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1997, No. 10

An Act to provide for a system of Local Government on the Island of Rarotonga

(10 June 1997)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled and by the authority of the same as follows:

1. Short Title and commencement - (1) This Act may be cited as the Rarotonga Local Government Act 1997.

(2) This Act shall come into force on a date to be determined by the Queen's Representative by Order in Executive Council.

2. Application - This Act shall apply to the Island of Rarotonga.

3. Interpretation - (1) In this Act unless the context otherwise requires -

"Ara tiroa" means the system under which the obligations of the residents of a Vaka obliges them to perform gratuitous labour for the benefit of the Vaka, such as the maintenance of the public roads or water works of the Vaka concerned;

"Are Vananga" means a meeting house for discussion by the residents of the Oire or Tapere on any matter of importance in the Oire or Tapere;

"Ariki" means a person who has been invested with the title, rank or office of Ariki in accordance with ancient custom prevailing in the Vaka of the Ariki;

"Aronga Mana" includes those persons invested with a title in accordance with the native custom and usage of that part of Rarotonga from which that title is derived and which title is recognised by such native custom and usage as entitling the holder to be a member of the Aronga Mana of Rarotonga, in the Koutu-Nui of the Cook Islands;

"Environment Council" means the Environment Council established under the Rarotonga Environment Act 1994-95;

"Financial year" means the period of 12 months ending with the 30th day of June in each calendar year;

"Financial Secretary" means the Financial Secretary appointed under the Ministry of Finance and Economic Management Act 1995-96;

"Minister" means the Prime Minister or such other Minister as the Prime Minister may from time to time charge with the responsibility for this Act pursuant to Article 16 of the Constitution;

"Oire" means a village or constituency listed in the Schedule to this Act;

"Pu Tapere" means a person who has been elected and appointed to superintend or organise any task or activity required to be done by the community of the Tapere as a whole;

"Vaka" means the districts of Rarotonga traditionally known as Puaikura, Takitumu and Te Au o Tonga.

(2) For the purposes of this Act, a "subdistrict" shall comprise the Tapere or groups of Tapere as set out in the First Schedule to this Act.

PART I **KONITARA VAKA**

4. Konitara Vaka - (1) There shall be for each Vaka, a council to be known as the Konitara Vaka which shall be responsible for the policy and general direction of the local government of each Vaka as constituted by this Act, and shall have such other functions, duties and powers as may be prescribed by this Act.

(2) Each Konitara Vaka shall have perpetual succession, a common seal and respectively comprise those persons referred to in sections 5, 6 and 7 and shall be capable of acquiring, holding and disposing of real and personal property.

(3) The common seal of a Konitara Vaka shall only be used in such manner as a Konitara Vaka may by resolution determine.

5. Membership of the Puaikura Konitara Vaka - The Puaikura Konitara Vaka shall comprise those persons as set out in the Second Schedule to this Act, who for the time being shall be -

- (a) the Konitara Tutara;
- (b) three members of the Kumiti Oire elected under section 28 of this Act who shall be known as the Metua Konitara Vaka;
- (c) the Members of Parliament for the constituencies of the Puaikura Vaka who shall be ex-officio members.

6. Membership of the Takitumu Konitara Vaka - The Takitumu Konitara Vaka shall comprise those persons as set out in the Second Schedule to this Act, who for the time being shall be -

- (a) the Konitara Tutara;
- (b) three members of the Kumiti Oire elected under section 28 of this Act who shall be known as the Metua Konitara Vaka; and
- (c) the Members of Parliament for the constituencies of the Takitumu Vaka who shall be ex-officio members.

7. Membership of the Te Au o Tonga Konitara Vaka - The Te Au o Tonga Konitara Vaka shall comprise those persons as set out in the Second Schedule to this Act, who for the time being shall be -

- (a) the Konitara Tutara;
- (b) four members of the Kumiti Oire elected under section 28 of this Act who shall be known as the Metua Konitara Vaka; and
- (c) the Members of Parliament for the constituencies of the Te Au o Tonga Vaka who shall be ex-officio members.

8. Taking of office - (1) Every member of a Konitara Vaka shall take office on the day upon which a warrant declaring that member's appointment is signed by the Queen's Representative.

(2) The office of a member, unless previously vacated pursuant to regulations to be prescribed, shall become vacant at the end of the day immediately preceding the day on which the members appointed at the next ensuing election take office.

9. Konitara Tutara - (1) A Chairperson for the Konitara Vaka, shall be elected by the electors of the Vaka pursuant to section 27 of this Act, and shall be known as the Konitara Tutara.

(2) A Konitara Tutara shall hold office for a term not exceeding three years from the date of taking up office but may during the term of appointment be removed from office by the Konitara Vaka for misconduct, neglect of duty, illness or unauthorised absence from Rarotonga.

(3) A Konitara Tutara shall preside at all meetings of a Konitara Vaka at which the Konitara Tutara is present and shall have a deliberative vote and in the event of an equality of votes, a casting vote.

(4) On the occurrence from any cause of a vacancy in the office of Konitara Tutara (whether by reason of death or otherwise), and in the case of absence from duty of the Konitara Tutara, (from whatever cause arising), the Komono/Kauono Tutara shall have and may exercise all the functions, duties and powers of the Konitara Tutara until such time as -

- (a) the Konitara Tutara resumes duties; or
- (b) the vacancy is filled.

(5) The fact that the Komono/Kauono Tutara exercises any function, duty or power of the Konitara Tutara shall in the absence of proof to the contrary, be conclusive evidence of authority to do so.

(6) On the occurrence of a vacancy from any cause (whether by reason of the expiry of the term of appointment, death, resignation or otherwise) in the office of the Konitara Tutara, then the vacancy shall be filled by an appointment made in accordance with subsection (1).

10. Deputy-Chairperson of a Konitara Vaka - (1) The Metua Konitara Vaka of a Konitara Vaka shall appoint from amongst themselves, a Deputy-Chairperson for their respective Vaka, to be known as either the Komono Tutara or the Kauono Tutara, whichever the case may be.

(2) A Komono/Kauono Tutara shall hold office for a term not exceeding three years from the date of appointment but may during the term of appointment be removed from office by the Konitara Vaka for misconduct, neglect of duty, illness or unauthorised absence from Rarotonga.

(3) In the absence of both the Konitara Tutara and the Komono/Kauono Tutara from any meeting of a Konitara Vaka, the members shall elect a Konitara Tutara for that meeting only, from among the members present.

(4) On the occurrence of a vacancy from any cause (whether by reason of the expiry of the term of appointment, death, resignation or otherwise), in the office of the Komono/Kauono Tutara, then the vacancy shall be filled by an appointment made in accordance with subsection (1).

11. Functions and powers of a Konitara Vaka - (1) It shall be the function of a Konitara Vaka to formulate and recommend to the Kumiti Oire of the Vaka such policies for implementation as the Konitara Vaka shall determine to be in the interests of the Vaka in relation to -

- (a) fostering the traditional responsibilities of the Aronga Mana;
- (b) assisting the Government in the good rule and government of the Vaka;
- (c) reviewing and making recommendations to the Minister on any social or economic development plan to be undertaken within the Vaka;
- (d) the performance of Ara Tiroa and Are Vananga in respect of any community project of importance and benefit to the Vaka, or any Oire or Tapere within the Vaka;
- (e) any matter referred to it by the Kumiti Oire of the Vaka;
- (f) any matter affecting the Vaka that the Minister may refer to the Konitara Vaka;
- (g) promoting and encouraging compliance by residents of the Vaka with the laws administered by the Kumiti Oire and the manner in which any infringement is dealt with;
- (h) the revival of any traditional custom that may be conducive to peace, order and the economic or social progress of the residents of the Vaka;
- (i) supporting the Koutu Nui and the House of Ariki in their efforts in reviving, promoting and preserving custom and the restoration and preservation of any marae and other places of historical importance;
- (j) any plan approved by the Environment Council for the development of the land or lagoon of the Vaka.

(2) A Konitara Vaka shall have such powers to do all things necessary to be done in connection with the performance of its functions, and without limiting the generality of the foregoing, shall have the power -

- (a) to consider and approve the budget and audited accounts of the Konitara Vaka;
- (b) to receive and consider reports and submissions from the Kumiti Oire of the Vaka on developments within the Vaka;
- (c) to consider and approve the remuneration of Kumiti Oire members;
- (d) to recommend to the Minister the promulgation of bylaws as provided for in Part V;
- (e) such other powers as may by enactment be conferred on a Konitara Vaka.

(3) In exercising its functions and powers, a Konitara Vaka shall have due regard for the written views and recommendations of its traditional governing institution referred to in section 12 of this Act.

12. Traditional governing institutions to be recognised and consulted - (1) Each Konitara Vaka shall recognise the traditional governing institution within its Vaka which in accordance with ancient custom and tradition, consists of the Ariki and Aronga Mana of the Vaka and are respectively known as -

- (a) Te Kauariki Rangi of Puaikura;
- (b) Tui-o-Tonga of Te Au o Tonga;
- (c) Puara of Takitumu.

(2) Each Konitara Vaka shall consult with its traditional governing institution and regularly provide to it, written reports of all matters considered by the Konitara Vaka.

13. Meetings of a Konitara Vaka - (1) The first meeting of a Konitara Vaka shall be held within 3 months of the election of its members at a place and time to be determined by the Minister at which meeting the appointment of the Komono/Kauono Tutara shall be made.

(2) Subsequent meetings shall be held at such times and places as a Konitara Vaka appoints and in any event at intervals of not less than 3 months.

(3) At every meeting of a Konitara Vaka the following number of members shall constitute a quorum -

- (a) three members at every meeting of the Konitara Vaka for Puaikura;
- (b) three members at every meeting of the Konitara Vaka for Takitumu;
- (c) four members at every meeting of the Konitara Vaka for Te Au o Tonga,

and every question shall be decided by a majority of votes of the members present subject to subsection (4) of this section.

(4) The ex officio members of the Konitara Vaka shall not vote on any question to be decided by the Konitara Vaka in its meetings.

(5) Subject to the provisions of this Act and any regulations made thereunder, a Konitara Vaka may regulate its own procedure.

14. Committees of a Konitara Vaka - A Konitara Vaka may appoint from amongst its members and members of the Kumiti Oire for the Vaka, one or more committees comprising such number of members as the Konitara Vaka may determine and may refer any matter referred to in section 11 of this Act to any such committee for the purpose of the committee making recommendations thereon to the Konitara Vaka.

PART II

OFFICERS OF THE KONITARA VAKA

15. Chief Administration Officer of the Konitara Vaka - Each Konitara Vaka, shall appoint a qualified person as the Chief Administration Officer of the Konitara Vaka who shall be responsible for:

- (a) the appointment of the Clerk of the Konitara Vaka pursuant to section 16 of this Act;
- (b) the appointment of employees pursuant to section 17 of this Act;
- (c) the accounts of the Konitara Vaka;

and any other administrative duties as shall be directed by the Konitara Vaka.

16. Clerk of the Konitara Vaka - (1) There shall be in every Vaka, a Clerk of the Konitara Vaka.

(2) The Clerk of the Konitara Vaka shall cause to be kept the minutes of every meeting of the Konitara Vaka and shall transmit a copy of all minutes to the Konitara Tutara.

17. Other employees - The Chief Administration Officer shall appoint such other employees as are deemed necessary for the efficient performance of the functions of the Konitara Vaka.

18. Remuneration of employees - All employees appointed by the Konitara Tutara including the Clerk and Chief Administration Officer, shall be paid such wages or salaries from the Konitara Vaka funds as are agreed by the Konitara Vaka.

19. Duty to act as a good employer - (1) In exercising his or her functions, duties and responsibilities, the Chief Administration Officer of a Konitara Vaka shall be a good employer.

(2) For the purposes of this section, a "good employer" is one who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment including provisions requiring:

- (a) good and safe working conditions;
- (b) the impartial selection of suitably qualified persons for appointment; and
- (c) opportunities for the enhancement of the abilities of individual employees.

PART III

KUMITI OIRE AND PU TAPERE

20. Kumiti Oire - There shall be for each Oire, a committee known as a Kumiti Oire having such functions, duties and powers as are prescribed by this Act

21. Membership of the Kumiti Oire - (1) The Kumiti Oire shall comprise those persons as set out in the Second Schedule to this Act, who for the time being shall be -

- (a) the Member of Parliament for the parliamentary constituency in which the Oire is situated shall be an ex-officio member; and
- (b) an elected member of each subdistrict in the Oire, who shall be elected by the electors of that subdistrict pursuant to section 27 of this Act.

(2) The Queen's Representative may by Order in Executive Council amend the Schedule by deleting therefrom or adding thereto any Oire or the Tapere comprising an Oire, subject to a resolution passed by not less than a two-thirds majority of members of the Konitara Vaka for that Oire, including vacancies, requesting such amendment.

(3) The Tapere comprising each Oire and the boundaries of such Tapere shall be as delineated on plans S.O.1002A, S.O.1002B, S.O.1002C, S.O.1002D and S.O.1002E, deposited in the Office of the Chief Surveyor at Rarotonga, or as may otherwise from time to time be prescribed pursuant to subsection (3).

22. Functions and powers of a Kumiti Oire - The functions and powers of a Kumiti Oire shall be to -

- (a) co-ordinate and implement such policies as are referred to it by its Konitara Vaka;
- (b) provide advice to the Konitara Vaka on matters affecting the Oire;
- (c) make recommendations to the Konitara Vaka in respect of bylaws affecting the Oire;
- (d) administer bylaws having application to the Oire;
- (e) discuss matters of importance to the Oire;
- (f) prepare and implement plans for the improvement of public facilities and beautification of the Oire;
- (g) undertake regular inspections of the Oire with a view to identifying existing social, environmental or sanitation problems;
- (h) recommend solutions to social, environmental or sanitation problems within the Oire and to encourage residents of the Oire to cooperate in the implementation of those solutions;
- (i) encourage residents of the Oire to undertake subsistence cultivation and animal husbandry;
- (j) encourage the planting of trees including coconut, breadfruit, avocado and mango trees and such other trees as will assist in the prevention of erosion, the stabilisation of the foreshore and the beautification of the Oire;
- (k) assist youth organisations in their efforts to encourage young persons to be good citizens;
- (l) encourage and promote the establishment of facilities conducive to the benefit and welfare of the residents of the Oire;
- (m) to bring to the attention of the Konitara Vaka such matters as it determines requires the assistance of the Konitara Vaka;
- (n) refer and make recommendations on any matter to its Konitara Vaka;
- (o) such other functions and powers as may by enactment be conferred on a Kumiti Oire.

23. Chairperson and Deputy-Chairperson - (1) Each Kumiti Oire shall appoint from amongst its members elected pursuant to section 21(1)(b) of this Act, a Chairperson to be known as the Akaaere Oire and a Deputy-Chairperson to be known as either the Komono Akaaere Oire or the Kauono Akaaere Oire, whichever the case may be.

(2) Whenever the Akaaere Oire is unable to act, the Komono/Kauono Akaaere Oire may perform all the powers, duties and functions of the Akaaere Oire including attending and voting at meetings of his respective Konitara Vaka.

(3) At every meeting of the Kumiti Oire at which he is present, the Akaaere Oire shall preside, otherwise the Komono/Kauono Akaaere Oire shall preside.

(4) At every meeting of the Kumiti Oire, the Akaaere Oire shall have a deliberative vote and in the case of an equality of votes, shall also have a casting vote.

24. Meetings of a Kumiti Oire - (1) The first meeting of a Kumiti Oire shall be held at such time and place as the Minister appoints, but shall in any event be not later than 14 days from the date on which the last warrant of appointment is signed for the elected members of that Kumiti Oire.

(2) Subsequent meetings shall be held at such times and places as the Akaaere Oire appoints.

(3) At every meeting of a Kumiti Oire, three members shall constitute a quorum and every question shall be decided by a majority of votes of all members present subject to subsection (4) of this section.

(4) The ex officio member of the Kumiti Oire shall not vote on any question to be decided by the Kumiti Oire in its meetings.

(5) Subject to the provisions of this Act and any regulations made hereunder, a Kumiti Oire may regulate its own procedure.

25. Pu Tapere - The Pu Tapere may act as an intermediary between the community of the Tapere of which he is Pu Tapere and -

- (a) the Konitara Vaka;
- (b) the Kumiti Oire;

but shall in any case, carry out his traditional functions as is the custom of his Tapere.

PART IV

ELECTIONS TO KONITARA VAKA AND KUMITI OIRE

26. Elections - (1) The members of the Kumiti Oire referred to in section 21(1)(b) shall be elected at such intervals of time and according to such procedures otherwise as shall be prescribed by this Act or regulations prescribed thereunder.

(2) The first election shall be held on such date as shall be determined by the Queen's Representative by Order in Executive Council but shall not be held in the same year as a general election.

(3) Every subsequent election shall be held within 90 days of the date, 3 years from the date of the last preceding election.

27. Qualifications of electors of the Konitara Tutara and the members of the Kumiti Oire - (1) A person shall be qualified to be an elector at an election of the Konitara Tutara and the members of the Kumiti Oire referred to in section 21(1)(b) of this Act if that person -

- (a) is domiciled in the Cook Islands; and
- (b) is a resident of Rarotonga and has continuously been so resident for a period of not less than 3 months prior to that person's application for registration as an elector; and
- (c) is 18 years of age or over;
- (d) has not been convicted in the Cook Islands or elsewhere of an offence punishable by death or imprisonment for life or for a term exceeding one year, unless that person has undergone the sentence or punishment, and not less than 2 years has elapsed since the completion of that sentence or punishment;
- (e) is not of unsound mind;
- (f) has not been declared bankrupt.

(2) Every person who is qualified as an elector pursuant to subsection (1) of this section, may choose to cast his or her vote for the subdistrict or Vaka that that person considers to be his or her subdistrict or Vaka.

(3) Every person who is qualified as an elector pursuant to subsection (1) of this section shall be entitled to be nominated and elected as a Konitara Tutara or a member of the Kumiti Oire provided however -

- (a) that as a nominee for a Konitara Tutara such person shall have been continually resident in the Vaka;

- (b) that as a nominee for a member of the Kumiti Oire, such person shall have been continually resident in the subdistrict for which that person is nominated;

for not less than 12 months prior to nomination.

28. Election of the Metua Konitara Vaka - The elected members of each Kumiti Oire shall elect from amongst themselves, one person to be the Metua Konitara of the Konitara Vaka for that Oire.

29. Electors to have only one vote - No elector shall be entitled to exercise more than one vote at any election of members referred to in this Act.

30. Public servants may become candidates or be elected - (1) Any public servant who desires to become a candidate for election as a member of either the Konitara Vaka or Kumiti Oire shall be placed on leave of absence for the purpose of his or her candidature.

(2) That leave shall commence on such date as the public servant's controlling authority determines, being not later than nomination day, and, in the event of the public servant's nomination as a candidate, shall continue until the seventh day after polling day, unless the public servant withdraws his or her nomination.

(3) During the period of the public servant's leave the public servant shall not be required or permitted to carry out any of his or her official duties, nor shall the public servant be entitled to receive any salary or other remuneration as a public servant in respect of that period or any part thereof, except to the extent to which he takes during that period any leave with pay to which he is entitled.

(4) Except as provided in the foregoing provisions of this section, his or her rights as a public servant shall not be affected by the public servant's candidature.

31. Members disqualified from being Crown servants - No person shall, so long as he or she is a member of the Konitara Vaka or Kumiti Oire, be capable of being employed, engaged or appointed as a Crown servant. Any person so appointed engaged or employed commits an offence and shall be liable on conviction to a fine not exceeding one hundred dollars for every day on which he or she remains a Crown servant.

32. Term of office - (1) Every member who has been elected pursuant to the provisions of this Act shall take office on the day on which the warrant declaring his election is signed by the Queen's Representative.

(2) The seat of a member, unless previously vacated, shall become vacant at the end of the day immediately preceding the day on which the members elected at the next ensuing election take office.

(3) The seat of an elected member shall become vacant if -

- (a) on an election petition the High Court declares the member's election void;
- (b) the member dies;
- (c) the member resigns from office in writing addressed and delivered to the chairperson of the member's Kumiti Oire;
- (d) the Konitara Tutara ceases to reside in the Vaka of which that person is Konitara Tutara and in the case of an elected member of the Kumiti Oire, the member ceases to reside in the Oire to which the member was elected;
- (e) the member is convicted of an offence in the Cook Islands or elsewhere punishable by death or imprisonment for a term exceeding one year;

- (f) the member becomes of unsound mind and is so certified according to law;
- (g) the member fails to attend five consecutive meetings of the Kumiti Oire without the leave of the Kumiti Oire; provided however leave of the Kumiti Oire shall be deemed to have been granted where the member fails to attend for reasons of ill health, travel beyond Rarotonga or other unavoidable cause.

(4) Where the seat of a member is vacated pursuant to subsection (3) of this section there shall be held in accordance with regulations prescribed a by-election for the Oire or Vaka to which the seat relates.

PART V **BYLAWS**

33. Making of bylaws - (1) Bylaws shall be made, amended and revoked by the Queen's Representative by Order in Executive Council.

(2) Every bylaw proposed to be made, amended or revoked shall first be submitted to the Minister for his approval.

(3) No bylaw proposed to be made, amended or revoked shall be submitted to the Minister unless there is a resolution of the Konitara Vaka recommending that the bylaw be so submitted.

(4) In considering any proposed bylaw, a Konitara Vaka shall consult with the other two Konitara Vaka and the traditional governing institution of its Vaka, on the proposed bylaw.

34. Bylaw making powers - (1) Subject to subsection (2) of this section and section 33 of this Act, each Konitara Vaka shall have the power to recommend to the Minister the promulgation, amendment and revocation of bylaws for its Vaka, for the -

- (a) preservation of peace and order in the Vaka;
- (b) carrying out of any of the objects of this Act and of any of the functions and powers conferred upon the Konitara Vaka and the Kumiti Oire;
- (c) protection, preservation and enhancement of customs and the environment, including the control or prohibition of fishing, shell fishing, or the use of any fishing net or other fishing implement or method in any part of the lagoon within the Vaka;
- (d) regulation, control or prohibition of the depositing, accumulation, or disposal of any refuse or rubbish on any land or in any part of the lagoon within the Vaka;
- (e) imposition of fines not exceeding \$2,000 which may be paid monetarily or in kind, for the breach of any bylaw.

(2) No bylaw shall be inconsistent with the provisions of any Act of Parliament including the Constitution.

(3) A bylaw may apply to a whole Vaka or to any specified part of a Vaka.

35. Enforcement by Police of bylaws - (1) It shall be the responsibility of the Police to assist the Kumiti Oire in the enforcement of any bylaw applying to its respective Vaka.

(2) Every complaint made under any bylaw shall be referred to a senior Police officer for action by the Police, who shall investigate the complaint and if necessary prosecute any offender.

(3) The Police shall send full details of any complaint referred to them to the Chairperson of the Konitara Vaka of the Vaka in which the offence is alleged to have taken place.

PART VI

FINANCIAL PROVISIONS

36. Remuneration of Konitara Vaka members - (1) Subject to subsection (2) of this section, the members of the Konitara Vaka shall receive such remuneration as may be determined from time to time by Order in Executive Council and such remuneration shall be paid out of the funds of the Konitara Vaka.

(2) The ex officio members of the Konitara Vaka shall not be entitled to any remuneration under this section.

(3) Remuneration paid to members shall notwithstanding any regulations made pursuant to subsection (1) of this section, be increased from time to time in accordance with any general increase in salary granted to members of the public service.

37. Konitara Vaka funds - (1) Each Konitara Vaka shall have a fund which shall consist of -

- (a) all monies received from persons (incorporated or otherwise), donors and other funding agencies by way of grant or financial assistance;
- (b) all revenues from fees, services, charges, fines, contributions, subscriptions, rents, and other monies paid pursuant to any bylaw; and
- (c) such other monies as may be appropriated by Parliament.

(2) All monies derived pursuant to subsection (1) of this section shall be deposited in an account in the name of the Konitara Vaka and held with a bank approved by the Financial Secretary.

(3) Subject to section 39(6) of this Act, no monies shall be withdrawn from the account of a Konitara Vaka save pursuant to a resolution passed by that Konitara Vaka.

(4) All monies received by a Konitara Vaka for its purposes, whether appropriated by Parliament or otherwise, shall be deemed to be public monies and shall be dealt with in the manner provided by the Ministry of Finance and Economic Management Act 1995-96.

38. Kumiti Oire funds - (1) Every Kumiti Oire shall have a fund which shall consist of -

- (a) such monies as may be granted by the Konitara Vaka from time to time; and
- (b) any other monies received by way of grants, donations or community fund-raising activities.

(2) All monies derived pursuant to subsection (1) of this section shall be deposited in an account in the name of the Kumiti Oire and held with a bank approved by the Konitara Vaka.

(3) No monies shall be withdrawn from the account of a Kumiti Oire save pursuant to a resolution passed by the Kumiti Oire.

(4) All monies received by a Kumiti Oire from its Konitara Vaka for Kumiti Oire purposes, shall be deemed to be public monies and shall be dealt with in the manner provided by the Ministry of Finance and Economic Management Act 1995-96.

39. Estimates - (1) Subject to the provisions of subsection (3) of this section, every Konitara Vaka shall before the end of every financial year, cause an estimate to be prepared of all proposed expenditure and all expected receipts for the next ensuing year, showing separately -

- (a) any sums of money required for the purposes of capital and revenue expenditure respectively, including expenditure to be incurred;
- (b) any sums of money available for those purposes;
- (c) the estimated receipts from all sources;
- (d) the amount (if any) by which the aggregate of the proposed expenditure exceeds the aggregate of the sums specified in paragraphs (b) and (c) of this subsection.

(2) Any deficiency or surplus in the revenues of a Konitara Vaka or Kumiti Oire for the next ensuing financial year shall be shown separately and shall form part of the sums specified in paragraph (a) or (b) of subsection (1) of this section as the case may be.

(3) For any expenditure that may subsequently be necessary, there shall be prepared a supplementary estimate, with the necessary modifications to the provisions of this section, in respect of the original estimate.

(4) If by reason of an election pursuant to this Act the first estimate under this section cannot be prepared within the time specified in subsection (1) of this section, it shall be prepared within one month after the first meeting of members after such election.

(5) Every estimate or supplementary estimate prepared under this section shall be transmitted through the Konitara Tutara to the Minister.

(6) It shall not be lawful to incur any expenditure out of funds granted by Parliament except in accordance with an estimate, as the case may be, and approved by the Minister.

40. Accounts - (1) Subject to the provisions of subsection (2) of this section every Konitara Vaka and Kumiti Oire shall keep such accounts and balance them in such manner as may be directed by the Financial Secretary.

(2) Proper and complete records to the satisfaction of the Financial Secretary shall be kept of all stores in the possession or under the control of every Konitara Vaka and Kumiti Oire, and of all other assets and of all liabilities and of all sums of money received and expended for the purposes of this Act.

(3) The accounts of every Konitara Vaka and Kumiti Oire shall be subject to audit in the manner and in all respects as if the moneys of the Konitara Vaka and Kumiti Oire were public monies within the meaning of the Ministry of Finance and Economic Management Act 1995-96.

41. Annual Report - (1) Within three months after the expiration of every financial year every Konitara Vaka and Kumiti Oire shall furnish to the Minister a report of its proceedings, operations and transactions during the previous financial year together with a financial statement for that year.

(2) The report shall be furnished notwithstanding that the accounts may not have been audited but in every such case an explanatory note to that effect shall be set out in the report.

(3) If by a subsequent audit it is found that amendments are required to any account attached to a report, there shall be furnished the amended figures or accounts with such explanatory notes as are necessary or required by the Minister.

(4) Copies of the report shall be supplied to the Minister who shall cause the report to be tabled in Parliament within 28 days of receiving the same.

PART VII
MISCELLANEOUS

42. Disability of members - (1) No member of a Konitara Vaka or a Kumiti Oire shall vote on or take part in any discussion relating to a matter in which that member has any direct or indirect pecuniary interest, apart from an interest in common with the public.

(2) Every decision made contrary to subsection (1) shall be void and of no effect if that decision would not have been passed but for the member having such interest voting in respect of or taking part in the discussion relating to the matter.

43. Liability of members - No member of a Konitara Vaka or a Kumiti Oire shall be personally liable for any act or omission done or omitted to be done in good faith in the exercise of the powers or functions conferred by this Act.

44. Privilege of members - No member shall be liable for anything said in good faith or any vote given in good faith at any meeting.

45. Exemption from tax - Every Konitara Vaka and Kumiti Oire shall be exempt from every tax, impost, levy, duty and due.

46. Regulations - (1) The Queen's Representative may by Order in Executive Council make such regulations as may be deemed necessary or expedient for the purpose of giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the generality of subsection (1) of this section, regulations not inconsistent with this Act may be made -

- (a) prescribing the manner in which elections and by-elections shall be conducted, including the registration of electors, compilation of electoral rolls, objections in respect of registrations and the determination of such objections, nomination of candidates, the manner of voting and scrutiny of such votes, the provision of ballot-boxes, electoral offences and electoral petitions, such notices as may be required to ensure fair and orderly elections, and for the counting of votes;
- (b) prescribing the procedure to be followed at meetings;
- (c) to give effect to any bylaws recommended by a Konitara Vaka and penalties not exceeding \$2,000 for breach of any such bylaws;
- (d) providing for the disqualification of elected members;
- (e) prescribing the manner in which funds may be received, held, invested and expended;
- (f) providing for the keeping and auditing of accounts and the provision of reports relating thereto;
- (g) providing for the establishment of committees to assist any Konitara Vaka or Kumiti Oire;
- (h) providing for notices by a Konitara Vaka or Kumiti Oire;
- (i) prescribing, if requested by the Aronga Mana, the manner in which members of the Aronga Mana shall be nominated and elected to be members of the Konitara Vaka or Kumiti Oire;

- (j) prescribing procedures relating to the administration and regulation of any officers or employees including without limitation, the appointment, remuneration, terms of service, disciplinary control, termination of appointment, dismissal and dispute resolution of any officers or employees.
- (3) The Queen's Representative may by Order in Executive Council amend the Schedules to this Act.

47. Repeal - The Rarotonga Local Government Act 1988 is hereby repealed.

This Act shall be administered by the Minister appointed by the Prime Minister to be responsible for this Act

FIRST SCHEDULE

Section 3(2)

NAME OF OIRENAME OF TAPERE COMPRISING THE OIRETE-AU-O-TONGANikao-Panama

1. Pokoinu
2. Nikao
3. Puapuautu, Areatu and Kaikaveka
4. Tepuka

Avatiu-Ruatonga

1. Avatiu
2. Atupa
3. Ruatonga

Takuvaine-Teotue-Tutakimoa

1. Tutakimoa
2. Tauae
3. Takuvaine

Tupapa-Maraerenga

1. Ngatipa, Tapae-i-uta and Vaikai
2. Pue, Tapae and Punamaia
3. Kiikii and Tupapa

TAKITUMUMatavera

1. Titama and Tupapa
2. Matavera (Rotopu) Tapere
3. Vaenga and Pouara

Ngatangia

1. Turangi, Ngati Au, Ngati Maoate and Ngati Vaikai
2. Avana
3. Aroko, Nukupure, Areiti, Aremango, Vaii and Maii

Titikaveka

1. Tikioki, Akapuao and Te Puna
2. Titikaveka and Kauare
3. Arakuo, Turoa, Totokoitu, Avaavaroa and Vaimaanga

PUAIKURAMuri-enua

1. Rutaki
2. Aroa
3. Kavera

Akaoa

1. Akaoa
2. Vaiakura

Ruaau

1. Arerenga
2. Inave
3. Tokerau and Pokoinu-i-Raro

SECOND SCHEDULE

Sections 5,6,7, and 21

PUAIKURA**PUAIKURA KONTARA VAKA**

- | | | | |
|---|-----------------------|---|--------------------------------|
| 1 | KONTARA TUTARA | - | To be elected by Puaikura Vaka |
| 3 | METUA KONTARA VAKA | - | One from each Kumiti Oire |
| 3 | MEMBERS OF PARLIAMENT | - | Ex Officio |

TE KAUARIKI RANGI**MURIENUA KUMITI OIRE**

- | | |
|---|--|
| 3 | Elected Representatives |
| 1 | Member of Parliament for the Oire - Ex Officio |
| 4 | <u>Total</u> |

AKAOA KUMITI OIRE

- | | |
|---|--|
| 2 | Elected Representatives |
| 1 | Member of Parliament for the Oire - Ex Officio |
| 4 | <u>Total</u> |

RUAAU KUMITI OIRE

- | | |
|---|--|
| 3 | Elected Representatives |
| 1 | Member of Parliament for the Oire - Ex Officio |
| 4 | <u>Total</u> |

TAKITUMU

TAKITUMU KONITARA VAKA

1	KONITARA TUTARA	-	To be elected by Takitumu Vaka
3	MEIUA KONITARA VAKA	-	One from each Kumiti Oire
3	MEMBERS OF PARLIAMENT	-	Ex Officio
<u>7</u>	<u>Total</u>		

PUARA

MATAVERA KUMITI OIRE

3	Elected Representatives
1	Member of Parliament for the Oire - Ex Officio
<u>4</u>	<u>Total</u>

NGATANGIA KUMITI OIRE

3	Elected Representatives
1	Member of Parliament for the Oire - Ex Officio
<u>4</u>	<u>Total</u>

TTIKAVEKA KUMITI OIRE

4	Elected Representatives
1	Member of Parliament for the Oire - Ex Officio
<u>4</u>	<u>Total</u>

TE - AU - O - TONGA

TE AU O TONGA KONTARA VAKA

1 KONTARA TUTARA

- To be Elected by Te Au O Tonga Vaka

4 METUA KONTARA VAKA

- One from each Kuniti Oire

4 MEMBERS OF PARLIAMENT

- Ex Officio

Total 9

TUI - O - TONGA

TUPAPA / MARAERENGA
KUMITI OIRE

3 Elected Representatives

1 Member of Parliament
for the Oire - Ex Officio4 TotalTAKUVAINA
KUMITI OIRE

3 Elected Representatives

1 Member of Parliament
for the Oire - Ex Officio4 TotalRUATONGA / AVATIU
KUMITI OIRE

3 Elected Representatives

1 Member of Parliament
for the Oire - Ex Officio4 TotalNIKAO / PANAMA
KUMITI OIRE

4 Elected Representatives

1 Member of Parliament
for the Oire - Ex Officio5 Total