



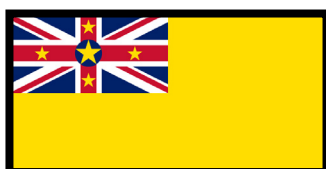
NIUE

COMMONWEALTH PARLIAMENTARY ASSOCIATION BENCHMARKS FOR DEMOCRATIC LEGISLATURES

FINAL REPORT



Foreign, Commonwealth
& Development Office



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SUMMARY

“Parliamentary democracy is never stagnant. It is vitally important for a small Assembly, such as ours, to ensure that every Member is afforded an equal opportunity to fully participate in the democratic process and continue delivering for the people of Niue”



Crest of the Niue Parliament

As highlighted by the Speaker of Parliament, parliamentary democracy is ‘never stagnant’ and a core mission of Niue’s Assembly (Fono Ekepule Niue) is to ‘ensure that every Member is afforded equal opportunity to participate in the democratic process and continue delivering for the people of Niue’. This is a noble objective and closely aligns with Commonwealth principles that independent, effective Legislatures are one of the key political institutions of any successful democracy. To this end, Niue’s Assembly should be praised for how it conducts several of its affairs and Niuean citizens can be optimistic that their Legislature’s clear commitment to these underlying values of good governance will continue to guide its work in the months and years to come as the House takes important steps towards becoming an increasingly effective modern-day Parliament.

The CPA’s **Recommended Benchmarks for Democratic Legislatures** are underpinned by the 2012 Commonwealth Charter’s ambition to create free, fair, and democratic societies in every nation of the Commonwealth. The Parliament of Niue is undoubtedly committed to these important principles and, positively, meets a number of CPA standards across many different workstreams. Senior political leadership in Niue’s Assembly should be commended for achieving these standards and warm praise given to the wide-ranging efforts of staff, who ably support many of the Assembly’s core parliamentary services with a blend of skill, diligence, and pride.

Niue is one of the smallest democracies in the world and positive democratic progress made by the Assembly in recent years should rightly be praised. The Assembly’s efforts to continually improve its ways of working for the benefit of Niuean citizens are admirable and demonstrably effective in a number of areas. This is particularly noteworthy given 2024 sees Niue celebrate 50 years of internal self-governance, and many examples of current positive parliamentary practice highlighted throughout this Report should be a notable source of achievement and celebration.

For example, recent national votes in Niue have been internationally recognised as both free and fair, there is a vibrant link between Niue’s elected representatives and the citizens they serve, and many stakeholders throughout Niue’s political ecosystem, appear passionately committed to improving what are already sound democratic structures in many different areas. Niue’s Assembly itself currently shows positive performance in a range of areas including: how the country’s Constitution is adhered to; its Standing Orders are applied, Plenary business is facilitated, core parliamentary services are provided to Members; engagement activities are coordinated with external stakeholders; and proactive steps towards further learning and development are taken.

Both Mr. Speaker and the committed staff who support the work of Parliament all have a strong conviction to ensure that Niue's Assembly continues to evolve with these several of these positive achievements highlighted throughout the course of this Report.

That said, there are a number of areas in which Niue's Assembly does not currently meet the CPA's Recommended Benchmarks. In order to continue making positive democratic progress, a strong commitment at both the political and official level will be required to ensure that Parliament reaches these important targets in the future.

These cover a range of the Assembly's core legislative, oversight, and representative functions such as: increasing the regularity of Assembly sittings and ensuring Parliament's official calendar of meetings is published online; establishing an autonomous Electoral Commission with oversight powers of robust campaign finance law; extending parliamentary privilege provisions to ensure former Members, witnesses, whistleblowers, and citizens enjoy due protections; creating an independent Remuneration Authority alongside clear means for Members to disclose how parliamentary funds are spent; better balancing its legislative agenda to ensure that issues raised by non-Government Members and Private Members' Bills are given due consideration in the House; modifying the set-up of parliamentary Committees so that these important vehicles of legislative scrutiny are more fit for purpose; uplifting, where possible, infrastructure and ICT provisions on the parliamentary precinct; expanding current professional development opportunities for Members and staff; broadening avenues for public engagement with relevant Civil Society stakeholders and Media personnel; and, in the fullness of time, establishing a Parliamentary Service Commission (or equivalent corporate body) to give the Assembly more operational autonomy and financial independence from the Executive wing of Niue's Government with the ambition of achieving longer-term progress against several of these important targets.

That said, the burden of responsibility for improvement in a number of these areas does not rest entirely with Parliament. The Niuean Government should also take this opportunity to, among others: support any future Assembly efforts to establish a Parliamentary Service Commission; in the meantime, provide the Parliament with greater fiscal independence and operational autonomy to run its own affairs; allow increased opportunity for non-Government business or Private Members' Bills to be considered on the Floor of the House; remove stipulations that see Cabinet Ministers sitting on parliamentary Committees; consider reforms around potentially transferring oversight responsibilities from Niue's Public Service Commission to an autonomous Electoral Commission and independent Remuneration Authority; and balance the need for legislative expediency against the democratic mandate of Parliament to pass laws by reducing its usage of the Certificate of Urgency procedure.

Overall, Niue's Assembly should be praised for building a Legislature that meets many of the CPA's Recommended Benchmarks and positively appears to be improving its performance on a continuous basis. While a number of areas for reform are identified in this Report, we hope that its Recommendations will act as a valuable resource to the Assembly moving forward. Utilising its content as an impartial guide will hopefully help build a stronger Parliament, develop better Government, and ultimately deliver more for the people of Niue in the months and years ahead.

Background

The Commonwealth Parliamentary Association (CPA)¹ is an international community of 180 Parliaments and Legislatures working together to deepen the Commonwealth's commitment to the highest standards of democratic governance. Founded in 1911, the CPA brings together Members of Parliament and parliamentary staff to identify benchmarks of good governance and implement the enduring values of the Commonwealth. It offers vast opportunity for both Parliamentarians and officials to collaborate on issues of mutual interest and to share best practice across many fields.

In 2018, the CPA undertook a consultation and review process that resulted in the adoption of updated **Recommended Benchmarks for Democratic Legislatures**.² The Benchmarks provide a minimum standard and guide on how a Parliament should be constituted and how it should function. They play an important role in developing the effectiveness of parliamentary institutions across the 180 Parliaments and Legislatures of the CPA and contribute to the implementation of the Sustainable Development Goals.³

In July/August 2024, the **Parliament of Niue** became the 33rd Commonwealth Legislature to use this framework to conduct a Self-Assessment against the Benchmarks. The Self-Assessment exercise was approved by the Speaker, **Hon. Hima Douglas**, and organised by parliamentary staff. CPA International Secretariat Headquarters appointed **Fraser McIntosh** (Good Governance Project Manager, CPA HQ) and **Amber Walters** (CPA Pacific Regional Secretary and Interparliamentary Relations Team Lead, New Zealand House of Representatives) to undertake this Self-Assessment from 29 July-2 August. The Self-Assessment took place as part of the CPA's Good Governance Project – an initiative part-funded by the UK's **Foreign, Commonwealth and Development Office**.

During their time in Alofi, Fraser and Amber met Speaker Douglas and other Members from the Niue Assembly. They also held discussions with **Ms. Cherie Morris-Tafatu** (Clerk of the Parliament) and various parliamentary staff alongside additional

1 www.cpahq.org. The Commonwealth Parliamentary Association. [online]. Available at: <https://www.cpahq.org/>.

2 **Recommended Benchmarks for Democratic Legislatures**. (n.d.). Available at: <https://www.cpahq.org/media/10jkk2nh/recommended-benchmarks-for-democratic-legislatures-updated-2018-final-online-version-single.pdf>

3 In particular Goal 16.6 (Develop effective, accountable and transparent institutions at all levels) and Goal 16.7 (Ensure responsive, inclusive, participatory and representative decision-making at all levels).

meetings with a wide range of external stakeholders including Niue's Government, Public Service Commission, and Crown Law Office, as well as representatives of Niuean Village Councils, Civil Society and local Media.

These meetings took place in conjunction with a review of certain key documents including: the Constitution of Niue⁴ and the Standing Orders of Niue's Assembly⁵, as well as other related parliamentary materials.

The Report below is a summary of the main findings of the Self-Assessment.

Acknowledgements

The Parliament of Niue proactively chose to assess itself against the CPA Benchmarks. As such, Hon. Speaker Douglas, Ms. Cherie Morris-Tafatu, and other parliamentary staff should be praised for both their willingness and enthusiasm to undertake this important piece of work. Their doing so demonstrated a positive approach to the CPA Self-Assessment, which was consistent throughout Fraser and Amber's time in Alofi. This commitment to continued learning and improvement is admirable.

The CPA would also like to place on record its warmest thanks to all stakeholders who participated in this Self-Assessment and draw particular attention to the invaluable efforts of the Clerk and **Ms. Christine Ioane** (Executive Advisor to the Speaker, Niue Assembly) for helping coordinate an excellent programme of meetings, facilitating key logistical arrangements, and providing such warm hospitality for the duration of Fraser and Amber's visit to Alofi. Other officials with whom the CPA delegation met are a credit to the Assembly and its continued efforts to improve parliamentary democracy for the people of Niue.

Support and Follow-Up

Following the publication and consideration of the findings of this Report, and within the boundaries of financial constraints, the CPA is committed to supporting Niue's Assembly in further strengthening its democratic processes. As such, the CPA stands ready to enable the Parliament to take forward these recommendations – where requested and appropriate – through its **Technical Assistance Programme**⁶ scheme and wider efforts linked to institutional parliamentary strengthening.

Political, Economic and Social Context

Niue is a Polynesian island country located in the South Pacific Ocean. Commonly referred to as 'The Rock of Polynesia', Niue is situated in a triangle between Samoa (to the north), Tonga (to the west), and Cook Islands (to the east), while New Zealand (with whom Niue is in free association⁷) sits approximately 2,400 kilometres to the south⁸.

At its last census (conducted in 2022⁹), Niue's population was approximately 1,600, making it the fourth-least populated country or dependency in the world. Niue's sole city (and de facto capital) is Alofi. With approximately 700 residents, it is the second smallest national capital in the world. The majority of Niue's population are Polynesian with approximately 80% being either fully or partially Niuean. The remaining 20% is comprised of inhabitants with European or Asian ancestry (12%) or family roots originating from other Pacific Islands (8%). Niuean and English are national languages with both widely spoken across society, and the majority of Niue's inhabitants being completely bilingual. Religion is central to the lives of almost all citizens with over 92% of the population recorded as actively following Christian faith.

Traditionally, close community ties within Niuean villages bound citizens into a collectivist society, however, the country's population declined throughout the late 20th and early 21st centuries as many Niueans migrated to New Zealand because of limited economic prospects at home. As of 2024, there are many times more native-born Niueans and their descendants living in New Zealand than in Niue itself.

Niue's currency is the New Zealand dollar with the country's economy predominantly based on agriculture. About 25% of land is arable and held in traditional family patterns; land ownership is passed down through family lines and, by law, cannot be sold to foreigners. About 20% of Niue's land is forested with much of the country's manufacturing centred on processing crops for export. In recent years, tourism has become an increasingly important element of Niue's Integrated Strategic Plan (NISP)¹⁰ as part of the

4 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

5 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

6 www.cpahq.org. How is the CPA supporting Commonwealth Parliaments? [online]. Available at: <https://www.cpahq.org/what-we-do/institutional-parliamentary-strengthening/>.

7 N.Z.M. of F A and Trade. [online]. New Zealand Ministry of Foreign Affairs and Trade. Available at: <https://www.mfat.govt.nz/en/countries-and-regions/australia-and-pacific/niue>.

8 Encyclopaedia Britannica. Niue | Pacific Ocean. [online]. Available at: <https://www.britannica.com/place/Niue>.

9 www.worldometers.info. Niue Population (2022) - Worldometer. [online]. Available at: <https://www.worldometers.info/world-population/niue-population/>.

10 GOVERNMENT OF NIUE MEDIA RELEASE FOR IMMEDIATE RELEASE NATIONAL PLANNING SUMMIT REFLECTS ON THE PROGRESS OF THE NIUE NATIONAL INTEGRATED STRATEGIC PLAN. [online]. Available at: <https://www.gov.nu/wp-content/uploads/2023/09/media-release-national-planning-summit-reflects-on-the-progress-of-the-niue-national-strategic-plan-2016-2026.pdf>.

country's continued economic growth.

At the beginning of the 20th Century, in 1900, Great Britain established a protectorate over Niue. The following year, Niue was annexed to New Zealand (as part of the Cook Islands) before being separated and given its own resident Commissioner and Island Council in 1903. These arrangements lasted for over 50 years until, in 1960, the first Niuean Legislative Assembly was elected. In 1966, political authority traditionally held by the resident Commissioner was delegated to Niue's Assembly, and a first Niuean head of Government installed.

In 1974, New Zealand's Parliament restored Self-Government in Niue, by way of the 1974 Niue Constitution Act¹¹, following a constitutional referendum held that year in which a majority of Niuean citizens (65%) voted for this arrangement over full-blown independence or, alternatively, continuing as a New Zealand overseas territory. The proposed Constitution provided for Niue becoming an autonomous region under the sovereignty of New Zealand, with a 21-member Niue Assembly (consisting of a Speaker and 20 elected Members), as well as stipulating that the Assembly should elect a Premier who, in turn, would choose three other Assembly Members to form Niue's (Cabinet equivalent) Executive Council.

The contemporary politics of Niue takes place in the framework of a Constitutional Monarchy mixed with key elements of Westminster-based parliamentary democracy. The Niue Constitution Act of 1974 vests executive authority in His Majesty the King (**Charles III**) in Right of New Zealand alongside the Governor-General of New Zealand (currently **H.E. Rt Hon. Dame Alcyion Cynthia Kiro**). The Constitution specifies that everyday practice involves the exercise of sovereignty by Cabinet, composed of the Premier (currently **Hon. Dalton Tagelagi**) and three other Ministers. Both the Premier and accompanying Ministers are Members of Niue's Assembly.

The current Assembly consists of the Speaker and 20 Members; 14 elected from single-member constituencies and six island-wide representatives. Both electoral candidates and the electorate themselves must be at least 18 years of age, citizens of New Zealand, and registered residents of Niue. At present, Niue has no political parties with all Assembly Members being registered independents. The only Niuean political party to have ever existed – the Niue People's Party (1987-2003) – won the country's 2002 General Election before disbanding the following year.

The Assembly elects a Speaker at its first sitting following a General Election, at which point the Speaker seeks nominations for the position of Premier. The candidate with the most votes from the 20 Members is elected. Upon assuming office, the Premier selects three other Members to form a Cabinet and Niue's Executive arm of Government. General Elections in Niue are currently held every three years, upon dissolution of the Assembly at the request of the Premier, with the most recent taking place on 29 April 2023.

Niue's Judiciary (independent of the Executive and Legislature) includes a High Court and Court of Appeal, with appeals heard by the Judicial Committee of the Privy Council in London. The Chief Justice and other judges are appointed by the Governor-General on the advice of Niue's Cabinet and are typically New Zealand-based judges of the New Zealand Māori Land Court. Niue's High Court convenes twice a year and judges travel to Niue from New Zealand for these sittings. At the lowest level of Niue's judicial system sit Justices of the Peace.

Niue is self-governing and responsible for its own internal domestic business. The country's foreign affairs, defence/security policy, and external relations are managed by New Zealand, with administrative and economic assistance provided where requested by the Niuean Government. Niue and New Zealand's have shared engagement priorities¹² and a signed Statement of Partnership¹³ setting out the principles under which both countries will continue their ongoing cooperation, coordination, and partnership in a range of areas.

11 www.legislation.govt.nz. Niue Constitution Act 1974 | The Constitution of Niue – New Zealand Legislation. [online]. Available at: <https://www.legislation.govt.nz/act/public/1974/0042/latest/DLM412793.html>.

12 N.Z.M. of FA and Trade. Niue. [online]. Available at: <https://www.mfat.govt.nz/en/countries-and-regions/australia-and-pacific/niue>.

13 N.Z.M. of FA and Trade. Our development cooperation in Niue. [online]. Available at: <https://www.mfat.govt.nz/en/countries-and-regions/australia-and-pacific/niue/new-zealand-high-commission-to-niue/our-development-cooperation-in-niue>.

I. GENERAL

Elections

Since gaining self-governing status from New Zealand in 1974, Niue has successfully integrated its Village-based political system with Westminster-style institutions common across the Commonwealth. Over the last 50 years, Niue has enjoyed peaceful and smooth transitions of power from one Government to another following General Elections held every three years, with provisions for the holding of national polls clearly outlined in Niue's Constitution (Article 16)¹⁴. In a positive demonstration of model parliamentary practice, recent elections in Niue have been supported and recognised as both free and fair by international electoral observation missions from both the Government of New Zealand and the Pacific Office branch of the United Nations Development Programme.

Whilst in Alofi, the Self-Assessment team met with Niue's Chief Electoral Officer, who discussed several issues relating to citizen representation through elections to Niue's Assembly. Niue's Chief Electoral officer is committed to ensuring free and fair elections which ensures that all Niueans are correctly represented during national elections. Positively, this has included holding workshops on electoral subjects like voter registration and public awareness through initiatives such as PIANZEA¹⁵ and wider Commonwealth activities. Furthermore, the presence of external electoral experts from the Pacific Islands Forum have contributed to positive citizen representation at recent Niuean elections and the Chief Electoral Officer himself has also observed third country elections in the Cook Islands under a PIF¹⁶ programme. This not only highlights the importance of expert electoral officials sharing best practice between neighbouring jurisdictions, but also demonstrates that Niue's Assembly is committed to further enhancing citizen representation at future national elections moving forward.

Niue's most recent General Election took place in April 2023. A total of 42 candidates stood for election with 25 contesting the 14 individual Village seats and 17 competing for the six island-wide positions. Results from the election saw six of 20 seats in the Assembly won by women, Hon. Dalton Tagelagi re-elected as Premier, and the first gender-balanced Cabinet in Niuean history formed.

Whilst the conducting of Niue's General Elections is largely positive (and in several ways compare favourably with other Pacific Island nations), there are two important areas where improvements could be made against the CPA's Recommended Benchmarks¹⁷:

1. At present, Niue does not have an independent Electoral Commission (or similar authority) that oversees the holding of General Elections and other national polls such as constitutional referenda. Currently, the responsibility for doing so lies with a directorate of Niue's Public Service Commission¹⁸, which is the de facto Civil Service of Niue's Government. Establishing a separate Electoral Commission would delineate a clearer separation of powers between the Executive and Legislative branches of Government (in line with the CPA's Latimer House Principles¹⁹) and further strengthen positive electoral practice already in place in Niue.
2. Linked to this, Niue does not currently have any bespoke legislation in place to ensure that campaign finance laws regulate the manner and extent to which candidates receive monetary contributions from individuals or corporations ahead of General Elections. Introducing such provisions would discourage potential financial misconduct and create a more level playing field during electoral campaigns, as well as importantly demonstrating greater transparency for the benefit of the Niuean electorate.

RECOMMENDATION 1

Niue's Assembly should pass legislation that establishes the creation of an independent Electoral Commission with the powers to accurately monitor and regulate campaign finance laws relating to national General Elections.

(Benchmark 1.1.4 – There shall be legislation to ensure campaign finance laws are in place to regulate the manner and extent to which political parties and candidates may receive monetary contributions from individuals and corporations / Benchmark 1.1.5 – An independent Electoral omission or similar authority shall be established for the management of the conduct of elections and its tasks shall include monitoring the election expenses of parliamentary candidates and political parties).

14 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

15 Pacific Islands, Australia, and New Zealand Electoral Administrators Network – PIANZEA Network. [online]. Available at: <https://www.pianzea.org/>.

16 PIF – The Pacific Islands Forum. [online]. Available at: <https://forumsec.org/pacific-islands-forum>.

17 COMMONWEALTH PARLIAMENTARY ASSOCIATION. [online]. Available at: https://www.cpaq.org/media/vilpux02/election-planning-handbook_final.pdf.

18 www.gov.nu. (2024). Public Service Commission – Government of Niue. [online]. Available at: <https://www.gov.nu/public-service-commission/>.

19 Commonwealth Latimer House Principles on the Three Branches of Government. (2003). [online]. Available at: https://www.cpaq.org/media/kaf14zuf/commonwealth_principles_cpa_sept_2023-v2_single.pdf.

Upon taking up their seats in Parliament, Niue's Constitution (Article 21)²⁰ and the Assembly's Standing Orders (Part 16)²¹ stipulate that Members must take the Legislature's Oath of Allegiance. This is done before the Speaker and is mandatory for all candidates successful in parliamentary elections before they can begin their legislative duties. The Oath itself combines a religious commitment and continued loyalty to the British crown. During their time in Alofi, the CPA team was not made aware of any newly-elected Members ever having refused to take this Oath, although it is worth noting that the practice of requiring prospective Members to take a religious oath, without offering an alternative, is an anomaly when compared to best practice demonstrated in other Commonwealth Legislatures.



Separation of Powers, Immunity and Natural Justice

Niue's Constitution (Parts I-III) separates political powers between the Executive, Legislative, and Judicial branches of Government, with provisions for their respective roles and remits clearly outlined²². As the supreme law, all Assembly legislation must align with the Constitution.

Since its adoption, Niue's Constitution has been altered once, in 1992. Any proposed amendments require a two-thirds majority in the Assembly and approval in a national referendum. At the time of writing, a referendum to amend constitutional provisions, including extending electoral terms and increasing the size of Cabinet, was scheduled for August 2024.

At present, Niue enjoys a relatively clear separation of powers between its three Branches of Government. For example, in a positive demonstration of parliamentary practice, no serving Member of Parliament may simultaneously serve in the Judiciary or hold an Executive civil service position while they are in office. Furthermore, any employees of the Niue Public Service who becomes a candidate for election to the Assembly shall be granted a leave of absence for the purposes of their candidacy while, conversely, any sitting Member who takes up employment within the Public Service or benefits from a Government contract under which any public money is payable, must resign their seat in Parliament, at which point a by-election is called to elect an eligible replacement.

That said, Niue's current constitutional framework arguably favours the Executive Branch of Government in several areas. A number of stakeholders who met with the CPA team noted that the Parliament would benefit from further constitutional amendments to both improve its functional independence and strengthen its operational autonomy. With that in mind, some of these areas are discussed further in subsequent chapters of this Report.

It is also worth noting that Niue has a vibrant local Government ecosystem under the provisions of the Village Councils Act (updated in 2016)²³, which provides for each of Niue's 14 villages having its own elected Village Council. During their visit to Alofi, the CPA team witnessed first-hand the dynamic relationship enjoyed between national parliamentarians and those representing local communities. These interactions should be praised as a positive demonstration of ensuring regular dialogue and strong accountability between Niue's elected representatives and the citizens they serve.

20 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

21 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

22 Commonwealth Latimer House Principles on the Three Branches of Government. [online]. Available at: https://www.cpahq.org/media/kaf14zuf/commonwealth_principles_cpa_sept_2023-v2_single.pdf.

23 NIUE VILLAGE COUNCILS ACT. [online]. Available at: [Act 334 Village Councils Act 2016.PDF \(gov.nu\)](https://www.gov.nu/act/334-village-councils-act-2016).

Privileges and Immunity

When in office, Niue's Constitution (Article 24)²⁴ protects Members of Parliament from liability for anything they say or do in the Legislature. Unless ordered otherwise by the Speaker of the Assembly, Members are also immune from any inquiry, arrest, detention, or prosecution relating to their legislative duties, whether in the Chamber or as part of Committee work. While informal practice is for former Members to be granted immunity relating to any parliamentary activity undertaken during their time as a Member, there is no formal codification for such occurrences in statute. Such provisions do exist in other Commonwealth jurisdictions and, accordingly, Niue's Assembly should, therefore, look to update its relevant provisions to enshrine this in law.

Furthermore, the immunity privileges afforded to Members of the Niue Assembly are not currently extended to individual citizens, representatives of organisations, and Media outlets who contribute to or report on parliamentary proceedings. Whilst carrying out the Self-Assessment exercise, some stakeholders noted that while sitting Members are universally protected by these constitutional provisions, external stakeholders would benefit from additional provisions to further protect them in their interaction with the Legislature.

For example, there are no specific Acts of Parliament that provide for the formal protection of witnesses or whistleblowers giving evidence to the Assembly and nor do any citizens that feel their reputation has been damaged or brought into disrepute during the course of parliamentary proceedings have formal means to a right of reply. Introducing such provisions (perhaps through the establishment of a Parliamentary Privileges Committee that considers these complaints) would add invaluable extra protections for those external stakeholders supporting the work of Parliament and bring Niue's Assembly more in line with other democratic Legislatures around the Commonwealth.

RECOMMENDATION 2

Niue's Assembly should update its parliamentary privilege/immunity provisions to enshrine in law due protections for former Members, whistleblowers, and witnesses, while also introducing a citizens' right of reply scheme in relation to adverse references made to individuals during legislative proceedings.

(Benchmark 1.4.4 – The Legislature shall have mechanisms for persons to respond to adverse references made to them in the course of the Legislature's proceedings / Benchmark 1.4.5 – The freedom of speech immunity shall continue to apply to former legislators after they have left office in respect of works spoken or acts done while holding office and participating in or directly facilitating the Legislature's proceedings).

Two linked areas in which the Assembly does not fully meet the relevant CPA Benchmarks are the application of natural justice legal norms and related sub-judice provisions. Again, Niue's Constitution (Article 24)²⁵ protects the integrity and independence of Niue's court system by prohibiting Members of Parliament from discussing issues that are subject to live judicial review. Members throughout the Legislature appear to respect these rules and the CPA team was not made aware of any issues relating to their application during various stakeholder discussions.

Remuneration and Benefits

The remuneration, benefits, and other statutory entitlements for Members of Niue's Assembly are currently recommended by the Niue Public Service Commission and formalised through the passage of a Civil List Act by Parliament²⁶ (most recently updated in 2019). Members are paid a basic annual salary and receive additional allowances designed to support the facilitation of their parliamentary duties. Levels of remuneration are relatively low when compared to other Pacific jurisdictions²⁷ and are allocated on a tiered basis depending on the position held by the Member in question:

Position	Annual Salary	Annual Allowance	Total Remuneration
Premier	\$80,785 NZD	\$10,000 NZD	\$90,785 NZD
Minister	\$56,789 NZD	\$8,000 NZD	\$62,789 NZD
Member Assisting Minister	\$45,095 NZD	\$6,000 NZD	\$51,095 NZD
Speaker	\$36,511 NZD	\$6,000 NZD	\$42,511 NZD
Member	\$31,959 NZD	\$4,000 NZD	\$35,959 NZD

24 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

25 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

26 NIUE CIVIL LIST ACT (2019). [online]. Available at: [Act 350 Civil List Amendment Act 2019.PDF \(gov.nu\)](https://www.gov.nu/act/350-civil-list-amendment-act-2019.pdf).

27 www.cpaHQ.org. Members Pay and Remuneration Report. [online]. Available at: <https://issuu.com/the-parliamentarian/docs/cpa-members-remuneration-report-2020-2021-final/228>.

Alongside their base salary and fixed annual allowance, Members of the Niue Assembly are also eligible to receive a range of further remuneration means including Overseas Travel and Entertainment Allowances (paid per foreign visit) as well as a one-off Clothing Allowance (paid at the start of each new Assembly for a full three-year electoral cycle).

Niue's Public Service Commission is tasked with advising Government and reporting to Parliament on all issues relating to public sector salaries in Niue, including whether any relevant adjustments should be made. While it is positive that this function is not exclusively held by Members, the Public Service Commission is the de facto Civil Service of Niue's Executive Branch and, as such, not a fully autonomous body. The ideal practice for democratic Legislatures is for payments made to Members of Parliament to be regulated by an independent Remuneration Authority with clear procedures for monitoring and publishing relevant financial disclosures. At present, no such body exists in Niue and its establishment would both be a strong demonstration of positive transparency/accountability and bring Niue's Assembly in line with other Commonwealth Legislatures that embody model parliamentary practice in this regard.

RECOMMENDATION 3

Niue's Assembly should pass legislation that establishes an independent Remuneration Authority with adequate mechanisms for monitoring and publishing relevant financial disclosures relating to Members of Parliament.

(Benchmark 1.5.2 – An independent body or mechanism should determine the remuneration, benefits, and other statutory entitlements of legislators).

Linked to this, the CPA team also learned that Niue's Government holds broader financial influence over the Assembly in a number of other areas. Moving forward, the Parliament should seek ways to achieve more financial independence and operational autonomy from the Executive Branch where possible. Some possible means of doing so are helpfully discussed later in this Report.

Infrastructure

Niue's original Parliament House was built in the late 1960s with support from New Zealand's Government following the 1974 Referendum that brought about the beginning of domestic self-governance. In subsequent years, the building's coastal location led to structural challenges before Cyclone Heta in 2004 caused widespread damage that encouraged the Assembly to seek new premises further inland. The current Fale Fono ably manages to blend traditional Niuean heritage with various modern facilities fitting of a contemporary Legislature. The plenary chamber is bright, spacious, and equipped with impressive technology in parts. Every Member has their own designated seating space, and there are distinct viewing sections for visiting dignitaries, invited guests, and (in a positive demonstration of transparent parliamentary practice) members of the public to watch live proceedings in person.

The same building also hosts the Speaker's Office and working space for Parliament's secretariat staff, as well as a designated Members' Lounge which was the CPA team's base for the duration of their time in Alofi. While all of these facilities are positive, the current premises lack adequate space and resource in some key areas to best enable the Assembly to fully meet all of its legislative functions. For example, aside from the Speaker, Premier, and Cabinet Ministers, Members do not have their own office space or basic ICT equipment (such as personal desktop computers or shared digital research facilities), there is currently no library for Members or staff to use, and arrangements for persons with disabilities across the parliamentary precinct are sparse.

RECOMMENDATION 4

Niue's Assembly should seek to improve its physical infrastructure where possible, with a focus on providing individual office space for Members, expanding ICT provisions, and enhancing accessibility provisions for persons with disabilities across the parliamentary precinct.

(Benchmark 1.9.1 – The Legislature shall have adequate physical infrastructure to enable Members and staff to fulfil their responsibilities).

Professional Development

The Secretariat of Niue's Assembly conducts induction programmes for all Members at the beginning of each new session of Parliament following a General Election whereby key information concerning the Constitution, Standing Orders, and parliamentary duties, services and entitlements are shared with Members to help facilitate their understanding of how the Legislature functions. In general, these appear valuable and well received, however some Members consulted voiced a desire for this training to be made more comprehensive and conducted on a rolling basis throughout the life cycle of a Parliament (particularly for the benefit of Members who may join the Assembly mid-term through by-elections). From speaking to officials within the parliamentary

administration, there is potential to enhance the levels of training currently provided to Members. Doing so would bring the key benefits of continually developing Members' knowledge and ensuring that Niue's Assembly remains in line with evolving best parliamentary practices across the Commonwealth.

To this end, increased professional development opportunities should also be afforded to parliamentary staff. Speaking to officials within the Secretariat of Niue's Assembly, it was flagged to the CPA team that there is a real appetite among them to gain further knowledge, build further capacity, and develop further skills in a range of areas relating to model parliamentary practice. In order to increase sustainability within the parliamentary administration, it is advised that the Parliament focusses resources on adequately training staff throughout the parliamentary term. This point is particularly prescient given the retirement of Parliament's long-serving Clerk at the end of August 2024 and subsequent succession planning as the Assembly's new Clerk takes up their role.

Another way in which Niue's Assembly could improve its professional development opportunities would be to provide relevant external stakeholders with more formal platforms to meet with Members and staff throughout the life cycle of a Parliament. During conversations with representatives of Civil Society and local Media groups, a desire was voiced to be afforded greater opportunities for presenting to Members and officials information about their respective organisations and how they interact with Parliament. It was felt that this would improve understanding between parliamentary stakeholders and these groups. Doing so would not only ensure that Niue's Assembly meets relevant CPA Benchmarks in this regard but would also be a positive demonstration of the Parliament's commitment to improving how it interacts with external stakeholders, and hopefully passing better long-term legislation as a result.

More broadly, several stakeholders also voiced a desire for the Self-Assessment exercise to be used as an opportunity to engage further with the CPA moving forward. With this in mind, the suggestion of future enrolment in CPA Technical Assistance Programmes (referenced earlier in this Report), the hosting of a CPA Post-Election Seminar²⁸ following Niue's next General Election in 2026, and involvement in tailored study visits/exchange programmes were welcomed. Given the challenges of cost and travel, Niue's Assembly should also make use of the free online courses available through the CPA's Parliamentary Academy²⁹.

RECOMMENDATION 5

Niue's Assembly should expand its Professional Development Programmes to include the participation of key external stakeholders and hold these periodically between General Elections to ensure that such opportunities are open to all Members of Parliament and secretariat staff.

(Benchmark 1.6.1 – The Legislature shall take measures to ensure that newly elected Members are assisted in understanding how the Legislature works and its rules of procedure / Benchmark 1.6.2 – The Legislature shall take measures to assist legislators increase their knowledge and skills in the performance of their parliamentary duties).



28 www.cpahq.org. Professional Development. [online]. Available at: <https://www.cpahq.org/what-we-do/professional-development/>.

29 www.cpahq.org. The CPA Parliamentary Academy. [online] Available at: <https://www.cpahq.org/parliamentary-academy/>.

II. ORGANISATION OF THE LEGISLATURE

1. PROCEDURES AND SESSIONS

Rules of Procedure

Niue's Assembly operates pursuant to provisions outlined in the Constitution³⁰ and its own internal Standing Orders³¹. This framework for the Assembly's operations reflects and supports its actual practice and culture. The current Standing Orders were completed in 2023 (in line with Niue's most recent General Election) and, in a positive demonstration of sound parliamentary practice, will be reviewed at the beginning of each new session of Parliament moving forward. It is worth highlighting that, while potential reform of Niue's Constitution requires a two-thirds majority of Members in Parliament, amendments to the Assembly's Standing Orders need only a simple majority of present Members.

The Standing Orders are applied to manage the business of the House and of its Committees. They form the key operational document for the Assembly's functions. Stakeholder discussions revealed varying levels of understanding of the Standing Orders among Members, with a correlation between understanding and length of service. As such, Niue's Assembly could benefit from producing a companion guide to the Standing Orders, which would be useful as an explanatory tool setting out the rationale for the Standing Orders and any references made to the Constitution. It would also serve an informative and educational purpose for Members (particularly those newly-elected to Parliament).

The Standing Orders themselves are distributed to all Members at the first sitting of a new Parliament after a General Election and further hard copies are held centrally by the Assembly's Secretariat. Positively, an electronic version is also available online for Niuean citizens and other interested stakeholders, however, due to the Parliament not currently having its own website, this can be found on Government of Niue webpages instead. The vital importance of the Assembly establishing its own website is discussed in subsequent chapters of the Report.

Ahead of Niue's next General Election in 2026, it would be prudent for the Assembly to continually monitor the suitability and effectiveness of its Standing Orders to ensure that they remain fit for purpose. Ideally, this should be coordinated by the Speaker in conjunction with Parliament's secretariat whilst seeking Members' input from across the whole House.

Presiding Officers

Niue's Constitution (Article 20)³² and the Standing Orders (Part 3)³³ of Parliament provide for the Speaker of the Assembly. Candidates for the position of Speaker are nominated by sitting Members (typically from outside their ranks) and elected to chair legislative proceedings by a simple majority of Members present at the first sitting of Parliament following a General Election. In the event of an incumbent Member being elected to the role of Speaker, they must resign their seat and a subsequent by-election is called. Unlike other Commonwealth legislatures, the Speaker of Niue's Assembly does not vote in proceedings of the House or enjoy casting vote privilege in the event of Members being equally split during any such deliberations.

The role of the Presiding Officer is to maintain order in Parliament so that all Members have full opportunity to participate in the debates and votes of Niue's Assembly. To this end, the Speaker is well supported in advice on practice, precedent and procedure by the Clerk, an Executive Advisor, and other Assembly Secretariat staff. During various stakeholder discussions, Members from across the House spoke positively about the incumbent Speaker and the way in which he conducts the important role of facilitating Assembly business. Both Speaker Douglas and his wider team should be praised for ensuring that these important elements of parliamentary practice are well maintained.

Convening Sessions and Setting the Agenda

As per the Constitution (Article 22)³⁴ and its own Standing Orders (Part 9)³⁵, Niue's Assembly is required to meet at least once every six weeks for regular business sessions. The scheduling of these meetings is formalised by the Speaker, acting on request of the Premier, and is generally adhered to without any major issues. Separately to this, and in a positive demonstration of good parliamentary practice, the Assembly also has means to call itself into extraordinary session, either through the Speaker's decree (under exceptional circumstances) or if four Members (who are not Ministers) request an additional sitting. The Self-Assessment

30 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

31 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

32 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

33 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

34 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

35 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

team was informed by stakeholders that previous examples of extraordinary parliamentary sessions have included dealing with the aftermath of Cyclone Heta in 2004 and, more recently, the Assembly sitting more frequently to consider Niue's 2024 referendum on potential Constitutional amendments. These extraordinary sessions generally take place no earlier than five days nor later than ten days after the decree or request is made.

While the Assembly meets its Constitutional requirement to convene at least once every six weeks, many Niuean Members are engaged in valuable professional activities beyond their responsibilities in Parliament, and few concerns were raised among them on the regularity of legislative sittings, the CPA team concluded that there is capacity for Niue's Assembly to meet more often than it currently does (eight to ten times a year for a period of three to four days). Doing so would provide greater scrutiny of Government activities and improve opportunities for public engagement. Linked to this, Parliament's sitting calendar is distributed to Members in a timely fashion but not currently published online. The Assembly should rectify this as soon as possible to ensure that citizens across Niue can more easily follow parliamentary business. A detailed public agenda like this would encourage transparency in the Assembly's work, ensure that Members carry out their duties in a more effective manner, increase public confidence, and improve the electorate's outlook of their national Legislature.

RECOMMENDATION 6

Niue's Assembly should seek to increase the regularity of parliamentary sittings and ensure that an annual calendar of meetings is published online for the benefit of Niuean citizens and other interested stakeholders.

(Benchmark 2.3.1 – The Legislature shall meet regularly, at intervals sufficient to fulfil its responsibilities / Benchmark 2.4.4 – There shall be an annual parliamentary calendar to promote transparency).

Ahead of each sitting, Parliament's proposed agenda is formalised by the Speaker and disseminated among Members (five days in advance) by way of a Business Paper prepared by the Clerk. In another positive demonstration of sound parliamentary practice, Members have the opportunity to suggest changes or request amendments to the proposed agenda although, ultimately, any final decision to incorporate these or not rests with the Speaker.

During stakeholder discussions, Members from across the House appeared generally satisfied with how Parliament's sitting agenda is constructed, conveyed, and adhered to.

Debate and Voting

Niue's Assembly does have clear procedures in place for the facilitation of parliamentary debates and votes, as well as determining their order of precedence. The Standing Orders (Parts 12-15)³⁶ ably outline provisions relating to the tabling of Papers, moving of Motions and Amendments, exchange of Questions and Answers, and consideration of public Petitions. Standing Orders arrangements relating to all of these appear well understood and adhered to by Members of Parliament with no specific issues of note being raised during stakeholder discussions. This not only reflects positively on Hon. Speaker Douglas and the Assembly's Clerk, but also more broadly on other parliamentary staff in the Legislature. In another example of model parliamentary practice, all Plenary debates and votes are conducted publicly with live audio (via Broadcasting Corporation of Niue radio) and video (on Facebook/YouTube) channels streaming Assembly activities in real time.

While the parameters for facilitating debates and votes in Niue's Assembly are undoubtedly positive, the CPA team did identify two areas in which current arrangements could be improved:

- 1. Non-Government business** – much like many other Commonwealth legislatures, the majority of business considered by Niue's Assembly emanates from the Government. While this is not uncommon, formal provisions in the Standing Orders for dedicated Opposition Days, allowing non-Government Members to propose debate topics could be strengthened. Having specific days set aside to consider business proposed by non-Government Members would not only demonstrate sound application of the 'minority right' democratic principle but, equally, provide a conducive environment for Members to debate all pertinent issues raised by any Member throughout the House.
- 2. Private Members' Bills** – similarly, while provisions for the introduction of Private Members' Bills do exist in the Standing Orders, in practice, these are rare. This is, in part, because the vast majority of Parliament's agenda is dedicated to considering Government business, but also because Niue's Assembly does not currently have an independent Parliamentary Counsel to help 'backbench' Members with the crafting and drafting of own-initiative legislation. Establishing one would hopefully encourage non-Government Members of the Assembly to utilise this important means of legislating.

36 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

RECOMMENDATION 7

Niue's Assembly should adopt provisions that allow specific days in the parliamentary calendar for the consideration of Non-Government business and establish structures within its staff Secretariat to facilitate the meaningful introduction of Private Members' Bills.

(Benchmark 2.4.3 – A substantial proportion of the Legislature's time is set aside for it to consider business proposed by non-Government Members).

Petitions

There is a public petitions system in Niue which is outlined in the Assembly's Standing Orders (Part 13)³⁷ and by law all Niuean citizens enjoy the right to petition their elected representatives. In reality, however, this function is rarely used. It was suggested by some stakeholders that this is partially (and positively) because of the particularly strong link between Members and their respective Village communities, but by others that this can be attributed to Parliament not currently having a well-established petitions system for members of the public to engage with.

Currently, any petition submitted to Parliament must be sponsored by a Member and there appears to be little information online providing guidance to citizens on how they can initiate/submit a petition, should they wish to do so. Furthermore, given that Niue's Assembly does not currently have its own website, there are also no electronic means for citizens to submit a petition remotely.

In the event that a petition is submitted to Parliament, it must be approved by the Clerk before being read to the Assembly, and while there are Standing Order provisions allowing for petitions to then be considered by a parliamentary Committee, the Self-Assessment team was not made aware of any instances where this has taken place. Improving its provisions around the petitions process would represent another positive step for Niue's Assembly in strengthening its democratic interlinkage with the Niuean electorate.

Records

As per the Assembly's Standing Orders (Part 11)³⁸, Parliament's Clerk is responsible for preparing and circulating parliamentary papers to Members ahead of each sitting day. These include a daily Order Paper, any draft Bills being considered, and further supplementary briefing material produced by the staff Secretariat. During the session itself, Members' attendance, interventions, and voting activities are also recorded by parliamentary officials which, in turn, form the official report (Hansard) covering that day's business.

Generally speaking, staff of Niue's Assembly make positive efforts to maintain parliamentary records although, although these are not currently held in optimal electronic or readily accessible form. While up-to-date Hansard records are held centrally by the Secretariat and made available to Members upon request, ongoing constraints on staffing resource and the Assembly not having its own website hamstring efforts to digitise this publicly for the electorate at large. During various discussions with internal and external stakeholders, the CPA team stressed the importance of transparency and accountability for public access, emphasised the pressing need for Niue's Assembly to launch its own website, and underscored the multiple benefits (including Hansard maintenance/dissemination) that doing so would bring. These advantages are continually discussed throughout this Report.

37 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

38 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

Hon. Speaker Hima Douglas with Fraser McIntosh and Amber Walters



2. COMMITTEES

Organisation

As per its Standing Orders (Part 21)³⁹, Niue's Assembly establishes at the commencement of each new Parliament following a General Election a number of Select Committees to consider and report on matters referred to them by the Assembly, matters which fall under their designated subject area, and matters which (in the opinion of the Committee) require further consideration by the whole House. There are a total of six regular Select Committees constituted along thematic lines:

1. **Standing Orders Committee** – sits at the commencement of each new term of Parliament to consider, review, and propose amendments to the Assembly's Standing Orders.
2. **House Committee** – considers and advises upon all matters connected with official functions concerning the Assembly, including the comfort, convenience, and welfare of its Members.
3. **Public Accounts Committee** – examines the Government's annual Appropriation Bill proposals, as well as conducting wider auditing of Government agencies or state-owned enterprises.
4. **Constitutional Review Committee** – carries out a review of Niue's Constitution as directed by the Assembly and considers any matter relevant to the Constitution that (in the opinion of the Committee) requires review by the whole House.
5. **Bills and Legislation Committee** – scrutinises any legislative Bill referred to it by the Assembly.
6. **Ethics and Privileges Committee** – reports on any matter referred to it by the Assembly concerning parliamentary privilege or potential breaches of Parliament's Code of Conduct.

Alongside these six thematic Committees, the Assembly also has three Special Select Committees with designated responsibility for covering specific subject areas: Natural Resources and State-Owned Enterprises; Infrastructure and Central Agencies; and Social Services.

All Committees within Niue's Assembly reflect the political composition of the Legislature, comprise between four and six Members, elect their own Chair and Deputy from among its membership, set a quorum for the holding of meetings, and may adopt additional Terms of Reference to help guide and manage its work throughout the life cycle of a Parliament. In a positive demonstration of sound parliamentary practice, Committee meetings in the Assembly are open to representatives of the Media and members of the public during evidence sessions, albeit private considerations and deliberations are held in camera until the Committee has reported its findings to the whole House.

39 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

Organisation

Committees in Niue's Assembly play an important role in the passage of legislative Bills brought before Parliament (a detailed overview of which is provided later in this Report). After their Second Reading on the Floor of the House, draft Bills are referred to the Bills and Legislation Committee for detailed scrutiny which, in turn, can solicit additional input from one of the three subject-specific Special Select Committees. Members of the Bills and Legislation Committee will consider the merits of draft pieces of legislation, potentially recommend the inclusion of amendments to them, and report back to the Assembly as a whole, which will then vote on whether to accept the legislation as amended or in its original form. Committees in Niue's Assembly meet regularly alongside scheduled Plenary sittings of the House, often more frequently when particular issues of legislative importance arise, and have no apparent quorum issues. In this sense, the Committee structure in Parliament appears fit for purpose and no specific qualms or concerns were raised by Members during stakeholder discussions.

That said, the CPA team did identify a number of areas in which the current Committee set-up of Niue's Assembly could be improved:

1. At present, several Committees in the Assembly have at least one Cabinet Minister comprising their overall membership. While appreciating the relative size of Niue's Parliament, best practice demonstrated by other Commonwealth Legislatures is for Committee membership to be drawn exclusively from non-Government Members. This not only helps establish a clear separation of powers between the Executive and Legislature, but also avoids potential issues of impartiality around Government Members scrutinising the merits of their own legislative proposals.
2. Committees in the Assembly do not have the power to summon persons, papers, and records to assist in their scrutiny of draft legislation and other related issues. This right is currently held by the Speaker, although the CPA team learned during stakeholder discussions that such requests are not always universally adhered to in a timely fashion. Providing Committees with the ability to solicit evidence in this regard would strengthen their means of legislative scrutiny and should, hopefully, lead to the Assembly passing of better legislation for the citizens of Niue.
3. Whilst Committees in Niue's Assembly are undoubtedly active in their scrutinising of draft legislation, they appear to conduct little own-initiative work through running parliamentary inquiries into particular issues of interest. This can largely be attributed to a lack of resource at staff level with Committees not currently having their own internal secretary to coordinate business or the means to employ external experts where doing so could be beneficial. Ensuring that Committees in Parliament have the capacity and expertise to fully meet their legislative responsibilities would improve the alignment of Niue's Assembly with respect to various CPA Benchmarks.

RECOMMENDATION 8

Niue's Assembly should seek to improve the functioning of its parliamentary Committees by: removing Cabinet Ministers from their membership; empowering them with binding means to summon persons, papers, and records; and increasing their resource capacity via internal parliamentary staff or external experts.

(Benchmark 3.1.2 – The Legislature's assignment of Committee Members on each Committee shall include both majority and minority party Members and reflect the political composition of the Legislature / Benchmark 3.2.1 – Committees shall have the power to summon persons, papers, and records, and this power shall extend to witnesses and evidence from the Executive branch, including officials / Benchmark 3.2.4 – Committees shall have the right and sufficient resources to consult and/or employ experts).

3. POLITICAL PARTIES, PARTY GROUPS, CROSS-PARTY GROUPS, AND THE OPPOSITION

Caucuses and Interest Groups

Formal political parties do not exist in Niue but, while in Alofi, the CPA team explored the rights of legislators to form broader caucuses and interest groups based on common issues or concerns. While there is nothing in the Assembly's Standing Orders that limits the ability of Members to form such groups, there has traditionally been a limited culture of these bodies existing as part of Parliament's organisational framework. At present, the Assembly has established a Women's Caucus but lacks other interest groups that are common in other Commonwealth Legislatures.

During stakeholder discussions, both Members of Parliament and representatives of wider Niuean society positively acknowledged the idea of Niue's Assembly modernising its approach to such bodies with the idea of establishing more interest groups like its Women's Caucus. Generally speaking, doing so was viewed as having two main benefits: firstly, preventing unnecessary duplication in the mandates of parliamentary Committees (where a caucus or interest group would be a more efficient vehicle for considering cross-subject issues); and, secondly, providing Parliament with more scope to effectively address often apolitical topics of common interest. Establishing mechanisms and encouraging a culture that supports the increased creation of these bodies is something that Niue's Assembly could look to consider moving forward.

4. PARLIAMENTARY STAFF

Recruitment and Management

The Speaker sits at the Head of the Parliamentary Administration and is, in effect, responsible for all political activities undertaken in the Legislature. Alongside the Speaker, the Clerk of Parliament serves as the Assembly's most senior official with wide-ranging responsibilities relating to administrative operations in support of House business and the delegation of work among fellow parliamentary staff. At the time of writing this Report, Niue's Assembly has a Secretariat comprising four full-time officials: the Clerk, Assistant Clerk, Hansard Officer, and Executive Advisor to the Speaker. All parliamentary staff are talented, dedicated, and non-partisan, providing strong support for many aspects of Assembly operations.

Whilst the current team of parliamentary staff are a credit to Niue's Assembly and its citizens, there were a number of important areas of concern raised throughout stakeholder discussions about how the Parliament currently recruits and manages its staff, as well as how they are able to fulfil key responsibilities relating to the Assembly's functionality. As per the Constitution (Part VI)⁴⁰, Niue's Assembly is considered part of the country's wider Public Service and, as such, effectively a wing of Government as opposed to its own distinct entity. Whilst mindful of Niue's small population and limited human resource, this significantly limits the Assembly's ability to take a range of important decisions, among others, relating to:

1. the independent administration of its parliamentary precinct (premises are shared with the Premier and Cabinet Ministers)
2. the recruitment of and terms of employment relating to its Secretariat staff (these processes are coordinated by Niue's Public Service Commission); and
3. the improvement of key parliamentary infrastructure related to office space, research/library facilities, and IT provisions both for Members (as discussed earlier in this Report) and, crucially, staff whose efforts are essential to the smooth functioning of Assembly operations.

Lacking sufficient independence and autonomy from Niue's Government and, by extension, wider Public Service, was one of the biggest shortcomings identified by the CPA team in terms of how the Assembly currently runs its affairs. At the time of writing this Report, there is a lack of much-needed legislation providing for Niue's Assembly to establish its own corporate body responsible for providing funding entitlements towards key parliamentary services, delineating Parliament from the Executive, and further enhancing the separation of powers between two of Niue's three branches of Government⁴¹.

In this regard, best practice is to legislate for the establishment of a Parliamentary Service Commission that would enable Niue's Assembly to have independent authority of its corporate operations, build capacity across the parliamentary precinct without Executive restriction, and better allow the Assembly to put in place longer-term multi-annual strategic plans. Further benefits that could flow from the establishment of a Parliamentary Service Commission would include Niue's Assembly having full control over recruitment and the terms of employment for Legislature staff, enjoying unimpeded autonomy for allocating funds to particular activities on the parliamentary precinct, and entrenching non-interference from the Executive across a wide range of other parliamentary functions. The CPA team discussed the merits of establishing a Parliamentary Service Commission (or equivalent corporate body) with key Assembly personnel during their visit to Alofi, and this proposal received broad support from Members and staff.

RECOMMENDATION 9

Niue's Assembly should establish a Parliamentary Service Commission (or equivalent corporate body) with responsibility for the Legislature's internal governance and key related parliamentary services.

(Benchmark 5.1.2 – The Legislature, rather than the Executive branch, shall control the parliamentary service and determine the terms of employment. There shall be adequate safeguards to ensure non-interference from the Executive / Benchmark 5.1.4 – Members and staff of the Legislature shall have access to sufficient research, library, and ICT facilities / Benchmark 5.2.1 – The Legislature shall have adequate resources to recruit staff sufficient to fulfil its responsibilities. The rates of pay shall be broadly comparable to those in the public service / Benchmark 5.4.3 – The Legislature should, either by legislation or resolution, establish a corporate body responsible for providing services and funding entitlements for parliamentary purposes and providing for governance of the parliamentary service).

40 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

41 MODEL LAW FOR INDEPENDENT PARLIAMENTS ESTABLISHING PARLIAMENTARY SERVICE COMMISSIONS FOR COMMONWEALTH LEGISLATURES – Model Law for Independent Parliaments: Establishing Parliamentary Service Commissions for Commonwealth Legislatures. [online]. Available at: https://www.cpahq.org/media/usdnwccp/model-law-for-independent-parliaments_final.pdf.

III. FUNCTIONS OF THE LEGISLATURE

5. LEGISLATIVE FUNCTION

Legislative Process

Like many Parliaments in the Commonwealth, the drafting of most legislation in Niue is overseen by the Cabinet of Ministers. It is then reviewed, approved, and passed by the Assembly before assent (in the case of Niue by the Speaker of Parliament). The Constitution provides Parliament with supreme authority for all domestic law-making which applies to Niue as a whole unless otherwise specified by the Act itself.

Similar to other Commonwealth Legislatures, draft Bills in Niue's Assembly must be read three times with the aim of providing Members of Parliament enough time to consult their constituents and scrutinise the legislation in both Committees and the Plenary. Standing Orders outline the legislative stages, but the lack of a website makes it difficult for the public and media to track the progress of draft Bills.

Members interviewed by the Self-Assessment team understand their legislative responsibilities. They can help to frame legislation, debate the merits of a Bill introduced in the Assembly, propose amendments, conduct detailed scrutiny through Committees and, ultimately, approve draft laws tabled before the House. Stakeholders indicated that most legislation passes through these processes smoothly. This is testament to the dedicated work of the Legislature's Secretariat staff who ensure that Parliament operates effectively in line with its Standing Orders.

The legislative process in Niue is governed by the Niue Constitution Act 1974, which grants Niue's Assembly the power to make laws, as outlined in Section 28⁴². This foundational document ensures that all laws (including budgets) receive legislative approval and that the Legislature maintains important oversight of wider governmental actions. Niue's Assembly also has the authority to enact own-initiative resolutions of opinion, which meets the relevant CPA benchmark for non-binding expressions and provides the Assembly with an important mechanism for voicing its stance on various issues without enacting formal legislation.

While the legislative process in Niue functions well overall, the Self-Assessment team identified a number of areas in which improvements could be made:

- 1. Secondary Legislation** – Secondary legislation, which includes regulations and orders made by an authority under powers given by an Act of Parliament, often lacks the rigorous examination that primary legislation undergoes. Enhancing the scrutiny process for secondary legislation would ensure that these laws are thoroughly reviewed and debated, preventing potential oversights and ensuring they align with the primary legislation's intent.
- 2. Drafting of Legislation** – While the Niue Constitution Act 1974 recommends adequate resources for drafting legislation, the Self-Assessment team learned that these resources are not explicitly provided in all instances. The Crown Law Office plays a crucial role in Niue's legislative process, being involved in all aspects of Executive, Judicial, and Legislative functions. In doing so, it provides essential legal support, drafts amendments, and offers legal opinions, however, the Office faces significant challenges due to its extensive responsibilities and limited resources. The lack of a dedicated Parliamentary Counsel Office places considerable pressure on existing Assembly staff to meet a wide range of additional legal needs and also means that the use of Private Members' Bills in Niue's Assembly is limited. Some Members who met with the Self-Assessment team suggested that they would like to introduce Private Members Bills themselves but, at present, did not have the requisite legal drafting assistance within Niue's Assembly. This is something that the Assembly should look to amend moving forward.
- 3. Equality Impact Assessments** – Another area that is not currently emphasised in Niue's legislative process relates to equality impact assessments. Encouraging the inclusion of these assessments would ensure that new laws and policies more rigorously consider their impact on different parts of the population (for example, youth, seniors, and migrants) to promote important fairness and equality. It would also be a useful vehicle for more public input into the legislative and Committee process as well as ensuring Niue's compliance with international treaties and agreements, such as the UN Sustainable Development Goals

The Speaker of Niue's Assembly highlighted to the Self-Assessment team a need for greater autonomy and more robust legislative processes moving forward. Describing the current situation as having a "good navigation chart", the Speaker underscored the importance of having well-defined legislative procedures and adequate resources to support the Assembly's related functions.

By systematically addressing some of these areas, Niue can strengthen its legislative framework, ensuring that it remains healthy, fair, and capable of meeting the needs of its people.

42 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

RECOMMENDATION 10

Niue's Assembly should increase the resources available for legislative drafting, including establishing a Parliamentary Counsel Office and promoting the use of Private Members' Bills.

(Benchmark 6.1.4 – The Legislature shall provide adequate resources for legislators to draft legislation or amendments to any legislation).

6. OVERSIGHT FUNCTION

Oversight of the Executive

Oversight functions of Niue's Assembly are guided by the Niue Constitution Act 1974 and the Legislature's Standing Orders, which together establish a framework for effective oversight of the Executive branch and other Governmental functions. The size of Cabinet is proportionate to the Legislature, which maintains a balanced Executive body and sees Niue's Assembly meet relevant CPA benchmarks in this regard. That said, while there are procedures in place for oral and written questions in the Assembly, timely and comprehensive responses from the Executive are not always forthcoming. Establishing clear timelines for the submission of these and putting in place robust enforcement mechanisms alongside increasing provision for improved parliamentary library/research facilities are necessary to enhance these processes.

Although Niue does not have its own military (the Free Association arrangement with New Zealand provides for defence, humanitarian and security assistance should it be requested), the Assembly can, however, scrutinise various related matters. The Assembly also oversees state-owned enterprises, albeit tight fiscal spending by the Treasury impacts its effectiveness. Positively, the Assembly does ensure Niue's compliance with international treaties and Sustainable Development Goals (SDGs).

Oversight of Independent Constitutional Bodies

Niue currently has a number of national agencies and independent Constitutional bodies in existence⁴³. These include the Public Service Commission, Police Service, and Crown Law Office, as well as Telecom Niue and the Niue Broadcasting Corporation. The Self-Assessment team met various representatives of these organisations during their visit to Alofi and, while the Assembly does appear to have positive oversight authority over several of them, stakeholder discussions did raise some issues where further strengthening of the Legislature could take place.

1. Niue does not currently have its own Auditor-General. Under the Constitution, this function is currently held by the national Audit Office of New Zealand⁴⁴ which sees their Auditor-General conduct audits of all Government/public accounts that are provided for in the Constitution (Article 60)⁴⁵.
2. Similarly, Niue does not currently have an independent public Ombudsman service. Discussions to establish one have previously taken place with domestic studies being conducted⁴⁶ and the Australian Commonwealth Ombudsman undertaking Pacific-wide study visits⁴⁷ to explore the viability of doing so. During their time in Alofi, the Self-Assessment team learned that a draft Ombudsman Bill was prepared by Niue's Crown Law Office in 2006 but, to date, has not yet been introduced in the Assembly.
3. Furthermore, Niue does not currently have a dedicated Human Rights Commission. While in Alofi, however, the Self-Assessment team learned that there is some appetite to do so. It was noted during stakeholder discussions that establishing one (alongside a public Ombudsman) would not only enhance important accountability mechanisms but also align Niue with best international practices demonstrated by other Commonwealth jurisdictions.

RECOMMENDATION 11

Niue's Assembly should seek to enhance its various oversight functions by strengthening procedures for comprehensive/timely responses from the Executive and establishing an independent public Ombudsman/ Human Rights Commission with sufficient autonomy and funding.

43 www.gov.nu. The Government of Niue | Agencies. [online]. Available at: <https://www.gov.nu/agencies>.

44 Controller and Auditor-General of New Zealand. [online]. Available at www.oag.parliament.nz/2024/annual-plan/docs/annual-plan-2024-25.pdf.

45 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

46 Governance and Culture – Should Niue develop law and policy for an Ombudsman service? [online]. Available at: www.wgtn.ac.nz/law/research/publications/about-nzaci/publications/special-issues/hors-serie-volume-x-2010/Hekau.pdf.

47 Commonwealth Ombudsman – Complaint Handling in Pacific Islands nations without an Ombudsman service. [online]. Available at: www.ombudsman.gov.au/_data/assets/pdf_file/0027/286722/May-2009-Complaint-Handling-in-Pacific-Island-Nations-without-an-Ombudsman.pdf

(Benchmark 7.1.6 – The Legislature shall establish a position of independent Ombudsman or similar office / Benchmark 7.1.7 – The Legislature shall establish a Human Rights Commission, or similar office, with the mandate to protect against human rights violations / Benchmark 7.1.9 – The Legislature shall ensure that independent constitutional bodies receive adequate resources and the work of such institutions are not subject to political pressure from the Executive).

Financial and Budget Oversight

Niue’s Assembly has the required procedures in place in accordance with the Constitution and its Standing Orders to have oversight of the national financial and budgetary process. These procedures appear to be well understood by relevant stakeholders and are followed annually.

In line with the Constitution (Article 30)⁴⁸ and Standing Orders (81-84)⁴⁹, the Executive’s annual Appropriation Bill and draft Estimate of Expenditure must be circulated to Members of Niue’s Assembly within ten days of the Bill’s first reading. All Members of Parliament then have various opportunities to debate the Executive’s proposals (in Committees and at Plenary) before the House as a whole votes on the package. Linked to this, New Zealand’s Auditor-General also produces an annual report for the Speaker relating to Niue Government’s account and other related financial activities. Both of these processes appear to function well for the most part, however during stakeholder discussions, some Members noted that they would benefit from having longer to scrutinise Executive budgetary proposals and being able to access impartial expert financial expertise within the parliamentary administration⁵⁰.

To this end, the Self-Assessment team felt that the Legislature would benefit from having a parliamentary Budget Office to support its oversight of the annual State budget process and other financial activities. Currently, Members of Niue’s Assembly lack this important resource and often solicit advice from Government officials to help inform their analysis of the Executive’s budget proposals. While some Members of Parliament do have professional financial/accounting backgrounds, this is not true for all Members. Having a non-partisan, well-resourced, internal Budget Office would improve the quality of scrutiny that Parliament conducts of the Government’s budgetary proposals which, in turn, would hopefully lead to better outcomes for the citizens of Niue.

RECOMMENDATION 12

Niue’s Assembly should seek to establish an independent Parliamentary Budget Office to ensure that it has increased resources and sufficient financial expertise to ensure that its financial oversight responsibilities are conducted more effectively.

(Benchmark 7.2.6 – The Legislature shall have access to sufficient financial scrutiny resources and/or independent budget and financial expertise to ensure that financial oversight is conducted effectively).



Amber Walters with Niue’s Commonwealth Youth Parliament Representatives

48 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

49 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

50 HANDBOOK ON PARLIAMENTARY FINANCIAL OVERSIGHT ADAPTING PAC BEST PRACTICES TO LEGISLATURES IN SMALL JURISDICTIONS. [online]. Available at: <https://www.cpahq.org/media/wchb4uv5/handbook-on-parliamentary-financial-oversight.pdf>.

No Confidence and Impeachment

Niue Constitution provides clear guidance on the impeachment or censure of the Executive and related procedures for a no-confidence vote in the Government. In line with the Constitution (Article 6)⁵¹, four or more non-Executive Members of the Assembly may give intention to move a vote of no confidence in the Cabinet.

The motion must be voted on between five to ten days later, and if successful (or if a counter motion of confidence is unsuccessful) the Prime Minister is deemed to have tendered their resignation after five days have elapsed, unless the Prime Minister requests the Speaker to dissolve the Assembly before then.

Such a vote of no confidence most recently occurred against the Cabinet in March 2022 albeit failed with 11 votes against and five in favour.

7. REPRESENTATION FUNCTION

Representation of Constituents

In Niue, the collaboration between Assembly seat members and Village Council members is a crucial component for effective governance. To this end, the Assembly works closely with Village Councils to address local issues and implement policies. This is a positive demonstration of sound parliamentary practice which should be praised.

This collaboration involves regular meetings and consultations where both parties discuss development projects, funding allocations, and community initiatives. Assembly members may also assist Village Councils in navigating bureaucratic processes and securing necessary resources. This partnership aims to balance local autonomy with national oversight, ensuring that village-specific issues are addressed while aligning with broader Governmental policies.

That said, there were mixed views among stakeholders as to what constitutes adequate resource for Members to fulfil their representative role. There was little consensus among Members regarding the appropriate level and means of support required by them and, for the most part, parliamentary officials are happy to assist Members with a range of tasks that in other Commonwealth Legislatures are delegated to staff working in individual Member's offices. While some of these support a Member's legislative work in the Assembly, some often relate to personal constituency responsibilities, which can sometimes lead to officials in Parliament's secretariat being taken away from their core professional function in the Assembly. Such occurrences not only reduce the effectiveness of how some core parliamentary functions are conducted but can also create difficulties for the Legislature's non-partisan staff when they are tasked with supporting individual political objectives.

RECOMMENDATION 13

Niue's Assembly should ensure that a clear distinction is drawn between partisan and non-partisan staff by providing MPs with at least one official whose responsibilities are to provide the Member with administrative support and help carry out their constituency responsibilities.

(Benchmark 8.1.2 – The Legislature shall provide all legislators with adequate and appropriate resources to enable them to fulfil their constituency responsibilities).

Representation of Women

While the Constitution contains no requirement for a gender balance in Parliament or provisions relating to rig-fenced reserved seats for women only candidates seeking election to the Assembly, Niue performs relatively well when it comes the representation of women in national political activities. Six out of 20 seats (30%) in the Assembly are currently held by female Members. This is not only above the global average for female representation in Parliaments worldwide (26%)⁵², but also compares particularly favourably with other Pacific jurisdictions which (excluding Niue) have an average of just 7%⁵³.

Furthermore, following his election as Premier after the 2023 General Election, Hon. Dalton Tagelagi announced the first gender-balanced Cabinet in Niue's history⁵⁴ and, alongside this noticeable milestone, Niue's Assembly also has an active Women's Caucus currently in operation. During their time in Alofi, the Self-Assessment team met with representatives of the Women's

51 CONSTITUTION OF NIUE. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

52 IPU Parline: global data on national parliaments. Global and regional averages of women in national parliaments | IPU Parline: global data on national parliaments. [online]. Available at: https://data.ipu.org/women-averages/?date_year=2024&date_month=10

53 IPU Parline: global data on national parliaments. Global and regional averages of women in national parliaments | IPU Parline: global data on national parliaments. [online]. Available at: https://data.ipu.org/women-averages/?date_year=2024&date_month=10.

54 Television Niue. Premier Tagelagi announce first gender-balanced Cabinet. [online]. Available at: <https://tvniue.com/2023/05/premier-tagelagi-announce-first-gender-balanced-cabinet/>.

Caucus and learned that, alongside furthering the domestic representation of women in Niuean politics, they have also hosted/participated in overseas meetings of female parliamentarians with other Legislatures in the Pacific⁵⁵. These female Members and Niue's Assembly as a whole should be praised for such efforts and continuing to advance the representation of women in the country's national political activities.

One counterpoint worth noting is that, to date, Niue has not yet had a female Premier or Speaker of Parliament. That said, various stakeholders who met with the Self-Assessment team felt that it was only a matter of time until this changes with Niue well on the path to having a women leading the Executive branch of Government and/or the country's Legislature. To this end, it is recommended that Niue's Assembly increases its engagement with the CPA's Commonwealth Women Parliamentarians Network⁵⁶ and disseminates among Members the CPA's Gender Sensitising Parliaments Guidelines⁵⁷.



8. PARLIAMENTARY ASSISTANCE, AND NETWORKING

Even though King Charles III is the country's Head of State, Niue is not a full member of the Commonwealth of Nations⁵⁸, albeit its Premiers traditionally attend the bi-annual Commonwealth Heads of Government Meeting (CHOGM).

After gaining independence in 1974, Niue's Assembly joined the CPA on 1 January 1979 and actively participates in a number of CPA activities. In recent years, Members of Niue's Assembly have attended various CPA events, including by sending delegates to the annual Commonwealth Parliamentary Conference and bi-annual Commonwealth Youth Parliament⁵⁹. More broadly, Niue's Assembly enjoys strong working relationships with several other Parliaments in the Pacific region. It was clear to the CPA team throughout their time in Alofi, that all stakeholders understand the importance of strong international relations and are committed to deepening them further.

To this end, during conversations with Members and parliamentary staff, the Self-Assessment CPA team shared plenty of

55 Report from the Commonwealth Women Parliamentarians Pacific Annual Meeting and Retreat: Her Voice -Effective political participation by and for Pacific. [online]. Available at: <https://www.parliament.nz/media/6470/report-of-the-pacific-women-parliamentarians-meeting-niue.pdf>.

56 www.cpahq.org. Commonwealth Women Parliamentarians (CWP). [online]. Available at: <https://www.cpahq.org/our-networks/commonwealth-women-parliamentarians/>.

57 GENDER SENSITISING PARLIAMENTS GUIDELINES: STANDARDS AND A CHECKLIST FOR PARLIAMENTARY CHANGE. Available at: <https://www.cpahq.org/media/s20j1lws/cwp-gender-sensitizing-guidelines.pdf>.

58 The Commonwealth. Member countries. [online]. Available at: <https://thecommonwealth.org/our-member-countries>.

59 www.cpahq.org. Youth Parliament Toolkit. [online]. Available at: www.cpahq.org/media/r1vje11p/cpa_youth_parliament_toolkit_final_2024.pdf/.

information about the resources for assistance, networking, learning and development available to Niue's Assembly as a member of the CPA. Some of the capacity building and technical assistance opportunities available have already been mentioned in the Professional Development section above. *The CPA Small Branches Network*⁶⁰, of which Niue is a member, was emphasised to stakeholders across Parliament and positively received. The funding available through the network was also highlighted to stakeholders and the source of funding should be explored further.

RECOMMENDATION 14

Niue's Assembly should continue to increase opportunities for its Members and staff to receive technical/ advisory assistance from international partners, as well as to network/exchange best legislative practice with representatives of other Commonwealth Legislatures.

(Benchmark 9.1.1 – The Legislature shall have the right to seek and receive development assistance to strengthen the institution of Parliament / Benchmark 9.1.2 The type of assistance, budget, and use of development assistance received by the Legislature shall be determined by the Legislature in a transparent and accountable manner / Benchmark 9.1.3 – Members and the staff of Parliament shall have the right to receive technical and advisory assistance, as well as to network and exchange experience with individuals from other Legislatures).

60 www.cpahq.org. CPA Small Branches. [online]. Available at: <https://www.cpahq.org/our-networks/cpa-small-branches/>.

IV. VALUES OF THE LEGISLATURE

9. ACCESSIBILITY, OPENNESS AND ENGAGEMENT

Citizens and Public Engagement

For the most part, Niue's Assembly performs relatively well against various CPA benchmarks related to openness and engagement with both the Speaker and current parliamentary staff committed to further improvement moving forward. As per the Legislature's Standing Orders (37 and 42)⁶¹, the Clerk is required to prepare a Business Paper five days prior to any meeting of the Assembly and an official Hansard report of proceedings following legislative sittings. In terms of accessibility to Parliament for persons with disabilities, it was accepted that they were adequate for the temporary building that is currently occupied by Parliament, but that better access was expected when permanent new parliamentary premises are completed in 2026.

While these provisions are internally positive for Members of Parliament, the Legislature's current lack of its own website limits the Assembly's ability to be fully accessible, open, and engaged with wider Niuean society⁶². Establishing an independent online platform was one of the priority issues discussed with stakeholders during the Self-Assessment team's time in Alofi with several key benefits identified. These include but were not limited to:

- Publishing an official calendar of meetings (ahead of time) for the Legislature and related Hansard transcripts from Assembly sittings (post-event) to better allow citizens to follow the work of Parliament;
- Producing information pages that inform external stakeholders of wider Assembly activities, how legislation is passed, what work parliamentary Committees undertake, and regular news items for representatives of the Media to follow;
- Establishing individual webpages for each Member including contact details, their CV, declaration of pecuniary interests, and disclosure of relevant financial activities undertaken in line with allowances provided by the Assembly to support their parliamentary work.

RECOMMENDATION 15

Niue's Assembly should, as a matter of priority, establish its own website to bring about multiple benefits relating to openness, and engagement criteria.

(Benchmark 10.1.7 – The Legislature shall have a regularly updated and accessible website to enhance and promote information sharing and interaction with citizens and the outside world).

Another linked area in which Niue's Assembly does not fully meet the relevant CPA Benchmark relates to accessibility requirements for persons with disabilities. As discussed earlier in this Report, the current parliamentary precinct has several positive features but, at the time of writing, its facilities and provisions catering for persons with disabilities could be improved. For example, while access to the Chamber is possible for individuals in a wheelchair, wider legislative premises would benefit from additional disabled access ramps, lifts, and public restrooms. In conjunction with the development of its own website mentioned above, the Assembly should also seek to develop integrated sign language coverage of parliamentary proceedings broadcast across various TV and online platforms.

The Media

There is a vibrant media ecosystem in Niue, much of which is coordinated by the Broadcasting Corporation of Niue (established in 1989 by the current Speaker of the Assembly). BCN is responsible for coordinating activities of Niue's one television network (Television Niue) and one radio station (Radio Sunshine), both of which are funded by the Executive branch of Niue's Government. Many Niueans take an active interest in the work of their Legislature and follow its activities via domestic television/radio and wider international news outlets, such as ABC and RNZ.

While the relationship between Niue's Assembly and representatives of the Media is largely positive, the Legislature does not currently have a dedicated Media and Communications Department. This is principally due to limited staffing resource within the parliamentary administration, albeit there is a future appetite to establish one moving forward. Currently, the Legislature's relationship with representatives of the Media is undoubtedly encouraging in some areas but lacking in others. To this end, the Self-Assessment team shared a number of recommendations for improving current working structures with the Speaker, senior parliamentary staff, and representatives of the Media whilst in Alofi:

61 NIUE ASSEMBLY STANDING ORDERS. [online]. Available at: https://www.gov.nu/wp-content/uploads/2022/03/niue_constitution_ul2022.pdf.

62 www.cpahq.org. ENGAGEMENT, EDUCATION & OUTREACH HANDBOOK FOR COMMONWEALTH PARLIAMENTS. [online]. Available at: www.cpahq.org/media/sbif14kt/engagement_education_outreach-handbook_final.pdf.

- **Access and Accreditation:** while journalists reporting on Parliament are allowed to attend plenary sittings of the House, this privilege does not extend to Committees, they are not issued with formal press accreditation and do not have a designated space within the Plenary chamber to report on proceedings. Currently, most journalists produce their accounts of legislative business remotely, which is sub-optimal.
- **Facilities:** the Legislative Assembly does not currently have a dedicated Media facility on the parliamentary precinct where journalists can base themselves while reporting on parliamentary business. Best practice dictates that one should be established to ensure that members of the Press have regular access to the Legislature and are able to freely report on its affairs.
- **Information:** conversations with representatives of the Media highlighted that the Assembly's current lack of a functioning website limits their ability to accurately follow and report on the activities of Parliament. Clear benefits to establishing one are outlined above.
- **Understanding:** members of the Press who met with the CPA team noted that most Members of Parliament have a limited understanding of the important role that Media outlets can play in promoting the Assembly's work to Niuean citizens. During these conversations, it was highlighted that providing journalists with opportunities to explain their work (perhaps by being included as part of rolling learning and development schemes) would bring considerable value to improving the relationship between Parliamentarians and the Press in a mutually beneficial way that helps Members promote the important legislative work they are carrying out and improves the quality of reporting being conducted by journalists following the Legislature's proceedings. To this end, the Self-Assessment team also recommended that Parliament's senior management staff take steps towards producing a companion guide/handbook for representatives of the Press. This initiative has been undertaken in other Pacific jurisdictions (such as Samoa⁶³ and Tonga⁶⁴) to great effect.

RECOMMENDATION 16

Niue's Assembly should improve its provision of information and services to representatives of the Press by providing journalists with official accreditation, establishing a dedicated Media facility on the parliamentary precinct, allowing journalists to attend Committee meetings, involving them in post-election induction activities organised for new Members of Parliament, and producing a dedicated companion guide/handbook for reporters who regularly cover the activities of Parliament in their professional responsibilities.

(Benchmark 10.1.3 – The Legislature should ensure that the media are given appropriate access to the proceedings of the Legislature without compromising the proper functioning of the Legislature and its rules of procedure / Benchmark 10.1.4 – The Legislature shall have a non-partisan media relations facility).

10. ETHICAL GOVERNANCE

Transparency and Integrity

As already discussed in this Report, Niue's Assembly has procedures to conduct much of its business transparently, allowing external stakeholders to follow proceedings in real time and after deliberations. These should all be positively acknowledged.

Where the Parliament appears to fall short in some respects, however, is in relation to how it meets various CPA Benchmarks linked to integrity. For example, at the time of writing:

- While the Government of Niue's Fraud and Corruption Policy⁶⁵ appears widely adhered to by Members of Niue's Assembly, they do not currently participate in a formal Declaration of Pecuniary Interests scheme whereby any relevant financial interests held by Members are collated and made publicly available (usually on the Legislature's website).
- While the Assembly encourages its legislators to maintain high standards of accountability, transparency, responsibility, and propriety in all of their parliamentary activities, there was a lack of appreciation (among some Members) for the value that having a formal Code of Conduct for Members and strictly enforcing it brings. Establishing one alongside a Declaration of Pecuniary Interests scheme would be invaluable in terms of Niuean Members maintaining the highest standards of accountability, transparency, responsibility, and propriety while holding elected office.
- Niue does not currently have a Freedom of Information regime, albeit the Self-Assessment team learned that introducing one is currently being considered by the Premier and Cabinet. Introducing one would bring multiple benefits including, but not limited to, enhancing political transparency, increasing public scrutiny, and strengthening public trust in their elected representatives.

63 Parliament of Samoa – Journalist Handbook. [online] Available at: <https://www.palemene.ws/pdfs/Samoa%20Parliamentary%20reporting%20guide.pdf>.

64 TONGA PARLIAMENTARY REPORTERS' HANDBOOK. Available at: https://falealea.to/images/parliament_handbook/TonganParliamentaryHandbookEnglish.pdf

65 GOVERNMENT OF NIUE FRAUD AND CORRUPTION POLICY. [online]. Available at: <https://mof.gov.nu/wp-content/uploads/2024/08/Niue-Fraud-and-Corruption-Policy-2024.pdf>.

RECOMMENDATION 17

Niue's Assembly should establish a formal Code of Conduct for Members and a Declaration of Interests scheme, ensuring that the highest standards of behaviour are adhered to in Parliament and bring Niue in line with international best practice.

(Benchmark 11.1.1 – Legislators should maintain high standards of accountability, transparency, responsibility, and propriety in the conduct of all public and parliamentary matters including strict adherence to codes of conduct, and interest disclosure rules / Benchmark 11.1.2 – The Legislature shall approve and enforce codes of conduct, including rules on conflicts of interest and the acceptance of gifts / Benchmark 11.1.3 – Legislatures shall require legislators to periodically, fully, and publicly disclose their financial and other relevant interests)

During various stakeholder discussion in Alofi, it was clear to the Self-Assessment team that there is broad support from stakeholders, including political leaders, to introduce new schemes and strengthen existing ones with the ambition of seeing Niue's Assembly meeting all of the CPA's relevant transparency and integrity-related Benchmarks. This was encouraging and doing so would not only be a strong demonstration of the Assembly taking proactive steps towards establishing heightened standards for conduct across the parliamentary precinct, but also align the House with best practices from other Commonwealth Legislatures⁶⁶.

RECOMMENDATION 18

Niue's Assembly should pass Freedom of Information legislation to ensure that citizens have access to information held by public authorities, fostering transparency and public trust in parliamentary and governmental activities.

(Benchmark 11.2.1 – There shall be an effective FOI regime to give the public access to information held by public authorities).

66 www.cpahq.org. Standards for Codes of Conduct. [online]. Available at: www.cpahq.org/media/k4bhbzvd/codes-of-conduct-2024_final.pdf.

RECOMMENDATIONS

Recommendation 1: Niue's Assembly should pass legislation that establishes the creation of an independent Electoral Commission with the powers to accurately monitor and regulate campaign finance laws relating to national General Elections.

Recommendation 2: Niue's Assembly should update its parliamentary privilege/immunity provisions to enshrine in law due protections for former Members, whistleblowers, and witnesses, while also introducing a citizens' right of reply scheme in relation to adverse references made to individuals during legislative proceedings.

Recommendation 3: Niue's Assembly should pass legislation that establishes an independent Remuneration Authority with adequate mechanisms for monitoring and publishing relevant financial disclosures relating to Members of Parliament.

Recommendation 4: Niue's Assembly should seek to improve its physical infrastructure where possible, with a focus on providing individual office space for Members, expanding ICT provisions, and enhancing accessibility provisions for persons with disabilities across the parliamentary precinct.

Recommendation 5: Niue's Assembly should expand its Professional Development Programmes to include the participation of key external stakeholders and hold these periodically between General Elections to ensure that such opportunities are open to all Members of Parliament and secretariat staff.

Recommendation 6: Niue's Assembly should seek to increase the regularity of parliamentary sittings and ensure that an annual calendar of meetings is published online for the benefit of Niuean citizens and other interested stakeholders.

Recommendation 7: Niue's Assembly should adopt provisions that allow specific days in the parliamentary calendar for the consideration of Non-Government business and establish structures within its staff Secretariat to facilitate the meaningful introduction of Private Members' Bills.

Recommendation 8: Niue's Assembly should seek to improve the functioning of its parliamentary Committees by: removing Cabinet Ministers from their membership; empowering them with binding means to summon persons, papers, and records; and increasing their resource capacity via internal parliamentary staff or external experts.

Recommendation 9: Niue's Assembly should establish a Parliamentary Service Commission (or equivalent corporate body) with responsibility for the Legislature's internal governance and key related parliamentary services.

Recommendation 10: Niue's Assembly should increase the resources available for legislative drafting, including establishing a Parliamentary Counsel Office and promoting the use of Private Members' Bills.

Recommendation 11: Niue's Assembly should seek to enhance its various oversight functions by strengthening procedures for comprehensive/timely responses from the Executive and establishing an independent public Ombudsman/Human Rights Commission with sufficient autonomy and funding.

Recommendation 12: Niue's Assembly should seek to establish an independent Parliamentary Budget Office to ensure that it has increased resources and sufficient financial expertise to ensure that its financial oversight responsibilities are conducted more effectively.

Recommendation 13: Niue's Assembly should ensure that a clear distinction is drawn between partisan and non-partisan staff by providing MPs with at least one official whose responsibilities are to provide the Member with administrative support and help carry out their constituency responsibilities.

Recommendation 14: Niue's Assembly should continue to increase opportunities for its Members and staff to receive technical/advisory assistance from international partners, as well as to network/exchange best legislative practice with representatives of other Commonwealth Legislatures.

Recommendation 15: Niue's Assembly should, as a matter of priority, establish its own website to bring about multiple benefits relating to openness, and engagement criteria.

Recommendation 16: Niue's Assembly should improve its provision of information and services to representatives of the Press by providing journalists with official accreditation, establishing a dedicated Media facility on the parliamentary precinct, allowing journalists to attend Committee meetings, involving them in post-election induction activities organised for new Members of Parliament, and producing a dedicated companion guide/handbook for reporters who regularly cover the activities of Parliament in their professional responsibilities.

Recommendation 17: Niue's Assembly should establish a formal Code of Conduct for Members and a Declaration of Interests scheme, ensuring that the highest standards of behaviour are adhered to in Parliament and bring Niue in line with international best practice.

Recommendation 18: Niue's Assembly should pass Freedom of Information legislation to ensure that citizens have access to information held by public authorities, fostering transparency and public trust in parliamentary and governmental activities.

	Within Parliament's Control	Priority Level
Short Term	5: Niue's Assembly should expand its Professional Development Programmes to include the participation of key external stakeholders and hold these periodically between General Elections to ensure that such opportunities are open to all Members of Parliament and secretariat staff.	Medium
	6: Niue's Assembly should seek to increase the regularity of parliamentary sittings and ensure that an annual calendar of meetings is published online for the benefit of Niuean citizens and other interested stakeholders.	High
	7: Niue's Assembly should adopt provisions that allow specific days in the parliamentary calendar for the consideration of Non-Government business and establish structures within its staff Secretariat to facilitate the meaningful introduction of Private Members' Bills.	High
	15: Niue's Assembly should, as a matter of priority, establish its own website to bring about multiple benefits relating to openness and engagement criteria.	High
	14: Niue's Assembly should continue to increase opportunities for its Members and staff to receive technical/ advisory assistance from international partners, as well as to network/exchange best legislative practice with representatives of other Commonwealth Legislatures.	Medium
Medium Term	2: Niue's Assembly should update its parliamentary privilege/immunity provisions to enshrine in law due protections for former Members, whistleblowers, and witnesses, while also introducing a citizens' right of reply scheme in relation to adverse references made to individuals during legislative proceedings.	Medium
	3: Niue's Assembly should pass legislation that establishes an independent Remuneration Authority with adequate mechanisms for monitoring and publishing relevant financial disclosures relating to Members of Parliament.	Medium
	10: Niue's Assembly should increase the resources available for legislative drafting, including establishing a Parliamentary Counsel Office and promoting the use of Private Members' Bills.	Medium
	13: Niue's Assembly should ensure that a clear distinction is drawn between partisan and non-partisan staff by providing MPs with at least one official whose responsibilities are to provide the Member with administrative support and help carry out their constituency responsibilities.	Medium
	16: Niue's Assembly should improve its provision of information and services to representatives of the Press by providing journalists with official accreditation, establishing a dedicated Media facility on the parliamentary precinct, allowing journalists to attend Committee meetings, involving them in post-election induction activities organised for new Members of Parliament, and producing a dedicated companion guide/ handbook for reporters who regularly cover the activities of Parliament in their professional responsibilities.	Medium
	17: Niue's Assembly should establish a formal Code of Conduct for Members and a Declaration of Interests scheme, ensuring that the highest standards of behaviour are adhered to in Parliament and bring Niue in line with international best practice.	High
Long Term	1: Niue's Assembly should pass legislation that establishes the creation of an independent Electoral Commission with the powers to accurately monitor and regulate campaign finance laws relating to national General Elections.	High
	4: Niue's Assembly should seek to improve its physical infrastructure where possible, with a focus on providing individual office space for Members, expanding ICT provisions, and enhancing accessibility provisions for persons with disabilities across the parliamentary precinct.	Medium
	8: Niue's Assembly should seek to improve the functioning of its parliamentary Committees by: removing Cabinet Ministers from their membership; empowering them with binding means to summon persons, papers, and records; and increasing their resource capacity via internal parliamentary staff or external experts.	Medium
	9: Niue's Assembly should establish a Parliamentary Service Commission (or equivalent corporate body) with responsibility for the Legislature's internal governance and key related parliamentary services.	High
	11: Niue's Assembly should seek to enhance its various oversight functions by strengthening procedures for comprehensive/timely responses from the Executive and establishing an independent public Ombudsman/ Human Rights Commission with sufficient autonomy and funding.	Medium
	12: Niue's Assembly should seek to establish an independent Parliamentary Budget Office to ensure that it has increased resources and sufficient financial expertise to ensure that its financial oversight responsibilities are conducted more effectively.	Medium
	18: Niue's Assembly should pass Freedom of Information legislation to ensure that citizens have access to information held by public authorities, fostering transparency and public trust in parliamentary and governmental activities.	High

STAKEHOLDERS

Name	Title
Hon. Hima Douglas	Speaker, Niue Assembly
Ms. Cherie Morris-Tafatu	Clerk, Niue Assembly
Mrs. Mellisa Douglas	Assistant Clerk, Niue Assembly
Mrs. Christine Ioane	Executive Advisor to the Speaker, Niue Assembly
Mrs. Tina Tavita Makani	Hansard Officer, Niue Assembly
Hon. Sonya Talagi	Minister for Social Services, Niue Assembly
Hon. O'Love Jacobsen	Common Roll Member, Niue Assembly
Mr. Ian Hipa	Member for Hikutavake Village, Niue Assembly
Hon. Billy Talagi	Common Roll Member, Niue Assembly
Mr. Logopati Seumanu	Member for Liku Village, Niue Assembly
Mr. Emani Fakaotimanava-Lui	Common Roll Member, Niue Assembly
Mr. Silepea Sione	Member for Namukulu Village, Niue Assembly
Mr. Tofua Puletama	Member for Makefu Village, Niue Assembly
Mr. Richie Mautama	Member for Hakupu Village, Niue Assembly
Mr. Tutuli Heka	Member for Alofi North Village, Niue Assembly
Mr. Pita Poimamao	Member for Avatele Village, Niue Assembly
Ms. Tagaloa Morrissey	Personal Advisor to the Premier, Government of Niue
Ms. Peleni Talagi	Cabinet Secretary, Government of Niue
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Mr. Charlie Tohovaka	President, Niue Return Services Association
Ms. Ashleigh Pihigia	Tupa Village President, Niue Youth Council
Mrs. Rupina Morrissey	Chairperson, Niue Council of Women
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