



## ANALYSIS

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| 1. Title   | 6. Functions and Powers of Island Councils |
| 2. Short Title                                     | 7. Appointment of officers                 |
| 3. Interpretation                                  | 8. Audit                                   |
| 4. Membership of Island Councils                   | 9. Regulations                             |
| 5. Elections                                       | 10. First Schedule                         |
| 6. Chairmen and Deputy-Chairmen of Island Councils |  |

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1967-1968, No. 18

An Act to amend the Local Government Act 1966 to provide for the alteration of the membership of Island Councils and certain other matters

(21 February 1968)

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

1. Short Title - This Act may be cited as the Local Government Amendment Act 1968 and shall be read together with and deemed part of the Local Government Act 1966 (hereinafter referred to as the "principal Act").

2. Interpretation - Section 2 of the principal Act is hereby amended by repealing the definition of the term "Minister", and substituting the following definition:

" "Minister" means the Minister in charge of the Department of Internal Affairs:".

3. Membership of Island Councils - Section 5 of the principal Act is hereby amended by -

- (a) Repealing subsection (2), and substituting the following subsection:-

- " (2) The Island Councils other than Rarotonga shall consist of the total number of elected members for each island as set out in the First Schedule to this Act and elected under the provisions of sections 6 and 7 of this Act, and the following ex officio members who shall have no right to vote:
- (a) The Arikis of the island (if any);
  - (b) The Resident Agent or Clerk in Charge or other member of the Cook Islands Public Service in charge of the island as the case may be, who shall also act as adviser to the Island Council;
  - (c) The Legislative Assembly members of the island:  
Provided that no person shall be disqualified from being or becoming an elected member of the Island Council by virtue of his office as member of the Legislative Assembly."
- (b) Omitting from subsection (3) the words "the date of the first election and".

4. Elections - The principal Act is hereby further amended by repealing section 6 and substituting the following section:-

" 6. The election of members to the Island Councils shall be carried out and conducted in the manner prescribed from time to time in Regulations made for that purpose pursuant to this Act."

5. Chairman and Deputy-Chairman of Island Councils - Section 8 of the principal Act is hereby amended by -

- (a) Omitting from subsection (1) the words "by the members", and substituting the words "from among and by the elected members";
- (b) Omitting from subsection (1) the words "for a period of twelve months", and substituting the words "until the dissolution of the Island Council";
- (c) Inserting in subsection (2) after the word "is" and before the word "members", the word "elected".

6. Functions and Powers of Island Councils - Section 9 of the principal Act is hereby amended by repealing paragraph (1).

7. Appointment of officers - Subsection (1) of section 22 of the principal Act is hereby amended by -

- (a) Omitting from paragraph (a) the words "subject to the approval of", and substituting the words "on the advice of the";
- (b) Repealing paragraph (b), and substituting the following paragraph:-  
"(b) In the case of islands in respect of which there is a Resident Agent, he shall be appointed by the Island Council on the advice of the Resident Agent";
- (c) Adding the following new paragraph:-  
"(c) In the case of islands other than Rarotonga in respect of which there is no Resident Agent, he shall be the Clerk in Charge or other member of the Cook Islands Public Service in charge of the island as the case may be".

8. Audit - Subsection (1) of section 73 of the principal Act is hereby amended by omitting the word "Assembly" and substituting the word "Meeting".

9. Regulations - Subsection (2) of section 81 of the principal Act is hereby amended by -

- (a) Omitting the words "three months", and substituting the words "one year";
- (b) Omitting the words "fifty pounds", and substituting the words "two hundred dollars".

10. First Schedule - The First Schedule to the principal Act is hereby amended by omitting the number "7" from the Third Column alongside the word "Rakuhanga" in the First Column and the words "The island as one constituency" in the Second Column, and substituting the number "5".