

**IN THE HIGH COURT OF NIUE
(LAND DIVISION)**

Application No: CV4/2014

IN THE MATTER OF: Article 6(2) of the
Constitution of Niue

BETWEEN: **TOGIA SIONEHOLO**
Member of the Niue
Legislative Assembly
(Applicant)

AND **AHOHIVA LEVI** Speaker of
the Niue Legislative
Assembly
(Respondent)

Judgment: 4 February 2014 (1:00pm New Zealand time)

DECISION OF COXHEAD J

Introduction

[1] An application has been made by Mr Sioneholo seeking a directive from the Court to the Speaker of Niue Legislative Assembly ("NLA") to call and hold a meeting of the NLA on Thursday 30 January 2014, pursuant to art 6(2) of the Constitution of Niue ("the Constitution").

[2] This application is related to a previous application from Mr Sioneholo where he sought a declaratory judgment to clarify the interpretation of "day" and "supreme law" with regards to the Constitution.

Discussion

[3] An initial meeting was called by the Speaker of the NLA for Wednesday 29 January 2014.



[4] Nineteen members of the NLA attended the meeting, which constituted a sufficient quorum as required by art 22(6) of the Constitution.

[5] However, during the course of the meeting 11 members walked out and their departure meant that the quorum requirements could not be maintained. The meeting was called off and no debate or vote on the motion of no confidence in the Cabinet could be held.

[6] The applicant informed the Speaker that effectively no meeting had been carried out on 29 January 2014 and therefore the meeting must be set down for the next day of January, to comply with art 6(2) of the Constitution..

[7] The Court has now been informed by Crown Law on behalf of the Speaker that the Speaker gave notice for the meeting to take place on 30 January 2014.

[8] The meeting did take place on 30 January 2014 and a vote was conducted as per art 6(2) of the Constitution.

Decision

[9] Based on the submissions before me I find that the Speaker has complied with the requirements of art 6 of the Constitution.

[10] This application is therefore dismissed.

Dated at Rotorua, New Zealand this 4th day of February 2014


C T Coxhead J