



ANALYSIS

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1980, No. 4

An Act to amend the Outer Islands Local Government Act 1976.

BE IT ENACTED by the Legislative Assembly of the Cook Islands in session assembled, and by the authority of the same, as follows: (2 May 1980)

1. Short title - This Act may be cited as the Outer Islands Local Government Amendment Act 1980 and shall be read together with and deemed part of the Outer Islands Local Government Act 1976 (hereinafter referred to as the "principal Act").
2. Interpretation - Section 2 of the principal Act is hereby amended by: (1) inserting, after the word 'Ariki' and its definition, the following: 'Aronga Mana' means, in respect of any Island; "Kavana, Mataiapo and Rangatira".
(2) deleting the words 'Co-ordinating Committee', 'Kavana', 'Koutu Nui', 'Mataiapo', 'Rangatira' and their definitions.
3. Membership of Island Councils - Subsection (1) of Section 5 of the principal Act is amended by deleting from paragraph (b) the words 'Kavana, Mataiapo and Rangatira (if any)' and substituting therefore the words 'Aronga Mana'.
4. Functions of Island Councils - Section 8 of the principal Act is amended by repealing paragraphs (d) (e) and (f) and substituting therefore the following new paragraph:

"(d) To advise on or determine any matter, question or dispute referred to it by any person or organisation."
5. Election of a representative of the Aronga Mana - Section 9

of the principal Act is amended by: (1) deleting the words 'Kavana, Mataiapo, and Rangatira' wherever they appear and substituting therefore the words 'Aronga Mana'.

(2) Deleting from sub-section (1) the words 'in the month of April each year' and substituting therefore the words:

"Before the 31st day of May in the year 1980 and in the month of April in every third year thereafter".

(3) Repealing paragraph (f) of subsection 2.

6. Election of members - Section 10 of the principal Act is further amended by:

(1) deleting from subsection (1) the words "In the month of April in each year on a date or dates to be appointed by the Chief Administration Officer", and substituting therefore the words:

(i) "Before the 31st day of May in the year 1980 and in the month of April in every third year thereafter on a date or dates to be appointed by the Chief Administration Officer."

(2) repealing paragraph (c) of subsection 2.

(3) repealing paragraph (f) of subsection 2 and substituting therefore the following:

"(f) The Chief Administration Officer".

7. Conduct of Elections - (1) The principal Act is further amended by inserting after Section 10 the following new section:

"10A Conduct of Elections - (1) For the purposes of the election to be held before the 31st day of May 1980 the Chief Administration Officer on each Island shall:

- (a) call for nominations from persons qualified for election under Section 10 of the principal Act.
- (b) compile a role of qualified electors for each constituency as provided in the schedule.
- (c) post in a public place in each village the names of the nominees.
- (d) fix the date for election and ensure that the date is publicised.
- (e) on the day of election provide for each Constituency a ballot box, paper and pencils.
- (f) appoint a Polling Clerk for each village.
- (g) count, with the assistance of the Polling Clerk and under the supervision of a member of the Police, the votes cast.
- (h) hand all ballot papers to the Police for safe keeping.
- (i) publicise the results and advise the Director in accordance with Section 12 of the principal Act.

(2) The Polling Clerk in each Constituency shall:

- (a) Supervise the casting of votes and ensure secrecy of ballot.
- (b) As each vote is cast strike the name of the voter from the roll and ensure that each elector votes

only once.

- (c) After every voter has been given an opportunity to vote, convey the ballot box and contents to the Chief Administration Officer.
- (d) Assist the Chief Administration Officer in the counting of votes as provided in subsection 1 hereof.

(3) Every voter shall write the name of the candidate or candidates as the case may be for whom he wishes to vote on a piece of paper which he shall then fold and deposit in the ballot box.

(4) Every voter shall exercise one vote only, provided that:

- (a) Where a constituency returns more than one member then every voter shall have as many votes as there are members representing his constituency, but he shall vote only once for any one member;
- (b) On the Islands of Rakahanga and Mitiaro every voter on the Island may cast one vote in respect of each constituency.

8. Tenure of Office - The principal Act is further amended by repealing Section 14 and substituting therefore the following section:

"14. Tenure of Office - The members appointed pursuant to paragraphs (b) and (d) of Section 5 of this Act shall hold office from the date of public notification of their successful election until the day before the public notification of the successful members elected in the subsequent election."

9. Making of By-laws to be by Order in Council - The principal Act is further amended by repealing Sections 15 and 16 and substituting the following section:

"15. Making of by-laws to be by Order in Council - (1) By-laws shall be made revoked or amended and any ordinance of any Island Council shall be revoked or amended by the High Commissioner by Order in Executive Council on the recommendation of the Minister.

(2) Every proposed by-law shall be first submitted to the Advocate-General for his approval as to the form thereof.

(3) Recommendations to the Minister for the promulgation of new by-laws or the revocation or amendment of existing by-laws and ordinances may be made by formal resolution of any Island Council.

(4) Any Order in Executive Council made under this section may prescribe offences against that Order punishable by imprisonment for a term not exceeding three months or a fine not exceeding \$200 or both.

(5) All Orders in Executive Council made under this section shall be laid before the Legislative Assembly within twenty-eight days after the making thereof if the Legislative Assembly is in session and if not in session shall be laid before the Legislative Assembly within twenty-eight days after the date of commencement of the next ensuing session."

10. By-Law making powers - The principal Act is further amended by inserting after Section 15 the following new section:

"16. By-law making powers - (1) Subject to Section 15 hereof each Island Council shall have power to make, alter and revoke from time to time by-laws for any of the following purposes:

- (a) The good rule and government of the island:

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- (b) | The carrying out of any of the objects of this Act and of any of the functions and powers conferred on Island Councils by this Act:
- (c) Regulating any subject matter of this Act.
- (d) Imposing such tolls, dues, fees, fines, taxes, payments and other charges in such amounts and for such purposes as may be approved by the Minister:
- (e) Regulating controlling or prohibiting any Act, matter or thing usually the subject matter of local control or prohibition in respect of that island:
- (f) Regulating controlling or prohibiting the display of signs, posters, placards, handbills, writings, pictures, or devices for advertising of any kind anywhere on the island where the public have access or may see and whether on private property crown land or otherwise howsoever:
- (g) Requiring the owner of any land not vested in Her Majesty to remove lower or trim to the satisfaction of the Council any tree, shrub or hedge overhanging or interfering in any way with traffic in or the lighting on any place to which the public have access including any roadway street or footpath:
- (h) Regulating controlling or prohibiting any of the subject matters regulated controlled or prohibited in any Ordinance of the Island Council in operation at the coming into force of this Act:
- (i) Regulating controlling or prohibiting the use of any reserve park beach sportsground recreation ground cemetery public building public place or other land vested in or under the control of the Island Council:
- (j) Regulating controlling or prohibiting the use of and the construction of anything upon roadways streets footpaths and land to which the public have access:
- (k) Regulating controlling or prohibiting fishing, shell fishing, pearl diving or the use of any fishing net in lagoon waters:
- (l) Providing for the inspection of any land building or premises for any of the purposes of this Act or any by-law thereunder:
- (m) Requiring the removal of any growth or thing on any land building or premises which may constitute a danger or be a fire hazard to other property or members of the public:
- (n) Regulating controlling or prohibiting the storage of dangerous goods or materials of any kind which are of an inflammable nature or which are likely to cause or aid the spread of fire:
- (o) Regulating controlling prohibiting or licensing itinerant traders hawkers and pedlars:
- (p) Regulating and controlling the burial of animals:
- (q) Regulating controlling or prohibiting the deposit or accumulating or dispersal on any vacant land within the island or in the sea adjacent thereto or on any motu, any refuse, garbage or rubbish of any description:
- (r) Regulating controlling prohibiting or licensing the keeping of any animals reptiles birds or bees and ordering the destruction thereof:

(s) Regulating controlling prohibiting the lighting of any fire whether on private property, uninvestigated land or crown land:

(t) Regulating controlling or prohibiting camping by visitors:

(2) A by-law may apply to the whole Island or to any specified part thereof."

11. Clerk of the Island Council - Section 21 of the principal Act is hereby amended by deleting the words "except on the Islands of Mitiaro and Rakahanga where the Chief Administration Officer shall act as the Clerk."

12. Minutes - Section 22 of the principal Act is amended by deleting the word 'two' and substituting therefore the word 'four'.

13. Minister to Consult - the Principal Act is amended by inserting after Section 34 the following new section:

"34A. Minister to Consult - in any matter arising under this Act specifically affecting the islands comprising the Northern Group, the Minister shall consult with the Minister Responsible for the Northern Group."

14. Island Council Funds - Section 27 of the principal Act is amended:

(a) by inserting the word 'taxes' after the word 'rents' in paragraph (b) of sub-section 1.

(b) by inserting after paragraph (c) of sub-section (1) the following sub-section:

"Notwithstanding anything in any other enactment, every Island Council shall be empowered to levy and collect fees for the licencing of motor-vehicles, shops, animals and such other activities or things as the Minister may from time to time approve."

15. Schedule - The principal Act is further amended by:

(1) In respect of the Island of Mitiaro, deleting the words from the second column and the figure '5' from the third column and substituting the following:

(a) The Village of Atai	1
(b) The Village of Takaue	1
(c) The Village of Mangarei	1
(d) The Village of Auta	1
Total for the Island	<u>4</u>

(2) In respect of the Island of Rakahanga, deleting the words from the second column and the figure '5' from the third column and substituting the following:

(a) The Village of Purapoto	1
(b) The Village of Niteiri	1
(c) The Village of Numahanga	1
(d) The Village of Teruakiore	1
(e) The Village of Matara	<u>1</u>
Total for the Island	<u>5</u>

(3) Adding to the Schedule thereto the following:

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(a)	The Te Matauia Line	1
(b)	The Te Pou Line (Tinioi)	1
(c)	The Te Tata Line (Sela)	1
		<u>3</u>
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16. Repeal - Section 17 of the Premier's Department Act 1973-74 is hereby repealed.

This Act is administered by the Premier's Department