

Asian Development Bank Membership Act 2018

No. 344

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An Act to provide for the membership of Niue to the Asian Development Bank.

The Assembly enacts as follows—

- Title**
This Act is the Asian Development Bank Membership Act 2018.
- Commencement**
This Act comes into force on the day after the date on which this Act becomes law in accordance with Article 34 of the Constitution.

Part 1
Preliminary matters

3 Interpretation

In this Act, unless the context otherwise requires,-

“**ADB**” means the Asian Development Bank

“**the Charter**” means the Agreement establishing the Asian Development Bank,

4 Act binds the Government

This Act binds the Government.

Part 2

Authorization for Membership in the Asian Development Bank

5 Authority to accept membership

Cabinet is authorized on behalf of Niue to accept membership in the Asian Development Bank (ADB) by accepting the Agreement Establishing the Asian Development Bank (the Charter) which is set out in the Schedule, and by accepting the terms and conditions of the Resolution of the Board of Governors of ADB, relating to the membership of Niue in ADB (the Resolution).

6 Authority to execute and deposit instruments

Cabinet is authorized to execute and deposit any instrument of acceptance and other documents that may be required for accepting membership in ADB.

7 Designated channel of communication

Cabinet shall designate a channel of communication as required under Article 38.1 of the Charter.

Part 3

Financial Provisions

8 Authority to borrow, acquire and pay

Cabinet is authorized to borrow or otherwise acquire, by any appropriate means, and to pay on behalf of Niue, the amounts that are payable from time to time to ADB under the terms and conditions of the Resolution and under the Charter.

9 Authority to issue non-negotiable or non-interest bearing notes

Cabinet is authorized to issue, in accordance with the Charter, any non-negotiable, non-interest bearing notes which may be necessary or appropriate in respect of Niue's membership in ADB.

Part 4
Incorporation of Certain Provisions into Law

10 Incorporation of certain provisions into law

Articles 48 through 58 of the Charter are hereby incorporated into this Act and shall have the force of law in Niue.

Part 5
Government's Power to Carry out Obligations

11 Authority to issue directives

Cabinet is authorized to issue any directives to do all things necessary to comply with the Charter and the terms and conditions of the Resolution and to carry out the obligations of Niue to ADB.

Part 6
General and miscellaneous provisions

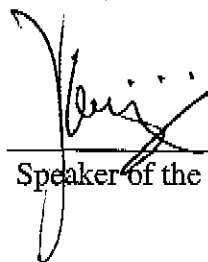
12 Regulations

- (1) Cabinet may make regulations for the purposes of this Act.
- (2) In particular, regulations may be made for all or any of the following purposes—
 - (α) prescribing forms to be used for the purposes of this Act;
 - (β) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

Schedule
Agreement Establishing the Asian Development Bank

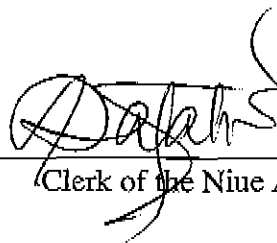
I, **TOGIAVALU PIHIGIA**, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this 24th day of Dec 2018.



Speaker of the Niue Assembly

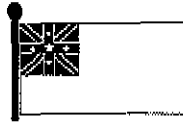
COUNTERSIGNED in the presence of the Speaker



Clerk of the Niue Assembly

This Act is administered by the Department Finance and Planning.

This Act was passed by the Niue Assembly on the 19 day of DECEMBER 2018.



**Fakatufono-tohi Ke Lata Mo e Fakamooliaga ko Niue ko e taha he tau
Kautū kua tutaki ke he Fale Tupe Atihake -ASIAN DEVELOPMENT
BANK**

Numela 344

Tau Matakupu

- | | | |
|---|------------|---|
| 1 | Ko e Higoa | 2 |
| 2 | Kamataaga | 2 |

**Vala Fakamua
Ko e folafolaaga**

- | | | |
|---|---|---|
| 3 | Fakamaamaaga | 2 |
| 4 | Ko e fakatufono-tohi to kaufakalataha mo e aofia e Fakatufono | 2 |

Vala Ke Ua aki

**Ko e Pule tonuhia ke eke mo taha Kautū He Fale Tupe Atihake, Asian
Development Bank**

- | | | |
|---|---|---|
| 5 | Ko e Pule tonuhia ke talia e kautū ke eke mo taha tutaki he Fale Tupe
Ati hake- Asian development Bank | 2 |
| 6 | Ko e Pule tonuhia ke fakagahua mo e tokamau e tau tohi maveheaga | 3 |
| 7 | Ko e puhala kotofa ke fakafano e tau fakailoaaga | 3 |

Vala ke Tolu aki

Tau Poakiaga ke lata mo e tau Tupe

- | | | |
|---|---|---|
| 8 | Ko e Pule tonuhia ke ole faka-kaitalofa, moua e tau koloa mo e tau
totogiaga | 3 |
| 9 | Ko e Pule tonuhia ke fakamooli e taha puipuiaga, fakamahao ke he tau
fakatokaaga ne lauia ai e tau tauteaga ne kua noa mo e ha talahauaga
po ke tau tauteaga ne nakai fai muka ka moua. | 3 |

Vala Fa

Fakamooli Faka Matafakatufono he falu a Tauteaga Fifili

- | | | | |
|----|---|--|---|
| 10 | Fakamooli Faka Matafakatufono he falu a Tauteaga Fifili | Kua
lalafi ki loto he Fakatufono-Tohi nai e tau Matakupu 48 ke hoko atu ke
he Matakupu 58 he Fakavēaga he Tāmataaga mo e eke ai mo tau
matafakatufono a Niue. | 3 |
|----|---|--|---|

Vala Lima

Ko e Pule tonuhia he Fakatufono ke fakagahua e tau mena he fakafetuiaga

- | | | |
|----|--|---|
| 11 | Ko e Pule tonuhia ke fakailoa e tau poakiaga | 3 |
|----|--|---|

Vala Ono

Falu a Mena mo e Tau Tauteaga Fifili Kehekehe

- | | | |
|----|-------------------|---|
| 12 | Tau La-Fakatufono | 4 |
|----|-------------------|---|

Fakaholoaga Fakamatafeiga

Ko e Tohi Fakaveaga he Fakatu e Fale Tupe Atihake, Asian Development Bank

Ko e Fakatufono-tohi ke lata mo e Fakamooliaga ha Niue ko e taha he tau Kautū he Fale Tupe Atihake - Asian Development Bank.

Kua fakamooli he Fono Ekekpule e fakatufono-tohi ke he tau tauteaga nai—

- 1 Ko e Higoa**
Ko e Fakatufono tohi nai ko e Fakamooliaga ko Niue ko e taha he tau Kautū kua tutaki ke he Fale Tupe Atihake, Asian Development Bank.

- 2 Kamataaga**
To fakagahua e Fakatufono-tohi nai he aho fakamua he mole atu e aho ne maopopo e tau tauteaga ne poaki he Matakupu 34 he Fakatufono-tohi Fakavē.

**Vala Fakamua
Ko e folafolaaga**

- 3 Fakamaamaaga**
Ke lata ai mo e Fakatufono-tohi nai, hanai e tau fakamaamaaga ke mailoga, ka e to fai kehe ni kaeke kua lata;
“ADB” kakano ko e Fale Tupe Atihake ne higoa ko e, Asian Development Bank
“the Charter” kakano ko e Fakavēaga he Tāmataaga he fakatū e Asian Development Bank.

- 4 Ko e fakatufono-tohi to kaufakalataha mo e aofia e Fakatufono**
Kua kaufakalataha mo e aofia e Fakatufono ke he Fakatufono-tohi nai

**Vala Ke Ua aki
Ko e Pule tonuhia ke eke mo taha Kautū He Fale Tupe Atihake, Asian
Development Bank**

- 5 Ko e Pule tonuhia ke talia e kautū ke eke mo taha tutaki he Fale Tupe Ati hake- Asian development Bank**
Kua ha ha he Fono Ikipule e pule tonuhia ke talia a Niue ko e taha kautū he Asian Development Bank (ADB)kua fakakite ai ke he taliaaga he Tohi Fakavē he Tāmataaga he Asian Development Bank (the Charter) ne kua toka ai he Fakaholoaga Fakamatafeiga, mo e taliaaga ke he Vili he Fonoaga he tau kovana he ADB haggao ia ke he tutakiaga he kautū ko Niue ke he ADB (ko e Vili he tau Kovana, Resolution)

6 **Ko e Pule tonuhia ke fakagahua mo e tokamau e tau tohi maveheaga**
Kua ha ha he Fono Ikipule e pule tonuhia ke fakagahua mo e tokamau
ha tohi maveheaga ha ko e taliaaga ke eke mo taha kautū he ADB mo e
ha tohi kua lata mo e taliaaga ia.

7 **Ko e puhala kotofa ke fakafano e tau fakailoaga**
Kua ha ha he Fono Ikipule e pule tonuhia ke kotofa e puhala ke
fakafano e tau fakailoaga tuga ne poaki he Matapuku 38.1 he
Fakavēaga he Tāmataaga (the Charter)

Vala ke Tolu aki
Tau Poakiaga ke lata mo e tau Tupe

8 **Ko e Pule tonuhia ke ole faka-kaitalofa, moua e tau koloa mo e tau
totogiaga**
Kua ha ha he Fono Ikipule e pule tonuhia ke ole faka-kaitalofa po ke
moua mai he taha puhala foki, mo e totogi ma e Fakatufono Niue, e
tau tupe ne kua fafati ke totogi he tau magaaho kehekehe ke he ADB ke
tuga ne tohia he fakamauaga he Vili he Fonoaga he tau Kovana he
ADB, Resolution mo e i lalo hifo he Fakavēaga he Tāmataaga.

9 **Ko e Pule tonuhia ke fakamooli e taha puipuiaga, fakamahao ke he
tau fakatokaaga ne lauia ai e tau tauteaga ne kua noa mo e ha
talahuaga po ke tau tauteaga ne nakai fai muka ka moua.**
Kua ha ha he Fono Ikipule e pule tonuhia ke fakailoa, ke tuga ne tohia
he Fakavēaga he Tāmataaga, e puipuiaga ke fakamooli e tau totogiaga
ke he tau tauteaga ne nakai fai talahuaga po ke nakai fai muka ne
moua mai ke muiua ke he tau puhala ke he tau vahega mena pihia he
ADB.

Vala Fa
Fakamooli Faka Matafakatufono he falu a Tauteaga Fifili

10 **Fakamooli Faka Matafakatufono he falu a Tauteaga Fifili**
Kua lalafi ki loto he Fakatufono-Tohi nai e tau Matakupu 48 ke hoko
atu ke he Matakupu 58 he Fakavēaga he Tāmataaga mo e eke ai mo tau
matafakatufono a Niue.

Vala Lima
Ko e Pule tonuhia he Fakatufono ke fakagahua e tau mena he fakafetuiaga

11 **Ko e Pule tonuhia ke fakailoa e tau poakiaga**
Kua tukuatu ke he Fono Ikipule e pule tonuhia ke fakailoa ha poakiaga
kua lata ke maeke ia Niue ke gahua fakamooli mo e muiua ke he tau

fakaholoaga he tohi Fakavēaga he Tāmataaga ti pihia mo e tau fakatokaaga ne fakamau he Resolution

Vala Ono

Falu a Mena mo e Tau Tauteaga Fifili Kehekehe

12 Tau La-Fakatufono

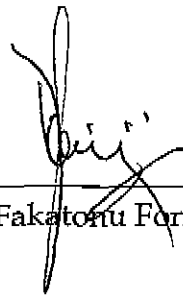
- (1) Ko e Fono Ikipule ke fakamooli e tau la-fakatufono ke lata mo e Fakatufono-Tohi nai.
- (2) Kua mua atu ke fakamooli e tau la -fakatufono ke lata mo e tau mena oti po ke falu he tau mena nai -
 - (a) talaga e tau vahega pepa ka fakapuke ke lata mo e Fakatufono-Tohi nai:
 - (e) talaga falu a fakatokaaga foki ne liga to lagomatai ke he Fakatufono-Tohi nai ke maeke ke maitua ke he tau mena loga i ai.

Fakaholoaga Fakamatafeiga

Ko e Tohi Fakavēaga he Fakatū e Fale Tupe Atihake , Asian Development Bank

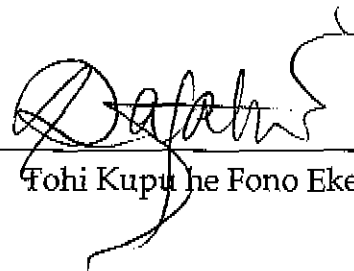
Ko au, **TOGIAVALU PIHIGIA**, ko e Fakatonu Fono he Fono Ekepule ha Niue, kua fakamooli kua maitua ke he tau fakavēaga he Matakupu 34 he Tohi Fakavē ha Niue.

FAKAMOOLI MO E FAKAMAU he poko Fono Ekepule he Aho 24 ia TESEMO 2018.



Fakatonu Fono he Fono Ekepule

FAKAMOOLI FOKI ki mua he Fakatonu Fono



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 ¹⁹ he mahina ha
TESEMO 2018.
