



ANALYSIS

Title	4. Procedure of Island Assembly
1. Short Title and commencement	5. Consequential amendments and repeals, and transitional provision Schedule
2. Niue Island Assembly	
3. Speaker of Island Assembly	

1973, No. 10

An Act to amend the Niue Act 1966

[3 August 1973]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Niue Amendment Act 1973, and shall be read together with and deemed part of the Niue Act 1966 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on a date to be fixed by the Governor-General, by Order in Council.

2. Niue Island Assembly—Section 31 of the principal Act is hereby amended by repealing paragraph (a) of subsection (2), and substituting the following paragraph:

“(a) The Speaker of the Island Assembly; and”.

3. Speaker of Island Assembly—The principal Act is hereby further amended by inserting, after section 31, the following section:

“31A. (1) The Speaker of the Island Assembly shall be elected to that office by an absolute majority of the members present and voting at a meeting of the Island Assembly.

“(2) Only a person who is qualified for election as an elected member of the Island Assembly may be elected as Speaker.

“(3) If any person elected as Speaker is, at the time of that election, an elected member of the Island Assembly, he shall vacate his office as an elected member when he enters upon the duties of the office of Speaker.

“(4) The election of the Speaker shall take place, before the despatch of any other business, at the first meeting of the Assembly after the commencement of this section and after each general election, and, at a meeting of the Assembly called for that purpose, as soon as possible after any vacancy in the office of Speaker has occurred.

“(5) Before a person who has been elected Speaker enters upon the duties of his office, he shall take and subscribe before the Clerk of the Island Assembly at a meeting of the Assembly the Oath of Allegiance prescribed in section 33 of this Act, and the provisions of that section shall apply with the necessary modifications as if the references therein to an elected member were a reference to the Speaker.

“(6) The Speaker may at any time resign his office by writing under his hand addressed to the Clerk of the Island Assembly, and shall vacate his office—

“(a) On the election of a Speaker when the Assembly first meets after a general election; or

“(b) If he ceases to be qualified for election as an elected member of the Assembly.”

4. Procedure of Island Assembly—The principal Act is hereby further amended by repealing section 34, and substituting the following section:

“34. (1) The Island Assembly shall meet at such places and at such times (not being less than once annually) as the Resident Commissioner from time to time appoints in that behalf.

“(2) The Speaker shall preside at every sitting of the Island Assembly that he attends.

“(3) In the absence of the Speaker from any sitting or if no person holds the office of Speaker, the elected members of the Assembly present shall elect one of their number to preside over that sitting.

“(4) Every question before the Island Assembly shall be decided by a majority of the votes of the elected members present.

“(5) Every elected member present when any question is put to the Island Assembly shall vote thereon.

“(6) The Speaker or elected member presiding over any sitting of the Island Assembly shall not have a deliberative vote or a casting vote.

“(7) No business shall be transacted at any sitting of the Island Assembly if the number of elected members then present is less than 7.

“(8) Subject to the provisions of this Act, the Island Assembly may from time to time make Standing Orders for the regulation and orderly conduct of its proceedings and the despatch of business.”

5. Consequential amendments and repeals, and transitional provision—(1) The principal Act is hereby further amended in the manner indicated in the Schedule to this Act.

(2) Paragraphs (a), (b), and (d) of subsection (3) of section 4 and section 8 of the Niue Amendment Act 1971 are hereby consequentially repealed.

(3) Until the remuneration, allowances, and other benefits and privileges of the Speaker of the Island Assembly are prescribed by regulations made under subsection (4) of section 31 of the principal Act (as substituted by section 6 (1) of the Niue Amendment Act 1971), the Speaker shall receive the same remuneration, allowances, and other benefits and privileges as the elected members of the Island Assembly are entitled to receive pursuant to regulations for the time being in force made under the said subsection (4).

SCHEDULE

Section 5 (1)

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

Section Amended	Amendment
Section 2	By repealing the definition of the expression "Island Assembly", and substituting the following definition: " 'Island Assembly' means the Niue Island Assembly; and 'elected member', in relation to the Island Assembly, means a member other than the Speaker:".
Section 8 (as substituted by section 3 of the Niue Amendment Act 1971)	By omitting from subsection (1) and also from subsection (5) the words "a member" wherever they occur, and substituting in each case the words "an elected member".
Section 9 (as substituted by section 3 of the Niue Amendment Act 1971)	By omitting from subsection (1) the words "other members", and substituting the words "other elected members". By omitting from subsection (1) the words "the members", and substituting the words "the elected members". By omitting from subsection (2) (a) the words "a member", and substituting the words "an elected member".
Section 10 (as substituted by section 3 of the Niue Amendment Act 1971)	By omitting from subsection (1) the words "other members", and substituting the words "other elected members".
Section 11 (as substituted by section 3 of the Niue Amendment Act 1971)	By omitting from subsection (1) (b) the words "more members", and substituting the words "more elected members".
Section 12 (as substituted by section 3 of the Niue Amendment Act 1971)	By omitting from subsection (1) (b) and also from subsection (2) the words "a member", and substituting in each case the words "an elected member".
Section 13 (as substituted by section 3 of the Niue Amendment Act 1971)	By omitting from subsection (1) the words "more members", and substituting the words "more elected members".
Section 31	By omitting from subsection (3) the word "members", and substituting the words "elected members". By inserting in subsection (4) (as substituted by section 6 (1) of the Niue Amendment Act 1971), after the words "Island Assembly", the words "and the Speaker of the Island Assembly".

SCHEDULE—*continued*CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT—*continued*

Section Amended	Amendment
Section 40	By omitting the words “any member”, and substituting the words “any elected member”.
Section 659	By omitting from the proviso the words “the Resident Commissioner or member”, and substituting the words “the Speaker or elected member”. By omitting from paragraph (e) of the definition of the expression “Niue Public Service” (as amended by section 4 (3) (d) of the Niue Amendment Act 1971) the words “an appointed member”, and substituting the words “or the Speaker of the Island Assembly, or an appointed member”.

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This Act is administered in the Department of Maori and Island Affairs.

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