

THE REPUBLIC OF KIRIBATI
(No. 3 of 1989)

I assent,

U. Telai
Beretitenti,
18/7/1989

AN ACT TO AMEND THE LOCAL GOVERNMENT ACT 1984

Commencement:
18/7/1989

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

Short title

1. This Act may be cited as the Local Government (Amendment) Act 1988.

Amends section
11 of the
Principal Act

2. Section 11(2) of the Local Government Act 1984 (hereinafter referred to as "the principal Act") is hereby amended by adding the following -

"(f) if he vacates his seat pursuant to section 11A of this Act."

Inserts a new
section 11A into
the Principal Act

3. The principal Act is amended by the insertion immediately after section 11 of the following new section -

"Vacation of
seat after
petition and
referendum

Cap. 29B

11A.(1) A petition may be presented to the Chief Electoral Officer calling for the removal of an elected member of a council signed by a majority of the persons who are qualified as electors under the Elections Ordinance in the electoral ward from which that member was last elected.

(2) The Chief Electoral Officer shall as soon as practicable after receipt of a petition under the preceding subsection, conduct a referendum to determine whether the member named in the petition should vacate his seat in the Council.

Cap. 29B

(3) No person shall be entitled to vote in a referendum under this section unless he is qualified as an elector under the Elections Ordinance in the electoral ward from which the member was last elected.

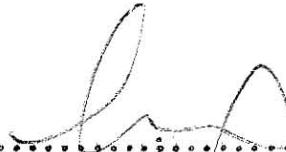
(4) If in a referendum under this section a majority of those entitled to vote in that referendum vote for the removal from the Council of the member named in the petition, that member shall vacate his seat.

(5) Where a member vacates his seat in the council under the preceding subsection, a by-election shall be held within 3 months to fill that seat in the council.

(6) No action shall be taken on a petition delivered to the Chief Electoral Officer under this section until the expiration of three months following -

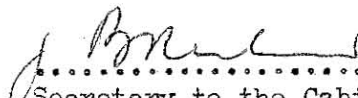
- (a) the last occasion on which the member named in the petition was elected to the council; or
- (b) the date of any referendum held under this section which determined that the member named in the petition was not required to vacate his seat in the council under subsection 4 of this section".

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 17th May 1989 and is found by me to be a true and correctly printed copy of the said Bill.



.....
Clerk to the Maneaba ni Maungatabu

Published by exhibition -

(a) at the Public Office of the Beretitenti this
18 day of July 1989.


.....
Secretary to the Cabinet

(b) at the Maneaba ni Maungatabu this 18th
day of July, 1989.


Clerk to the Maneaba ni Maungatabu.

LOCAL GOVERNMENT (AMENDMENT) ACT 1989

EXPLANATORY MEMORANDUM

1. This Act provides that the electors of any ward of a Local Government Council established under the Local Government Act 1984 can remove the elected member through a petition and a referendum.
2. A petition must be signed by a majority of such electors and sent to the Chief Electoral Officer.
3. When the Chief Electoral Officer receives the petition he must conduct a referendum to prove the validity of the petition.
4. Such provision is an adaptation of section 59 of the Constitution.
5. In due course a Bill will be introduced to amend the Referenda Act 1984 to provide for the holding of such referendum referred to above.

Tewareka Tentoa
Member from Onotoa

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.

Michael N. Takabwebwe
The Attorney General
1st June, 1989.