

REPUBLIC OF KIRIBATI
(No. 12 of 1995)

I assent,

Beretitenti
Assented: 23rd October 1995

AN ACT TO AMEND THE LOCAL GOVERNMENT ACT 1984

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title and commencement

1. This Act may be cited as the Local Government (Amendment) Act 1995.

Amendment of section 2

2. Section 2 of the Local Government Act 1984 (hereinafter referred to as the Principal Act) is hereby amended by inserting between the definition of “resolution” and the definition of “town council” the following new definitions –

“Special Member” means a member of a council nominated by the ‘Te Botaki ni Unimaane.’

“Te Botaki ni Unimaane” means an association, group or body of elderly men recognised by the council as representing the people of the island within which the area of authority of such council lies.

Amendment of section 7

3. Section 7 of the Principal Act is amended by –
 - (i) inserting between “paragraph (a)” and “paragraph (b)” a new paragraph as follows –
 - “(b) every special members shall become a member of the council” and
 - (ii) re paragraphing the existing “paragraph (b)” as “(c)”.

Amendment of section 8

4. Section 8 of the Principal Act is amended by –

- (i) inserting between “paragraph (a)” and “paragraph (b)” a new paragraph as follows –
 - “(b) every special member shall become a member of the council.” and
- (ii) re paragraphing the existing “paragraph “(b)” as “(c)”.

Insertion of a new section 12A

5. The Principal Act is amended by the insertion between Section 12 and Section 13 a new “Section 12A” as follows –

“Tenure of Office of a special member

12A. (1) Every special member shall cease to a member of the Council –

- (a) upon the revocation of his nomination by ‘Te Botaki ni Unimaane’;
- (b) if by writing addressed to ‘Te Botaki ni Unimaane’ and the ‘Tibi Kauntira’ he resigns his seat; or
- (c) if he accepts nomination as a candidate for election to the Council.

(2) Any person whose seat as a special member in a council has become vacant may again be nominated as a member of a council from time to time.”

LOCAL GOVERNMENT (AMENDMENT) ACT 1995

EXPLANATORY MEMORANDUM

The Principal object of this Act is to amend the Local Government Act 1984 (hereinafter referred to as the Principal Act) so as to provide for the inclusion of a member of the Old Men's Association, otherwise known as "Te Botaki ni Unimaane" to be a member of the Council for every island throughout Kiribati.

In order to achieve this objective, Sections 7 and 8 of the Principal Act are amended to enable "Te Botaki ni Unimaane" for a particular island to have one of their members become a member of the Council. Such member shall be called a special member and shall have been nominated by "Te Botaki ni Unimaane" for that island. (see Sections 3 and 4 of the Act).

Section 5 of the Act provides for the Tenure of Office of the special member of the Council to be as follows –

- 1) that such special member remain a special member of the Council until "Te Botaki ni Unimaane" decides otherwise or in other words, if "Te Botaki ni Unimaane" revokes his nomination;
- 2) if the special member resigns his seat, he shall do so by writing to "Te Botaki ni Unimaane" who nominated him, and the "Tibi Kauntira" and
- 3) that if the special member accepts a nomination as a candidate for election to the Council, such special member ceases to become a special member of the Council.

Michael N Takabwebwe
Attorney General
11 February 1995