CIVIL LIST ACT 2016

<u>No.336</u>

Contents

1	Title	1
2	Commencement	1
3	Interpretation	1
4	Remuneration and allowances	2
5	Appropriation	2
6	Payment of remuneration	2
7	Period for which the Premier's and Ministers' remuneration and	
-	allowances are payable	2
8	Period for which Members' remuneration and allowances are payable	2
9	Advance of remuneration	3
10	Advance of overseas travel allowance	3
11	Allowances to be treated as taxable income	3
12	Members assisting a Minister	4
13	Effectiveness of Remuneration and Allowances	4
TO	SCHEDULE	

An Act to prescribe under article 25(2) of the Constitution the remuneration and other entitlements of the Premier, Ministers, Members of the Niue Assembly and the Speaker

The Assembly enacts as follows –

1 Title This is the Civil List Act 2016.

2 Commencement

This Act comes into force on the day after the date on which this Act becomes law in accordance with Article 34 of the Constitution.

3 Interpretation

In this Act, unless the context otherwise requires,—

"Acting Premier" means a Minister discharging the functions of Premier pursuant to article 9(1) or (2) of the Constitution;

"Member of the Niue Assembly," or "Member" means a person elected as a Member of the Niue Assembly under article 16 of the Constitution;

"Member assisting a Minister" means a Member of the Niue Assembly who has been appointed by the Premier to assist a Minister in the undertaking of the duties of the Minister;

"Minister" means a Member of the Niue Assembly who has been appointed as such under Article 5 of the Constitution, but does not include a temporary Minister;

"**Premier**" means a Member of the Niue Assembly elected under Article 4 of the

Constitution but does not include an Acting Premier;

"Speaker" means the Speaker of the Niue Assembly elected under article

20 of the Constitution but does not include a Member of the Niue Assembly performing the functions of the Speaker under that article;

"temporary Minister" means a Member of the Niue Assembly appointed as a temporary Minister under article 8 of the Constitution.

4 Remuneration and allowances

There is payable to the Premier, Ministers, Members of the Niue Assembly and the Speaker the remuneration and allowances specified in the Schedule.

5 Appropriation

A remuneration or allowance payable under this Act is to be paid out of the Niue Government Account without further appropriation.

6 Payment of remuneration

- (1) A remuneration specified in Part 1 of the Schedule is payable by equal fortnightly instalments in arrears with a proportionate payment for any fraction of a fortnight served.
- (2) The rate of remuneration in Part 1 of the Schedule is deemed to be effective from 1st July, 2016.

7 Period for which the Premier's and Ministers' remuneration and allowances are payable

The remuneration and allowances of the Premier and each Minister of Cabinet shall commence on the day on which he/she is appointed under article 4 and 5 of the Niue Constitution and end on the day that he/she vacates his/her office under Article 3 or Article 7 of the Niue Constitution.

8 Period for which Members' remuneration and allowances are payable

(1) The remuneration and allowance of each Member shall commence on the day the Chief Electoral Officer publicly declares him/her to be elected and shall cease on the day a new Member has been declared by the Chief Electoral Officer or unless his/her seat becomes vacant by death or otherwise as the case may be.

(2) Where a Member is returned unopposed his/her period of remuneration shall recommence on the date that the Chief Electoral Officer declares him/her to be elected and shall cease on the date a new Member has been declared by the Chief Electoral Officer or unless his/her seat becomes vacant by death or otherwise as the case may be.

9 Advance of remuneration

- (1) If a person who is entitled to be paid a remuneration under Part 1 of the Schedule is due to be absent from Niue he or she may be paid that remuneration in advance -
 - (a) If the person is due to be absent from Niue on official business connected with his or her position in the Assembly, for such part of the absence as the person is due to spend on that official business; or
 - (b) In any other case, for the period of his or her absence from Niue up to a maximum period of 4 weeks from his or her departure from Niue.

10 Advance of overseas travel allowance

- (1) An overseas travel allowance payable under Part 2 of the Schedule may be paid in advance of the travel.
- (2) If on the return of a person to whom an overseas travel allowance has been paid in advance it is found that the allowance was paid in respect of too few days allowance an adjustment in respect of the additional days is to be paid to the person.
- (3) If on the return of a person to whom an overseas travel allowance has been paid in advance it is found that the allowance was paid in respect of too many days, the exceeded allowance paid in respect of the additional days is to be refunded by the person to whom it was paid within 7 days of his or her return to Niue.
- (4) Any overseas travel allowance not repaid by a person under subsection (3) may be deducted from any other money payable to that person under this Act.

11 Allowances to be treated as taxable income

An allowance referred to in Part 2 of the Schedule except for the Clothing Allowance, Overseas Travel Allowance, Premier's Entertainment and Residence Allowance, is to be treated as taxable income for income tax purposes.

12 Members assisting a Minister

- (1) The Premier may, as the Premier sees fit, at any time appoint a Member to assist a Minister.
- (2) No more than three Members may at any time hold appointment under subsection (1).
- (3) Every appointment of a Member under subsection (1) is effective from the date of notification of the appointment, and ends on the date of notification of termination, by the Premier in writing to the Financial Secretary.
- (4) Public notice shall be given of every appointment and termination of appointment under this section.

13 Effectiveness of Remuneration and Allowances

Notwithstanding section 7, the remuneration and allowances in clause 3 shall be deemed to be effective from 1st July, 2016.

14 Repeal

The Civil List Act 2009 and subsequent amendments are repealed.

SCHEDULE

PART 1 - REMUNERATION

Office	Rate of Remuneration – Annual
Premier	\$78,582.00 - \$80,055.00
Minister	\$53,406.00 - \$56,009.00
Member Assisting Minister	\$41,162.00 - \$44,315.00
Member	\$27,409.00 - \$31,179.00
Speaker	\$32,175.00 - \$35,731.00

PART 2 – ALLOWANCES

Type of allowance	Amount of allowance		
Premier's Entertainment and Residence allowance payable to the Premier annually, to defray costs incurred by the Premier in relation to official duties, representation at official functions and to defray the cost of maintaining the Premiers residence.	\$10,000 per annum		
Ministerial allowance payable to a Minister annually, to	\$8,000 per annum		

	i	
defray the costs incurred in relation		
to official duties and representation at		
official functions		
Member Assisting a Minister	\$6,000 per annum	
Allowance payable annually to a	_	
Member who is assisting the Minister		
with the duties of the Minister, to		
defray the cost incurred in relation to		
official duties and representation at		
official functions		
Speaker's Allowance	\$6,000 per annum	
payable to the Speaker to defray costs		
incurred in relation to official duties		
and representation at functions		
Member of the Niue Assembly	\$4,000 per annum	
Allowance payable to a Member to	^ · · · · · · · · · · · · · · · · · · ·	
defray the costs incurred in relation		
to official duties and representation at		
official functions		
Acting Premier's allowance	\$100 per day in addition to remuneration as a	
Payable to a Minister when acting as	Minister	
Premier		
Temporary Minister's allowance	\$70 a day in addition to remuneration as Member	
Payable to a Member when acting as		
a Minister		
Clothing allowance	Premier \$800 payable every 3 years	
	Minister \$750 payable every 3 years	
	Speaker \$500 payable every 3 years	
	Member \$500 payable every 3 years	
	The allowance is payable on the person first	
· · · ·	becoming a member of the Assembly and is then	
	payable not sooner than 3 years after the payment of	
	any previous clothing allowance of any amount.	
Overseas travel allowance	Premier \$500 daily allowance	
Payable to the Premier, a Minister,	Minister \$350 daily allowance	
a Member, and the Speaker in	Speaker \$200 daily allowance	
connection with the person's official	Member \$200 daily allowance	
duties		
- To cover accommodation, meals	The allowance may differ in respect of the office in	
and incidental expenses necessarily	the Assembly held by the person travelling and by	
incurred in carrying out such duties.	the country or countries to be visited by the person.	
	The allowance payable is to be adjusted by an equal	
	amount to any allowance that is to be paid by a	
	person other than the Government of Niue to cover	
	accommodation, meals and incidental expenses.	

Overseas entertainment allowance	Premier	\$450 per trip
Payable to the Premier, a Minister,	Minister	\$300 per trip
a Member assisting a Minister,	Member Assisting	
Members of the Niue Assembly and	the Minister	\$300 per trip
the Speaker in connection with the	Member	\$250 per trip
person's official duties.	Speaker .	\$250 per trip
	the Assembly held by the country or countr	iffer in respect of the office in the person travelling and by ies to be visited by the person.
Select Committee Member's	For meetings outside	of normal working hours \$70
Allowance		between 8.30am-12.30pm
Payable to a Select Committee	during normal working hours \$50 per day.	
Member who attends Select	For meetings during normal working hours	
Committee meetings	between 8.30am and 4.00pm and beyond, \$100 per	
	meeting	

I, Togiavalu Pihigia, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this B day of the Sealer of A

Speaker of the Niue Assembly

NIUE

Clerk of the Niue Assembly

This Act is administered by the Treasury Department. This Act was passed by the Niue Assembly on the 16th day of November 2016.

COUNTERSIGNED in the presence of the Speaker



FAKATUFONO TOHI KE LATA MO E TAU PALEPALE HE FONO EKEPULE NIUE 2016

Numela 336

Tau Matakupu

1	Matahigoa	1
2	Kamataaga	2
3	Fakamaamaaga	2
4	Tau Palepale mo e Tau Palepale lafi ki luga	2
5	Fafatiaga Tupe	2
6	Totogiaga he tau Palepale	2
7	Magaaho ka totogi e tau Palepale mo e tau palepale lafi ki luga he	
	Palemia mo e tau Ikipule	3
8	Magaaho ka totogi e tau Palepale mo e tau palepale lafi ki luga he tau	
	Ekepule ne toe	3
9	Fakaatāaga ke moua e tau palepale ka e nakaila hoko e tau magaaho	
	fafati	3
10	Fakaatāaga ke moua e palepale lafi ki luga ha ko e lagomataiaga ma e	
	fenoga ki fafo i Niue	3
11	Vahega Palepale ka mutu e tukuhau	4
12	Tau Ekepule Kotofa ke lagomatai e tau Ikipule	4
13	Magaaho ka kamata e hikiaga foou he tau palepale	4
14	Utakehe	4
	FAKAHOLOAGA FAKAMATAFEIGA	
	VALA FAKAMUA - PALEPALE HE KOTOFA	
	VALA KE UAAKI – PALEPALE LAFI KI LUGA	

Ko e Fakatufono Tohi nei muitua ke he Matakupu 25(2) he Fakatufono tohi Fakavē hagaao ia ke he fakapalepaleaga mo e falu lagomatai lafi ki luga he Palemia, tau Ikipule, tau Ekepule ne nakai ko e tau Ikipule, mo e Fakatonu Fono

Ko e gahua he Fono Ekepule ke taute faka -matafakatufono tuga ae nai-

1 Matahigoa

Α.,

Fakatufono-Tohi He Tau Palepale he Fono Ekepule Niue 2016.

2 Kamataaga

Ke fakagahua e Fakatufono Tohi nai he aho ka mole atu e aho ne fakamooli ai ko e matafakatufono tuga ne tohia ai ke he Matakupu 34 he Tohi Fakave.

3 Fakamaamaaga

Hanai e maamaaga tonuhia ke he tau matahigoa i lalo na -

"**Palemia Hukui Leveki**", kakano ko e Ikipule kua kotofa ke taute e tau gahua he Palemia muitua ke he Matakupu 9(1) poke (2) he Fakatufono-Tohi Fakave

"**Ekepule he Fono Ekepule Niue**" poke **Ekepule**", kakano ko e tagata kua kautu he Viliaga Lahi ke eke mo Ekepule muitua ke he Matakupu 16 he Fakatufono-Tohi Fakave

"**Ekepule lagomatai ke he Ikipule**", kakano ko e Ekepule kua kotofa he Palemia ke lagomatai e tau gahua he taha Ikipule

"Ikipule", kakano ko ia e taha Ekepule kua kotofa muitua ke he Matakupu 5 he Fakatufono-Tohi Fakavē, ka e nakai aofia e tau Ekepule Iagomatai ke he Ikipule

"Palemia" kakano ko e Ekepule kua fifili he Fono Ekepule muitua ke he Matakupu 4 he Fakatufono-tohi Fakave ka e nakai aofia e Hukui Palemia Leveki

"Fakatonu Fono" kakano ko e tagata ne vili he tau Ekepule muitua ke he Matakupu 20 he Fakatufono-Tohi Fakavē, ka e nakai aofia e taha Ekepule kua fifili ke fakaholo e tau gahua he Fakatonu Fono tuga ne tohia he Matakupu 20 na.

"Ikipule Hukui" kakano ko e Ekepule ne kua fifili mo Hukui Ikipule muitua ke he Matakupu 8 he Fakatufono-Tohi Fakave.

4 Tau Palepale mo e Tau Palepale lafi ki luga

To foaki e tau totogi tuga kua fakakite he matakupu fakahiku ne fakamataulu, Fakaholoaga Fakamatafeiga, ke he Palemia, tau Ikipule, tau Ekepule he Fono Ekepule Niue mo e Fakatonu Fono.

5 Fafatiaga Tupe

To moua e tau palepale mai he fakaputuaga tupe he Fakatufono ne fa fakalatalata mo e tufatufa he tau tau takitaha.

6 Totogiaga he tau Palepale

- (1) Ko e palepale he Vala Fkamua he Fakaholoaga Fakamatafeiga to totogi faka-faahi tapu ua ke he tau numela ne kua vehevehe fakatatai mai he palepale katoatoa he tau, ti vevehe pihia kaeke ko e nakai hokotia e ua e vahátapu he gahua.
- (2) Ko e hikiaga he tau palepale he Vala Fakamua ia kua amanaki ke kamata he aho 1 he mahina a Iulai he tau 2016.

Magaaho ka totogi e tau Palepale mo e tau palepale lafi ki luga he Palemia mo e tau Ikipule

7

Ko e tau palepale he Palemia mo e tau Ikipule taki tokotaha to kamata he aho ne fakamooli ai e fifiliaga he kotofa muitua ke he Matakupu 4 mo e Matakupu 5 he Fakatufono-Tohi Fakave to fakaoti mai he aho ka fakaoti haana kotofaaga Ikipule, muitua ke he Matakupu 3 mo e Matakupu 7 he Fakatufono-Tohi Fakave.

8 Magaaho ka totogi e tau Palepale mo e tau palepale lafi ki luga he tau Ekepule ne toe

- (1) Ko e palepale mo e tau palepale lafi ki luga he tau Ekepule taki taha to kamata he aho ka fakamooli mo e fakapuloa he Takitaki Lahi he Tau Viliaga e fakamaopoopoaga he tau vili ka oti e Viliaga Lahi mo e fakaoti ai he aho ka fakamooli mo e fakailoa he Takitaki Lahi he Tau Viliaga kua fai hukui foou poke kua tokanoa e nofoa ha kua mate fakaofo poke fai kakano foki.
- (2) Kaeke kua nakai fai tagata ne totoko ke he nofoa he Viliaga Lahi, to liu kamata totogi e tau palepale ka fakapuloa he Takitaki Lahi he tau Viliaga e kautū haana he mole e Viliaga Lahi, mo e to fakaoti he aho ka fai hukui foou ka fakapuloa he Takitaki Lahi he tau Viliaga poke kua tokanoa e nofoa ha kua mate fakaofo poke fai kakano foki.

9 Fakaatāaga ke moua e tau palepale ka e nakai la hoko e tau magaaho fafati

Kaeke ko e tagata ne lata ke moua taha palepale ne tohia he Vala Fakamua he Fakaholoaga Fakamatafeiga ka e kua amanaki ke fano kehe mai he motu to maeke ia ia ke moua e palepale ia to hoko e magaaho fafati-

- (a) Kaeke ko e tagata fano kehe ha ko e kotofaaaga gahua faka-Fono Ekepule ke he magaaho ia; poke
- (e) Kaeke ko e fai fekau kehe foki ti fano kehe mo e motu; to gata mai he fa e faahi tapu ke kamata he aho ne fano kehe ai.

10 Fakaatāaga ke moua e palepale lafi ki luga ha ko e lagomataiaga ma e fenoga ki fafo i Niue

- (1) Ko e palepale lafi ki luga mo lagomatai e fenoga ki fafo i Niue ne tohia he Vala ke Uaaki he Fakaholoaga Fakamatafeiga, to maeke ke totogi to tuku fenoga.
- (2) Kaeke ke ku e palepale ne totogi to tuku fenoga ka fakatatai atu ke he tau aho pauaki he fekau, to totogi e tau aho ne nakai putoia ke he palepale ne moua to tuku fenoga.
- (3) Kaeke ke liu mai tuai a ia ne tuku fenoga ka e lahi e palepale ne moua to fano, to liuaki e ia e vala tupe ne molea ki mua ka fakatatai atu ke he tau aho pauaki he fekau, mo e nakai molea e fitu e aho he liu mai.

(4) Kaeke ke nakai liuaki e tupe ia ne molea ki mua tuga he numela (3) i luga, to utakehe mai he falu palepale ne lago ki ai e kotofa ia i loto he Fakatufono tohi nai.

11 Vahega Palepale ka mutu e tukuhau

Ko e palepale lafi ki luga ne toka i loto he Vala ke Uaaki he Fakaholoaga Fakamatafeiga to mutu e tau tukuhau; ka e to nakai fai tukuhau ka utakehe mai he Palepale Lafi ki luga ke lata mo e tau tauteuteaga tino he kotofa, tau tupe lagomatai ka tukufenoga ke he tau motu i fafo, Palepale lafi ki luga he Palemia ke lata mo e haana a kotofa mo e fakahagahaga mitaki he Kaina nofo he Palemia.

12 Tau Ekepule Kotofa ke lagomatai e tau Ikipule

- (1) To fifili he Palemia, kaeke kua lata, he ha magaaho, e taha Ekepule ke lagomatai e Ikipule.
- (2) Tolu ni e Ekepule, he taha e magaaho, ka moua e kotofa i lalo hifo he numela (1) i luga.
- (3) To kamata e gahua he Ekepule lagomatai i lalo hifo he matapatu (1) he aho ka fakailoa ai he Palemia mo e fakaoti he aho ka tohi mo e fakailoa he Palemia ke he Takitaki Lahi he Faahi Gahua Tanaki Tupe.
- (4) To fakailoa fakalaulahi e tau kotofaaga i lalo hifo he Matakupu nai.

13 Magaaho ka kamata e hikiaga foou he tau palepale

Ko e tau palepale i lalo hifo he hikiaga foou, tuga a ia he Matakupu 3 ti mailoaga foki e Matakupu 7, to kamata he aho 1 Iulai, 2016.

14 Utakehe

Kua utakehe tuai e Fakatufono Tohi ke lata mo e tau Palepale he Fono Ekepule 2009 mo e falu a tau Fakahuiaga foki.

FAKAHOLOAGA FAKAMATAFEIGA

Kotofaaga	Palepale he Kotofaaga
Palemia	\$78,582.00 - \$80,055.00
Ikipule	\$53,406.00 - \$56,009.00
Ekepule Lagomatai Ikipule	\$41,162.00 - \$44,315.00
Ekepule	\$27,409.00 - \$31,179.00
Fakatonu Fono	\$32,175.00 - \$35,731.00

VALA FAKAMUA - PALEPALE HE KOTOFA

VALA KE UAAKI – PALEPALE LAFI KI LUGA

Vahega Palepale Lafi ki Luga	Palepale	
Lagomatai ke he Palemia ha ko e	\$10,000 he tau	
kotofaaga mo e Kaina he Palemia	סבט,סטע תפ ומע	
to totogi lagataha he tau ke lata mo e		
tau fekau he kotofaaga ka finatu ke he tau uiina, mo e		
-		
fakahagahagamitaki he kaina he Palemia he Kautū.		
	#2.000 h . /	
Palepale Lafi ki Luga he tau Ikipule	\$8,000 he tau	
totogi lagataha he tau mo lagomatai e		
kotofaaga faka-Ikipule, tau uiina ke		
he tau taonaga he motu mo e tau		
fekafekauaga kehekehe he motu.		
Palepale Lafi ki luga he tau Ekepule	\$6,000 he tau	
Lagomatai he tau Ikipule to totogi		
lagataha he tau mo lagomatai e tau		
fekau he kotofa mo e fakatautonu e		
tau uiina mai he tau taonaga		
kehekehe he motu		
Palepale lafi ki luga he Fakatonu	\$6,000 he tau	
Fono ke lagomatai e kotofa ke he tau		
fekafekauaga mo e tau uiina		
kehekehe he motu.		
Palepale Lafi ki luga he tau Ekepule	\$4,000 he tau	
ne toe mo lagomatai e tau fekau he		
kotofaaga		
Palepale lafi ki luga he Palemia	\$100 he aho mo e tumau e palepale he kotofaaga	
Hukui Leveki	Ikipule	
Palepale Lafi ki luga he tau hukui	\$70 he aho mo e tumau e totogi he kotofaaga	
Ikipule	Ekepule	
Palepale Lafi ki luga ke lata mo e tau	Premier \$800 lagataha he 3 tau	
tauteuteaga he kotofa	Minister \$750 lagataha he 3 tau	
	Speaker \$500 lagataha he 3 tau	
	Member \$500 lagataha he 3 tau	
	Totogi e Palepale lafi ki luga nai he kamataaga he	
	Fono Ekepule mo e nakai maeke ke totogi foki taha	
	fufuta ka nakaila molea e tolu tau.	
Palepale Lafi ki luga ke lata mo e	Premier \$500 he aho	
tau fenoga ki fafo i Niue ka totogi	Minister \$350 he aho	
atu ke he Palemia, Ikipule, Ekepule	Speaker \$200 he aho	
and he in I defind, impute, incpute	Premoi who in allo	

mo e Fakatonu Fono ke lata mo e	Member \$200 he aho	
kotofaaga; mo totogi aki e nofoaga,		
tau kai leveki tino mo e falu mena		ti e Palepale lafi ki luga ke lata mo e
foki ha ko e fenoga	-	ko e tau fekafekauaga kehekehe i loto
		ile, ti pihia foki mo e kehekehe he tau
	motu ka fenoga atu ki ai. To totogi atu kia ia e vala	
		u kehekeheaga ia ke lata mo e
	nofoaga, tau kai leveki tino mo e falu mena ikiiki ha	
		he tau tupe kua lata kaeke ke
	fakatupe he taha mai i fafo ka e nakai ko e	
	Fakatufono Ni	
Palepale Lafi ki luga ke lata mo e tau fekau fakafetui he tau motu kehe	Premier	\$450 he fenoga
	Minister	\$300 he fenoga
kua lata mo e Palemia, ha Ikipule, ha	Member Assis	0
Ekepule lagomatai ke he taha Ikipule,	the Minister	\$300 he fenoga
ha Ekepule ne toe mo e Fakatonu	Member	\$250 he fenoga
Fono.	Speaker	\$250 he fenoga
	To fai kehe e ta	u palepale lafi ki luga nai ha ko e
	gahua ne kotofa ki ai e tau Ekepule i loto he Fono	
	Ekepule, mo e taha poke loga e motu ka feleveia ki	
	ai he taha e fenoga.	
Palepale Lafi ki luga ke lata mo e tau	Ke lata mo e tau fonoaga i fafo he tau tulā gahua he	
Ekepule i loto he tau Komiti he Fono	Fakatufono - \$70 he aho. Ke lata mo e tau fonoaga	
Ekepule to totogi ki a lautolu ka	ne taute he hafa e 8 he pogipogi to hafa e 12 he aho	
fakalataha ke he tau fonoaga ia.	he tau magaaho gahua pauaki- \$50 he aho. Ke lata	
	mo e fonoaga he aho gahua katoa ne kamata he 8.30	
	he pogipogi ke he matahola 4.00 he pale laa poke	
	molea e matahola 4.00 he pale laa, \$100 he taha e	
	fonoaga.	

Ko au, **TOGIAVALU PIHIGIA**, ko e Fakatonufono he Fono Ekepule a Niue, hanai kua fakamooli ko e tau fakavēaga he Matakupu 34 he Tohi Fakavē a Niue kua muitua ki ai.

FAKAMOOLI MO E FAKAMAU he poko he Fono Ekepule a Kine he aho on the mahina Novemo 2016.

Fakatonufo

FAKAMOOLI FOKI ki mua he Fakatonufono

Ekepule a Niue

Tohi Kupu he Fono Ekepule a Niue

Fono

Ko e Faahi Gahua Tanaki Tupe ke fakagahua e Fakatufono Tohi nai. Kua fakamooli he Fono Ekepule a Niue e Fakatufono Tohi nai he aho 16 he mahina Novema 2016