardianship order made for the child.
- (3) Every guardian of a child must exercise their responsibilities in consultation with any other guardian and with any other person who

Family Relationships Act 2022

still has parental responsibilities for the child, as far as is reasonably practicable.

56 Application for guardianship order

- (1) An application for a guardianship order may be made only for a child who is physically present in Niue at the time of the application.
- (2) The application may be made by –
 - (a) a parent of the child, singly; or
 - (b) jointly by both parents of a child; or
 - (c) the Secretary; or
 - (d) a person applying to be appointed as the guardian, or 2 people applying jointly to be guardians, of the child.
- (3) An application for a guardianship order must –
 - (a) identify the parental responsibilities that the proposed guardian will exercise; and
 - (b) state whether, or the extent to which, the proposed guardian will be responsible for the maintenance of the child; and
 - (c) include the written consent of the proposed guardian to the order; and
 - (d) if the application is made by one parent only, include either –
 - (i) the written consent of the other parent to the order; or
 - (ii) an explanation of why the written consent of the other parent is not included; and
 - (e) if the child concerned is of an age and maturity to understand the nature and effect of the order, include the written consent of the child to the application being made.

57 Court may make guardianship order

- (1) The court may make a guardianship order for a child only if satisfied that –
 - (a) the child is present in Niue and either –
 - (i) neither of the child's parents is living in Niue; or
 - (ii) any parent of the child who is living in Niue is unable, unwilling, or unsuitable to exercise parental responsibilities for the child; and
 - (b) the order clearly identifies the parental and other responsibilities of the guardian; and
 - (c) the guardian is of or over the age of 21 years and –
 - (i) has consented to terms of the order; and
 - (ii) is suitable to be a guardian of the child; and
 - (iii) is able to comply with the terms of the order; and
 - (d) in all the circumstances, the order is in the best interests of the child.

Family Relationships Act

Family Relationships Act 2022

- (2) The court must ensure, as far as possible, that the child's guardians are members of the child's family or magafaoa.
- (3) Every guardianship order for a child must—
 - (a) provide that the guardian of the child is responsible for providing day-to-day care of the child; and
 - (b) specify whether, and if so the extent to which, each of the child's parents may be consulted on the exercise of any other parental responsibilities for the child; and
 - (c) specify whether, or the extent to which, the guardian is responsible for maintaining the child.

58 Expiry, discharge, and variation of guardianship order

- (1) A guardianship order expires on the earliest of the date on which—
 - (a) the child turns 18 years;
 - (b) the child dies;
 - (c) the order expires in accordance with its terms.
- (2) The court may vary or discharge a guardianship order only on the application of—
 - (a) a guardian under the order; or
 - (b) the child under the order, if the child is of an age and maturity to understand the nature and effect of the discharge or proposed variation; or
 - (c) a parent of the child; or
 - (d) the Secretary.
- (3) The court may discharge a guardianship order only if satisfied,—
 - (a) on the basis of evidence before it, that the discharge of the order is in the best interests of the child; and
 - (b) that, if the order is discharged, another guardian or a parent of the child is able, willing, and suitable to exercise parental responsibilities for and (if necessary) to maintain the child; and
 - (c) that the court has taken into consideration the views of the child, if the child is of an age and maturity to understand the nature and effect of the discharge.
- (4) The court may vary a guardianship order only if satisfied that—
 - (a) the variation is in the best interests of the child in the circumstances; and
 - (b) the order as varied identifies who exercises what parental responsibilities for the child and (if necessary) who is to maintain the child; and
 - (c) the guardian consents to the variation and is able and willing to comply with the order as varied; and

Family Relationships Act 2022

- (d) if the variation involves a change to the rights and responsibilities of any parent of the child, the parent has been given the opportunity to make submissions on the variation and the court has considered any submissions received; and
- (e) if the child is of an age and maturity to understand the nature and effect of the proposed variation, the child's views have been sought and taken into consideration.

59 Testamentary guardians

- (1) Either parent of a child may, by will, appoint a person to be the child's testamentary guardian after the parent's death.
- (2) The testamentary guardian of a child has all the parental responsibilities of a guardian appointed under a guardianship order and the duty to maintain the child.
- (3) However, if a child has both a testamentary guardian and a living parent or a guardian appointed under a guardianship order, the testamentary guardian may exercise the parental responsibilities of a guardian, and is obliged to maintain the child, only in accordance with—
 - (a) a parenting plan entered into with the parent or other guardian; or
 - (b) an order of the court.

Subpart 5--Preventing removal of child from Niue

60 Preventing removal of child from Niue

- (1) The court must take steps to prevent the removal of a child from Niue if satisfied on reasonable grounds that a person is about to remove a child from Niue and the removal is likely to—
 - (a) breach, or have the effect of breaching, an order made under this Act; or
 - (b) defeat the claim of a person who has applied for, or is about to apply for, an order under this Act.
- (2) To prevent the removal of a child from Niue, the court may do either of both of the following:
 - (a) issue a warrant directing a police officer or a person named in the warrant to take immediate custody of the child (using such reasonable force as may be necessary) and to place the child in the care of the Secretary pending a further order of the court;
 - (b) order that any tickets or travel documents (including a passport) of the child or of the person believed to be about to remove the child from Niue, or of both, be surrendered to the police for whatever period and on any conditions the court determines necessary in the circumstances.
- (3) Within 5 days after the issue of a warrant under subsection (2)(a), the matter must be brought before the court for determination.

Family Relationships Act

Family Relationships Act 2022

- (4) A person against whom an order is made under subsection (2)(b) may apply to the court for the discharge of the order, and the court may discharge the order if it is satisfied that the circumstances that made it necessary to require the documents to be surrendered no longer exist.
- 61 Offence of taking child from Niue**
- (1) A person commits an offence if the person, without the leave of the court, removes or attempts to remove any child from Niue—
- (a) knowing that a person has applied for, or is about to apply for, an order under this Act relating to the child; or
 - (b) knowing that an order under this Act is in force that—
 - (i) makes another person responsible for the day-to-day care of the child; or
 - (ii) authorises another person to have regular contact with the child.
- (2) A person convicted of an offence against subsection (1) is liable to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding 12 months, or both.

Subpart 6--Adoption

- 62 Application for adoption order**
- (1) An application for adoption may be made for any child.
- (2) Every person who applies to adopt a child must—
- (a) be a Niuean, or be a permanent resident of, or habitually resident in, Niue; and
 - (b) be of or over the age of 21 years.
- (3) Every application must be in the prescribed form and include the consents required by section 64.
- 63 Court may make adoption order**
- (1) The court may make an adoption order for a child only if satisfied of the following:
- (a) that the applicant or applicants are fit and proper persons to take on parental responsibility for the child;
 - (b) that the applicant or applicants are able to maintain the child;
 - (c) that the adoption order will be in the best interests of the child;
 - (d) that each applicant is of or over the age of 21;
 - (e) that any consents required by section 64 have been given as required by that section.
- (2) If an application is made solely by a person who is married to, or in a de facto relationship with, another person, the court must be satisfied that the applicant's spouse or partner—

Family Relationships Act 2022

- (a) consents to the application (unless the 2 people are married but separated); and
 - (b) is a fit and proper person.
- (3) Before making an adoption order, the court must receive and consider a report on the application prepared by or on behalf of the Secretary.

64 Consents required before adoption order made

- (1) The consent of the mother of a child is required before the child can be adopted, unless subsection (3) applies.
- (2) The consent of the father of a child is required before a child can be adopted, unless subsection (3) applies, if the father is named on the birth certificate.
- (3) The consent of a parent is not required if the parent—
 - (a) is dead; or
 - (b) has abandoned or deserted the child; or
 - (c) is for any reason not fit to care for the child; or
 - (d) is not fit to give consent.
- (4) The consent of a child is required if the child proposed to be adopted is of or over the age of 12 years and capable of understanding the nature and effect of an adoption order.
- (5) Every consent required by this section must—
 - (a) be in writing; and
 - (b) be witnessed by a Commissioner or Registrar of the court, a lawyer, or a medical officer, who must certify that the person consenting fully understands the nature and effect of the adoption order.
- (6) A consent given by a mother must—
 - (a) have been given at least 10 days after the birth of the child; and
 - (b) if the mother is under the age of 18 years, have been given after the mother has received legal advice or counselling on the effects of adoption.

65 Revocation of consent

- (1) The mother of a child who has consented, before the child is 30 days old, to the adoption of the child may revoke that consent and give notice to the court of the revocation of consent, at any time within that 30-day period.
- (2) If notice of the revocation of consent is received by the court within 30 days after the birth of the child, the court must—
 - (a) require the adoptive parent, or the agency having the care of the child, to return the child to the mother; and
 - (b) cancel any adoption order already made.
- (3) If an adoption order is cancelled under this section, the child is for all purposes deemed never to have been adopted.

Family Relationships Act

Family Relationships Act 2022

66 Effect of adoption order

- (1) When a child is adopted under an adoption order, —
- (a) the child is regarded in law as the child of the adoptive parent; and
 - (b) the child is regarded in law as no longer the child of their previous mother or father; and
 - (c) the adoptive parents take on parental responsibility for the child and the responsibility to maintain the child; and
 - (d) the child's previous mother and father cease to have parental responsibility for the child or the responsibility to maintain the child; and
 - (e) any current guardianship order made for the child is discharged; and
 - (f) the child takes the name specified in the adoption order —
 - (i) by the adoptive parent; or
 - (ii) if the child is of or over the age of 12, by the child with the agreement of the adoptive parent.
- (2) An adoption order does not affect the race, nationality, or citizenship of the adopted child, except as provided in subsections (3) and (4).
- (3) If any adoptive parent is Niuean, the adopted child is deemed for all purposes to be Niuean.
- (4) If any adoptive parent is a permanent resident of Niue, the adopted child is a permanent resident of Niue.
- (5) Any child maintenance orders relating to a child cease to have effect if the child is adopted, but this does not prevent the recovery of any arrears due under any order before the adoption order is made.
- (6) Despite subsection (1), a person must continue to be treated as the child of their natural parents for the purpose of Schedule 1 (forbidden marriages) and the crime of incest.

67 Limit on further adoption

During the lifetime of an adoptive parent, the adopted child may not be adopted by any other person except the spouse or de facto partner of the adoptive parent.

68 Cancellation of adoption order

- (1) An adoption order may be cancelled only —
- (a) under section 65 (where a mother revokes consent to adoption within 30 days after the birth of her child); or
 - (b) if —
 - (i) the court is satisfied that the adoption order was made by mistake as to a material fact because of a material misrepresentation; and
 - (ii) Cabinet approves the cancellation.

Family Relationships Act 2022

- (2) If an adoption order is cancelled under subsection (1)(b),—
- (a) the child is regarded as again being the child of their previous mother and father; and
 - (b) the adoptive parent of the child is treated as never having been the child's adoptive parent; and
 - (c) any child maintenance orders, so far as they relate to the child as a child of the adoptive parents, are cancelled, and any previous child maintenance orders, so far as they relate to the child as the child of their previous mother and father, are restored.

69 Prohibition on payment in consideration of adoption

No person may give or receive, or agree to give or receive, any payment or reward in consideration for the making of arrangements for an adoption or a proposed adoption, except with the consent of the court.

70 Inspection of adoption records

- (1) Adoption records (including adoption orders) may be inspected by--
- (a) any person who needs to inspect those records for some purpose in connection with the administration of an estate or a trust of which that person is executor, administrator, or trustee;
 - (b) any person who was the subject of the adoption to which those records relate and their natural and adopted parents;
 - (c) the Registrar;
 - (d) the Secretary.
- (2) Except as ordered by the court, no other person has a right to inspect adoption records.

71 Adoption by Niuean custom invalid

No adoption by Niuean custom made after 1 November 1969 has any force or effect, whether for intestate succession or otherwise.

72 Existing adoptions not affected by Part

Nothing in this Part affects any adoption made, or deemed to be made, or treated as having the same force or effect as an adoption made, under the Niue Amendment Act (No 2) 1968.

Subpart 7--Care of elderly parents

73 Nature of care of parent order

- (1) A **care of parent order** is an order by the court giving the Secretary certain rights and responsibilities for an elderly parent whose adult children are not able or willing to care for the parent and who is in need of care and support.
- (2) Under a care of parent order, the Secretary —

Family Relationships Act

Family Relationships Act 2022

- (a) is required to provide the parent with the care and support specified in the order; and
 - (b) is permitted to have access to such income of the person as necessary to reimburse the Secretary for the cost of providing that care and support; and
 - (c) may be permitted to apply the assets of the person for any specific purpose identified by the court that is related to the person's need for care and support.
- (3) For the purposes of this subpart, a person is **in need of care and support** if—
- (a) the person—
 - (i) needs help at home with basic daily domestic tasks (such as cooking, washing, shopping, and maintaining contact with other people); and
 - (ii) the necessary help is not, or is no longer, provided on a consistent basis by family or others in the community; or
 - (b) the person—
 - (i) has been admitted to hospital or an aged care facility; and
 - (ii) no child or other family member of the person is able or willing to visit the person regularly and assist the hospital or facility in providing suitable care to the person.

74 Application for care of parent order

- (1) An application for a care of parent order may be made only by the Secretary.
- (2) The application must be supported by evidence that the Secretary has made reasonable attempts to contact the children of the person within the 6 months preceding the application.
- (3) If any child of the parent has advised the Secretary of their address and contact details, the Secretary must—
 - (a) advise the child, at least 1 month before making an application for an order, of any proposal to apply for a care of parent order; and
 - (b) provide a copy of any application for a care of parent order to the child.
- (4) However, a failure to comply with subsection (3)(a) or (b) is not a ground for discharging a care of parent order.

75 Court may make care of parent order

- (1) The court may make a care of parent order if it is satisfied that—
 - (a) the person in relation to whom an application is made—
 - (i) is Niuean or a permanent resident of Niue; and
 - (ii) is living in Niue; and
 - (iii) is in need of care and support; and

Family Relationships Act 2022

- (iv) has no children willing or able to provide that care and support; and
 - (b) a care of parent order is in the best interests of the person.
- (2) Every care of parent order must include the following:
- (a) a description of the kind of care and support that the Secretary must provide under the order; and
 - (b) provisions that enable the Secretary to receive –
 - (i) a specified contribution towards the cost of providing care and support to the person; or
 - (ii) a specified proportion of the annual income (including of any pension) of the person; and
 - (c) provisions that enable the Secretary to take any steps in relation to the person's home or moveable property that are necessary or desirable to support the person's care (such as installing ramps, removing rubbish, or replacing clothing); and
 - (d) if requested by the Secretary, provisions enabling the Secretary to apply any assets of the person to pay for, or offset the cost of, particular capital expenditures that are necessary or desirable to provide care and support to the person (such as modifications to the home, or the provision of specialist medical facilities) and that are in addition to the regular costs of providing care and support.
- (3) A care of parent order does not require the Secretary to provide a level of care and support to a person that is greater than that which could reasonably be expected to be provided by the person's children if those children were providing the level of care and support ordinarily provided by children to parents in Niue.
- (4) As soon as practicable after the order is made, the Secretary must make all reasonable efforts to provide each child of a person who is subject to a care of parent order with a copy of the order.
- (5) In this section, **assets** includes –
- (a) funds held in any bank account; and
 - (b) any income to which the person is entitled; and
 - (c) the proceeds of the sale of property or produce.
- 76 Expiry, discharge, and variation of care of parent order**
- (1) A care of parent order expires when the parent to whom it applies dies or leaves Niue.
- (2) An application to discharge or vary a care of parent order may be made –
- (a) by the Secretary; or
 - (b) by any child of the person to whom it applies.
- (3) The court may discharge or vary a care of parent order if it is satisfied that, following the variation or discharge, –

Family Relationships Act

Family Relationships Act 2022

- (a) the person to whom it applies will receive a level of care and support at an equivalent standard of care to that ordinarily provided by children to parents in Niue; and
- (b) any amounts owing to the Secretary under the order have been, or will be, paid; and
- (c) the discharge or variation is in the best interests of the person to whom the order applies.

Part 4

Children in need of care and protection

77 Purposes of this Part

The purposes of this Part are –

- (a) to affirm that the best interests of a child, both in childhood and later life, are the paramount consideration in all matters relating to the care and protection of the child;
- (b) to assist parents and guardians to exercise their responsibilities to prevent children from experiencing harm, abuse, neglect, or deprivation;
- (c) to provide for the care and protection of children who have experienced harm, abuse, neglect, or deprivation;
- (d) to ensure that a child is removed from the child's home only if there is a serious risk of harm to the child;
- (e) to ensure that, if a child is removed from the child's home, the child lives, wherever practicable, in an appropriate family-like setting in which the child's links with family members and other relevant persons are maintained.

78 When child in need of care and protection

For the purposes of this Part, a child is **in need of care and protection** if--

- (a) the child is being, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, or seriously deprived; or
- (b) the child's development or physical, mental, or emotional well-being is being, or is likely to be, impaired or neglected, and that impairment or neglect is, or is likely to be, serious and avoidable; or
- (c) the child has behaved, or is behaving, in a manner that is, or is likely to be, harmful to the physical, mental, or emotional well-being of the child or to others, and the parents or guardians of the child are unable or unwilling to control the child; or
- (d) the parents or guardians of the child are unwilling or unable to care for the child; or

Family Relationships Act 2022

- (e) the parents or guardians of the child have abandoned the child; or
- (f) serious differences exist between the child and the parents or guardians of the child so that the physical, mental, or emotional well-being of the child is being seriously impaired; or
- (g) serious differences exist between a parent or guardian of the child and the other parent or guardian, so that the physical, mental, or emotional well-being of the child is being seriously impaired.

79 Duty of Secretary for child in need of care and protection

- (1) The Secretary must take positive and prompt action and steps to implement the purposes of this Part.
- (2) In carrying out the duty imposed by subsection (1), the Secretary must establish services (such as social work services, family support services, and community-based services) designed to advance the care and protection of children in the community or the home.

80 Effect of placing child in care of Department

- (1) When a child is in the care of the Department, the Secretary assumes parental responsibilities for the child (consistent with the circumstances or any order of the court).
- (2) The Secretary must ensure, for any child placed in the care of the Department, that—
 - (a) there is a suitable carer to provide day-to-day care for the child; and
 - (b) the child receives suitable and adequate care; and
 - (c) to the extent consistent with the reasons why the child is in the care of the Department, the child maintains contact with their parents and magafaoa.

81 Carers appointed by Secretary

- (1) The Secretary may appoint any suitably experienced person to be the carer of a child who is in the care of the Department.
- (2) The appointment must specify that the carer—
 - (a) must provide day-to-day care of the child in a family-like setting as far as possible; and
 - (b) may exercise the parental responsibilities specified by the Secretary; and
 - (c) must comply with any other conditions specified by the Secretary in order to ensure that the child receives adequate and appropriate care.
- (3) The Secretary may pay any carer out of funds appropriated for the purpose.

Family Relationships Act

Family Relationships Act 2022

82 Notifying Secretary that child in need of care and protection

- (1) A person who suspects that a child is in need of care and protection may notify the Department.
- (2) A police officer, a teacher at a school, a doctor, or a nurse must, as soon as practicable, notify the Department if—
 - (a) they believe on reasonable grounds that a child has experienced, or is experiencing,—
 - (i) sexual abuse; or
 - (ii) non-accidental physical injury; and
 - (b) the person's reasons for the belief arise from information obtained by the person during the course of, or because of, the person's work.
- (3) A person who notifies the Department under this section must provide—
 - (a) the child's name or description; and
 - (b) the reasons for the person's belief.
- (4) If a person referred to in subsection (2) fails, without reasonable excuse, to notify the Department as required, the person commits an offence and is liable on conviction to a fine not exceeding 50 penalty units.
- (5) The Secretary must record any notification received under this section and investigate the matter without delay.

83 Safety warrant for child in need of urgent care and protection

- (1) On application by a police officer or the Secretary, the court may issue a safety warrant for a child if satisfied that the child is urgently in need of care and protection.
- (2) The safety warrant may authorise a police officer to do any of the following:
 - (a) enter and search, by force if necessary, any residence, building, vehicle, premises, or place where it is believed the child is located;
 - (b) remove or detain the child, by force if necessary;
 - (c) deliver the child to the Secretary.
- (3) A safety warrant authorises the placement of a child who is in urgent need of care and protection in the care of the Department.
- (4) Unless subsection (5) applies, the Secretary must, within 7 days after the date on which a child is placed in the care of the Department,—
 - (a) release the child from the care of the Department, but only if satisfied that the child is no longer in need of care and protection; or
 - (b) apply to the court for a care order.
- (5) If the Secretary believes that the child has been sexually or physically abused by a parent or guardian of the child, the Secretary must apply to

Family Relationships Act 2022

the court for a care order and keep the child in the care of the Department—

- (a) until the child is brought before the court; or
 - (b) for any further period as may be directed by the court.
- (6) The Secretary may, at any time, release a child who is subject to a safety warrant if satisfied that the child is no longer in need of care and protection.

84 Search without warrant

- (1) A police officer who believes on reasonable grounds that it is critically necessary to protect a child from injury or death may, without warrant,—
- (a) enter and search, by force if necessary, any residence, building, vehicle, premises, or other place;
 - (b) remove or detain, by force if necessary, the child and place the child in the care of the Department.
- (2) A police officer who exercises any powers under subsection (1) must, on first entering the place, and if requested, at any later time,—
- (a) produce evidence of identity; and
 - (b) disclose that the powers are being exercised under this section.
- (3) The police officer must also report to the Chief of Police, in writing, on the exercise of the powers under subsection (1) and the circumstances in which they came to be exercised.
- (4) The report required under subsection (3) must be made within 3 days after the powers are exercised.

85 Other children in need of care and protection

- (1) This section applies if the Secretary is satisfied after investigation (whether following a notification under section 82 or otherwise) that there are reasonable grounds for believing a child is in need of care and protection, but that the need is not sufficiently urgent to warrant an application for a safety warrant under section 83.
- (2) If this section applies, the Secretary must—
- (a) convene a family group conference with the parents or guardians of the child, and any others recently responsible for the care of the child, for the purpose of consulting them—
 - (i) on plans for the care and protection of the child; and
 - (ii) on the development, if appropriate, of a temporary care arrangement; or
 - (b) apply to the court for a care order.

Family Relationships Act

Family Relationships Act 2022

Temporary care arrangement

86 Nature of temporary care arrangements

- (1) A **temporary care arrangement** is an arrangement under which a child is placed in the care of the Department for a period of up to 3 months.
- (2) While the child is in the care of the Department, the Secretary assumes all parental responsibilities for the child, except as otherwise agreed with the child's parents or guardians.

87 Making temporary care arrangements

- (1) A temporary care arrangement must be in writing and include the following:
 - (a) the name of—
 - (i) the child to whom it relates; and
 - (ii) the carer of the child under the arrangement; and
 - (iii) the person who most recently has had the care of the child; and
 - (iv) the names of the child's parents and guardians (if known):
 - (b) the term (not being more than 3 months) of the arrangement:
 - (c) a statement that the arrangement may be terminated by either the Secretary or the person who requested the arrangement after giving 7 days' notice in writing:
 - (d) provisions relating to the care of the child during the arrangement, including, but not limited to,—
 - (i) the educational, social, and religious needs of the child; and
 - (ii) a programme for the provision of services and assistance for the benefit of the child; and
 - (iii) the responsibilities of the parents, the guardians, or any other person:
 - (e) the time or times when specified persons may or may not have contact with the child, and any conditions (such as when, where, and for how long contact may occur) that apply to the contact.
- (2) If, at the end of the period of temporary care, no parent or guardian is able or willing to exercise parental responsibilities for the child (whether as a parent or as a guardian), the Secretary must immediately apply to the court for a care order.
- (3) If the Secretary applies for a care order for a child who is subject to a temporary care arrangement, the temporary care arrangement continues in operation until the court has determined the application for a care order, despite anything in subsection (1).

Family Relationships Act 2022

Care orders

- 88 Nature of care order**
A **care order** is an order of the court that places a child in the care of the Department until either –
- (a) the child turns 18 years; or
 - (b) the order is discharged.
- 89 Application for care order**
- (1) The Secretary may apply to the court for a care order for a child if they believe on reasonable grounds that the child is, or is likely to be, in need of care and protection.
 - (2) Before an application for a care order is heard by the court, the court must be provided with a report by the Department that contains information concerning the child and their circumstances.
 - (3) In preparing a report on a child, the Department must consult with –
 - (a) the child’s school, including individual teachers if appropriate; and
 - (b) any health professionals who are, or have been, involved in the child’s care; and
 - (c) the Police; and
 - (d) the village council of any village where the child has resided; and
 - (e) the child.
 - (4) A health professional who is asked to contribute to a report prepared for the purpose of this section is authorised and required to release any information concerning the physical or mental health of the child, but not of any other person.
 - (5) Every report under this section is subject to sections 90 and 91.
- 90 Court may make care order**
- (1) The court may make a care order if it is satisfied that –
 - (a) the child is in need of care and protection; and
 - (b) the child does not have a parent or guardian who is able, willing, and suitable to care for the child at the time the order is made and in the foreseeable future; and
 - (c) the care order is in the best interests of the child.
 - (2) A care order may specify, or authorise the Secretary to specify from time to time, –
 - (a) who is the carer of the child; and
 - (b) who may or must exercise some or all parental responsibilities for the child; and
 - (c) who may or may not have contact with the child, and any conditions attaching to that contact; and
 - (d) who else has specific responsibilities for the child.

Family Relationships Act

Family Relationships Act 2022

- (3) Unless it is not in the best interests of the child, the order must permit the child to have reasonable contact with—
 - (a) the child’s parents; and
 - (b) the child’s other family members; and
 - (c) any person who was caring for the child immediately before the child became subject to the care order.

91 Expiry, discharge, and variation of care order

- (1) A care order expires when a child turns 18 years of age.
- (2) On application by the Secretary, the child, or (with leave of the court) any other person, the court may vary a care order if satisfied that—
 - (a) it is in the best interests of the child to do so; and
 - (b) the circumstances of the child have changed and the order requires variation to safeguard or promote the child’s welfare.
- (3) On application by the Secretary, the child, or (with leave of the court) any other person, the court may discharge a care order if satisfied that—
 - (a) it is in the best interests of the child to do so; and
 - (b) the child is no longer in need of care and protection.

92 Access to reports

- (1) A copy of every report provided to the court under section 89(2) must, subject to section 93, be given by the Registrar to—
 - (a) each person entitled to appear and be heard in the proceedings to which the report relates; and
 - (b) each lawyer or other person representing—
 - (i) any person entitled to appear and be heard in the proceedings to which the report relates; and
 - (ii) the child to whom the proceedings relate; and
 - (iii) each parent and any guardian of the child; and
 - (c) the Secretary; and
 - (d) any other person who the court considers has a proper interest in receiving a copy of the report.
- (2) Every copy must, wherever possible, be supplied no later than 1 working day before the sitting of the court.

93 Court may order report not to be disclosed

Despite section 92, the court may direct that the whole or any part of a report provided under section 89(2) must not be disclosed to a person specified in the order if satisfied that such disclosure would be, or is likely to be, detrimental to the physical, mental, or emotional well-being of a child or any other person to whom the report relates.

Family Relationships Act 2022

94 Fees for reports

The Department must pay the fees and expenses of any person who provides a report under section 89(2).

**Part 5
Domestic violence**

95 Meaning of domestic relationship

A person (**person A**) is in a **domestic relationship** with another person (**person B**) if person A and person B—

- (a) are or were married to, or in a de facto relationship with, each other; or
- (b) are the parents of a child; or
- (c) are family members living in the same household; or
- (d) are or were engaged or in a courtship, or have or had an actual or perceived intimate or sexual relationship; or
- (e) share, or recently shared, the same residence; or
- (f) live in the same household and one of them is wholly or partially dependent upon ongoing care by the other; or
- (g) are a parent and adult child, or a grandparent and adult grandchild, in relation to each other.

96 Meaning of domestic violence

(1) In this Part, a person (**person A**) engages in **domestic violence** if—

- (a) they commit, or threaten to commit, physical, sexual, psychological, or economic abuse against a person with whom they are in a domestic relationship (**person B**); and
- (b) the abuse described in paragraph (a) harms, or is likely to harm, person B.

(2) For the purposes of this section, —

economic abuse occurs where person A —

- (a) behaves in an unreasonably controlling manner that denies person B financial autonomy, or prevents person B from taking part in decisions over household expenditures or the disposition of joint property; or
- (b) withholds the financial support reasonably necessary for the maintenance of person B or person B's household; or
- (c) unreasonably prevents or restricts access to employment opportunities or access to education; or
- (d) unreasonably or unilaterally disposes of, retains, or damages person B's property or property owned jointly by person A and person B

physical abuse occurs where person A —

Family Relationships Act

Family Relationships Act 2022

- (a) assaults or otherwise causes bodily pain or harm to person B; or
 - (b) puts person B's life or health in danger
- psychological abuse** occurs where person A –
- (a) threatens physical, sexual, or economic abuse or abuse of person B of a kind described in paragraphs (b) to (g):
 - (b) insults or ridicules person B:
 - (c) displays obsessive possessiveness or jealousy that amounts to a serious invasion of person B's privacy, liberty, integrity, or security:
 - (d) intimidates or harasses person B, including by –
 - (i) watching, or loitering in, or hindering access to a place where person B lives, works, studies, or happens to be; or
 - (ii) making unwarranted phone calls, or inducing another to make such phone calls, to person B, whether or not it results in a conversation; or
 - (iii) sending unwarranted texts or other electronic messages, or sending or delivering letters, faxes, parcels, or other objects to person B; or
 - (iv) sharing or disclosing any sensitive photographs of person B without their consent; or
 - (v) pursuing person B in an unwanted and unwelcome manner, whether in person or by way of direct or indirect communication (such as via social media):
 - (e) damages person B's property:
 - (f) ill-treats household pets of person B or other animals whose welfare is likely to affect person B's well-being:
 - (g) if person B is affected by age, disability, or a health condition, withdraws the care or charge of person B or hinders or removes access to any aid or device, medication, or other support that affects, or is likely to affect, person B's quality of life

sexual abuse occurs where person A commits sexual assault, or engages in any act or conduct that abuses, humiliates, degrades, or otherwise violates the sexual integrity and autonomy of person B, irrespective of the nature of the relationship between person A and person B.

97 **Special obligations of police in domestic violence cases**

- (1) Police officers must attend to incidents of domestic violence promptly.
- (2) If a police officer believes on reasonable grounds that a person has engaged, is engaging, or is about to engage, in domestic violence, the police officer may (with or without a warrant to arrest) take that person into custody.
- (3) A person who is taken into custody under subsection (2) must be released no later than 48 hours after being taken into custody unless, before that time, the person is arrested for an offence.

Family Relationships Act 2022

- (4) In dealing with any person adversely affected by domestic violence (whether directed against that person or any other person), every police officer must –
- (a) advise the person about the availability of counselling and legal services; and
 - (b) make arrangements, if necessary, to ensure that the person is kept safe; and
 - (c) obtain medical treatment, if appropriate for the person; and
 - (d) arrange for counselling for the person, where needed; and
 - (e) if the person agrees, apply for a protection order or help the person to apply for one.

Police safety orders

98 Nature of police safety order

A **police safety order** is an order issued by a police officer against a person (**person A**) in order to provide immediate short-term safety from domestic violence to another person (**person B**), where person A and person B are or were in a domestic relationship.

99 Issue of police safety order

- (1) A police officer may issue a police safety order against a respondent (**person A**) in favour of another person (**person B**) if the police officer has reasonable grounds to believe that person B is or was in a domestic relationship with person A and is at risk of domestic violence from person A.
- (2) Before issuing a police safety order, the police officer must, without limitation, consider –
- (a) the extent to which it is likely that person A has used or is engaging in domestic violence against person B; and
 - (b) the best interests of any child residing with either person A or person B; and
 - (c) the hardship that may be caused if the police safety order is issued; and
 - (d) whether the situation would be better dealt with by arresting person A.
- (3) A police safety order may be issued without the consent of person B.
- (4) Nothing in this section limits the responsibility of a police officer to investigate or take action under the Niue Act 1966 or any other enactment if there is evidence that a crime has been committed.

100 Service and notice of police safety order

- (1) A police safety order against a respondent (**person A**) –
- (a) must be served as soon as practicable on person A, and comes into force upon being served on person A; and

Family Relationships Act

Family Relationships Act 2022

- (b) remains in force until –
 - (i) the date and time specified in the order (which must not exceed 7 days after the order is issued); or
 - (ii) if no date and time are specified, until the close of the seventh day after its date of issue. (For example, if the order is issued at midday on Saturday 4 June, it remains in force until midnight on Saturday 11 June.)
- (2) When a police safety order is served on a respondent, the person serving the order must explain to the respondent –
 - (a) the purpose, duration, and effect of the order; and
 - (b) the consequences that may follow if the person fails to comply with the order.
- (3) The person in whose favour the police safety order is issued must be notified as soon as the order is served on person A and must be told of its duration and effect.
- (4) If a police safety order is issued but not served on person A within 7 days after its date of issue, the order lapses.
- (5) When a police officer issues a police safety order, they must, as soon as practicable, file a report on it to the Chief of Police and attach a copy of the police safety order.

101 Effect of police safety order

- (1) When a respondent (**person A**) is served with a police safety order, they –
 - (a) must leave any land or buildings occupied by the person in whose favour the order is made (**person B**), whether or not person A has a legal or customary interest in the land or buildings; and
 - (b) must not engage in, or threaten to engage in, any form of domestic violence against person B or any of person B's family members or people with whom person B is in a domestic relationship; and
 - (c) must comply with any additional conditions of the order, including (without limitation) an order to immediately surrender to the police any specified types of weapons in their possession or control; and
 - (d) must not make contact with person B, other than contact that is –
 - (i) authorised by a police officer; or
 - (ii) reasonably necessary in an emergency.

102 Enforcing police safety order

- (1) If a police officer believes on reasonable grounds that a respondent on whom a police safety order has been served is failing, or has failed, to comply with the order, the police officer must (with or without a warrant for arrest) take the respondent into custody.

Family Relationships Act 2022

- (2) If a person is taken into custody under subsection (1), a police officer must ensure that—
 - (a) the respondent is brought before the court; or
 - (b) the respondent is released from custody and issued with a summons requiring them to attend at court at the time specified in the summons.
- (3) If a respondent who has been released from custody and issued with a summons does not attend personally as required by the summons, the court may issue a warrant to arrest the respondent and bring them before the court.
- (4) When a respondent comes before the court under this section, the court may, if satisfied that the respondent has failed to comply with the police safety order,—
 - (a) direct that a further police safety order be issued against the respondent; or
 - (b) make a temporary protection order under section 105; or
 - (c) give any other direction the court considers appropriate.

Protection orders

103 Nature of protection order

- (1) A protection order is an order issued by the court that prohibits a respondent from engaging in any form of domestic violence against a complainant, where the respondent and the complainant are or were in a domestic relationship.
- (2) A protection order may be either a temporary protection order (*see* section 105) or a full protection order (*see* section 106).
- (3) A respondent who is subject to a protection order—
 - (a) must not engage in, or attempt or threaten to engage in, domestic violence against the complainant or any member of the complainant's family; and
 - (b) must comply with all conditions of the order.
- (4) The court may include any or all of the following as conditions of a protection order:
 - (a) prohibiting the respondent from approaching the complainant;
 - (b) prohibiting the respondent from being in or near specified premises or land, including premises where the complainant lives or works or that the complainant frequents, even if the respondent would otherwise have a right to be there;
 - (c) prohibiting the respondent from having any form of communication with the complainant, except as may be necessary to make arrangements for the welfare of their children:

Family Relationships Act

Family Relationships Act 2022

- (d) prohibiting the respondent from doing any specified act or type of act that does not promote, encourage, or facilitate harmonious family relationships:
 - (e) prohibiting the respondent from encouraging or causing another person to engage in conduct prohibited by the order:
 - (f) prohibiting the respondent from possessing any specified type of weapon:
 - (g) requiring the respondent to dispose of any specified type of weapon, either permanently or temporarily:
 - (h) prohibiting the respondent from damaging or taking any property of the complainant:
 - (i) requiring the respondent to return any specified personal property to the complainant, or to allow the complainant to recover, have access to, or make use of any specified personal property:
 - (j) granting the complainant exclusive occupancy of a residence or specified part of a residence, whether or not the residence is solely owned or leased by the respondent:
 - (k) requiring the respondent to undertake counselling.
- (5) The court may specify that some or all the conditions of the order apply also for the benefit of any family member of the complainant, but only if—
- (a) in the case of a temporary protection order, the family member is at risk of personal injury; or
 - (b) in the case of a full protection order, the complainant has engaged in, or is likely to engage in, domestic violence against the family member.

104 Applying for temporary or full protection order

- (1) An application for a protection order may be made by—
- (a) the complainant; or
 - (b) any of the following persons, if the complainant gives written or oral consent to the application:
 - (i) a friend or family member of the complainant;
 - (ii) a lawyer;
 - (iii) a police officer; or
 - (c) any other person, if the person has reason to believe that domestic violence is being committed against the complainant, but the complainant is unable or unwilling to give consent to an application because the complainant is—
 - (i) a child; or
 - (ii) mentally incapacitated; or
 - (iii) unconscious; or
 - (iv) regularly under the influence of alcohol or drugs; or

Family Relationships Act 2022

- (v) at risk of serious physical harm from the other person with whom they are or were in a domestic relationship with; or
 - (vi) illiterate or otherwise unable to provide written consent to an application.
- (2) An application for a temporary or full protection order may be made in writing, or orally, and by any medium (for example, by formal application form, or any form of informal writing, including email and text, or by phone or in person).
 - (3) If an application is made orally, the court must reduce the application to writing as soon as practicable.
 - (4) If an application for an order is made in any form of informal writing, the court may require the person making the application to provide evidence of their identity that is acceptable to the court.
 - (5) An application for a temporary protection order must be determined on the day the application is filed, unless there are exceptional circumstances.

105 Court may make temporary protection order

- (1) The court may make a temporary protection order, without giving notice to the respondent, if satisfied that—
 - (a) the complainant and the respondent are or were in a domestic relationship with each other; and
 - (b) the complainant, or any child of the complainant who lives with the complainant, is in danger of personal injury from the respondent.
- (2) The court may, on its own initiative, make a temporary protection order in favour of a complainant if, in the course of any criminal or family proceedings before it, it considers that the health, safety, or well-being of the complainant requires it.
- (3) Before the expiry of a temporary protection order, the court may set down a hearing for the making of a full protection order—
 - (a) on application by the complainant, or any other person with the written consent of the complainant; or
 - (b) on its own initiative.

106 Court may make full protection order

- (1) The court may make a full protection order on—
 - (a) an application made under section 104; or
 - (b) its own initiative in the course of proceedings relating to the complainant and the respondent.
- (2) The court may make a full protection order only if satisfied that—
 - (a) the complainant and the respondent are or were in a domestic relationship; and

Family Relationships Act

Family Relationships Act 2022

- (b) the respondent has engaged in, or is engaging in, domestic violence against the complainant; and
- (c) the complainant has reasonable grounds to fear—
 - (i) that the respondent will commit domestic violence against them; or
 - (ii) that the respondent, or any child of the complainant who lives with the complainant, will suffer harm from the respondent if a protection order is not issued.
- (3) In considering whether to make a full protection order, or the conditions to be imposed by a full protection order, the court must consider—
 - (a) the need to ensure that the complainant and their family members are protected from domestic violence by the respondent; and
 - (b) the well-being and accommodation needs of the complainant and other family members who normally live with the complainant; and
 - (c) whether the domestic violence by the respondent is part of a pattern of behaviour or is likely to be temporary; and
 - (d) the effect of the respondent's behaviour on, in particular, any children who normally live with the complainant; and
 - (e) any other matter the court considers relevant.
- (4) A full protection order may be issued only following a hearing, and where the respondent has had notice of the hearing.
- (5) The court must not refuse to make a protection order merely because of the existence of other legal proceedings involving the respondent and the complainant.

107 Duration of protection order

- (1) A protection order comes into force at the time it is made.
- (2) A temporary protection order lasts for the period specified in the order, which can be no longer than 30 days, and may be renewed once only (on the application of the complainant), for a further period of up to 30 days, without the need for a hearing or for notice to be given to the respondent.
- (3) A full protection order lasts until, or for as long as, the court specifies, but if no time is specified, it lasts for 1 year.

108 Service of protection order

- (1) A protection order must be served personally on the respondent and on the complainant, and the date and time of service must be reported to the Registrar of the court.
- (2) A copy of every protection order must be forwarded to the Chief of Police.
- (3) When making a protection order, the court must explain to any party present—
 - (a) the purpose, terms, and effect of the order; and

Family Relationships Act 2022

- (b) the consequences of failing to comply with the order; and
- (c) how the order can be varied or revoked.

109 Variation or revocation of temporary or full protection order

- (1) A court may vary or revoke a temporary or a full protection order –
 - (a) on an application by the respondent, the complainant, or any other person affected by the order; or
 - (b) on the court's own initiative, during the course of any proceedings that affect both the respondent and the complainant.
- (2) The court must not vary or revoke a protection order unless each party to the order has been served with the application to vary or revoke the order (unless the variation or revocation is done on the court's own initiative).
- (3) The court may vary a protection order by –
 - (a) varying the conditions of the order; or
 - (b) varying the duration of the order.
- (4) When a protection order is varied or revoked, the court must –
 - (a) ensure that a copy of the variation or revocation is served personally on the complainant and the respondent; and
 - (b) send a copy of the variation or revocation to the Chief of Police.

110 Enforcement of protection order or registered foreign protection order

- (1) A police officer may, without a warrant, arrest a person if the police officer is satisfied that the person –
 - (a) is the respondent named in a protection order or registered foreign protection order; and
 - (b) is failing, or has failed, to comply with any condition of the order.
- (2) The respondent named in a protection order or registered foreign protection order commits an offence if they fail to comply with any condition of the order.
- (3) A person convicted on an offence under this section is liable, –
 - (a) on a first conviction under this section, to a term of imprisonment not exceeding 12 months or to a fine not exceeding 15 penalty units, or both; or
 - (b) on a second or subsequent conviction under this section (whether or not relating to the same protection order), to a term of imprisonment not exceeding 3 years or a fine not exceeding 20 penalty units, or both.
- (4) Payment by a respondent of compensation under section 112, or of any form of reparation, is not a defence to a charge under this section.
- (5) In this section, **registered foreign protection order** means an order registered under section 111.

Family Relationships Act

Family Relationships Act 2022

111 Registration of foreign protection orders

- (1) The Registrar of the court must register in the court a foreign protection order if the Registrar receives, for the purposes of registration,—
 - (a) a certified copy of the order; and
 - (b) a certificate that—
 - (i) is signed by an officer of a court in the country in which the order was made; and
 - (ii) contains a statement that the order is, at the date of the certificate, enforceable in the country in which it was made.
- (2) The registration is done by filing in the court a certified copy of the order.
- (3) A person who holds a foreign protection order and is intending to be in Niue for less than 1 month may, instead of registering the order in court, file a copy of the order with the Chief of Police, and the order is then to be treated as a registered foreign protection order.
- (4) An order filed with the Chief of Police under this section ceases to be treated as a registered foreign protection order on the earlier of—
 - (a) the day after the person leaves Niue; or
 - (b) the day that is 1 month after the order is filed with the Chief of Police.
- (5) In this section, **foreign protection order**—
 - (a) means an order made by an overseas court of competent jurisdiction, being—
 - (i) an order to protect a person from behaviour by the person against whom the order is made where, if the behaviour occurred in Niue, it would be behaviour for which a protection order could be made under this Act; or
 - (ii) an order that varies, discharges, or is made in substitution for such an order; but
 - (b) does not include—
 - (i) an order made without notice; or
 - (ii) an interim order.

112 Compensation for injuries and losses and for expenses

- (1) The court may order a respondent named in a protection order to pay the complainant under the order compensation for injuries and losses incurred as a result of acts of domestic violence committed by the respondent.
- (2) Injuries and losses able to be compensated under subsection (1) include, but are not limited to,—
 - (a) pain and suffering;
 - (b) physical and mental injury;
 - (c) the cost of any medical treatment incurred by the complainant;

Family Relationships Act 2022

- (d) any loss of earnings suffered by the complainant;
 - (e) the value of any property of the complainant that was removed, damaged, destroyed, or disposed of;
 - (f) injuries and losses sustained before or after the protection order is made.
- (3) The court may order a respondent to pay compensation to a complainant for expenses that have been incurred, or will be incurred, by the complainant in establishing a separate household.
- (4) Expenses able to be compensated under subsection (3) include, but are not limited to, the following:
- (a) reasonable accommodation expenses;
 - (b) reasonable moving expenses;
 - (c) any other expenses reasonably associated with establishing a separate household.

Procedures under this Part

113 Application for full protection order

- (1) If an application is made for a full protection order, the court must—
- (a) issue a warrant for the arrest of the respondent, if satisfied that the safety of the complainant is at risk; or
 - (b) issue a summons directing the respondent to attend at the court at the time and place specified.
- (2) Two copies of the warrant or summons must be given to the Chief of Police, who must immediately arrange for the warrant to be executed or the summons to be personally served on the respondent.
- (3) The hearing for a full protection order may proceed in the absence of the respondent as long as the court is satisfied that—
- (a) the respondent was served with a summons to appear at the hearing; or
 - (b) the respondent was released on bail and a condition of bail was that they must appear at the hearing; or
 - (c) all reasonable efforts have been made to give notice to the respondent of the time and place of the hearing.

114 Hearings for protection order

- (1) Any hearing for a protection order must not be open to the public.
- (2) The complainant at a hearing for a protection order is entitled to have a person with them throughout the proceedings to provide support and other assistance.
- (3) In proceedings for a protection order, the court must decide questions of fact on the balance of probabilities.

Family Relationships Act

Family Relationships Act 2022

115 **Withdrawal of complaint**

If, before the hearing of an application for a protection order, the complainant applies to withdraw the application, the court must, before granting or dismissing that application, —

- (a) investigate the reasons for the withdrawal; and
- (b) give any directions necessary to ensure the safety and well-being of the complainant and any of their family members.

116 **Publication of proceedings**

The court may order, on application by any party or on its own motion, that all or specified details relating to a proceeding under this Part must not be published.

117 **No application fees payable**

- (1) No fees or charges are payable by any person for making an application for a protection order or police safety order.
- (2) The court must not award costs in proceedings for a protection order, unless satisfied that the proceedings are based on a frivolous or vexatious claim.

Offence

118 **Assault on person in domestic relationship**

- (1) Everyone is liable to imprisonment for a term not exceeding 2 years who—
 - (a) assaults another person; and
 - (b) is, or has been, in a domestic relationship with that other person.
- (2) In subsection (1), **domestic relationship** has the same meaning as in section 95.

Part 6

Miscellaneous provisions

119 **Jurisdiction of court**

The Civil Division of the court has jurisdiction in all proceedings under this Act, other than criminal proceedings.

120 **Evidence generally**

In proceedings under this Act (other than criminal proceedings), the court may receive any evidence that the court regards as suitable, whether or not the evidence is otherwise admissible in court.

121 **Appeals**

- (1) An appeal may be made within the prescribed period from any order or decision of the court under this Act, other than from —
 - (a) a divorce order; or

Family Relationships Act 2022

- (b) an adoption order.
- (2) Except on an appeal on a point of law, the Court of Appeal may rehear the whole or any part of the evidence, or may receive further evidence, if it thinks that the interests of justice require it.
- (3) Except as provided in Article 55 of the Constitution, the decision of the Court of Appeal is final in every case.

122 Court must appoint representative for child

- (1) If a child who is the subject of, or a party to, proceedings under this Act is not of an age or maturity to understand the proceedings or, for any other reason, is unable to express their views, the court must—
 - (a) appoint a representative for that child; and
 - (b) ensure that the representative makes submissions to the court regarding the best interests of the child.
- (2) If the court appoints a lawyer to act for a child, the Secretary must pay the cost.
- (3) If the court appoints any other person as a representative for the child, the court may require the Secretary to pay or contribute to any associated costs.

123 Evidence of child

- (1) In any proceedings under this Act relating to a child, the court may hear any evidence in any way it thinks fit including, without limitation, doing 1 or more of the following:
 - (a) requiring a person to withdraw from the court while the child gives evidence;
 - (b) requiring that cross-examination be conducted by video link with a screen;
 - (c) excusing the child from cross-examination if the child is not of an age or maturity to understand the proceedings;
 - (d) conferring in private with the child in the presence of the child's representative;
 - (e) receiving the evidence of the child by written or recorded statement.
- (2) The manner in which a child gives evidence in proceedings under this Act must minimise any trauma or negative consequences that may occur to the child as a result of giving that evidence.

124 Court may conduct hearings in private

The court may hear any proceedings under this Act in private, and may exclude any person from the court.

Family Relationships Act

Family Relationships Act 2022

125 Content and explanation of court orders

- (1) If any affected party is present when the court makes an order, the Registrar must explain the nature and effect of the order, and of non-compliance with the order, by telling the party about the order.
- (2) Every order made under this Act must contain an explanation, based on the terms of the particular order made, of—
 - (a) the effect of the order (for example, who must do what); and
 - (b) how the order can be varied or discharged; and
 - (c) when it will expire (if applicable); and
 - (d) the consequences that may follow if the order is breached.
- (3) Any lawyer acting for, or person representing, a party to an application for an order must explain the effect of the order to the person making the application or receiving notice of it.
- (4) The explanations required by subsections (1) to (3) must be given in a manner and in a language that the person receiving the explanation can understand.
- (5) A lawyer acting for, or person representing, a child, must take all reasonable steps to ensure that the effect of any order relating to the child is explained to the child to an extent, and in an age-appropriate manner, and in language that the child understands.
- (6) A failure to comply with the requirements of this section does not affect the validity of any order concerned.

126 Regulations

- (1) Cabinet may, on the recommendation of the Minister, make regulations for any of the following purposes:
 - (a) prescribing forms to be used for the purposes of this Act;
 - (b) regulating the way in which marriages are solemnised;
 - (c) prescribing matters for which fees are payable under this Act, and the amount of, or method of calculating, those fees;
 - (d) prescribing procedures, including time frames, for proceedings under this Act;
 - (e) prescribing the amount, or a method of calculating the amount, to be paid to carers appointed by the Secretary to provide day-to-day care of a child;
 - (f) providing for exemptions from, or a reduction in, fees or charges payable under the regulations allowing the Secretary or the Registrar of the court to exercise their discretion in exempting or reducing fees and charges payable;
 - (g) allowing the Secretary or the Registrar of the court to reduce fees and charges payable under the regulations, in accordance with any prescribed criteria:

Family Relationships Act 2022

- (h) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.
- (2) Any fees prescribed under this Act--
 - (a) are not limited by reference to the amount of administrative or other costs incurred, or likely to be incurred, in relation to the application or service to which the fees relate; and
 - (b) may differ according to whether the person required to pay the fee is Niuean or not Niuean, or on the basis of any other specified matter.

127 Transitional provisions

- (1) This section applies to any orders lawfully made before this Act comes into force under enactments repealed by this Act.
- (2) Any orders to which this section applies continue in force, and may be amended or discharged,--
 - (a) as if this Act were not in force; and
 - (b) as if the enactments under which they were made had not been repealed.
- (3) A person who, immediately before the commencement of this Act, was a marriage celebrant continues to be a marriage celebrant, and section 15 does not apply to that person.
- (4) Any marriage that was lawfully solemnised before the commencement of this Act continues to be a valid marriage for the purposes of this Act, even if the parties could not have lawfully married under this Act (for example, because a party was under the age of 18 years).

128 Repeals

- (1) Section 162(4) of the Niue Act (which provides a marital defence to rape) is repealed (*see* section 35(4) of the Criminal Code 2007).
- (2) Sections 16, 17 and 18 of the General laws Act 1968 (which are offences injurious to public morality) are repealed (*see* sections 48,49 and 50 of the Criminal Code 2007)
- (3) The enactments listed in Schedule 2 are repealed.

Family Relationships Act

Family Relationships Act 2022

Schedule 1 Forbidden marriages

s 7

- 1 A person may not marry the person's—
 - (a) grandparent:
 - (b) grandparent's spouse:
 - (c) parent:
 - (d) parent's spouse:
 - (e) parent's sibling:
 - (f) a child of a parent's sibling:
 - (g) child:
 - (h) child's spouse:
 - (i) grandchild:
 - (j) grandchild's spouse:
 - (k) sibling:
 - (l) sibling's child:
 - (m) spouse's parent:
 - (n) spouse's grandparent:
 - (o) spouse's child:
 - (p) spouse's grandchild.
- 2 The prohibited degrees of marriage apply whether the relationships described are by the whole blood or by the half blood.
- 3 In this schedule, **spouse** includes a former spouse, whether alive or deceased, and whether the marriage was terminated by death or divorce or otherwise.

Family Relationships Act 2022

Schedule 2
Repealed enactments

s 128

Adoption Act 1955 (*see* sections 35 and 37 of Family Law Code 2007)

Guardianship Act 1968 (*see* sections 38 to 68 of Family Law Code 2007)

Niue Act 1966, section 69, Parts 21 to 23 (*see* sections 1 to 13, 15 to 26, 69, and 87 to 116 of Family Law Code 2007)

Niue Amendment Act (No 2) 1968, Part 8 (*see* sections 29 to 34, and 36 of Family Law Code 2007)

Property Law Act 1952, section 133 (*see* section 14 of Family Law Code 2007)

Marriage Regulations 1970

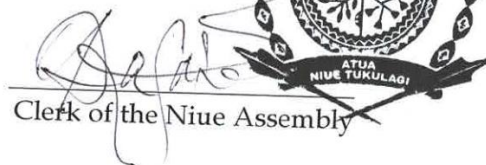
I, Hima Douglas, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 28th day of Nov 2022.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker



The Public Seal of Niue is circular with a crown at the top. The outer ring contains the text 'PUBLIC SEAL OF NIUE'. The inner circle features a central emblem with a palm tree and other symbols. Below the seal, the text 'ATUA NIUE TURULAGI' is written. A handwritten signature is written over the seal.

Clerk of the Niue Assembly

This Act is administered by the Department of Justice, Lands, and Community Services.

This Act was passed by the Niue Assembly on the 23rd day of November 2022.



PENSIONS AND BENEFITS AMENDMENT ACT 2022

No. 367

Contents

1	Title	1
2	Commencement	1
3	Principal Act amended	1
4	Section 2 amended (Interpretation)	1
5	Section 3 replaced (Entitlement to a pension)	2
6	New section 20 inserted (Transitional provisions (Pensions and Benefits Amendment Act 2022))	3

An Act to amend the Pension and Benefits Act 1991 to—

- (a) **change the requirements for a person to be eligible for a pension; and**
- (b) **expand eligibility for pensioners who are overseas on a medical referral or undertaking a diplomatic posting or other services for the Niue Government.**

The Assembly enacts as follows—

- 1 Title**
This Act is the Pensions and Benefits Amendment Act 2022.
- 2 Commencement**
This Act comes into force on the day after the date on which it becomes law in accordance with Article 34 of the Constitution.
- 3 Principal Act amended**
This Act amends the Pensions and Benefits Act 1991.
- 4 Section 2 amended (Interpretation)**
 - (1) In section 2, replace the definition of Director with:

PENSIONS AND BENEFITS AMENDMENT ACT 2022

“Director means the Secretary of Justice;”

- (2) In section 2, insert in its appropriate alphabetical order:
“ordinarily resident, in relation to a person, means that Niue is their permanent home”
- (3) In section 2, repeal the definition of **“permanent resident”**.

5 Section 3 replaced (Entitlement to a pension)

Replace section 3 with:

“3 General entitlement to pension

“(1) A person is, on application to the Director and subject to this Act, entitled to a pension if the person—

“(a) is 60 years of age or over; and

“(b) is Niuean, or is a permanent resident, and is present in Niue; and

“(c) has been ordinarily resident in Niue for a continuous period of at least 3 years at any time after turning 20 years of age; and

“(d) has been ordinarily resident in Niue for a continuous period of at least 6 months immediately before applying for the pension.

“(2) To avoid doubt, an applicant’s period of ordinary residence under subsection (1)(c) or (d) must be treated as continuous despite the applicant’s absence from Niue if the absence was for the purpose of any of the following:

“(a) undergoing medical or surgical treatment for a period not exceeding 6 months;

“(b) undertaking a course of education or training;

“(c) being posted as a diplomat to a foreign country or otherwise undertaking services for the Government of Niue.

“(3) A pension must cease to be paid immediately after the person receiving the pension dies.

“(4) A person is entitled to 1 pension, funded either locally or from overseas, but not both.

“(5) Subsection (1) is subject to section 3A.

“3A Entitlement to pension when absent from Niue

“(1) A person who receives a pension and is absent from Niue for a period not exceeding 3 months is entitled to receive the pension for the period of their absence.

“(2) A person who receives a pension and is absent from Niue for a period exceeding 3 months—

“(a) ceases to be entitled to receive the pension; but

“(b) may re-apply for, and receive, the pension on returning to live in Niue despite not complying with section 3(1)(d).

“(3) Subsection (2) is subject to the following exceptions:

Pensions and Benefits Amendment Act 2022

PENSIONS AND BENEFITS AMENDMENT ACT 2022

- “(a) if the absence is for the purpose of undergoing medical or surgical treatment, the person is entitled to receive the pension during the absence, for up to a maximum of 6 months:
- “(b) if the absence is for the purpose of being posted as a diplomat to a foreign country or otherwise undertaking services for the Government of Niue.


6 New section 20 inserted (Transitional provisions (Pensions and Benefits Amendment Act 2022))

After section 19, insert:


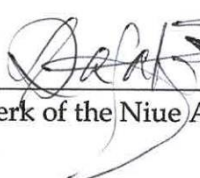
- “20 **Transitional provisions (Pensions and Benefits Amendment Act 2022)**
- “(1) An application for a pension that is received, but not determined, before the commencement of the Pensions and Benefits Amendment Act 2022 must be determined as if that Act had not been enacted.
- “(2) The Pensions and Benefits Amendment Act 2022 applies to all pensions and all persons receiving a pension whether the pension began before or after the commencement of that Act.

I, Hina Douglas, 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 28th day of Nov 2022.


Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker



Clerk of the Niue Assembly

This Act is administered by the Department of Justice, Lands and Community Services.

This Act was passed by the Niue Assembly on the 23rd day of November 2022.



IMMIGRATION (HEALTH EMERGENCIES) AMENDMENT ACT 2022

No. 368

Contents

1	Title	1
2	Commencement	1
3	Principal Act amended	1
4	Section 42B amended (when this Part is in effect)	1

An Act to extend the expiration date of section 42B of the Immigration Act 2011; and

The Niue Assembly enacts as follows —

1. Title

This Act is the Immigration (Health Emergencies) Amendment Act 2022.

2. Commencement

Comes into force on the 01 January 2023 on which this Act becomes law in accordance with Article 34 of the Constitution.

3. Principal Act amended.

This Act amends the Immigration Act 2011.

4. Section 42B amended (when this Part is in effect)

Section 42B is amended by deleting “31 December 2022” and by adding the following date “30 June 2023”.

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

IMMIGRATION (HEALTH EMERGENCIES) AMENDMENT ACT 2022

SIGNED AND SEALED at the Assembly Chambers this ___ day of January 2023.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker.

Clerk of the Niue Assembly

This Act is administered by the Immigration Office.
This Act was passed by the Niue Assembly on the 27 day of December 2022.





PUBLIC REVENUES (WRITE OFFS) ACT 2022

No. 369

Contents

1	Title	1
2	Commencement	1
3	Interpretation	1
4	Purpose	2
5	Act binds the Government	2
6	Losses in respect of write-offs of debts owing to the Government	2
7	Losses in respect of write-offs in the value of the Government's investments in specified entities	2

Schedule 1

Write-off of debts owing to the Government

Schedule 2

Write-offs in the value of the Government's investments in specified entities

An Act to make provision for the approval of the writing-off of losses in respect of certain debts owing to the Government and losses in respect of write-offs in the value of the Government's investments in specified entities.

The Assembly enacts as follows –

- Title**
This Act is the Public Revenues (Write Offs) Act 2022.
- Commencement**
The Act comes into force on the day after the date on which this Act becomes law in accordance with Article 34 of the Constitution.
- Interpretation**
In this Act, unless the context otherwise requires –

PUBLIC REVENUES (WRITE OFFS) ACT 2022

annual accounts, multi-year accounts, and specified entities have the same meaning as in the Public Revenues Act 1959.

4 Purpose

The purpose of this Act is to approve the writing-off of losses in relation to certain debts owing to the Government and losses in respect of write-offs in the value of the Government's investments in specified entities.

5 Act binds the Government.

This Act binds the Government.

6 Losses in respect of write-offs of debts owing to the Government.

The Assembly approves debts of the aggregate amount owing to the Government set out in Schedule 1 being treated as irrecoverable, and as such losses to be finally written off, for the purposes of the annual accounts and multi-year accounts of the Government in respect of or within the period beginning on 1 July 2016 and ending at the close of 30 June 2021

7 Losses in respect of write-offs in the value of the Government's investments in specified entities

The Assembly approves losses on account of write-offs in the value of the Government's investments in the specified entities and of the aggregate amounts set out in Schedule 2 to be finally written off for the purposes of the annual accounts and multi-year accounts of the Government and each specified entity in respect of or within the period beginning on 1 July 2016 and ending at the close of 30 June 2021

**Schedule 1
Write-off of debts owing to the Government**

Debts owing to the Government	Amount
in relation to Niue Power	\$509,102
in relation to Bulk Fuel	\$507,368
in relation to income tax	\$137,265
miscellaneous and travel debts	\$89,513
Total	\$1,243,248

Schedule 2
Write-offs in the value of the Government's investments in specified entities

Specified entity	Amount
Broadcasting Corporation of Niue	\$344,552
Niue Philatelic and Numismatic Corporation	\$3,550,348
Telecom Niue Limited	\$2,168,044
Total	\$6,062,944

I, Hana Douglas, 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 30th day of January 2023.



Hana Douglas
Speaker of the Niue Assembly

COUNTERSIGNED by [Signature] the Speaker.

[Signature]
Clerk of the Niue Assembly

This Act is administered by the Department of Finance and Planning.
This Act was passed by the Niue Assembly on the 27 day of December 2022.



APPROPRIATION (ANNUAL) ACT 2023

No. 370

An Act to appropriate certain sums of money out of the Niue Government account to the services for the year ending 30 June 2024 and to authorise the appropriation of the supplies required in that year.

The Assembly enacts as follows—

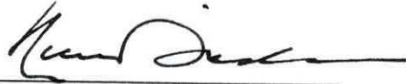
- 1 Title**
This is the Appropriation (Annual) Act 2023.
- 2 Commencement**
 - (1) This Act shall relate to the financial year commencing on the 01 July 2023 and ending on the 30 day of June 2024 (hereinafter referred to as “the financial year”).
 - (2) This Act comes into force on the day after the date on which it becomes law in accordance with Article 34 of the Constitution.
- 3 Grant and Appropriation of Expenditure**

There may be issued and supplied from the Niue Government Account towards making good the supplies required and granted for the services to be provided within the financial year:

 - (a) for Recurrent Operational Expenditure, Capital Projects and Investment and Development Projects a sum of which does not exceed \$45,601,000 in total; and
 - (b) for development partner, Investment and Development projects a sum which does not exceed \$8,308,000 in total
the particulars of which are set out under the relevant headings in the Schedules hereto.

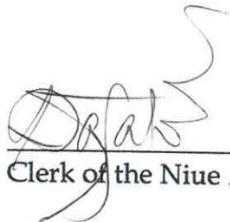
I, **HIMA DOUGLAS**, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 28th day of June 2023.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker



Clerk of the Niue Assembly



This Act is administered by the Department of Finance and Planning.
This Act was passed by the Niue Assembly on the 28th day of June 2023.



**FAKATUFONO TOHI FATIFATIAGA TUPE (TAU TAHA)
2023**

Numela 370

Ko e Fakatufono Tohi ke taute e fatifatiaga he falu he tau tupe mai he Fakaputuaga Tupe he Fakatufono Niue ke lata ia mo e tau fakatokatokaaga gahua he Fakatufono ma e tau ne fakaoti mai he Aho 30 ia Iuni 2024 ke fakatokatoka mo e vehevehe e tau koloa ke lata mo e Tau ia.

Kua taute fakamatafakatufono ai he Fono Ekepule e tau matakupu nā i lalo -

1 Higoa

Ko e Fakatufono Fatifatiaga Tupe (Tau Taha) 2023

2 Kamataaga

- (a) Ko e Fakatufono Tohi nai to matutaki ni ke he tau fakagahua fatifatiaga tupe ne kamata ai e aho 1 ia Iulai 2023 mo e fakaoti mai he Aho 30 ia Iuni 2024 (ne kua fakahigoa ko e "tau fakagahua fakafatifatiaga tupe")
- (e) Ke fakagahua ai e Fakatufono Tohi nai he Aho ka mole atu e Aho ka fakamooli ai ko e matafakatufono tuga ne tohia ai ke he Matakupu 34 he Tohi Fakavē ha Niue.

3 Tupe Foaki mo e Fatifatiaga he Tau Tupe Fakamole

To taaki mai e tau tupe mo e tau koloa gahua mai he Potaaga Tupe he Fono Ekepule hagao atu ke fakamitaki aki e tau puhala gahua kua foaki ke lata mo e tau fakatokatokaaga he tau fakagahua ma e fakafatifatiaga tupe nei:

- (a) Ke lata ia mo e Tau tupe Fakamole he Fatifatiaga Tupe Fakagahua, Tau Matapatu Gahua Lalahi mo e tau Tupe Fakahū mo Moua Tupe mo e tau Tupe ke Lata mo e Tau Matagahua

- Fakalaulahi ke he katoatoa he tau tupe ke nakai mole ki mua e katoa ko e **\$45,601,000** mo e
- (e) Ke lata ia mo e Fakahoaaga he tau Tupe Fakahū mo Moua Tupe mo e falu a tau Matapatu Gahua Fakalaulahi, e tau tupe ke nakai molea e **\$8,308,000** he katoa.

Ko e tau folafolaaga ke he tau tupe nai kua fakakite fakamahino i lalo hifo he tau mataulu fakamaamaaga i loto he Fakamauga ke he Fakatufono Tohi nai.

Ko au, **HIMA DOUGLAS**, ko e Fakatonu Fono he Fono Ekepule ha Niue, kua fakamooli kua muitua ke he tau fakavēaga he Matakupu 34 he Tohi Fakavē ha Niue.

FAKAMOOLI MO E FAKAMAU he poko Fono Ekepule he Aho 28 ia Iuni 2023



A handwritten signature in black ink, appearing to read 'Hima Douglas', written over a horizontal line.

Fakatonu Fono he Fono Ekepule

FAKAMOOLI FOKI ki mua he Fakatonu Fono

A handwritten signature in black ink, appearing to read 'Tohi Kupu', written over a horizontal line.

Tohi Kupu he Fono Ekepule

Ko e Faahi Gahua Tanaki Tupe ke fakagahua e Fakatufono Tohi nai.
Kua fakamooli he Fono Ekepule ha Niue e Fakatufono Tohi nai he Aho 28 he mahina ha Iuni 2023

Table 1. SCHEDULE A: Government of Niue Budget Summary for FY 2023-2024

SCHEDULE A: Summary Totals	2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
Total Niue Recurrent Revenue	28,735	27,486	26,770	25,012	28,819	24,609	29,796	31,250	32,515	
Total Niue Recurrent Expenditure	28,173	26,993	31,082	27,600	32,612	26,714	39,694	28,642	40,351	
Total Niue Funded Capital Expenditure	100	106	100	40	100	201	100	212	100	
Niue Funded Investment & Development Expenditure	462	67	1,322	565	800	841	5,150	602	800	
NZ AID Funded Investment & Development Revenue	0	0	0	0	0	0	5,150	0	4,350	
NZ AID Funded Investment & Development Expenditure	7,000	0	8,000	0	0	0	0	5,333	4,350	
Total Recurrent Operational, Capital Project, Investment & Development Appropriated Expenditure	35,735	27,165	40,504	28,205	33,512	27,756	44,944	34,789	45,601	
Niue Budget Surplus/Deficit	-7,000	321	-13,734	-3,193	-4,693	-3,148	-9,998	-3,539	-8,736	
Donor Investment & Development Revenue	27,595	9,421	31,608	11,979	37,392	14,093	7,308	5,147	8,308	
Donor Investment & Development Expenditure	20,595	16,932	23,608	16,771	37,392	14,463	7,308	5,692	8,308	
Total Estimated Revenue	56,330	36,907	58,378	36,991	66,211	38,701	42,254	36,397	45,173	
Total Appropriated Expenditure	56,330	44,097	64,112	44,977	70,904	42,219	52,252	40,481	53,909	
Surplus / Deficit	0	-7,190	-5,734	-7,986	-4,693	-3,518	-9,998	-4,084	-8,736	

Table 2. SCHEDULE B (Part 1 of 6): Government of Niue MINISTRY EXPENDITURES Budget Summary for FY 2023-2024

SCHEDULE B (Part 1 of 6): Ministry Expenditures	2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
CENTRAL AGENCIES										
Office of the Premier & Cabinet Services	1,171,000	955,642	944,000	531,292	1,164,900	813,455	1,454,368	1,116,875	1,496,128	
Niue Assembly	1,033,000	763,655	889,000	924,121	950,000	776,400	1,103,104	779,808	1,119,604	
Office of the Secretary of Government	755,000	705,558	862,000	694,255	1,048,500	772,121	1,092,500	804,300	1,296,100	
Project Management Coordination Unit	347,000	225,654	349,650	182,346	344,000	250,386	371,100	223,901	405,900	
Crown Law	450,000	394,353	408,000	208,458	419,780	252,502	474,315	216,450	412,401	
Niue Public Service Commission & Secretariat	1,378,000	1,188,070	1,325,000	1,456,543	1,544,400	1,403,375	1,644,700	1,250,482	1,644,100	
Police	720,000	527,790	649,700	608,731	752,287	563,237	820,534	435,484	799,200	
Sub Total: Central Agencies	5,854,000	4,760,722	5,427,350	4,605,745	6,223,867	4,831,476	6,960,621	4,827,300	7,173,433	
MINISTRY OF FINANCE										
Corporate & Treasury	917,000	616,362	1,210,500	1,263,525	1,326,700	464,144	1,443,980	501,224	1,349,937	
Tax & Customs	462,000	401,625	388,000	406,927	446,734	372,601	709,000	393,659	758,248	
Economic Development, Trade & Investment, Immigration, Statistics	240,000	242,080	235,500	227,481	273,100	223,916	1,129,838	283,865	1,118,838	
Sub Total: Ministry of Finance	1,619,000	1,260,067	1,834,000	1,897,933	2,046,534	1,060,661	3,282,818	1,178,748	3,227,023	

Table 3. SCHEDULE B (Part 2 of 6): Government of Niue MINISTRY EXPENDITURES Budget Summary for FY 2023-2024

SCHEDULE B (Part 2 of 6): Ministry Expenditures	2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
MINISTRY OF SOCIAL SERVICES										
Education Department	3,052,000	2,971,234	3,179,600	3,109,822	3,285,540	2,829,567	3,813,414	2,795,293	3,751,754	
Health Department	2,639,000	2,757,704	2,755,000	2,950,103	3,216,456	2,720,192	3,511,120	2,808,016	3,515,128	
Justice Department (Incl. Community Affairs)	4,402,000	4,401,854	5,288,860	4,379,249	5,465,293	4,038,473	5,905,333	4,282,402	5,301,240	
Taoga Niue	384,000	250,415	343,500	280,232	377,000	279,166	377,000	267,029	433,000	
Sub Total: Ministry of Social Services	10,477,000	10,381,207	11,566,960	10,719,405	12,344,280	9,867,398	13,606,860	10,152,740	13,001,122	
MINISTRY OF NATURAL RESOURCES										
Agriculture, Fisheries & Forestry	1,028,000	824,085	958,500	863,639	965,110	828,167	1,148,792	872,162	1,130,418	
Environment Department	395,000	341,573	322,000	358,539	304,500	313,558	555,030	316,290	437,358	
Met Office	231,000	234,335	249,000	200,638	251,868	176,403	251,868	204,795	130,760	
Sub Total: Ministry of Natural Resources	1,654,000	1,399,993	1,529,500	1,422,816	1,521,478	1,318,128	1,955,690	1,393,247	1,698,536	

Table 4. SCHEDULE B (Part 3 of 6): Government of Niue MINISTRY EXPENDITURES Budget Summary for FY 2023-2024

SCHEDULE B (Part 3 of 6): Ministry Expenditures	2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
MINISTRY OF INFRASTRUCTURE										
Utilities	1,008,000	742,212	828,000	934,387	924,440	698,277	1,233,165	766,570	1,118,600	
Transport	1,496,000	1,394,733	1,584,000	1,256,553	1,924,500	1,309,808	2,371,250	1,487,069	2,257,010	
Civil & Quarry	0	21,173	650,500	729,423	1,421,598	1,048,425	1,570,470	898,384	1,501,400	
Niue Power	0	281,070	1,904,000	2,069,073	1,861,300	1,964,274	2,138,500	3,304,726	3,218,785	
Sub Total: Ministry of Infrastructure	2,504,000	2,439,188	4,966,500	4,989,436	6,131,838	5,020,784	7,313,385	6,456,749	8,095,795	
COMMERCIAL AND TRADING										
Niue Tourism Authority	436,000	332,353	393,000	260,328	429,950	196,364	534,000	214,021	400,000	
Bulk Fuel	5,629,000	6,419,258	5,365,000	3,704,705	3,914,000	4,419,382	6,147,000	4,419,382	6,755,000	
Sub Total: Commercial and Trading	6,065,000	6,751,611	5,758,000	3,965,033	4,343,950	4,615,746	6,681,000	4,633,403	7,155,000	

Table 6. SCHEDULE B (Part 5 of 6): Government of Niue MINISTRY REVENUES Budget Summary for FY 2023-2024

SCHEDULE B (Part 5 of 6): Ministry Revenues	2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
MINISTRY OF SOCIAL SERVICES										
Education Department	28,000	7,163	3,000	7,769	4,000	7,160	257,000	233,237	257,000	257,000
Health Department	71,000	44,637	50,000	28,621	7,500	109,146	271,500	239,772	276,950	276,950
Justice Department (Incl. Community Affairs)	67,000	93,708	82,000	69,090	82,000	37,327	82,000	74,643	82,000	82,000
Taoga Niue	37,000	13,295	20,000	2,681	12,000	3,607	12,000	16,002	20,000	20,000
Sub Total: Ministry of Social Services	203,000	158,803	155,000	108,161	105,500	157,240	622,500	563,654	635,950	635,950
MINISTRY OF NATURAL RESOURCES										
Agriculture, Fisheries & Forestry	1,480,575	1,681,004	1,119,000	1,621,975	1,118,025	902,046	1,120,095	911,651	1,117,575	1,117,575
Environment Department	6,000	11,665	8,000	8,710	4,000	7,550	4,000	6,110	5,000	5,000
Met Office	1,000	0	0	0	0	0	0	0	0	0
Sub Total: Ministry of Natural Resources	1,487,575	1,692,669	1,127,000	1,630,685	1,122,025	909,596	1,124,095	917,761	1,122,575	1,122,575

Table 7. SCHEDULE B (Part 6 of 6): Government of Niue MINISTRY REVENUES Budget Summary for FY 2023-2024

SCHEDULE B (Part 6 of 6): Ministry Revenues	2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
MINISTRY OF INFRASTRUCTURE										
Utilities	10,000	23,412	10,000	23,240	11,000	41,376	13,750	12,482	12,750	
Transport	1,918,000	1,713,890	1,040,000	679,414	1,250,000	724,906	1,070,000	842,080	1,160,000	
Civil & Quarry	0	11,699	500,000	228,674	700,000	176,016	500,000	81,664	500,000	
Niue Power	0	232,510	2,205,000	2,099,282	2,275,000	1,756,021	2,280,000	1,748,051	2,280,000	
Sub Total: Ministry of Infrastructure	1,928,000	1,981,510	3,755,000	3,030,611	4,236,000	2,698,319	3,863,750	2,684,277	3,952,750	
COMMERCIAL AND TRADING										
Niue Tourism Authority	48,000	14,249	38,000	1,073	10,000	2,563	301,500	261,226	303,000	
Bulk Fuel	6,073,000	5,862,147	5,987,000	4,474,067	3,943,000	4,004,524	8,775,000	7,023,196	8,817,000	
Sub Total: Commercial and Trading	6,121,000	5,876,396	6,025,000	4,475,140	3,953,000	4,007,087	9,076,500	7,284,422	9,120,000	



COVID-19 Validation and Revocation of Regulations Act 2023

No 371

Contents

1	Title	1
2	Commencement	1
3	Validation of actions purportedly taken under Immigration (COVID-19) Regulations 2022	1
4	Retrospective revocation of Immigration (COVID-19) Regulations 2023	2

An Act to—

- (a) validate actions purportedly taken under the Immigration (COVID-19) Regulations 2022 in the period 1 January to 8 February 2023; and
- (b) retrospectively revoke the Immigration (COVID-19) Regulations 2023.

The Assembly enacts as follows—

- 1 **Title**
This Act is the COVID-19 Validation and Revocation of Regulations Act 2024.
- 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.
- 3 **Validation of actions purportedly taken under Immigration (COVID-19) Regulations 2022**
 - (1) The Immigration (COVID-19) Regulations 2022 are to be treated as having continued in effect until 8 February 2023.

Covid -19 Validation and Revocation of Regulations Act 2023

(2) Any action purportedly taken under those regulations in the period 1 January to 8 February 2023 that would otherwise have been lawful under those regulations is validated.

4 Retrospective revocation of Immigration (COVID-19) Regulations 2023

The Immigration (COVID-19) Regulations 2023 are to be treated as having been revoked on 31 March 2023.

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

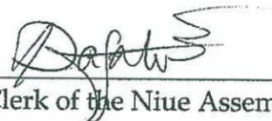
SIGNED AND SEALED at the Assembly Chambers this 16th day of November 2023.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker.





Clerk of the Niue Assembly

This Act is administered by the
Department of Finance and Planning (Immigration Office)
This Act was passed by the Niue Assembly on the 15th day of November 2023.



No. 372

Niue (Sexual Offences) Amendment Act 2024

Contents

1	Title	1
2	Commencement	1
3	Principal Act amended	1
	<i>Sexual offences</i>	
4	Section 156 replaced (Indecent assault)	2
5	Sections 161 and 162 replaced	2
6	Section 165 replaced (Sexual intercourse with woman or girl who is an idiot or imbecile or of unsound mind)	4
7	Sections 170 and 171 replaced	4
8	Section 172 replaced (Incest)	4
9	New section 172A inserted (Voyeurism)	5
	<i>Sexual offences involving children under 16</i>	
10	Sections 163 and 164 replaced	5
	<i>Transitional provision</i>	
11	New section 287A inserted (Transitional provision relating to Niue (Sexual Offences) Amendment Act 2024)	7

An Act to reform sexual offences under the Niue Act 1966.

The Niue Assembly enacts as follows—

- 1 Title**
This Act is the Niue (Sexual Offences) Amendment Act 2024.
- 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.
- 3 Principal Act amended**
This Act amends the Niue Act 1966.

Niue (Sexual Offences) Amendment Act 2024

Sexual offences

4 Section 156 replaced (Indecent assault)

Replace section 156 (section 28 of the Criminal Law Code) with:

“156 Indecent assault of, or indecency with, person of or over 16

“(1) A person is liable to imprisonment for a term not exceeding 7 years if they—

“(a) indecently assault another person of or over the age of 16 years; or

“(b) do anything indecent to another person of or over the age of 16 years with their consent but the consent was obtained by a false and fraudulent representation as to the nature and quality of the act or in other circumstances where apparent consent was not valid.

“(2) In this section, **do anything indecent** includes if the defendant—

“(a) does the thing on or with the other person; or

“(b) induces or permits the other person to do the thing on or with the defendant.”

5 Sections 161 and 162 replaced

Replace sections 161 and 162 (sections 34 and 35 of the Criminal Law Code) with:

“161 Definitions relating to sexual offences

“(1) For the purposes of this Act, —

genitalia includes a surgically constructed or reconstructed organ analogous to naturally occurring male or female genitalia (whether the person concerned is male, female, or of indeterminate sex)

penis includes a surgically constructed or reconstructed organ analogous to a naturally occurring penis (whether the person concerned is male, female, or of indeterminate sex)

rape means sexual connection with a person—

“(a) without the person’s consent to the connection; and

“(b) without a reasonable belief that the person consents to the connection

sexual connection means—

“(a) connection effected by the introduction to the slightest degree into the genitalia or anus of one person, otherwise than for genuine medical purposes, of—

“(i) a part of the body of another person; or

“(ii) an object held or manipulated by another person; or

“(b) connection between the mouth or tongue of one person and a part of another person’s genitalia or anus; or

“(c) the continuation of connection of a kind described in paragraph (a) or (b).

“(2) There is no presumption of law that a person is by reason of their age incapable of sexual connection.

“(3) To avoid doubt, the actions described in paragraphs (a) to (c) of the definition of sexual connection in subsection (1) amount to sexual connection if—

“(a) they are done by the defendant with or on the other person; or

Niue (Sexual Offences) Amendment Act

Niue (Sexual Offences) Amendment Act 2024

“(b) the defendant induces or permits the other person to do any of those actions with or on them.

“161A Circumstances that do not amount to consent

“(1) For the purposes of sections 161 to 162B and 163 to 164A, **consent** does not include the following:

“(a) apparent consent extorted by fear of bodily harm or by threats of bodily harm to the person or to a third person; or

“(b) apparent consent obtained by personating another person; or

“(c) apparent consent obtained by a false and fraudulent representation as to the nature and quality of the act.

“(2) Subsection (1) does not limit the circumstances in which a person does not consent to sexual activity.

“162 Rape

“(1) A person who commits rape is liable to imprisonment for a term not exceeding 14 years.

“(2) A person may be convicted of rape of another person at a time when they were married to each other.

“162A Attempted rape and assault with intent to commit rape

“(1) A person who attempts to commit rape is liable to imprisonment for a term not exceeding 10 years.

“(2) A person who assaults another person with intent to commit rape of the other person is liable to imprisonment for a term not exceeding 10 years.

“162B Sexual connection with dependent family member

“(1) A person is liable to imprisonment for a term not exceeding 16 years if they have or attempt to have sexual connection with a dependent family member who is under the age of 21 years. (*See* section 162C for the definition of dependant family member.)

“(2) It is no defence to a charge under this section that the dependent family member consented.

“(3) The dependent family member cannot be charged as a party to an offence under this section.

“162C Dependent family member defined

“(1) For the purposes of section 162B, one person (**person A**) is a dependent family member of another person (**person B**)—

“(a) if person A is living with person B and person B is—

“(i) person A’s parent, step-parent, foster parent, guardian, uncle, or aunt; or

“(ii) a parent, step-parent, or foster parent of a person described in subparagraph (i); or

“(iii) a child of person A’s parent or step-parent; or

“(iv) the spouse or de facto partner of a person described in subparagraphs (i) to (iii); or

“(b) if person A is living with person B as a member of person B’s family and person B is not a person referred to in paragraph (a)

Niue (Sexual Offences) Amendment Act 2024

“164 Sexual connection or attempted sexual connection with child between 12 and 16

- “(1) A person is liable to imprisonment for a term not exceeding 10 years if they have or attempt to have sexual connection with a child who is 12 years of age or older but under the age of 16 years.
- “(2) Except as provided in this section, it is no defence to a charge under this section that the child consented or that the person believed that the child consented or was of or over the age of 16 years.
- “(3) It is a defence to a charge under this section if the person charged proves that—
- “(a) the child consented; and
 - “(b) before the time of the act concerned, they had taken reasonable steps to find out whether the child was of or over the age of 16 years; and
 - “(c) at the time of the act concerned, they believed on reasonable grounds both that the child consented and was of or over the age of 16 years.
- “(4) It is also a defence to a charge under this section if the person charged proves that—
- “(a) the child consented; and
 - “(b) the difference in age (if any) between that person and the child is no more than 36 months.
- “(5) The child cannot be charged as a party to an offence against this section.

“164A Indecent assault of, or indecency with, child between 12 and 16

- “(1) A person is liable to imprisonment for a term not exceeding 7 years if they—
- “(a) indecently assault a child who is 12 years of age or older but under the age of 16 years; or
 - “(b) do an indecent act with, or on, a child who is 12 years of age or older but under the age of 16 years; or
 - “(c) induce or permit a child who is 12 years of age or older but under the age of 16 years to do an indecent act with or on them.
- “(2) Except as provided in this section, it is no defence to a charge under this section that the child consented or that the person believed that the child consented or was of or over the age of 16 years.
- “(3) It is a defence to a charge under this section if the person charged proves that—
- “(a) the child consented; and
 - “(b) before the time of the act concerned, they had taken reasonable steps to find out whether the child was of or over the age of 16 years; and
 - “(c) at the time of the act concerned, they believed on reasonable grounds both that the child consented and was of or over the age of 16 years.
- “(4) It is also a defence to a charge under this section if the person charged proves that—
- “(a) the child consented; and
 - “(b) the difference in age (if any) between that person and the child is no more than 36 months.

Niue (Sexual Offences) Amendment Act

Niue (Sexual Offences) Amendment Act 2024

“(5) The child cannot be charged as a party to an offence against this section.”

Transitional provision

11 **New section 287A inserted (Transitional provision relating to Niue (Sexual Offences) Amendment Act 2024)**

After section 287 (section 173 of the Criminal Law Code), insert:

“**287A Transitional provision relating to Niue (Sexual Offences) Amendment Act 2024**

“(1) This section applies if—

“(a) proceedings are commenced on or after the day the Niue (Sexual Offences) Amendment Act 2024 (the **amendment Act**) comes into force for—

“(i) an offence under a repealed section in reliance on section 17 of the Interpretation Act 2004; or

“(ii) an offence under a repealed section in reliance on section 17 of the Interpretation Act 2004 and, in the alternative, for an offence under a replacement section; and

“(b) for—

“(i) paragraph (a)(i), the date of the act or omission by the defendant constituting the alleged offence is alleged to have occurred before the amendment Act comes into force;

“(ii) paragraph (a)(ii), the date of the act or omission by the defendant constituting the alleged offence cannot be established with sufficient certainty to determine whether it occurred before or after the amendment Act comes into force.

“(2) A repealed section continues to have effect for the purpose of the proceedings and the defendant is entitled to raise any defence to the offence under the repealed section that would have been available to them immediately before its repeal.

“(3) Despite subsections (1) and (2), on and from the date the amendment Act comes into force, no prosecution may be taken against a person for an offence under repealed section 170 or 171 (*see* section 43 or 44 of the Criminal Law Code), unless the alleged offending was against—

“(a) a child under 16 years; or

“(b) a living creature other than a human being.

“(4) In this section, —

repealed section means any section or part of a section that is repealed or amended by the amendment Act as it read immediately before its repeal or amendment

replacement section means any section or part of a section that is replaced or amended by the amendment Act as it read after its replacement or amendment.”



APPROPRIATION (ANNUAL) ACT 2024

No. 373

An Act to appropriate certain sums of money out of the Niue Government account to the services for the year ending 30 June 2025 and to authorise the appropriation of the supplies required in that year.

The Assembly enacts as follows—


- 1 Title**
This is the Appropriation (Annual) Act 2024.
 - 2 Commencement**
 - (1) This Bill shall relate to the financial year commencing on the 01 July 2024 and ending on the 30 day of June 2025 (hereinafter referred to as “the financial year”).
 - (2) This Act comes into force on the day after the date on which it becomes law in accordance with Article 34 of the Constitution.
 - 3 Grant and Appropriation of Expenditure**

There may be issued and supplied from the Niue Assembly Account towards making good the supplies required and granted for the services to be provided within the financial year:

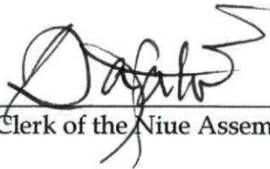
 - (a) for Recurrent Operational Expenditure, Capital Projects and Investment and Development Projects a sum of which does not exceed **\$54,399,000** in total; and
 - (b) for development partner, Investment and Development projects a sum which does not exceed **\$15,377,000** in total
the particulars of which are set out under the relevant headings in the Schedules hereto.
-

I, HIMA DOUGLAS, 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 1st day of JULY 2024.


Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker


Clerk of the Niue Assembly



This Act is administered by the Department of Finance and Planning.
This Act was passed by the Niue Assembly on the 26th day of JUNE 2024.

Appropriation Act (Annual) 2024

June 2024

Niue Ministry of Finance

Table 1. SCHEDULE A: Government of Niue Budget Summary for FY 2024-2025

SCHEDULE A: Summary Totals (000's)	2020-2021		2021-2022		2022-2023		2023-2024		2024-2025	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
Total Niue Recurrent Revenue	26,770	25,012	28,810	24,609	29,796	43,097	32,515	40,099	37,699	
Total Niue Recurrent Expenditure	31,082	27,600	32,612	26,728	39,694	29,116	40,351	39,096	44,119	
Total Niue Funded Capital Expenditure	100	40	100	201	100	212	100	48	3,540	
Niue Funded Investment & Development Expenditure	1,322	565	800	841	5,150	601	800	800	2,890	
NZ AID Funded Investment & Development Revenue	0	0	0	0	5,150	3,850	3,850	4,483	3,850	
NZ AID Funded Investment & Development Expenditure	0	0	0	0	0	5,942	3,850	4,351	3,850	
Total Recurrent, Capital, and Investment & Development Expenditure	1,322	565	800	841	0	6,543	4,650	5,151	54,399	
Niue Budget Surplus/Deficit	-5,734	-3,193	-4,702	-3,162	-9,998	11,076	-8,736	287	-12,850	
Donor Investment & Development Revenue	23,608	11,979	37,392	13,382	7,308	4,607	8,308	8,308	15,377	
Donor Investment & Development Expenditure	23,608	11,979	37,392	9,008	7,308	6,418	8,308	8,308	15,377	
Total Estimated Revenue	50,378	36,991	66,202	37,991	37,104	51,555	44,673	52,890	56,926	
Total Appropriated Expenditure	56,112	40,184	70,904	36,778	47,102	42,290	53,409	52,603	69,776	
Surplus / Deficit	-5,734	-3,193	-4,702	1,212	-9,998	9,265	-8,736	287	-12,850	

RESTRICTED - GOVERNMENT USE ONLY

6 SCHEDULE B

RESTRICTED - GOVERNMENT USE ONLY

Table 2. SCHEDULE B (Part 1 of 6): Government of Niue MINISTRY EXPENDITURES Budget Summary for FY 2024-2025

SCHEDULE B (Part 1 of 6): Ministry Expenditures	2020-2021		2021-2022		2022-2023		2023-2024		2024-2025	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
CENTRAL AGENCIES										
Office of the Premier & Cabinet Services	944,000	531,292	1,164,900	813,455	1,454,368	1,260,808	1,496,128	861,203	1,266,000	
Niue Assembly	889,000	924,121	950,000	776,400	1,103,104	948,760	1,119,604	960,513	1,136,648	
Office of the Secretary of Government	862,000	694,255	1,048,500	772,121	1,092,500	959,251	1,296,100	1,043,465	1,458,500	
Project Management Coordination Unit	349,650	182,346	344,000	250,386	371,100	226,161	405,900	207,706	306,900	
Crown Law	408,000	208,458	419,780	252,502	474,315	258,471	412,401	299,385	402,600	
Niue Public Service Commission & Secretariat	1,325,000	1,456,543	1,544,400	1,403,375	1,644,700	1,345,414	1,644,100	1,232,698	1,704,600	
Police	649,700	608,731	752,287	563,237	820,534	481,156	799,200	482,192	712,400	
Sub Total: Central Agencies	5,427,350	4,605,745	6,223,867	4,831,476	6,960,621	5,480,021	7,173,433	5,087,161	6,987,648	
MINISTRY OF FINANCE										
Corporate & Treasury	1,210,500	1,263,525	1,326,700	464,144	1,443,980	941,369	1,349,937	757,381	973,373	
Tax & Customs	388,000	406,927	446,734	372,601	602,890	421,719	758,248	418,201	626,500	
Economic Development, Trade & Investment, Immigration, Statistics	235,500	227,481	273,100	237,885	979,838	373,451	1,118,838	341,547	776,169	
Sub Total: Ministry of Finance	1,834,000	1,897,933	2,046,534	1,074,630	3,026,708	1,736,539	3,227,023	1,517,129	2,376,042	

RESTRICTED - GOVERNMENT USE ONLY

Table 3. SCHEDULE B (Part 2 of 6): Government of Niue MINISTRY EXPENDITURES Budget Summary for FY 2024-2025

SCHEDULE B (Part 2 of 6): Ministry Expenditures	2020-2021		2021-2022		2022-2023		2023-2024		2024-2025	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
MINISTRY OF SOCIAL SERVICES										
Education Department	3,179,600	3,109,822	3,285,540	2,829,567	3,813,414	3,210,900	3,751,754	3,102,655	3,904,053	
Health Department	2,755,000	2,950,103	3,216,456	2,720,192	3,511,120	3,078,322	3,515,128	3,245,484	3,426,503	
Justice Department (Incl. Community Affairs)	5,288,860	4,379,249	5,465,293	4,038,473	5,905,333	4,816,591	5,301,240	4,649,030	6,144,343	
Taoga Niue	343,500	280,232	377,000	279,166	377,000	267,029	433,000	256,604	392,000	
Sub Total: Ministry of Social Services	11,566,960	10,719,405	12,344,289	9,867,398	13,606,867	11,372,842	13,001,122	11,253,773	13,866,899	
MINISTRY OF NATURAL RESOURCES										
Agriculture, Fisheries & Forestry	958,500	863,639	965,110	828,167	1,148,792	988,451	1,130,418	899,184	1,127,595	
Environment Department	322,000	358,539	304,500	313,558	555,030	472,970	437,358	336,081	532,900	
Met Office	249,000	200,638	251,868	176,403	251,868	210,019	130,760	123,902	163,870	
Sub Total: Ministry of Natural Resources	1,529,500	1,422,816	1,521,478	1,318,128	1,955,690	1,671,440	1,698,536	1,359,167	1,824,365	

RESTRICTED - GOVERNMENT USE ONLY

Table 4. SCHEDULE B (Part 3 of 6): Government of Niue MINISTRY EXPENDITURES Budget Summary for FY 2024-2025

SCHEDULE B (Part 3 of 6): Ministry Expenditures	2020-2021		2021-2022		2022-2023		2023-2024		2024-2025	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
MINISTRY OF INFRASTRUCTURE										
Utilities	828,000	934,387	924,440	698,277	1,233,165	774,865	1,118,600	708,630	1,112,870	
Transport	1,584,000	1,256,553	1,924,500	1,309,808	2,371,250	1,926,431	2,257,010	1,897,810	2,504,740	
Civil & Quarry	650,500	729,423	1,421,598	1,048,425	1,570,470	1,053,846	1,501,400	1,269,116	2,010,459	
Niue Power	1,904,000	2,069,073	1,861,300	1,964,274	2,138,500	3,969,845	3,218,785	4,566,407	4,928,170	
Sub Total: Ministry of Infrastructure	4,966,500	4,989,436	6,131,838	5,020,784	7,313,385	7,724,987	8,095,795	8,441,962	10,556,239	
COMMERCIAL AND TRADING										
Niue Tourism Authority	393,000	260,328	429,950	196,364	534,000	285,857	400,000	368,264	711,000	
Bulk Fuel	5,365,000	3,704,705	3,914,000	4,419,382	6,147,000	844,641	6,755,000	11,068,468	7,797,000	
Sub Total: Commercial and Trading	5,758,000	3,965,033	4,343,950	4,615,746	6,681,000	1,130,498	7,155,000	11,436,732	8,508,000	

RESTRICTED - GOVERNMENT USE ONLY

Table 5. SCHEDULE B (Part 4 of 6): Government of Niue MINISTRY REVENUES Budget Summary for FY 2024-2025

SCHEDULE B (Part 4 of 6): Ministry Revenues	2020-2021		2021-2022		2022-2023		2023-2024		2024-2025	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
CENTRAL AGENCIES										
Office of the Premier & Cabinet Services	1,000	16,565	2,000	3,479	0	2,873	0	0	0	0
Niue Assembly	1,000	1,050	1,000	0	0	0	0	0	0	0
Office of the Secretary of Government	10,000	1,480	10,000	31,013	2,000	-396	0	973	1,000	0
Project Management Coordination Unit	0	16,565	0	0	0	0	0	0	0	0
Crown Law	1,000	70	50,000	0	150	1,674	0	0	0	0
Niue Public Service Commission & Secretariat	0	850	15,000	3,550	5,000	5,350	8,000	2,062	38,000	0
Police	173,000	169,304	161,000	110,332	105,000	141,952	110,000	136,032	112,000	0
Sub Total: Central Agencies	186,000	205,884	239,000	148,374	112,150	151,453	118,000	139,067	151,000	0
MINISTRY OF FINANCE										
Corporate & Treasury	10,503,000	8,993,405	13,170,000	10,757,594	8,751,000	17,699,647	8,708,000	13,858,580	9,920,000	0
Tax & Customs	4,978,000	6,542,886	5,933,000	5,910,745	6,210,995	10,065,957	8,831,761	10,333,563	10,289,463	0
Economic Development, Trade, Investment, Immigration, Statistics	41,000	25,278	51,000	19,907	35,000	42,662	26,000	44,442	35,000	0
Sub Total: Ministry of Finance	15,522,000	15,561,569	19,154,000	16,688,246	14,996,995	27,808,266	17,565,761	24,236,585	20,244,463	0

RESTRICTED - GOVERNMENT USE ONLY

Table 6. SCHEDULE B (Part 5 of 6): Government of Niue MINISTRY REVENUES Budget Summary for FY 2024-2025

SCHEDULE B (Part 5 of 6): Ministry Revenues	2020-2021		2021-2022		2022-2023		2023-2024		2024-2025	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
MINISTRY OF SOCIAL SERVICES										
Education Department	3,000	7,769	4,000	7,160	257,000	267,201	257,000	264,270	309,000	
Health Department	50,000	28,621	7,500	109,146	271,500	291,180	276,950	277,003	276,940	
Justice Department (Incl. Community Affairs)	82,000	69,090	82,000	37,327	82,000	61,259	82,000	72,066	82,000	
Taoga Niue	20,000	2,681	12,000	3,607	12,000	16,002	20,000	20,317	25,000	
Sub Total: Ministry of Social Services	155,000	108,161	105,500	157,240	622,500	635,642	635,950	633,656	692,940	
MINISTRY OF NATURAL RESOURCES										
Agriculture, Fisheries & Forestry	1,119,000	1,621,975	1,118,025	902,046	1,120,095	1,708,256	1,117,575	679,924	2,591,000	
Environment Department	8,000	8,710	4,000	7,550	4,000	7,485	5,000	5,890	6,000	
Met Office	0	0	0	0	0	1,500	0	960	0	
Sub Total: Ministry of Natural Resources	1,127,000	1,630,685	1,122,025	909,596	1,124,095	1,717,241	1,122,575	686,774	2,597,000	

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ADDENDUM TO SCHEDULE C

NIUE NATIONAL BUDGET 2024-2025		
INVESTMENT & DEVELOPMENT EXPENDITURE		
DEPARTMENT	TITLE	BUDGET
NIUE FUNDED CAPITAL INVESTMENT		
Treasury	Capital Expenditure	3,540,000
TOTAL NIUE FUNDED CAPITAL INVESTMENT		3,540,000
NIUE FUNDED INVESTMENT AND DEVELOPMENT		
Treasury	50th Constitution Celebration	1,000,000
Community Affairs	Other Community Projects	380,000
Community Affairs	Community Development - Bathroom & Amenities	200,000
Environment	Waste Management	100,000
Environment	Feral Pig Management	30,000
Agriculture, Forestry and Fishery	Vanilla Maintenance	50,000
Agriculture, Forestry and Fishery	Niue Island Organic Farmers Association	50,000
Agriculture, Forestry and Fishery	Niue Growers Association	60,000
Civil	Road Upgrade Project	720,000
Niue Power	Renewable Energy Project	200,000
Transport	Airport Maintenance	100,000
TOTAL NIUE FUNDED INVESTMENT AND DEVELOPMENT		2,890,000
NZ FUNDED INVESTMENT AND DEVELOPMENT		
Tourism	Tourism Support	850,000
External Affairs	Private Sector Development	400,000
Health	Niue Health Development Program	400,000
Public Service Commission	Administrative Support	1,900,000
Education	Education Support Program	300,000
TOTAL NZ FUNDED INVESTMENT AND DEVELOPMENT		3,850,000

RESTRICTED - GOVERNMENT USE ONLY

Appropriation Act (Annual) 2024

June 2024

Niue Ministry of Finance

NIUE NATIONAL BUDGET 2024-2025		
INVESTMENT & DEVELOPMENT EXPENDITURE		
DEPARTMENT	TITLE	BUDGET
DONOR FUNDED INVESTMENT & DEVELOPMENT EXPENDITURE		
Public Service Commission	NZAID: Strengthen Governance: Capability	500,000
Transport	NZAID: Barge Repairs	150,000
Treasury	NZAID: Asset Maintenance	1,300,000
Treasury	NZAID: Renewable Energy	6,000,000
Treasury	NZAID: Flexible Finance Capacity Support Programme	150,000
Treasury	FISCAP Phase 2	450,000
Treasury	FFA	250,000
Treasury	UNESCO	50,000
Treasury	AUSAID	1,400,000
Treasury	GCF - Readiness	287,240
Treasury	GEF - AREAN	3,340,000
Treasury	Other Donor Projects	1,500,000
TOTAL DONOR FUNDED INVESTMENT AND DEVELOPMENT		15,377,240

RESTRICTED - GOVERNMENT USE ONLY



Price Control on Imported Goods for Resale in Niue (Price Control Board) Amendment Act 2024

No. 374

Contents

1	Title	1
2	Commencement	1
3	Principal Act amended.	1
4	Section 4 amended (Price Control Board)	1

An Act to amend the Price Control on Imported Goods for Resale in Niue Act 1975 to increase the number of members of the Price Control Board.

The Assembly enacts as follows—


- 1 Title**
This Act is the Price Control on Imported Goods for resale in Niue (Price Control Board) Amendment Act 2024.
 - 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.
 - 3 Principal Act amended**
This Act amends the Price Control on Imported Goods for Resale in Niue Act 1975.
 - 4 Section 4 amended (Price Control Board)**
In section 4(1)(b), replace “Not less than 2, nor more than 4 other persons” with “Not less than 4, nor more than 6 other persons”.
-

Niue Legislation Supplement 2021-2024

Price Control on Imported Goods for Resale in Niue (Price Control Board) Amendment Act 2024

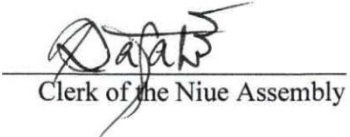
I, HINA DOUGLAS, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 4th day of JULY 2024.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker.


Clerk of the Niue Assembly

This Act was passed by the Niue Assembly on the 3rd day of JULY 2024.



Broadcasting (Board of Directors) Amendment Act 2024

No. 375

Contents

1	Title	1
2	Commencement	1
3	Principal Act amended	1
4	Section 10 amended (Board of Directors)	1

An Act to amend the Broadcasting Act 1989 to increase the number of directors who are appointed by Cabinet and make other adjustments.

The Assembly enacts as follows—

- 1 Title**
This Act is the Broadcasting (Board of Directors) Amendment Act 2024.
- 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.
- 3 Principal Act amended**
This Act amends the Broadcasting Act 1989.
- 4 Section 10 amended (Board of Directors)**
 - (1) Replace section 10(1) with:
“(1) The Corporation shall be governed by a Board of Directors consisting of the following directors:
“(a) Six directors appointed under subsection (2);
“(b) A representative from Treasury ex officio;
“(c) A representative from Community Affairs ex officio.”
 - (2) In section 10(2)(d), replace “,” with “;”.
 - (3) After section 10(2)(d), insert:
“(e) One director to represent sports;

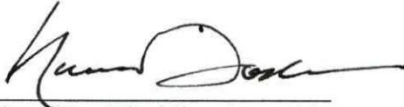
Niue Legislation Supplement 2021-2024

Broadcasting (Board of Directors) Amendment Act 2024

“(f) One director to represent civil society.”


I, HMA DOUGLAS, 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 2th day of JULY 2024.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker.



Clerk of the Niue Assembly

This Act was passed by the Niue Assembly on the 3rd day of JULY 2024.



Constitution (Title of Head of Government) Amendment Act 2024

No 376

Contents

1 Title	1
2 Prime Minister	1
3 Transitional	1

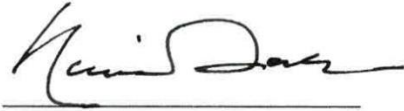
An Act to amend the Constitution to change the title of Premier to Prime Minister.

The Assembly enacts as follows -

- 1 Title**
This Act is the Constitution (Title of Head of Government) Amendment Act 2024.
 - 2 Prime Minister**
 - (1) In all the provisions of the Constitution, the word “Premier” is deleted and the words “Prime Minister” inserted in its place.
 - (2) Sub-section (1) does not apply to Article 72 of the Constitution (a spent transitional provision for 1974).
 - 3 Transitional**
The person in office as the Premier immediately before this Act comes into force continues in office as the Prime Minister.
-

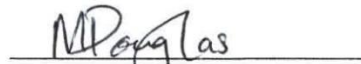
I, Hima Douglas, Speaker of the Niue Assembly, certify that the requirements of Article 34 and Article 35 of the Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 3rd day of September 2024.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker.



Clerk of the Niue Assembly

This Act was passed by the Niue Assembly and affirmed by a constitutional poll undertaken on the 31st day of August 2024.



Constitution (Auditor-General) Amendment Act 2024

No 377

Contents

1	Title	1
2	Article 60 of the Constitution amended	1

An Act to amend the Constitution to update the name of the auditor of the Niue government and other bodies.

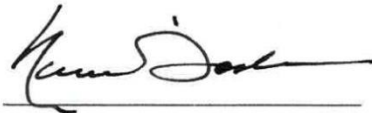
The Assembly enacts as follows -

- 1 Title**
This Act is the Constitution (Auditor-General) Amendment Act 2024.

 - 2 Article 60 of the Constitution amended**
 - (1) Article 60(1) and (2) amended by omitting "Audit Office" in each place where it appears and substituting in each case "Auditor-General".
 - (2) Article 60(2) is amended by omitting "that office" and substituting "the Auditor-General".
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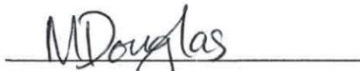
I, Hima Douglas, Speaker of the Niue Assembly, certify that the requirements of Article 34 and Article 35 of the Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 3rd day of September 2024.



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker.


Clerk of the Niue Assembly

This Act was passed by the Niue Assembly and affirmed by a constitutional poll undertaken on the on the 31st day of August 2024.