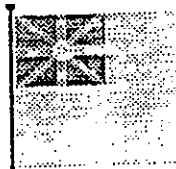


## CONSTITUTION AMENDMENT (No.1) ACT 1992

No.162



## ANALYSIS

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| <p>1. Title<br/>Short Title and commencement</p> <p><u>PART I</u><br/><u>AMENDMENTS TO THE CONSTITUTION</u></p> <p>2. Nationality and residential qualifications of electors and candidates</p> <p>3. Special provisions with regard to measures affecting the criminal law or personal status</p> <p>4. The Judiciary</p> <p>5. Niue Public Service Commission</p> <p>6. Acting members of Commission</p> | <p><u>PART II</u><br/><u>CONSEQUENTIAL AMENDMENTS</u></p> <p>7. Special provisions with regard to measures affecting Niuean Land</p> <p>8. Niue Public Service</p> <p>9. Delegation of powers</p> <p>10. Interpretation</p> <p><u>PART III</u><br/><u>TRANSITIONAL PROVISIONS</u></p> <p>11. The High Court</p> <p>12. The Land Court</p> <p>13. The Land Appellate Court</p> <p>14. Appeal from High Court</p> <p>15. Court of Appeal of New Zealand</p> <p>16. Niue Public Service Commission</p> |
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An Act to amend the Niue Constitution

1. Short Title and commencement - (1) This Act may be cited as the Constitution Amendment (No.1) Act 1992 and shall be read together with and deemed part of the Constitution of Niue as set out in the Schedules to the Niue Constitution Act 1974 of the Parliament of New Zealand (hereinafter referred to as "the Constitution").

(2) This Act shall come into force on the 1st day of July 1992.

PART I  
AMENDMENTS TO THE CONSTITUTION

2. Nationality and residential qualifications of electors and candidates - The Constitution is amended by repealing subclause (1) of Article 17, and substituting the following new subclause -

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"17. Nationality and residential qualifications of electors and candidates - (1) Without limiting the provisions of any law prescribing any additional qualifications, a person shall be qualified to be an elector for the election of members of the Niue Assembly, or to be a candidate at any such election, if, and only if, that person -

(a) Is either -

(i) A New Zealand citizen; or

(ii) A Permanent Resident of Niue as defined by Act;

and,

(b) Has at some period resided continuously in Niue for not less than 3 years; and

(c) Has been ordinarily resident in Niue throughout the period of 12 months immediately preceding an application for enrolment as an elector or, as the case may be, nomination as a candidate."

3. Special provisions with regard to measures affecting the criminal law or personal status - The Constitution is amended by repealing Article 31.

4. The Judiciary - The Constitution is amended by repealing Part III and substituting the following Part -

"PART III  
THE JUDICIARY

The High Court of Niue

37. High Court established - (1) There shall be a Court of record, to be called the High Court of Niue, for the administration of justice in Niue.

(2) Except as provided in this Constitution or by law, the High Court shall have all such jurisdiction (both criminal jurisdiction, and civil jurisdiction including jurisdiction in relation to land) as may be necessary to administer the law in force in Niue.

(3) There shall be 3 Divisions of the High Court, namely

(a) A Civil Division;

(b) A Criminal Division; and

(c) A Land Division.

(4) A Judge of the High Court may exercise any of the jurisdiction and powers of a Judge of any Division.

(5) Subject to the subclauses (1), (2), (3), and (4) of this Article and to Article 38, each Judge of the High Court, or any 2 or more Judges, may, at any time in Niue or beyond Niue, exercise all the powers of the High Court.

*Constitution Amendment (No.1)*

38. Jurisdiction of Divisions of the High Court - (1) Each Division of the High Court shall hear and determine -

- (a) Such proceedings as are, under or by virtue of any enactment, to be heard and determined by that Division;
- (b) Such other proceedings as may from time to time be determined by the Chief Justice, either generally or in any particular proceedings or classes of proceedings.

(2) The Land Division shall have all the jurisdiction and powers in relation to land that immediately before the commencement of this Article were conferred on the Land Court of Niue, and shall have such other jurisdiction as may be conferred on it by enactment.

39. Judges of the High Court - (1) The High Court shall consist of 1 or more Judges, each of whom shall be appointed under the provisions of this Constitution.

(2) If only 1 Judge is so appointed, he shall be the Chief Justice of Niue, but if more than 1 Judge is appointed, one of them shall be appointed as the Chief Justice of Niue.

(3) A person shall not be qualified for appointment as a Judge of the High Court under this Article, unless he possesses such qualifications as may, subject to this Constitution, be prescribed by Act.

40. Acting Chief Justice of the High Court - Where any vacancy exists in the office of Chief Justice, or it appears that the Chief Justice is, for any reason, for the time being unable to perform the functions of his office, those functions may be performed by another Judge of the High Court, and if there is more than one such Judge who is able to perform those functions, then by the Judge who is senior in terms of the date of his appointment to that office, and that Judge may continue to perform those functions until a new Chief Justice is appointed, or, as the case may be, until the Chief Justice is again able to perform the functions of his office.

41. Temporary Judges - The Cabinet may at any time appoint any person of any age who is otherwise qualified for appointment to hold office as Chief Justice or as another Judge for such time, not exceeding one year, as is specified in the warrant of appointment.

Appointment, Tenure of Office, and Salaries of Judges

42. Appointment of Judges - The Chief Justice and other Judges of the High Court shall be appointed as follows:

- (a) The Chief Justice of the High Court shall be appointed by the Governor-General, acting on the advice of Cabinet tendered by the Premier.

*Niue Laws 1990-1996*

- (b) The other Judges of the High Court shall be appointed by the Governor-General, acting on the advice of Cabinet tendered by the Chief Justice of the High Court and the Minister of Justice.

43. Tenure of office of Judges - (1) Except in the case of an appointment made under Article 41, no person who has attained the age of 68 years shall be appointed to or continue to hold office as the Chief Justice or other Judge of the High Court.

(2) Nothing done by the Chief Justice or other Judge of the High Court in the performance of his functions shall be deemed to be invalid by reason only that he has reached the age at which he is required by this Article to retire or that his term has expired, as the case may be.

(3) The Chief Justice or any other Judge of the High Court may resign his office in writing under his hand addressed to the Governor-General.

44. Salaries of Judges - (1) The salaries of the Chief Justice and other Judges of the High Court shall be determined by Act, and shall be a charge on the Niue Government Account.

(2) The salaries of those Judges shall not be diminished during their period of office, unless as part of a general reduction of salaries applied proportionately to all persons whose salaries are determined by enactment.

45. Removal of Judges from office - (1) The Chief Justice and any other Judge of the High Court shall not be removed from office except by the Governor-General acting on the advice of Cabinet tendered by the Premier and given in accordance with a recommendation contained in a resolution of the Niue Assembly.

(2) The only ground upon which the Chief Justice and any other Judge may be removed from office is that of inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or misbehaviour.

Commissioners of the High Court

46. Commissioners of the High Court - (1) Cabinet may appoint Commissioners of the High Court of Niue, who shall hold office for such time as shall be specified in their warrants of appointment.

(2) No person who has attained the age of 68 years or who is a Member of the Niue Assembly shall be appointed to or continue to hold office as a Commissioner of the High Court.

(3) Subject to subclause (2), the office of Commissioner of the High Court may with the approval of the Public Service Commission be held concurrently with any office in the Niue Public Service, or any other position or employment, but a Commissioner of the High Court who is a member of the Niue Public Service shall not in the exercise of his functions be under the control of the Niue Public Service Commission.

*Constitution Amendment (No.1)*

(4) Nothing done by a Commissioner of the High Court in the performance of his functions shall be deemed to be invalid by reason only that he has reached the age at which he is required by this Article to retire, or that his term of office has expired.

(5) A Commissioner of the High Court may resign by writing under his hand addressed to the Premier.

47. **Temporary Commissioners** - The Cabinet may at any time appoint any person of any age who is otherwise qualified for appointment to hold office as a Commissioner of the High Court for such time, not exceeding one year, as is specified in his warrant of appointment.

48. **Jurisdiction of Commissioners of the High Court** - (1) A Commissioner of the High Court shall possess and may exercise such of the functions of a Judge of the High Court (whether judicial or administrative, but excluding those vested exclusively in the Chief Justice) as may be prescribed by Act, either generally or with respect to any particular Commissioner or Commissioners of the High Court, and all references in any enactment to a Judge of the High Court shall be construed as applying to a Commissioner of the High Court within the limits of the jurisdiction conferred on him.

(2) An Act may provide for appeals from a Commissioner of the High Court to a Judge of that Court.

49. **Remuneration of Commissioners of the High Court** - (1) Commissioners of the High Court shall receive such salaries and allowances as may from time to time be prescribed by enactment; but if any Commissioner is appointed on terms which do not require him to devote the whole of his time to performing the duties of that office, he shall receive by way of salary and allowances, the amount that is appropriate, having regard to the extent of the duties performed by him and to the terms and conditions of his appointment.

(2) The salaries of Commissioners shall be a charge on the Niue Government Account.

(3) During the term of office of any Commissioner, his salary may be increased whether to take account of any increase in general levels of remuneration or for any other reason, but his salary shall not during the term of his office be reduced, unless as part of a general reduction of salaries applied proportionately to all persons whose salaries are determined by enactment.

50. **Removal of Commissioners from office** - (1) A Commissioner of the High Court shall not be removed from office except by Cabinet, acting in accordance with a recommendation of the Chief Justice.

(2) The only ground upon which a Commissioner may be removed from office is that of inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or of misbehaviour.

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Justices of the Peace

51. Justices of the Peace - (1) The Cabinet may appoint Justices of the Peace for Niue, who shall hold office for such time as may be prescribed in their warrants of appointment.

(2) Any two Justices of the Peace for Niue, acting together, shall possess and may exercise in Niue any of the functions that are by law conferred generally on Commissioners of the High Court; and Article 48 of this Constitution, with the necessary modifications, shall apply as if references therein to a Commissioner of the High Court were a reference to any 2 Justices of the Peace for Niue; but this subclause shall not apply in the case of any Justice of the Peace who is a member of the Niue Assembly or who has attained the age of 68 years.

(3) A Justice of the Peace for Niue shall not be removed from office except by Cabinet acting in accordance with a recommendation of the Chief Justice.

(4) Justices of the Peace shall receive, in respect of any duties they perform, such remuneration as may from time to time be prescribed by enactment.

Court of Appeal

52. Court of Appeal established - (1) There shall be a Court of Appeal of Niue, which shall be a superior Court of record.

(2) Subject to Articles 53 and 54, the Judges of the Court of Appeal shall be -

- (a) The Chief Justice and other Judges of the High Court who shall be a members of the Court by virtue of their office; and
- (b) Such other persons, possessing such qualifications as shall be prescribed by Act, as may from time to time be appointed by the Governor-General acting on the advice of the Cabinet tendered to him by the Premier.

(3) The Chief Justice shall be the President of the Court of Appeal, but in his absence the Judge present who is highest in seniority shall preside.

(4) Judges of the Court of Appeal shall take seniority according to the respective dates of their first appointment as Judges whether of the High Court or of the Court of Appeal or of any Court in any place outside Niue.

(5) An appointment under paragraph (b) of subclause (2) of this Article shall be for a period of time or for the trial or hearing of one or more particular causes or matters, as may be specified in the instrument of appointment.

53. Number of Judges - (1) Any 3 Judges of the Court of Appeal may at any time in Niue or beyond Niue, exercise all the powers of the Court: Provided that the Court may have its judgment delivered by any one of the Court's members who is available, and, if there is no such member, then through the Registrar of the Court of Appeal.

*Constitution Amendment (No.1)*

(2) The judgment of the Court of Appeal shall be in accordance with the opinion of the majority of the Judges present.

54. Judges not to sit on appeals from own decision - A Judge of the Court of Appeal shall not sit on the hearing of an appeal from any decision made by him or by a Court on which he sat as a member.

55. Determination of Court of Appeal - (1) Except as provided in subclause (2) of this Article, or as may be provided by enactment, the determination of the Court of Appeal shall be final.

(2) Nothing in this Article shall limit the right of Her Majesty in Council, upon the petition of any person aggrieved by any decision of the Court of Appeal to admit that person's appeal therefrom upon such conditions as Her Majesty in Council shall think fit to impose.

55A. Jurisdiction of Court of Appeal - (1) Subject to the provisions of this Constitution, the Court of Appeal shall have jurisdiction to hear and determine any appeal from a judgment of the High Court.

(2) Subject to the provisions of this Constitution, and such time limits as may be prescribed by enactment within which an appeal shall be commenced, and except where under any Act a judgment of the High Court is declared to be final, an appeal shall lie to the Court of Appeal from a judgment of the High Court -

- (a) As of right, if the High Court certifies that the case involves a substantial question of law as to the interpretation or effect of any provision of this Constitution;
- (b) As of right, from any conviction by the High Court in the exercise of its criminal jurisdiction whereby the appellant has been sentenced to death or to imprisonment for life or for such term, or to such fine, and from any such sentence (not being a sentence fixed by law) as shall be prescribed by Act;
- (c) As of right, when the matter in dispute on the appeal amounts to not less than such value as shall be prescribed by Act;
- (d) With the leave of the High Court in any other case, if in the opinion of that Court the question involved in the appeal is one which by reason of its general or public importance, or of the magnitude of the interest affected, or for any other reason, ought to be submitted to the Court of Appeal for decision;
- (e) In such other cases as may be prescribed by Act.

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(3) Notwithstanding anything in subclause (2) of this Article, and except where under any Act a judgment of the High Court is declared to be final, the Court of Appeal may, in any case in which it thinks fit and at any time, grant special leave to appeal to that Court from any judgment of the High Court, subject to such conditions as to security for costs and otherwise as the Court of Appeal thinks fit.

(4) In this Article the term "judgment" includes any judgment, decree, order, writ, declaration, conviction, sentence, or other determination.

55B. Transmission of order of Court of Appeal - The determination of the Court of Appeal on any appeal from the High Court shall be transmitted to the Registrar of the High Court by the Registrar of the Court of Appeal under the seal of the Court of Appeal, and judgment shall thereupon be entered by the High Court in conformity with that determination, or such other proceedings by way of a new trial or otherwise shall be taken in the High Court as are required by that determination.

Oath of Allegiance and Judicial Oath

55C Oath of Allegiance and Judicial Oath - (1) The Chief Justice, and other Judges of the High Court, and every Judge of the Court of Appeal, and every Commissioner, and Justice of the Peace for Niue, shall, as soon as may be after his acceptance of office, take and subscribe the following oaths:

(a) An Oath of Allegiance in the following form -

I,....., swear by Almighty God that I will be faithful and bear true allegiance to Her (or His) Majesty [Specify the name of the reigning Sovereign, as thus: Queen Elizabeth the Second] as the Head of State of Niue, Her (or His) heirs, and successors, in accordance with the Constitution and the law. So help me God:

(b) The Judicial Oath in the following form -

I,....., swear by Almighty God that I will well and truly serve Her (or His) Majesty (Specify as above) as the Head of State of Niue, Her (or His) heirs, and successors, in accordance with the Constitution and the law, in the office of .....; and I will do right to all manner of people, without fear or favour, affection or ill will. So help me God.

(2) The oaths required to be taken by this Article shall be taken before the following persons -

(a) In the case of the Chief Justice, before the Governor-General;



*Constitution Amendment (No 1)*

- (b) In the case of any other Judge of the High Court, or any Judge of the Court of Appeal, before the Governor-General or before the Chief Justice;
- (c) In the case of a Commissioner of the High Court or a Justice of the Peace, before the Chief Justice or any Judge of the High Court, or the Speaker of the Niue Assembly.

(3) If any person mentioned in this Article declines or neglects, when the oaths required to be taken by him under this Article are duly tendered, to take those oaths, he shall if he has already entered on his office vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no person shall be compelled in respect of the same appointment to the same office to take any oath more than once: Provided that no proceedings before any such person may be questioned in any Court solely on the ground that that person failed to take the oaths prescribed by this Article."

5. Niue Public Service Commission - The Constitution is amended by repealing Article 64, and substituting the following Article -

"64. Niue Public Service Commission - (1) There shall be a Public Service Commission for Niue, to be called the Niue Public Service Commission.

(2) The Commission shall consist of 3 members who shall be appointed by the Cabinet.

(3) The Chairman of the Commission shall be appointed by the Cabinet from amongst the members of the Commission.

(4) Each member of the Commission, and the Chairman, shall be appointed for a term of 3 years but may from time to time be re-appointed.

(5) Each member of the Commission shall receive such salary allowances and benefits as the Cabinet determines from time to time.

(6) A member of the Commission may resign his office at any time by written notice to the Premier, or may be removed from office by the Cabinet on the ground that he is unable to discharge the functions of his office (whether by reason of infirmity of body or mind or from any other cause) or misbehaviour."

6. Acting members of Commission - The Constitution is amended by repealing Article 65, and substituting the following Article -

"65. Acting members of Commission - (1) In the event of the incapacity, by reason of illness or absence or any other cause, of any member of the Commission, the Cabinet may appoint a person to act in place of that member during that incapacity.

(2) Any person acting in place of a member of the Commission pursuant to this Article shall be deemed for all purposes to be a member of the Commission, and no appointment of any such person, and no act done by him in his capacity as a

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member of the Commission shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased."

PART II  
CONSEQUENTIAL AMENDMENTS

7. Special provisions with regard to measures affecting Niuean land - Article 33 of the Constitution is amended by deleting from subclause (1), paragraph (d).

8. Niue Public Service - Article 62 of the Constitution is amended by deleting from paragraph (a) of subclause (4), the words "of the Land Court, a Judge of the Land Appellate Court".

9. Delegation of powers - Article 67 of the Constitution is amended by deleting from subclause (1) the words "who, in either case, is visiting Niue on the Commission's business".

10. Interpretation - Article 82 of the Constitution is amended by -

- (a) inserting after the definition of the term "Constitution Day" the following definition -  
"Court of Appeal" means the Court of Appeal of Niue established by Article 52 of this Constitution:";
- (b) deleting the title "Chief Justice" and its definition, and substituting the following definition -  
"Chief Justice" means the Chief Justice of the High Court of Niue appointed under Article 42 of this Constitution; and includes any other Judge of the High Court authorised under Article 40 of this Constitution to perform the office or exercise any function of the Chief Justice:"
- (c) deleting from the definition of the term "Judge" the words - "and in relation to the Land Court, means any Judge of that Court including the Chief Judge of that Court";
- (d) deleting the title "Land Appellate Court" and its definition ;
- (e) deleting the title "Land Court" and its definition.

Constitution Amendment (No 1)

PART III

TRANSITIONAL PROVISIONS

11. The High Court - (1) A person holding office as Chief Justice, Judge, or Commissioner of the High Court of Niue, or a Justice of the Peace for Niue immediately before the coming into force of this Act shall upon and after the coming into force of this Act, continue to hold office and be entitled to receive the same salary, allowances and benefits as if that person had been appointed under the provision of the Constitution (as inserted by section 4 of this Act) that shall correspond to his appointment and as if his entitlements were fixed by enactment.

(2) All judgments, decrees, records, and acts of the High Court of Niue shall continue to have full force and effect on and after the coming into force of this Act as judgments, decrees, records and acts of the High Court of Niue established under Article 37 of the Constitution (as inserted by section 4 of this Act), and all proceedings, civil or criminal, pending in the High Court immediately before the coming into force of this Act, and all appeals pending immediately before the coming into force of this Act from decisions of the High Court, may be continued on and after the coming into force of this Act.

(3) Every reference to the High Court of Niue or to a Judge or Commissioner of the High Court, or a Justice of the Peace for Niue in any other law in force at the commencement of this Act, or in any judgment, decree, order, record, or act of the High Court, or in any other instrument or document whatsoever in force at the commencement of this Act shall, unless the context otherwise requires, be read after the commencement of this Act as a reference to the High Court of Niue established by Article 37 of the Constitution (as inserted by section 4 of this Act) or, as the case may be, to a Judge, or Commissioner of the High Court, or a Justice of the Peace for Niue.

12. The Land Court - (1) A person holding office as Chief Justice, or Judge of the Land Court of Niue immediately before the coming into force of this Act, shall upon and after the coming into force of this Act and without further appointment be a Judge of the High Court of Niue with seniority determined in accordance with the date upon which that person's appointment as a Judge of the Land Court took effect.

(2) A person holding office as a Commissioner of the Land Court of Niue immediately before the coming into force of this Act, shall upon and after the coming into force of this Act and without further appointment, be a Commissioner of the High Court of Niue with seniority determined in accordance with the date upon which that person's appointment as a Commissioner of the Land Court took effect.

(3) All judgments, decrees, records, and acts of the Land Court of Niue shall continue to have full force and effect upon and after the coming into force of this Act as judgments, decrees, records and acts of the High Court of Niue established under Article 37 of the Constitution (as inserted by section 4 of this Act) and all proceedings pending in the Land Court including any appeal to a Judge immediately before the coming into force of this Act may be continued in the High Court after the commencement of this Act.

*Niue Laws 1990-1996*

(4) Where any final judgment of the Land Court of Niue has been given before the coming into force of this Act, the right of appeal from that judgment shall be governed by the provisions of Article 55 of the Constitution (as inserted by section 4 of this Act) as if that final judgment had been a final judgment of the High Court.

(5) Every reference to the Land Court of Niue or to a Judge or Commissioner of that Court in any other law in force at the commencement of this Act, or in any judgment, decree, order, record, or act of the Land Court, or in any other instrument or document whatsoever in force at the commencement of this Act shall, unless the context otherwise requires, be read after the commencement of this Act as a reference to the High Court of Niue established under Article 37 of the Constitution (as inserted by section 4 of this Act) or, as the case may be, to a Judge, or Commissioner of the High Court, or Justice of the Peace for Niue.

13. The Land Appellate Court - (1) All judgments, decrees, records, and acts of the Land Appellate Court of Niue shall continue in full force and effect on and after the commencement of this Act as judgment, decrees, records, and acts of the Court of Appeal of Niue established under Article 52 of the Constitution (as inserted by section 4 of this Act).

(2) In any case in which immediately before the commencement of this Act an appeal from any judgment of the Land Court of Niue was pending in the Land Appellate Court of Niue, that appeal may be continued after the commencement of this Act, and shall be heard and disposed of under the law in force immediately before the commencement of this Act as if that law had continued in force.

(3) The determination of the Land Appellate Court on any appeal continued pursuant to subsection (2) of this section shall be transmitted to the Registrar of the High Court of Niue established under Article 37 of the Constitution (as inserted by section 4 of this Act) by the Registrar of the Land Appellate Court under the seal of the Land Appellate Court, and the High Court of Niue shall act in respect thereof as if it were a determination of the Court of Appeal transmitted under Article 55B of the Constitution, as inserted by section 4 of this Act.

(4) Every reference to the Land Appellate Court of Niue or to a Judge of that Court in any other law in force at the commencement of this Act, or in any judgment, decree, order, record, or act of the Land Appellate Court, or in any other instrument or document whatsoever in force at the commencement of this Act shall, unless the context otherwise requires, be read after the commencement of this Act as a reference to the Court of Appeal of Niue or, as the case may be, to a Judge of that Court.

14. Appeal from High Court - (1) In any case in which immediately before the commencement of this Act an appeal from any judgment of the High Court of Niue was pending in the Court of Appeal of New Zealand, that appeal may be continued after the commencement of this Act, and shall be heard and disposed of under the law in force immediately before the commencement of this Act as if that law had continued in force.

*Constitution Amendment (No 1)*

(2) The determination of the Court of Appeal of New Zealand on any appeal continued pursuant to subsection (1) of this section shall be transmitted to the Registrar of the High Court of Niue established under Article 37 of the Constitution (as inserted by section 4 of this Act) by the Registrar of the Court of Appeal of New Zealand under the seal of the Court of Appeal of New Zealand, and the High Court of Niue shall act in respect thereof as if it were a determination of the Court of Appeal transmitted under Article 52 of the Constitution, as in force before the commencement of this Act.

15. Court of Appeal of New Zealand - (1) All judgments, decrees, records, and acts of the Court of Appeal of New Zealand relating to an appeal from the High Court of Niue shall continue in full force and effect on and after the commencement of this Act as judgments, decrees, records, and acts of the Court of Appeal of Niue.

(2) Every reference to the Court of Appeal of New Zealand or to a Judge of that Court in any other law in force in Niue at the commencement of this Act, or in any judgment, decree, order, record, or act of that Court, or in any other instrument or document whatsoever relating to Niue and in force at the commencement of this Act shall, unless the context otherwise requires, be read after the commencement of this Act as a reference to the Court of Appeal of Niue or, as the case may be, to a Judge of that Court.

(3) Every provision in any Act conferring a right of appeal from a judgment of the High Court of Niue to the Court of Appeal of New Zealand shall, after the commencement of this Act, be read as a provision conferring a right of appeal to the Court of Appeal of Niue.

16. Niue Public Service Commission - The persons holding office as Chairman, members or acting members of the Niue Public Service Commission immediately before the coming into force of this Act shall upon and after the commencement of this Act and without further appointment, continue to hold office for a term of not less than 1 year nor more than 3 years as shall be prescribed by the Cabinet, but in all other respects as if they were appointed to their respective offices under the provisions of Article 64 of the Constitution (as inserted by section 5 of this Act) and different terms may be so prescribed in respect of different members. Every such person shall, subject to the provisions of the Constitution, continue to receive such salary, allowances and benefits that were being received immediately before the commencement of this Act, as if those entitlements were determined by the Cabinet under Article 64 of the Constitution (as inserted by section 5 of this Act).

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I, SAM PATA EMANI TAGELAGI, Speaker of the Niue Assembly, hereby certify that the requirements of Articles 34 and 35 of the Niue Constitution have been duly complied with.

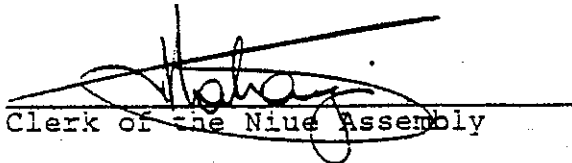
SIGNED AND SEALED at the Assembly Chamber this 17<sup>th</sup> day of

July, 1992



Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker:



Clerk of the Niue Assembly