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p14

CLAS: LAS

SECURE 15 JUNE 1992

FROM: NIUE

CHARGE CODE: NIU

Mr Lullbrook
Ms Patterson OIA

TO : WELLINGTON 01997-ROUTINE

LD : SERT (SPA LGL)
: P/S : MERT

Advanced

SUBJ: NIUE : REVIEW OF CONSTITUTION

NIUE750E

AS REQUIRED UNDER ARTICLE 35 OF THE NIUE CONSTITUTION A PUBLIC REFERENDUM WAS HELD ON 13 JUNE 1992, TO GAUGE THE EXTENT OF COMMUNITY SUPPORT FOR THE AMENDMENTS TO THE CONSTITUTION THAT ARE INCORPORATED WITHIN THE CONSTITUTION AMENDMENT (NO.1) BILL WHICH HAD ITS THIRD AND FINAL READING IN THE LEGISLATIVE ASSEMBLY ON 13 MAY 1992.

2 UNDER THE PROVISIONS OF THE CONSTITUTION A MAJORITY OF VOTES VALIDLY CAST IS REQUIRED TO ENSURE THE BILL CAN BE ENACTED INTO LAW.

3 OF THE REGISTERED ELECTORS (1036) THERE WAS AN 86 PER CENT (891) VOTER TURNOUT OF WHOM 68 PER CENT (604) VOTED IN FAVOUR OF THE CHANGES TO THE CONSTITUTION, 28 PER CENT (254) VOTED AGAINST, AND 4 PER CENT (33) CAST INFORMAL VOTES.

4 THE RESULTS GIVES THE ASSEMBLY THE MANDATE IT REQUIRES TO PASS THE LEGISLATION WHICH WILL EFFECT CHANGES TO :

1. ELECTOR QUALIFICATION, IN WHICH PERMANENT RESIDENTS WILL BE ELIGIBLE TO VOTE.
2. CANDIDATE QUALIFICATION, IN WHICH CANDIDATES FOR THE LEGISLATIVE ASSEMBLY MUST BE RESIDENT IN NIUE FOR AT LEAST 3 YEARS DURING THEIR LIFETIME, AND NOT LESS THAN 12 MONTHS PRIOR TO ENROLMENT.
3. THE JUDICIAL SYSTEM, WHEE THE EXISTING LAND COURT IS MADE A DIVISION OF THE HIGH COURT, ALONG WITH THE SEPARATE AND CIVIL AND CRIMINAL DIVISIONS. THE COURT OF APPEAL OF NIUE WILL NOW BE ESTABLISHED.
4. THE JURISDICTION OF THE JUDICIARY, WHERE THE COMMENT OF THE CHIEF JUSTICE WILL NO LONGER BE NECESSARY ON CERTAIN BILLS BEFORE THEY CAN PROCEED.
5. THE NIUE PUBLIC SERVICE COMMISSION, WHERE MEMBERS OF THE NEW ZEALAND STATE SERVICES COMMISSION MAY NOT NECESSARILY BE APPOINTED AS MEMBERS OF THE NIUE PUBLIC SERVICE COMMISSION AS THE APPOINTMENT OF THE THREE MEMBER COMMISSION WILL BE THE RESPONSIBILITY OF THE NIUE CABINET.

5 THE PROCEDURAL MATTERS THAT WILL NOW FOLLOW THE REFERENDUM WILL ENABLE THE SPEAKER OF THE ASSEMBLY TO CERTIFY THAT THE BILL HAS BEEN PASSED AND THE CHANGES TO THE

CONSTITUTION WILL COME NTO EFFECT AS FROM 1 JULY 1992.
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TORW 17/06/92 15:43:48

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