

REPUBLIC OF KIRIBATI
(No. 2 of 2018)



I assent


Beretitenti

13/10/2018.

An Act
Entitled

AN ACT TO AMEND THE LOCAL GOVERNMENT ACT 1984

Commencement:
2018

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

Short title

1. This Act may be cited as the Local Government (Amendment) Act 2018

Meaning of 'principal Act'

2. In this Act the 'principal act' means the Local Government Act 1984

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting between the definition of 'elected member' and definition of 'elected member' and definition of 'mayor' the following –

“Financial Year’ means from 1st January to 31st December”

Amended of Section 11

4. Section 11 of the principle Act is amended as follows:
 - i) By repealing paragraphs (c) and (d) of subsection (2) and substituting the following paragraph –
“(c) he is a public”

- “(d) he is appointed to, or to act in, in any office or place of profit in the gift or disposal of the council or a board,”
- ii) By inserting the following paragraph immediately after paragraph (f)
 - “(g) if he becomes a member of the Maneaba ni Maungatabu”

Amendment of Section 12

- 5. Section 12 of the principle Act is amended by inserting the words “ and after consulting with the nominating body” between the word “ resolution” and “or” at the third last line of subsection (1)

Amendment of Section 15

- 6. Section 15 of the principle Act is amended at subsection (9) by inserting immediately after paragraph (c) the following new paragraph –
 - (d) if he becomes a member of the Maneaba ni Maungatabu.

Amendment of Section 16A

- 7. Section 16A of the principle Act is amended at subsection (2) (a) by deleting the words ‘18 months’ between the words ‘of’ and ‘commencing’ and substituting the words ‘6 months’.

Amendment of Section 17A

- 8. Section 17A of the principle Act is amended as follows:
 - i) At subsection (2) by inserting-
 - a) The words “out-going Mayor or his absence the Vice Mayor and the” between the word “the” and “clerk”; and
 - b) The word “or making new policies” immediately after the full stop
 - ii) By adding after subsection (2) the new subsection (3) as follows –
 - “(3) Both the outgoing Mayor or in his absence the Vice Mayor and the clerk shall exercise such power until such time new Mayor is elected”

Amendment of section 20

- 9. Section 20 of the principle Act is amended as follow –
 - i) by inserting the words “subject to the existing standing orders for meetings made pursuant to section 19 and section 29” immediately at the beginning of subsection (1); and
 - ii) by inserting the words “and any other meetings”, between the word ‘meeting’ and ‘at’ at the second line of the paragraph.

Amendment of Section 26

10. Section 26 of the principal Act is Amended at subsection (1) by inserting the words “or in any other means to be determined and approved by the council” between the word “purpose” and “and”.

Amendment of Section 59

11. Section 59 of the principle Act is amended by repealing the whole section and substituting the following –

“Subject to the provisions of the Money Lending Act 1988, a council may from time to time, in accordance with the resolution of the council in that behalf, lend money within Kiribati of such amounts, from such sources, in such manner, for such purposes and upon such conditions as the council may impose”.

LOCAL GOVERNMENT AMENDMENT ACT 2018

Explanatory Memorandum

The principle object of this short Act is to amend the Local Government Act 1984 (hereinafter referred to as the principle Act) so as to respond to the current loopholes of the law to align with the recent development in the operation and management of Councils.

Section 3 of this Act amends section 2 of the principal Act by introducing the new definition of “financial year” which to cover a period from 1st January to 31st December. The definition is required so the implementation of part VII, in particular section 62, of the principal Act is easy and understandable.

Section 4 amend section 11 (2) of the principal Act so that the seats of an elected member becomes vacant when a member of a council is also public officer. The purpose is to stop and avoid the situation where a person having a double salaries or having hold two employment at a time – being a counselor and a public officer at the same time. An elected member should also vacant his seat when he became a member of the Maneaba ni Maungatabu.

Section 5 amends section 12 of the principle Act so that the seats of an elected member becomes vacant when a member of a council is also public officer. The purpose is to stop and avoid the situation where a person having a double salaries or having hold two employments at a time – being a counselor and a public officer at the same time. An elected member should also vacant his seat when he became a member of the Maneaba ni Maungatabu.

Section 6 also amends section 15 of the principle Act by adding more to the list of grounds of which the Mayor shall cease to be a mayor. With this amendment it is now a requirement that the Mayor shall cease to be a Mayor as soon as he is declared to be an elected member to the Maneaba ni Maungatabu.

Section 7 amends section 16A to shorten the period of which a motion of no confidence against the Mayor may be moved. Previously in the principle Act a motion shall not be moved during a period of 18 months commencing on the day the mayor resume office. That 18 month is now change to 6 months.

The purpose of the amendment in section 8 of the Act is to allow the outgoing Mayor or his Vice Mayor to continue working and overseeing the operation of the council after the Council stand dissolved until such new Council and new mayor is elected.

Section 20 of the principle Act is also amended by section 9 of this Act by inserting the words “Subject to the existing standing orders” and any other meeting” so that the Mayor, before exercising his power to convene a meeting, should also take into consideration the existing standing orders as well.

Section 10 amend section 26 of the principal Act by allowing other means of recording other than the book recording to be used by the council for the purpose of recording of minutes.

Lastly, to comply with the current laws on money lending, Section 59 is amended by section 113 of this Act so that the Council shall recognize the existence of the Money lending Act and that the Council shall comply accordingly.

Hon. Kobebe Taitai
Minister of Internal Affairs
December 2017

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act

Mrs. Tetiro Maate Semilota
Attorney-General
December 2017

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

This printed impression of the Local Government (Amendment) Act 2018 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 23rd April 2018 and is found by me to be a true and correctly printed copy of the said Bill.



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Eni Tekanene
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 13 day of October 2018.



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Clerk of the Maneaba ni Maungatabu