

FOREWORD

This report is a very full indication of the extent of the work carried out for the administration of Justice in Niue.

As is often the case, the bare facts do not necessarily disclose the full picture and more needs to be said of the administration of justice.

I want first to acknowledge the dedication of the Court staff who give service to the people of Niue on a day to day basis. It must be observed that Darren Tohovaka and Celina Tiakia and their staff work tirelessly in the interests of the people of Niue in the administration of justice. For them it is much more than simply a job and they give fully and freely of their time and their expertise.

Secondly, I want to pay my respects to the local judiciary of Niue. I admire them so much for the way that they tread their difficult path. They are members of Niue communities but must also sit as Judicial Officers and deliver judgments in an objective and dispassionate way. They are deserving of your great gratitude and respect. They give of themselves for this purpose freely and generously.

Third, I want to acknowledge that the Government of Niue has recognised the importance of the rule of law and the proper administration of the infrastructure of a legal system in the country that it governs. I must also specifically thank the Secretary for Justice Mr Justin Kamupala for his help and co-operation. Of course we would like a purpose built courthouse and of course we would like more staff and more training. We are rapidly reaching the point where there will have to be more sittings of the High Court in Niue. Those matters are being addressed as well as can be. The fact remains that there are financial constraints. I, as Chief Justice, am well satisfied that the executive Government is doing what it can in this regard.

The problems are not just financial but are caused partly by the isolation of the Island, the small population living there, and the fact that Niuean people live, by an overwhelming majority, off the Island.

I want next to refer to the service given by volunteers in the legal system, particularly those in the legal profession of New Zealand. These practitioners arrive for sittings of the High

Court under their own steam and act at no charge, (pro bono) advising and appearing for people. They act as a service and this service is given in the true spirit of the legal profession as it should be. I commend them to you, the people of Niue, as an asset to be cherished.

In a similar vein I want to publicly recognise the efforts made by the staff and the administration of the Māori Land Court in New Zealand. Over the period of this report we the Judges of the High Court of Niue have organised for two staff members to come to New Zealand and become acquainted with what is being done in the Māori land system in New Zealand. This is not because there is any suggestion that New Zealand does it better but simply so that you can see the options from which you could choose. In the same way we have sent a senior Māori Land Court staff member to Niue to advise on these options, having seen the way that the Court administration works on the ground.

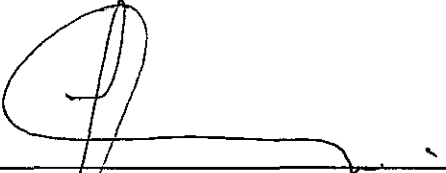
Finally I should refer to the High Court and the Appellate Court. The High Court basically sits twice a year. The Judges attending Niue have a very heavy workload and sit long hours. All the Judges are members or retired members of the Māori Land Court. This is an advantage because to understand Māori land issues in New Zealand is to have a head start in understanding similar problems in Niue. Judges are much more likely to understand the deeper rhythms and drivers of Polynesian society. On a more prosaic level there is a cost advantage in that Judges need not be paid and when they return to New Zealand they will have access to the Court's infrastructure there to complete their Niue work.

I must report however, that over the last week one of our four Judges, Norman Smith, has passed away. He was a fine Judge, a man of great humility and kindness and a very hard worker. When I went to Niue last it was with three other Judges including Judge Smith and we had four Courts sitting simultaneously. Judge Smith would start early and finish late and deal with matters with endless patience and complete courtesy. He will be sadly missed.

Now that we are down to three Judges of the High Court we must appoint another so that we have the capacity to convene our Court of Appeal, which at the moment has a number of outstanding matters awaiting hearing. A number of those matters are capable of being heard in New Zealand because the parties live in New Zealand and when we have a full bench I will be looking at setting a number of those matters down for hearing.

From what I have said, you will understand that while the administration of justice in Niue does face the same problems as are faced by Courts throughout the Commonwealth, but also has its own peculiar difficulties. However our system is inherently stable and functional. There are no major or immediate threats to the administration of justice in Niue. We must simply strive to do what we must do more efficiently.

Dated this 6th day of August 2013



P J Savage
Chief Justice of Niue