

**GOVERNMENT OF NIUE**



*Department of Justice, Lands and Survey  
PO Box 75, Alofi, NIUE  
Telephone: (683) 4127, Facsimile: (683) 4231 or 4010*

**ANNUAL REPORT**

**2009 -2010**

**Introduction**

The Department has focused its efforts on implementing and achieving the activities identified in the Niue National Strategic plan (NNSP) in order to achieve the strategic objectives identified. Of note the Department has with the assistance of the Pacific Ombudsman Alliance (POA) and the New Zealand Ombudsman Office initiated the implementation of the Complaints Handling Ombudsman Backed System (CHOBS).

In addition to the general day to day operations of the Department there have been some particular activities of note that have engaged the Department over the 2009/2010 period:-

- a) The 2009 Village Council Elections and subsequent By election of which the acquittal reports are annexed for reference.
- b) The convening and administration of the Niue High Court. The Court was convened and presided over on two occasions by Judge Issac Wilson over the 2009/2010 period.
- c) The implementation of the Complaints Handling Ombudsman Backed Service in February 2010.
- d) The on going participation in regional initiatives such as PIANZEA (Pacific Island Australian, New Zealand Electoral Association), PJDP (Pacific Judicial

Development Program), SOPAC GIS initiative and the PIOA (Pacific Island Ombudsman Alliance).

e) The continued participation of the Department in the reporting on the Niue Integrated Strategic Plan and ongoing Pacific Plan reporting requirements.

### **Background**

The Department comprises of a total number of 21 Staff who are divided between the 4 Divisions. The Department is currently housed in two residential premises at Fonuakula, Alofi. There are 3 staff undertaking training overseas (1 is on the reverse scholarship training, 1 on a AusAid scholarship and 1 undergoing privately funded training) with possibly one staff undertaking training overseas in the new year (reverse scholarship).

In addition to those on training 3 officers are currently on LWOP for a period of six to twelve months.

### **Department 2009/2010 Budget:**

<b>Expenditure</b>	<b>2009/2010 Voted</b>	<b>2008/2009 Voted</b>	<b>2009/2010 Actual</b>
Administration	165,200	165,000	133,274
Civil/Criminal Court	52,000	50,000	36,342
Land Court	78,500	63,000	65,308
Land Management	153,300	178,000	156,673
<b>TOTALS</b>	<b>\$449,000</b>	<b>\$456,000</b>	<b>\$391,597</b>

<b>Revenue</b>	<b>2009/2010 Voted</b>	<b>2008/2009 Voted</b>	<b>2009/2010 Actual</b>
Administration	15,000	20,000	14,954
Civil/Criminal Court	10,000	8,000	6,018
Land Court	10,000	20,000	5,798
Land Management	23,000	93,000	11,413
<b>TOTALS</b>	<b>\$58,000</b>	<b>\$141,000</b>	<b>\$38,183</b>

Due to a number of staff on LWOP and training during the year and a number of other cost saving measures adopted by the Department the annual budget was under spent by approximately **\$57,403.00**.

However revenue was also down by **\$19,817.00** of estimate, a number of factors are attributed to the revenue shortfall however inflated revenue expectation may have been a major factor in arriving at this discrepancy.

The outstanding rental issue of the Niue Noni sublease for Vaiea farm remains an issue that needs to be resolved. At this time this issue continues to contribute to the revenue shortfall in the Land Management Division expectations in addition to being a continuing annual expense in terms of rent payable to land owners. The Department has invoiced Niue Noni however no payments have been made at this time.

### **Administration Division**

#### **Department Output:**

*To ensure the effective and efficient implementation of all administrative functions of the Department within prescribed annual allocation and the targets of the NISP. Managing and maintaining the Births, Deaths and Marriages Registry and the running of the General and Village Council Elections in a manner that is professional and timely, in order to maintain the confidence of the general public in the integrity of the Department.*

The Administration Division in addition to the general administration of the functioning of the Department such as general inquires, the processing of payments and receipt of monies, administration of Crown lands and leases, and is also responsible for the management of the Births, Deaths and Marriages registry and the processing of and receipting funds derived from the Births, Deaths and Marriage certificates.

The major functions of this Division are administered by Mrs. Nooroa Marsh who is assisted by Miss Stephanie H. Velah.

The Revenue expectation estimate for 09/10 was \$15,000 the actual revenue derived for the period was **\$14,954.00**. This was made from the revenue derived largely from the provision of 476 Births, Deaths and Marriage Certificates over the 2009-10 period and other miscellaneous costs and fees charged by the Department.

### **Criminal /Civil Court Division**

#### **Department Output**

*To ensure the effective and efficient administration of the Niue High Court in the adjudication of Civil and Criminal matters, maintaining a high level of support to the Niue judiciary to ensure that matters brought before the High Court of Niue is dealt with in a fair and timely fashion.*

This Division is headed by Mr. Darren Tohovaka and he is assisted by Mrs. Alana Tauetau. The Division has been fundamental in the establishment of the CHOBS Trial and also is responsible for liaising with the Pacific Judicial Development Program PJDP for assistance for training of the local judiciary.

The Division has been endeavoring to increase the number of court sittings presided on by the local judiciary during the year. However this has been hindered by a number of ancillary issues which the Department is endeavoring to resolve with the Niue Police and the appointed judicial officers.

**a) Criminal Court**

<b>Application</b>	<b>Jul 08- Jun 09</b>	<b>Jul 09- Jun 10</b>
<b>Transport Act 1965</b>		
Driving with excess breath alcohol	-	14
Driving in a negligent manner	4	12
Speeding within village boundaries excess of 40km/hr	-	27
Dangerous Driving	-	2
Driving while unfit through drink	2	1
Fail to register m/vehicle for licensing yr	1	5
Fail to provide specimen of breath for Breath test	3	1
Exceeding speed limit	-	1
No Safety Helmet	-	2
Driving whilst disqualified	4	1
Drive vehicle with only 1 head lamp	-	1
Fails to give signal before stopping	-	1
Fail to renew drivers license	-	1
Fail to yield right of way	-	1
Application for a Limited License	1	3
Drive m/vehicle w/out license	1	1
Operate a vehicle w/out current WOF	1	4
Fail to affix Reg. Plate to m/vehicle	1	2
<b>Niue Act 1966</b>		
Obscene Language	-	5
Assault	2	5
Affray	-	-
Actual Bodily Harm	2	-
Indecent act in a public place	-	1
Disorderly conduct	-	6
Threats to kill	-	2
Willful trespass	-	2
Unlawful entry of dwelling house	-	1
Break & Enter	1	-
Theft	-	2
Fraud	2	-
Party to an Offence	-	1
Drunk in a public place	-	3

Unlawful possession of firearm	-	1
Possession of firearm without lawful purpose	-	1
Discharge of firearm within 100mtrs of dwelling house	-	1
Fail to stop and render assistance	-	2
Application for Medical Custody Order	-	2
Application for Rehearing	-	-
Application for a Search warrant	-	1
Notice of Motion	1	-
<b>Dogs Act 1966</b>		
Fail to pay Annual License for Dog	-	2
Fail to register female dog for licensing yr	-	1
Fail to register dog for licensing yr	-	1
<b>Pig Control Act 1988</b>		
Allow pigs to wander at large	-	1
<b>Total:</b>	<b>27</b>	<b>121</b>

**b) Civil Court Division**

<b>Application/Motion/Petition</b>	<b>Jul 08- Jun 09</b>	<b>Jul 09- Jun 10</b>
Injunctions	-	-
Damages	-	-
Claim unpaid goods/services	17	3
Claim for Compensation	-	-
Enforcement of fine	-	2
Restore a Company	1	-
Information - Income Tax Act 1961	4	-
Order for arrest absconding debtor	1	-
Motion for directions as to service	6	4
Proceedings Companies Act	2	3
Petition for Dissolution of Marriage	1	-
Notice of Appeal	1	1
<b>Total:</b>	<b>34</b>	<b>13</b>

Revenue derived from Court fines and other miscellaneous costs collected by this division was **\$6,018.00** for the year, which is **\$3,982.00** under estimate however such revenue is subject to fluctuation depending on the Offences committed within that year. The Department has close to a 99%-100% collection rate on imposed fines.

## **Land Court Division**

### **Department Output**

*To ensure the effective and efficient administration of the Niue land titling system, to provide and maintaining a high level of support and advice to the High Court of Niue and to the general public in relation to the titling and registration of Niuean land.*

This Division is headed by Mrs. Celina Tiakia and she is assisted by Mrs. Valentine Mautama, Miss Tiara Tukuniu, Miss Goretti Poumale and Miss Liliokalani Laufoli.

Over the 2009 - 2010 period the Niue Land Court dealt with approximately 260 cases, these were submitted to the November 09 sitting, June 2010 sitting of the Niue High Court. These court sittings were held over a two week period respectively. The Court will next convene in November 2010 with Judge Wilson Isaac and Chief Judge Patrick Savage presiding.

<b>Applications processed by Land Court</b>	<b>2008/09</b>	<b>2009/10</b>
Determine Title/ Appoint Leveki	150	34
Partition/Appoint Leveki	6	12
Re hearing	7	3
Appeal	2	-
Change/ Add Leveki	26	17
Confirmation of Alienation	4	2
Charging Order	33	12
Discharge Charging Order	6	-
Relative interest	0	-
Receivership Application	0	-
Occupation Order	5	5
Injunction	11	1
Dismiss injunction	3	-
Access	1	-
Evictions	0	-
Motions to strike out	3	2
Memorandums to Court	1	-
Application to dismiss	1	-
Confirmation of Lease	1	6
Transfer of Lease	1	-
<b>TOTAL</b>	<b>260</b>	<b>99</b>
Matters adjourned	53	

## **Land Management Division**

### **Department Output**

*To ensure the effective and efficient administration and management of the operations of the Land Survey division of the Department to ensure the delimitation of land titles and boundaries and to ensure that the formalization of the appropriate documentation pertaining to the formal registration of Niuean land is undertaken in a ordered and timely fashion within the parameters of the law. To have oversight of the administration of all Crown leases.*

This division comprises of two components the major component being the land surveying division and the other being the land registration division. The surveying aspect of the work is self explanatory, the registration aspects is in relation to the documentation that accompanies the formal registration process.

The Department would like to reiterate that the number of investigations and final land surveys completed is dependent upon the number of qualified Land Surveyors available to the Department. Unfortunately there is only one remaining qualified surveyor within the Department. Steps have been taken to attempt to address the issue in the Department Human Resources Plan and that one of the trainee surveyors who will be completing his studies at the end of this year will be returning in early 2011.

The Department is currently seeking a qualified Land Surveyor through the auspices of the Commonwealth Secretariat. However the main emphasis has been to encourage and train young school leavers coming out of Niue High School. It is expected that one of the Department trainees will be completing his studies at the end of 2010 and it is expected that he will be rejoining the Department in early 2011.

#### **a) Surveying**

	<b>Jul 09- Jun 10</b>	<b>Area</b>
Investigations/provisional surveys completed	<b>26</b>	<b>78.6 ha</b>
Final surveys completed	<b>22</b>	<b>32.3 ha</b>
<b>TOTAL</b>		<b>110.9 ha</b>

Plans Approved	12	
Plans Drawn	13	
CT drawn & updated	65	

It must be noted that for the period of 2005 to 2008 there remained **178** outstanding final surveys that need to be conducted and this number grows with every sitting of the Niue High Court. With a review of the Department records and with the final surveys completed during the year this figure has been reduced to **134**.

## **b) Registrations**

These statistics are in relation to the formal documentations completed and finalised relevant to the land registration process

<b>Instruments issued</b>	<b>Jul 09- Jun 10</b>	<b>Jul 08- Jun09</b>
Order Determining Magafaoa	21	9
Order appointing Leveki Magafaoa	37	11
Change of Leveki Magafaoa	31	8
Occupation Order	11	5
Order of Partition	7	1
Charging Order	23	9
Discharge of Charging Order	1	
Confirmation of Alienation	3	3
Surrender of Lease	1	1
Registration of Niuean Land	24	14
Registration of Crown Land	0	0
Warrant	1	1
Power of Attorney	1	0
Assignment of Lease	2	1
<b>Total</b>	<b>163</b>	<b>63</b>

### **Niue Integrated Strategic Plan 2009-2013:**

The Department is tasked with meeting certain targets as stipulated in the Niue Integrated Strategic Plan which are high lighted for reference. For the 2009-2010 period, the Department has endeavored to address all the strategic objectives as highlighted by the NISP unfortunately resource and capacity restraints have meant that some matters would have to be addressed at a later stage, a brief summary of actions/implemented over the 2009-2010 period are as per the attached acquittal report.

### **Conclusion**

This report endeavors to encapsulate all the work that has been undertaken by the Department, the indicators and statistics that are provided do not truly reflect all the work and hours that need to be put in so that the targets and achievements of the Department are met.

Justin Kamupala  
Secretary to Justice.  
20<sup>th</sup> September 2010



## **ATTACHMENT A**

### **GOVERNMENT OF NIUE**

*Department of Justice, Lands and Survey*  
*PO Box 75, Alofi, NIUE Telephone: (683) 4127, Facsimile: (683) 4231 or 4010*

#### **ACQUITTAL REPORT VILLAGE COUNCIL ELECTIONS: 22 August 2009**

##### **INTRODUCTION**

The date for the 2009 Village Council Elections was determined by Cabinet on 9<sup>th</sup> July 09 to be held on the 22<sup>nd</sup> August 2009 as per CM(09)20.

##### **NOMINATIONS**

Notices seeking the nomination of candidates were gazetted on the 14<sup>th</sup> July 2009 this also called for those who have become eligible to become electors to be registered. The date for closure of nominations was the 12.00 o clock 6<sup>th</sup> August 2009. At the close of nominations the following persons had been nominated as candidates:

##### **ALOFI SOUTH (5 Seats)**

1. HEKAU, Robin
2. KAUFISI, Puakina
3. LITAI, Poeniue
4. NEMAIA, Judy
5. SIONEHOLO, Losana
6. VILIAMU, Dimitry
7. PEAUFA, Stephanie

##### **TAMAKAUTOGA (5 Seats)**

1. LAGIONO, Christopher
2. FUNAKI, Fualosa
3. NELISI, Samson
4. PUHEKE, Ron Amanaki
- 5.

##### **AVATELE (5 Seats)**

1. TUKUTAMA, Duane Carlos
2. IKIMOTU, Kanetoni
3. NOSA, Manila
4. TIAKIA, Ataleo
5. LAUFOLI, Emeline
6. HAKEAGAIKI, Makea

7. PAVIHI, Roy Lee
8. MAKAIA, Hinamoa
9. IKIUA, Oswin
10. SANETELI, Willie
11. TAUATI, Atalase

**VAIEA (3 Seats)**

1. TALAITI, Hakala, Makaniue
2. TALAITI, Mokahe motu

**HAKUPU (5 Seats)**

1. TOHOVAKA, Natasha
2. MAUTAMA, Ritchie
3. ALAPAKI, Rheumatic
4. KALAUNI, Hubert Mana
5. MISIKEA, Tom Tamatoa
6. TUKUITOGA, Itzy Freda Lauaki

**LIKU (5 Seats)**

1. PULEHETOA, Sifakalipa
2. PULEHETOA, Sionetasi
3. MAMAIA, Ioane
4. SEUMANU, Logopati

**LAKEPA (5 Seats)**

1. MAGATOGIA, Mary
2. TOGIAVALU, David
3. TOGIAVALU, Sione Belle
4. KONELIO, Tongariro
5. HENISIONE, Hale Kalaha

**MUTALAU (5 Seats)**

1. IOANE, Makaseau
2. HALETAMA, Falanikasi Falaniu
3. SIONHOLO, Frank Taoro
4. IOANE, Tifaole
5. PANAMA, Danny

**TOI (4 Seats)**

1. TUTAKITOA, Salapiga
2. GATAUA, Leslie Hack
3. TUHEGA, Sapati
4. TAUFITU, Ponivasalia

**HIKUTAVAKE (5 Seats)**

1. Martin Matakapea
2. Doreen Matakapea

3. Ian McKenzie Hipa
4. Pamela Togiakona
5. Herman Tagailoaluga
6. Sione Laponi Togiakona
7. Masiniholo Lagaloga
8. Niutaha Tahega

**NAMUKULU (3 Seats)**

1. LIPITOA, Mokavesi Jack
2. MAKAIA, Talaia
- 3.

**TUAPA (5 Seats)**

1. IKITULE, Hale
2. SIONETAMA, Sione Pokau
3. MOKALEI, Halafoou
4. AI'NUU, Mona
5. MANETOA, John Barrick
6. IKIHELE, Kulupatau

**MAKEFU (5 Seats)**

1. POIHEGA, David
2. TALAGI, Mary Anne Palemia
- 3.
- 4.
- 5.

**ALOFI NORTH (5 Seats)**

1. FATIAKI, Sefeti
2. HEKA, Tutuli
3. SIOSIKEFU, Margaret
4. TAFATU, Stanley

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## **DECLARATION OF ELECTION OF CANDIDATES**

At the closure of period for nominations i.e. 12 noon, 6<sup>th</sup> August 2009, the candidates nominated for the Village Councils of the following villages were declared Elected:

**TAMAKAUTOGA:** 1. LAGIONO, Christopher  
2. FUNAKI, Fualosa  
3. NELISI, Samson  
4. PUHEKE, Ron Amanaki

**VAIEA** 1. TALAITI, Hakala, Makaniue  
2. TALAITI, Mokahemotu

**LIKU** 1. PULEHETOA, Sifakalipa  
2. PULEHETOA, Sionetasi  
3. MAMAIA, Ioane  
4. SEUMANU, Logopati

**LAKEPA** 1. MAGATOGIA, Mary  
2. TOGIAVALU, David  
3. TOGIAVALU, Sione Belle  
4. KONELIO, Tongariro  
5. HENISIONE, Hale Kalaha

**MUTALAU** 1. IOANE, Makaseau  
2. HALETAMA, Falanikasi Falaniu  
3. SIONHOLO, Frank Taoro  
4. IOANE, Tifaole  
5. PANAMA, Danny

**TOI** 1. TUTAKITOA, Salapiga  
2. GATAUA, Leslie Hack  
3. TUHEGA, Sapati  
4. TAUFITU, Ponivasalia

**NAMUKULU** 1. LIPITOA, Mokavesi Jack  
2. MAKAI, Talaia

**MAKEFU** 1. POIHEGA, David  
2. TALAGI, Mary Anne Palemia

**ALOFI NORTH** 1. FATIAKI, Sefeti  
2. HEKA, Tutuli

3. SIOSIKEFU, Margaret
4. TAFATU, Stanley

### **WITHDRAWALS**

The remaining 5 villages of Alofi South, Avatele, Hakupu, Hikutavake and Tuapa were tentatively set down for elections subject to any withdrawals by candidates by 12.00 noon 14<sup>th</sup> August 2009.

Two of the nominated candidates, 1 from Hakupu ( KALAUNI, Hubert Mana) and 1 from Tuapa (SIONETAMA, Sione Pokau) withdrew their names by the due withdrawal date which abrogated the need to hold elections for those Villages, the following persons were declared duly elected for the following villages as of the 14<sup>th</sup> August 2009:

#### **HAKUPU**

1. TOHOVAKA, Natasha
2. MAUTAMA, Ritchie
3. ALAPAKI, Rheumatic
4. MISIKEA, Tom Tamatoa
5. TUKUITOGA, Itzy Freda Lauaki

#### **TUAPA**

1. IKITULE, Hale
2. MOKALEI, Halafoou
3. AI'NUU, Mona
4. MANETOA, John Barrick
5. IKIHELE, Kulupatau

The remaining 3 villages of: Hikutavake, Alofi South and Avatele would be holding Village Council Elections on the 22<sup>nd</sup> August 2009.

### **VILLAGE COUNCIL ELECTIONS: 22<sup>nd</sup> August 2009**

The elections proceeded smoothly without any mishaps the results are as follows:

#### **Hikutavake**

4 seats being contested

Electoral roll	43 Electors
Total Ballots	24
Invalid Ballots	1

<b>Candidate</b>	<b>votes</b>
1. MATAKAPEA, Martin	15
2. MATAKAPEA, Doreen	15
3. TAGALOAILUGA, Herman	13
4. TAHEGA, Niutaha	13

5. HIPA, Ian McKenzie	10
6. TOGIAKONA, Sione Laponi	9
7. TOGIAKONA, Pamela	9
8. LAGALOGA, Masiniholo	4
<b>Total Votes cast</b>	<b>88</b>

### Alofi South

5 seats being contested

Electoral roll 256 Electors

Total Ballots 104

Invalid Ballots 0

<b>Candidate</b>	<b>votes</b>
1. VILIAMU, Dimitry	100
2. LITAIU, Poe Niue	94
3. NEMAIA, Judy	92
4. HEKAU, Robin	85
5. KAUFITI, Puakina	63
6. SIONEHOLO, Losana	54
<b>Total Votes cast</b>	<b>488</b>

### Avatele

5 seats being contested

Electoral roll 90 Electors

Total Ballots 67

Invalid Ballots 1

<b>Candidate</b>	<b>votes</b>
1. TUKUTAMA, Duane Carlos	50
2. IKIMOTU, Kanetoni	46
3. NOSA, Manila	45
4. TIAKIA, Ataleo	43
5. LAUFOLI, Emeline	36
6. IKIUA, Oswin	35
7. SANETELI, Willie	25
8. MAKAIA, Hinemoa	18
9. HAKEAGAIKI, Makea	17
10. PAVIHI, Roy Lee	15
<b>Total Votes cast</b>	<b>330</b>

### Analysis

The election preparation and implementation process proceeded smoothly without any major difficulties encountered by the Department. The success of the election is attributed to the Department staff who are well versed with the procedures and requirements. There were a very low number of invalid ballots.

However it is noted that the turn out for Alofi South was quite low with only 104 ballots cast from an electoral roll of 250, it was noted that approximately 70 persons were overseas with the remainder choosing not to vote. A similar trend was apparent in Avatele and Hikutavake with a between 40-60% turn out of voters for all three villages.

There is some issue regarding the compilation of the electoral rolls in terms of the removal of a name from the roll after a three year absence. It is noted that some individuals are returning for short periods within the three year term and therefore retaining their eligibility to remain on the roll. It is proposed that the determination of a person who is resident in Niue needs to be strengthened so that incidents as described can be done away with. It is unfair to allow those who are predominantly resident in New Zealand to subvert the intention of the *Niue Assembly Act 1966* by extending their eligibility to remain on the role by making a short one week visit to Niue.

### **Financial Account**

Village Council Elections      Account: 27010450      **\$10,000.00**

<b>Item</b>	<b>Details</b>	<b>Amount</b>
Fuel	2 vehicles	\$287.00
Stationary		\$225.00
Office equipment supplies	Toner for printer	\$176.00
Allowances	10 Staff	\$1,700.00
Consumables		\$435.71
<b>TOTAL</b>		<b>\$2,824.56</b>

It is proposed that a Village Council by election will be held in December 09 to attempt to address the shortfall in numbers for some of the Village Councils’.

### **Conclusion**

The Village Council elections for 2009 were conducted with out any major mishap or problems. No petitions have been filed in regard to the results derived from the Election.

Justin Kamupala  
Secretary to Justice  
16 September 2009

## **ATTACHMENT B**

### **GOVERNMENT OF NIUE**



*Department of Justice, Lands and Survey  
PO Box 75, Alofi, NIUE Telephone: (683) 4127, Facsimile: (683) 4231 or 4010*

#### **ACQUITTAL REPORT: VILLAGE COUNCIL BY-ELECTIONS: 20<sup>th</sup> March 2010**

#### **INTRODUCTION**

The date for the 2010 Village Council Elections was determined to be held on the 20<sup>th</sup> March 2010.

#### **NOMINATIONS**

Notices seeking the nomination of candidates was Gazetted on the 15<sup>th</sup> February 2010 this also called for those who have become eligible to become electors, to be registered.

The date for closure of nominations was at 12.00 noon on the 5<sup>th</sup> March 2010. At the close of nominations the following persons had been nominated as candidates:

#### **TAMAKAUTOGA (1 Seat vacant)**

1. FUNAKI, Lomesi

#### **VAIEA (1 Seat vacant)**

1. TALAITI, Merry M

#### **LIKU (1 Seat vacant)**

1. KAIUHA, Niumaka  
2. MUA, Insurane

#### **NAMUKULU (1 Seat vacant)**

nil

#### **MAKEFU (3 Seats vacant)**



1. POIHEGA, Etaena
2. TALAGI, Noel
3. TOGIA, Saimone
4. TOHOVAKA, Gean Charlie

**ALOFI NORTH (2 Seats vacant)**

1. TAFATU-HIPA, Roz
2. TANO, Alan

**DECLARATION OF CANDIDATES (sec 41)**

At the closure of nominations, the candidates nominated for the Village Councils of the following villages were declared Elected as per section 41 Niue Assembly Act 1966 as there would be no contested Election for these villages:

**TAMAKAUTOGA:** 1. FUNAKI, Lomesi

**VAIEA** 1. TALAITI, Merry M

**ALOFI NORTH** 1. TAFATU- HIPA, Roz  
2. TANO, Alan

**WITHDRAWALS**

The remaining 2 villages of Liku and Makefu were tentatively set down for election on the 20<sup>th</sup> march 2010 subject to any withdrawals by candidates by 12.00 noon 12 March 2010.

There was no withdrawal of any of the names nominated for these two villages. Therefore the Village Council By-Elections would be conducted on the 20<sup>th</sup> March 2010.

**VILLAGE COUNCIL BY-ELECTIONS: 20<sup>th</sup> March 2010**

The elections proceeded smoothly without any mishaps the results are as follows:

**Liku**

1 seats being contested	
Electoral roll	52 Electors
Total Ballots	42
Invalid Ballots	0

Candidate	votes
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1. KAIUHA. Niumaka	32
2. MUA, Insurane	10
<b>Total Votes cast</b>	<b>42</b>

### **Makefu**

3 seats being contested

Electoral roll	50 Electors
Total Ballots	36
Invalid Ballots	0

<b>Candidate</b>	<b>votes</b>
1. POIHEGA, Etaena	26
2. TALAGI. Noel	17
3. TOGIA, Saimone	18
4. TOHOVAKA, Gean Charlie	21
<b>Total Votes cast</b>	<b>82</b>

### **DECLARATION OF ELECTED CANDIDATES (sec 70)**

Following the results of the 20<sup>th</sup> March 2010 Village Council By-Election the following candidates were declared elected pursuant to section 70 Niue Assembly Act 1966 to their respective Village Councils on the 22<sup>nd</sup> of March 2010:

#### **LIKU**

1. KAIUHA. Niumaka

#### **MAKEFU**

1. POIHEGA, Etaena
2. TOHOVAKA, Gean Charlie
3. TOGIA, Saimone

### **Analysis**

The election preparation and implementation process proceeded smoothly without any major difficulties encountered by the Department. The success of the election is attributed to the Department staff, who are well versed with the procedures and requirements. It is noted that there were a no invalid votes cast.

It is noted that the number of village councilors for Namukulu remains at 2 which is 1 short of the full complement, it is uncertain at this stage as to how to proceed given the numbers for Namukulu are quite low. It is suggested that discussions will be undertaken with the Department of Community Affairs to clarify the best option to undertake.

There was some confusion as to the actual number of Village Councilors for Makefu and whether it was to be four Village Councilors or five. This was resolved with advice from the Department of Community Affairs that five would be a more appropriate number in comparison with other villages. For example Liku with a similar population has 5 whereas Toi which has a significantly lower number has 4. Therefore it is believed appropriate that Makefu should have 5 village councilors so as to be in step with other villages with similar population profiles. Cabinet is requested to endorse this recommendation.

### **Financial Account**

Village Council Elections      Account: 27010450      **\$10,000.00**

<b>Item</b>	<b>Details</b>	<b>Amount</b>
Fuel	1 vehicle	\$90.00
Stationary		\$200.00
Office equipment supplies		\$150.00
Allowances	7 Staff	\$1,380.00
<b>TOTAL</b>		<b>\$1,820.00</b>

### **Conclusion**

The Village Council by - elections for the 20<sup>th</sup> March 2010 was conducted without any major mishap or problems and the result was declared on the 22<sup>nd</sup> March 2010.

It is noted for information at this time that the General elections will be conducted in 2011 and that the Department has made appropriate allocations for the 2010/2011 annual budget to cater for that event.

Justin Kamupala  
Chief Electoral Officer  
23<sup>rd</sup> March 2010