



ANALYSIS

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1966, No. 9

An Act to make provision for a system of local
government

(8 November 1966.)

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, Commencement and Division into parts - (1) This Act may be cited as the Local Government Act 1966.

(2) This Act shall come into force on a date to be appointed by the High Commissioner by Order in Executive Council and different dates may be so appointed for the purpose of different parts of this Act.

(3) This Act is divided into parts as follows:

- Part I - Island Councils
- Part II - District Councils
- Part III - Village Committees
- Part IV - Miscellaneous Provisions.

2. Interpretation

"Ariki" means a person who has been invested with the title rank or office of Ariki in accordance with ancient custom prevailing in each of the Cook Islands:

"Clerk in Charge" means a Clerk in Charge duly appointed under the provisions of the Cook Islands Public Service:

"Constitution" means the Constitution of the Cook Islands as contained in the Schedule to the Cook Islands Amendment Act 1965 together with any amendments to such Constitution:

"Cook Islands Public Service" means the Public Service defined in Article 72 of the Constitution:

"Financial Secretary" means the officer for the time being in charge of the Department of Treasury in the Cook Islands and includes any officer in the Cook Islands Public Service who executes the office of Financial Secretary during any vacancy in that office or during the absence or incapacity of the holder of that office to perform or exercise on his behalf or in his stead any functions, powers or duties conferred

or imposed on the Financial Secretary by the provisions of this Act:

"High Court" means the High Court of the Cook Islands defined in Article 47 of the Constitution:

"High Commissioner" means the High Commissioner of the Cook Islands duly appointed under Article 3 of the Constitution:

"Minister" means the Minister of Social Development duly appointed under Article 13 of the Constitution:

"Minister of Finance" means the Minister of Finance duly appointed under Article 13 of the Constitution:

"Minister of Justice" means the Minister of Justice duly appointed under Article 13 of the Constitution:

"Resident Agent" means a Resident Agent duly appointed under the provisions of the Cook Islands Public Service.

PART I - ISLAND COUNCILS

3. Island Councils Reconstituted - The constitution, membership, functions and powers of Island Councils shall be as prescribed by this Act.

4. Island Councils to be Bodies Corporate - Every Island Council shall be a body corporate with perpetual succession and a common seal and, subject to the provisions of this Act, shall be capable of acquiring, holding and disposing of real and personal property, of suing and being sued, of borrowing money, and of doing and suffering all such acts and things as a body corporate may lawfully do and suffer.

5. Membership of Island Councils - (1) The Rarotonga Island Council shall consist of the following members elected under the provisions of sections 6 and 7 hereof -

- (a) Three members representing the Constituency of Takitumu:
- (b) Three members representing the Constituency of Te-Au-O-Tonga:
- (c) Three members representing the Constituency of Puaikura.

(2) The Island Councils other than Rarotonga shall consist of the following members:-

- (a) The Arikis of the Island (if any) who shall have no right to vote;
- (b) 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 hereof.

(3) In any case where there is no Island Council at the date of coming into force of this part of this Act the High Commissioner may by Order in Executive Council direct that an Island Council be established subject to the provisions of this Act and in such order shall appoint the date of the first election and the constituency and number of members to be elected in all other respects the Island Council shall be constituted as provided in subsection 2 of this section.

6. Elections - The whole of Parts I, III, IV, V and VI, and that part of Part VII being section 83 to section 88 (both inclusive) of the Electoral Act 1966 shall apply to this Act provided that any reference to the words "Legislative Assembly" in the said parts of the Electoral Act 1966 shall be read as a reference to "Island Council".

7. Constituencies - There are hereby established for the purposes of this Act the constituencies specified in the First Schedule to this Act.

8. Chairman and Deputy-Chairman of Island Council - (1) There shall be a Chairman of each Island Council who shall be elected by the members of the respective Island Councils and shall hold office for a period of twelve months.

(2) Each Island Council shall from time to time appoint from among its members a Deputy-Chairman of the Island Council. During any vacancy in the office of Chairman or whenever the Chairman is unable to act whether by reason of absence or otherwise the Deputy-Chairman may exercise and perform all the powers and duties of the Chairman.

(3) The Chairman shall preside at every meeting of the Island Council at which he is present. In the absence of the Chairman and Deputy-Chairman from any meeting of the Island Council the members present shall select one of their number to be the Chairman for the purposes of the meeting.

(4) At any meeting of the Island Council the Chairman shall have a deliberative vote and in the case of an equality of votes shall also have a casting vote.

9. Functions and Powers of Island Councils - (1) The functions and powers of Island Councils other than the Island Councils of Rarotonga, Rakahanga and Mitiaro shall be -

- (a) To assist the government of the Cook Islands in the good rule and government of the island:

- (b) To carry into effect administer and enforce the provisions of ordinances and bylaws of the Council:
- (c) To provide for the recreation public entertainment and instruction of members of the public and to establish control and administer public reserves, parks and sports and recreation grounds of every kind including beaches and whether vested in the Council or not:
- (d) To prevent and abate public nuisances:
- (e) To provide regulate and control public lighting:
- (f) To protect preserve and promote the amenities of the island:
- (g) To erect establish and acquire cold storage, packing and storage sheds, cargo sheds, tractors, machinery and any works having for their object the exercise of the functions and powers provided in this subsection:
- (h) To establish market places and market buildings and to provide all such facilities as may be necessary or convenient for holding markets therein:
- (i) To receive advise on or determine any matter or question referred to the Island Council by a Village Committee or any one or more of them within the island:
- (j) To give directions on any matter to any one or more Village Committees in the island:
- (k) To settle disputes or differences between Village Committees:
- (l) To hear and determine complaints by a Village Committee against any resident of the Village:
- (m) Subject to the provisions of section 60 of the Cook Islands Act 1915 to make maintain manage and control all roads, ways, streets, footpaths and places to which the public have access in the island the management and control of which is not vested in Her Majesty:
- (n) To provide facilities for the disposal of refuse and sewerage:
- (o) To provide maintain improve and control any public conveniences:
- (p) To provide maintain improve and control any water works or water supply:
- (q) In Islands other than Rarotonga to construct improve extend and maintain any harbour boat passage or wharf and provide and maintain beacons buoys and other aids to ships and any buildings installation and equipments in or upon any such harbour boat passage or wharf:

- (r) To make, maintain, improve and control public drains in the Island and require the making, maintenance and connections to public drains of such private drains as it thinks fit:

Provided that the Minister may by written notice to the Council exempt any road, drain, public reserve, native reserve or public building from the provisions of this section.

(2) The functions and powers of the Rarotonga Island Council shall be -

- (a) To cooperate with District Councils and Village Committees in the Island of Rarotonga in the exercise by those bodies of the functions and powers vested in them by this Act;
- (b) All those powers and functions vested in Island Councils by subsection (1) of this section except paragraphs (g), (j), (k), and (l);
- (c) To receive, consider and act on in respect of any recommendation, request or matter from or concerning a District Council or any one or more of them;
- (d) To hear, determine and settle any dispute between two or more District Councils.

(3) The functions and powers of the Island Councils of Rakahanga and Nitiaro shall be -

- (a) All those the powers and functions vested in Island Councils by subsection (1) of this section except paragraphs (i), (j), (k) and (l);
- (b) All those the powers and functions vested in Village Committees by sections 67 and 68 of this Act.

10. By-law making powers - (1) Each Island Council shall have power to make, alter and revoke from time to time by-laws for any of the following purposes:-

- (a) The good rule and government of the island;
- (b) The more effectual carrying out of any of the objects of this Act and of any of the functions and powers conferred on Island Councils by this Act;
- (c) Regulating any subject matter of this Act;
- (d) Imposing tolls, votes, dues, fees, fines, taxes, payments and other charges other than duties and tariffs of Customs on goods imported into and exported from the island, and for the use of any building or

amenity provided by the Council on the Island:

- (e) Regulating controlling or prohibiting any act, matter or thing usually the subject matter of local control or prohibition in respect of that island:
- (f) Regulating controlling or prohibiting the display of signs, posters, placards, handbills, writings, pictures or devices for advertising of any kind any where on the island where the public have access or may see and whether on private property crown land or otherwise howsoever:
- (g) Requiring the owner of any land not vested in Her Majesty to remove lower or trim to the satisfaction of the Council any tree, shrub or hedge overhanging or interfering in any way with traffic in or the lighting on any place to which the public have access including any road way street or footpath:
- (h) Regulating controlling or prohibiting any act, matter or thing in relation to any subject matter prescribed in that behalf by regulations made under this Act:
- (i) Regulating controlling or prohibiting any of the subject, matters regulated controlled or prohibited in any Ordinance of the Island Council in operation at the coming into force of this Act:
- (j) Regulating controlling or prohibiting any subject matter specified in section 9 of this Act or in connection therewith:
- (k) Regulating controlling or prohibiting the use of any reserve park beach sportsground recreation ground cemetery public building, public place or other land vested in or under the control of the Island Council:
- (l) Regulating controlling or prohibiting the use of and the construction of anything upon roads ways streets footpaths and land to which the public have access:
- (m) In all islands other than Harotonga regulating controlling or prohibiting the use of harbours boat passages wharves buildings installations equipment lighters and launches and imposing tolls and dues on all persons using any harbour boat passage wharf or installation or any equipment provided by the Island Council in or upon such harbour boat passage installation or wharf:

- (n) Providing for the inspection of any land building or premises for any of the purposes of this Act or any by-law thereunder;
- (o) Requiring the removal of any growth or thing on any land building or premises which may constitute a danger or be a fire hazard to other property or members of the public;
- (p) Regulating controlling or prohibiting the storage of dangerous goods or materials of any kind which are of an inflammable nature or which are likely to cause or aid the spread of fire;
- (q) Regulating controlling prohibiting or licensing itinerant traders hawkers and pedlars;
- (r) Regulating and controlling the burial of animals;
- (s) Regulating controlling or prohibiting the deposit or accumulation or dispersal on any vacant land within the island or in the sea adjacent thereto of refuse garbage or rubbish of any description;
- (t) Regulating controlling prohibiting or licensing the keeping of any animals reptiles birds or bees;
- (u) Regulating controlling or licensing any market place or building erected by the Island Council and imposing tolls and dues from all persons exposing or offering for sale within any market place or market building goods permitted by the Council to be sold therein and regulating the letting of stalls for the display and sale of such goods.

(2) A by-law may apply to the whole Island or to any specified part thereof.

11. Penalties for Breach of By-laws - (1) The Island Council may, by by-law, prescribe a fine or imprisonment or both for the breach of any by-law made by the Council before or after the coming into force of this part of this Act.

(2) The maximum penalty which may be so prescribed, shall not exceed -

- (a) In the case of an individual, imprisonment for a term of three months, or a fine of one hundred pounds and, where the offence is a continuing one, a further fine of ten pounds for every day or part of a day during which the offence has continued;
- (b) In the case of a body corporate, a fine of five hundred pounds and, where the offence is a continuing one, a further fine of twenty pounds for every day or part of a day during which the offence has continued.

12. Printed copies of by-laws - The Island Council shall cause printed copies of all by-laws to be kept at the office of the Council and to be sold at a reasonable charge to any person applying for same.

13. Procedure to make by-laws - (1) By-laws shall be made only in the manner and subject to the conditions following:-

- (a) They shall be made only by special order:

Provided that in publicly notifying the resolution making the order it shall not be necessary to set forth the whole of the proposed by-law if the object or purport of the same is stated and if a copy of the proposed by-law is deposited at the office of the Island Council or at some place in the Island specified in the notification and is open to the inspection of the public during office hours for at least twenty-eight days immediately preceding the meeting at which the resolution is to be passed:

- (b) The proposed by-law may be amended at the meeting at which the resolution making the Special Order is passed at any time prior to the passing of the resolution;
- (c) (i) No by-law shall come into force unless and until it has been approved by the Minister of Justice;
- (ii) A copy of every proposed by-law shall be forwarded to the Minister of Justice immediately prior to the public notification thereof.

(2) Any by-law may in like manner be altered or revoked.

(3) A Special Order is one made by resolution of the Island Council passed at a meeting of the Council called for the purpose held not sooner than twenty-eight clear days after public notice of the place, date and time for the meeting shall have been given. Public notice shall be given in all islands other than Rarotonga by affixing the notice of the meeting to the Notice Board outside the office of the Resident Agent or the Clerk in Charge as the case may be and in the case of Rarotonga by publishing the notice in the Cook Islands News newspaper.

14. Proof of by-laws - The production of any document purporting to be a printed copy of any by-law in whole or in part under the authority of this Act and to be sealed with the Common Seal of the Island Council shall until the contrary is shown be sufficient evidence of the by-law having been duly made and that the same duly came into force on the day mentioned in that behalf in that copy of the by-law.

15. Saving of existing by-laws and ordinances - (1) All Ordinances, By-laws, Rules and Regulations in force in any Island at the commencement of this Act shall so far as not inconsistent with this Act be in force within the Island until superseded by by-laws made under this Act and shall be as valid and effectual as if made under this Act and may be proved and enforced in manner herein provided.

(2) This section shall extend and apply to any Ordinances, bylaws, Rules or Regulations made by Island Councils.

16. Limitations affecting by-laws - The powers of making and enforcing by-laws shall be subject to the following limitations and provisions:-

- (a) A by-law shall not be valid if it is manifestly repugnant to the laws of the Cook Islands or the provisions of this Act;
- (b) No by-law shall be valid if a breach thereof would involve a breach only of some religious or moral rule.

17. Liability for breach of By-law not to relieve from other Liability - Nothing in this part of this Act or in any by-law made thereunder shall be deemed to relieve any person from any penalty or action to which he would otherwise be liable in respect of anything done by him in breach of any such by-law.

18. Extension of By-law making power to associated Islands - The power to make by-laws and the application of by-laws by any Island Council shall extend to any island associated and administered with the island in respect of which the Island Council is appointed.

19. By-law breaches and offences punishable in the High Court - (1) Subject to the provisions of this Act every offence against or breach of the provisions of this Act and every offence against or breach of any regulation or by-law made pursuant to the powers conferred by this Act shall be punishable in the High Court of the Cook Islands.

(2) Notwithstanding any provision in any other Act or Ordinance in force in the Cook Islands any information in respect of an offence under this Act or breach of any regulations or by-laws pursuant to this Act shall be laid within twelve months from the time when the matter of the information arose.

20. Members to take Oath of Allegiance - (1) No member of an Island Council shall be permitted to sit or vote therein until he has taken and subscribed the following

oath before the High Commissioner, namely -

I, _____, swear that I will be faithful and bear true allegiance to Her (or His) Majesty (specify the name of the reigning Sovereign, as that: Queen Elizabeth the Second), Her (or His) heirs and successors, according to law. So help me God.

(2) Every such member shall be entitled as of right to make his affirmation, instead of taking an oath.

(3) Every such affirmation shall be as follows:

I, _____, sincerely promise and affirm and shall then proceed with the words of the oath prescribed by subsection (1) of this section, omitting any words of imprecation or calling to witness.

(4) The High Commissioner is hereby empowered at his discretion to appoint any person to administer the oath or affirmations provided for in this section.

21. Meetings of Island Councils - (1) The first meeting of each Island Council -

- (a) for the Island of Rarotonga and any island in respect of which an Island Council shall hereafter be appointed pursuant to the provisions of this Act shall be held at such time and place as the Minister appoints;
- (b) for the Islands of Mitiaro and Rakahanga shall be held at such time and place as the respective Clerks in Charge of the Islands of Mitiaro and Rakahanga appoints;
- (c) in all other cases shall be held at such time and place as the Resident Agent appoints.

(2) Thereafter meetings shall be held at such times and places as the Island Council or the Chairman thereof from time to time appoints provided that if the Chairman fails to call a meeting of the Council on being requested so to do by two or more members thereof then the Clerk of the Island Council shall forthwith call a meeting upon receiving a written request so to do signed by two or more members. Such written request shall state the reasons for the request and the proposed business of the meeting and no other business shall be dealt with at such meeting.

(3) At every Island Council, half the members of the Council shall form a quorum. Any proportion of a whole number shall be taken to the next highest whole number.

(4) Every question before an Island Council shall be decided by a majority of votes of the members present at a meeting of the Island Council. Except as otherwise provided by paragraph (a) of subsection (2) of section 5 of this Act all members of the Island Council shall have equal voting powers.

22. Appointment of officers - (1) There shall be a Clerk for each Island Council who shall keep the records of the Island Council and act in an advisory capacity when required by the Island Council and who shall be appointed in the following manner:-

(a) In the case of Rarotonga he shall be appointed by the Island Council subject to the approval of the Minister;

(b) In the case of islands other than Rarotonga he shall be the Resident Agent or Clerk in Charge or other member of the Public Service in charge of the Island as the case may be.

(2) The Treasurer of the Island Council in the case of Rarotonga shall be the Financial Secretary and in the cases other than Rarotonga shall be the Clerk.

(3) Each Island Council may subject to the approval of the Minister appoint such other officers or servants as it thinks fit and may at any time remove such officer or servant.

(4) One person may be appointed to hold two or more offices under this section.

(5) Such other officers or servants as aforesaid shall be paid such salary or allowances as the Island Council shall out of its funds with the approval of the Minister decide.

23. Use of Common Seal - The common seal of an Island Council shall not be affixed to any document save pursuant to a resolution of the Island Council, and the execution of any document so sealed shall be attested by the Clerk and one member.

24. Form of Contracts - (1) Any contract which, if made between private persons must be by deed shall, if made by an Island Council, be in writing under the common seal of the Island Council.

(2) Any contract which, if made between private persons, must be signed by the parties to be charged therewith shall, if made by an Island Council, be either under the common seal of the Island Council or signed by -

the Chairman and one member; or
the Clerk or other officer of the
Island Council and one member; or

two or more members of the Island Council on behalf of and by direction of the Island Council.

(3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of the Island Council by the persons specified in subsection (2) hereof, respectively, but no oral contract shall be made for any sum exceeding twenty pounds.

(4) The Island Council may by writing, under its common seal, empower any person, either generally or in respect of any specified matter, to execute instruments on its behalf. Any instrument executed on behalf of the Island Council by any person so empowered shall bind the Island Council and, if executed as a deed, shall have the same effect as if it were under the common seal of the Island Council.

(5) Notwithstanding anything to the contrary in this section no contract made by or on behalf of the Island Council shall be invalid by reason only that it was not made in the manner provided by this section, if it was made pursuant to a resolution of the Island Council or to give effect to a resolution of the Island Council.

25. Committees - (1) The Island Council may from time to time appoint standing or special committees consisting of any members of the Island Council and may refer to such committees any matter for consideration or inquiry and report or for the purpose of performing any act which, in the opinion of the Island Council, is more conveniently performed by a Committee.

(2) Every committee so appointed may be dissolved or its functions transferred to any other committee so appointed.

(3) Every committee shall be subject to the control of the Island Council and shall comply with all directions, general or special given by the Island Council in the exercise of such control.

(4) Any committee may co-opt advisers, whether members of the Island Council or not and whether employees of the Cook Islands Public Service or not.

(5) The Island Council may appoint a member of any committee to be the Chairman thereof or may authorise any Committee to appoint one of its members to be the Chairman:

Provided that no member shall be Chairman for more than two committees at any one time.

(6) Any Committee may from time to time appoint a Deputy-Chairman to act in the absence of the Chairman.

(7) The Island Council shall determine the quorum of every committee.

(8) Every Committee may meet from time to time and may adjourn from place to place but no business shall be transacted at any meeting of a committee unless the quorum of members fixed by the Island Council is present.

(9) Every question before any committee shall be decided by a majority of the votes of the Island Council members present. The Chairman of a Committee shall have a deliberative and a casting vote.

26. Minutes - Minutes shall be kept of every meeting of each Island Council or any committee thereof.

27. Standing Orders - Subject to the provisions of this Act the Island Council may from time to time make Standing Orders for the regulation and orderly conduct of its proceedings and the despatch of business and provide in any such Standing Orders for the suspension of members who wilfully and persistently disregard the provisions of this Part of this Act or the authority of the Chairman, or obstruct the business of the Island Council or any committee thereof.

28. Subsidy payable to Island Councils - (1) There shall in respect of each financial year be payable to each Island Council by way of subsidy such sum as the Minister of Finance determines.

(2) The financial year of the Island Councils shall commence on the 1st day of April in one year and expire on the 31st day of March in the following year both days inclusive.

29. Remuneration of Island Council Members - Members of the Island Council may be paid such annual allowance out of the funds of the Island Council as shall be fixed from time to time by Order in Executive Council together with a sitting allowance fixed likewise for each day or part of a day during which the members are required to attend any meeting of the Island Council or Committee thereof and do so attend provided that any member who is a member of the Cook Islands Public Service shall receive the annual allowance only.

ISLAND COUNCIL FINANCIAL PROVISIONS

30. Island Council fund - There shall be a fund for each Island Council to be called the (Name of Island) Island Council Fund consisting of the following moneys:-

(1) All money received by way of appropriation from the Legislative Assembly.

(2) All money received by way of loan.

(3) All revenues of the Island Council.

(4) All capital receipts to which the Council may be entitled.

31. Revenues of Island Councils - The revenues of each Island Council shall consist of -

(1) All grants, donations, contributions, subscriptions and endowments.

(2) All rates, licence fees and other fees, tolls, dues, fines, taxes and other charges and forfeitures levied or recovered under any by-law and any other sums

whatsoever to which the Council may be entitled under any by-law.

(3) All rents, ground fees and other profits derived from any recreation ground or other property of any kind vested in the Council.

(4) All money received on account of or in connection with any service carried out by the Council under the powers vested in it by this Act.

(5) All interest earned on any money belonging to the Council except where other provision is made in regard thereto under this Act or any other enactment.

(6) All other revenues which the Council may lawfully derive under this Act or any other enactment.

32. Island Council Account - (1) All moneys forming part of an Island Council Fund shall be deposited with the Treasurer and kept in a separate account to be known as the " (Name of Island) Island Council Account".

(2) No sum of money shall be drawn out of an Island Council Account save by resolution of the Council and the Treasurer shall pay out no such sum except on receipt of a copy of that resolution certified as correct by the Clerk.

33. Investment of Fund - Any money forming part of an Island Council Fund not immediately required to be expended in the discharge of the functions of the Council may be invested by the Council -

- (a) In the Post Office Savings Bank, Harotonga; or
- (b) In such other manner as may from time to time be approved by the Minister.

34. Borrowing Power - (1) It shall be lawful for any Island Council to raise loans from time to time for the purpose of works or services which the Council has power to carry out or to establish, acquire or maintain under this Act.

(2) No such loan shall be raised except pursuant to and in accordance with a by-law made by the Island Council in that behalf.

(3) Any such by-law shall specify the purpose, amount, and the terms, conditions and stipulations of the proposed loan.

(4) The presentation of any such by-law to the Minister of Justice for approval pursuant to section 13 of this Act shall be accompanied by a report setting out -

- (a) The amount of any debt then due by the Island Council and the sufficiency of the security for its repayment;

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- (b) Any benefit expected to accrue to the public from the project for which the loan is intended;
 - (c) A detailed estimate of the cost and duration of the works or other project on which the proposed loan is to be expended, any revenues to be derived therefrom and the cost of maintenance.

35. Estimates - (1) Subject to the provisions of subsection (3) of this section, each Island Council shall during the first month of every financial year, cause an estimate to be prepared of all proposed expenditure and all expected receipts of the Council during that year, showing separately -

- (a) Any sums of money required for the purposes of capital and revenue expenditure respectively;
- (b) Any sum 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 paragraph (b) and (c) of this subsection.

(2) Any deficiency or surplus in the revenues of the Council for the preceding 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 found necessary the Council shall prepare 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 of the Council 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 the Council reconstituted and newly elected pursuant to the provisions of this Act.

(5) Any estimate or supplementary estimate prepared under this section shall be confirmed as soon as practicable by the Council and transmitted through the Resident Agent or Clerk or other person in charge as the case may be to the Financial Secretary.

(6) It shall not be lawful for the Council to incur any expenditure out of funds granted by the Legislative Assembly except in accordance with an estimate or supplementary estimate, as the case may be, transmitted to the Financial Secretary pursuant to the provisions of

subsection (5) of this section and approved by the Minister as the case may be:

Provided that the Council may in any financial year out of its revenues available for general purposes expend for purposes for which no provision is made in the estimate or in any supplementary estimate, a sum or sums of money not exceeding in the aggregate one hundred pounds.

36. Accounts - (1) Subject to the provisions of subsection (2) of this section, each Island Council shall keep such accounts and balance them in such manner as may be directed by the Financial Secretary subject to the concurrence of the Audit Office.

(2) Proper and complete records shall be kept of all stores in the possession or under the control of the Council, of all other assets and of all liabilities of the Council, and of all sums of money received and expended by the Council for the purposes of this Act.

(3) The accounts of the Council shall be subject to audit in the same manner in all respects as if the moneys and stores of the Council were public moneys and stores within the meaning of the Cook Islands Treasury Regulations, 1957.

(4) Any member, elector, rate-payer or creditor of the Council may, at all reasonable time and for reasonable periods, inspect the accounts of the Council and take copies from any part thereof.

37. Annual Report - (1) Within three months after the expiration of each financial year each Island Council shall furnish to the Minister a report of the proceedings, operations and transactions of the Council during the previous financial year together with a copy of the accounts for that year.

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

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

(4) Copies of the report shall be supplied by the Council to the Minister for the requirements of the Government of the Cook Islands and the Legislative Assembly and adequate stocks of the report shall be maintained at the office of the Council for sale at a reasonable charge to any person applying for copies.

MISCELLANEOUS ISLAND COUNCIL PROVISIONS

38. Island Councils to maintain existing roads, reserves, public drains and services -- Each Island Council shall maintain such roads, public reserves, Native reserves, drains, public conveniences, street lighting and refuse disposal facilities existing at the date of the coming into force of this Act in at least the same condition and to the same extent as at or prior to that date and the Minister shall indicate in writing what roads, public reserves, drains, public conveniences and other amenities are to be so maintained. Thereafter the Council may make such extensions and improvements to roads, public reserves, Native reserves, drains, public conveniences, street lighting and refuse disposal facilities as it thinks fit.

39. Island Councils may require owners of lands in certain cases to provide private drains - (1) Any Island Council may, by notice in writing, require the owner of any land to do all or any of the following things within the survey boundary of that land:

- (a) To provide, construct and lay a private drain from any land or building which is not drained to the satisfaction of the Council and to connect such drain to any public drain or water course;
- (b) To cleanse and repair or to relay or alter the course, direction and outfall of any private drain;
- (c) To connect any existing private drain with any public drain or water course;
- (d) To execute, provide and do generally any works, materials and things which in the opinion of the Council are necessary or expedient for the drainage of such land.

(2) The Council may, in the exercise of the powers conferred upon it by the last preceding subsection, in lieu of requiring several owners each to provide, construct and lay a private common drain and to connect such drain with any public drain or water course, require owners:-

- (a) Jointly to provide, construct and lay a common private drain through such of the separately owned lands as the Council thinks fit and to connect such private drain with any such public drain or water course and,
- (b) Severally to provide, construct and lay a private drain from the land of which each is the owner and to connect the same with the private common drain.

(3) The powers conferred upon the Council by paragraphs (b), (c) and (d) of subsection (1) of this section may also be exercised with respect to private drains provided, constructed and laid under the last preceding subsection.

(4) Every notice, under this section shall specify the works, materials and things to be executed, provided or done thereunder, and the public drain or watercourse with which the private drain is required to be connected and shall limit a time within which the works, materials and things shall be so executed, provided and done.

(5) If the owner fails to do any work specified in the notice and as therein directed, the Council may, if it thinks fit, cause the same to be done and may recover from him the costs and expenses of the work, together with five per centum of those costs and expenses for supervision and interest at the rate of six per centum per annum on the total sum until payment thereof. Where any work done by the Council pursuant to this subsection is on account of several owners, the Council may apportion the total amount as aforesaid between such owners and the amount so apportioned to each such owner shall be the amount recoverable from him.

- (6) (a) Where any existing private drain passes through or serves separately owned lands, or any new private drain is required by the Council so to pass through or serve such lands, the Council may, pursuant to a resolution on that behalf of which notice shall be given to the owners of the lands affected, execute, provide and do all or any of the works, materials and things which the Council deems necessary in order that such drain shall be efficient and without nuisance:
- (b) The Council may impose upon the owners of such several lands all or any part of the cost of such works, materials or things in such proportion as appears reasonable.

(7) The Council may, by resolution passed at a meeting of which at least fourteen days public notice has been given, declare any common private drain to be a public drain.

(8) Nothing in this part of this Act shall authorise the entering upon any land without the consent of the owner, except for the making of surveys, but if any public drain is at any time put in or under any private land with such consent, or if it is necessary to cause work to be done in accordance with subsection (5) of this section, or if a private drain is declared a public drain in accordance with subsection (7) of this section, the Council may enter thereon to repair, maintain or improve such drain.

PART II - DISTRICT COUNCILS

40. Constitution of Districts - There is hereby established in the Island of Rarotonga three districts as follows:

Takitumu District
Te-Au-O-Tonga District
Puaikura District

which shall comprise the lands included in the Constituencies of Takitumu, Te-Au-O-Tonga and Puaikura as set forth in the First Schedule to this Act.

41. Constitution of District Councils - There shall be in each District a Council known as the District Council constituted as follows:

- (a) All Arikis who traditionally derive their title within the District;
- (b) Each member of the Rarotonga Island Council representing a constituency of that Council wholly or partly within the District and
- (c) Not more than three members from each Village Committee within the District as constituted by this Act.

42. Term of Office - The term of office of members of a District Council other than an Ariki shall in the case of a member from the Rarotonga Island Council coincide with his term as a member of that Council and in the case of a member appointed by a Village Committee be at the pleasure of the Village Committee appointing him.

43. Chairman and Deputy-Chairman - (1) Each District Council shall from time to time appoint from among its members a Chairman and a Deputy-Chairman of the Council. During any vacancy in the office of Chairman or whenever the Chairman is unable to act whether by reason of absence or otherwise the Deputy-Chairman may exercise and perform all the powers and duties of the Chairman.

(2) The Chairman shall preside at every meeting of the District Council at which he is present. In the absence of the Chairman and Deputy-Chairman from any meeting of the Council the members present shall select one of their members to be the Chairman for the purposes of the meeting.

(3) At any meeting of the District Council the Chairman shall have a deliberative vote and in the case of an equality of votes shall also have a casting vote.

44. Meetings of District Councils - (1) The first meeting of each District Council shall be held at such time and place as the Minister appoints.

(2) Thereafter meetings shall be held at such times and places as the District Council or the Chairman thereof from time to time appoints.

(3) At every District Council, six members shall form a Quorum.

(4) Every question before a District Council shall be decided by a majority of votes of the members present at a meeting of the District Council. All members of the District Council shall have equal voting powers.

(5) If the Chairman fails to call a meeting of a District Council when requested so to do by any three members thereof then the Secretary shall forthwith call a meeting upon receiving a written request so to do signed by three members. Such written request shall state the reasons for the request and the proposed business of the meeting and no other business shall be dealt with at such meeting.

(6) Minutes shall be kept of every meeting of each District Council and any committee thereof.

45. Appointment of officers - (1) Each District Council may subject to the approval of the Minister appoint a secretary and such other officers or servants as it thinks fit and may at any time remove such secretary, officer or servant.

(2) One person may be appointed to hold two or more offices under this section.

(3) The secretary and such other officers or servants as aforesaid shall be paid such salary or allowances as the District Council shall out of its funds with the approval of the Minister decide.

(4) The Secretary shall keep all minutes of meetings and records as are necessary to fulfil the functions of his office and shall carry out such further duties as the District Council shall decide.

(5) The Treasurer of each District Council shall be the Financial Secretary.

46. Subsidy payable to District Councils - (1) There shall in respect of each financial year be payable to each District Council by way of subsidy such sum as the Minister of Finance determines.

(2) The financial year of the District Councils shall commence on the 1st day of April in one year and expire on the 31st day of March in the following year except in the case of the first year of the existence of District Councils when the financial year shall commence with the coming into force of this part of this Act and expire on the 31st day of March following both days inclusive.

47. Functions and Powers of District Councils - The functions and powers of District Councils shall be:

- (1) To receive advise on or determine any matter or question referred to a District Council by Village Committees or any one or more of them within the District.
- (2) To refer and to make recommendations on any matter to the Rarotonga Island Council.
- (3) To give directions on any matter to any one or more Village Committees in the District.
- (4) To settle disputes or differences between Village Committees in the District.
- (5) To hear and determine complaints by a Village Committee against any resident of a Village.
- (6) To impose fines for breaches of any rule, regulation, ordinance or by-law contained in the Second Schedule to this Act and any further rule, regulation, ordinance or by-law which the High Commissioner may by Order in Executive Council add to such Second Schedule.

48. Procedure of District Councils - A District Council may regulate its own procedure and may act on such evidence as it thinks fit provided that on the hearing of any complaint or charge in respect of an alleged breach of any rule, regulation, ordinance or by-law the following provisions shall apply:-

- (1) The person against whom a complaint or charge is made shall have reasonable notice of the breach alleged and a reasonable opportunity to be heard in his own defence before any fine is imposed.
- (2) Upon being satisfied in any proceeding before it that a breach of any rule, regulation, ordinance or by-law has been committed the District Council may authorise the taking of proceedings in the High Court in respect of the breach or it may in its discretion impose on the offender subject to subsection (1) of this section a fine not exceeding one pound.
- (3) No fine shall be imposed by the District Council under subsection (2) of this section if the person charged elects to be dealt with by the High Court and before imposing any fine the District Council shall make known to the person charged or against whom a complaint is made his right of election.
- (4) No fine may be imposed on any person under this section for any offence in respect of which proceedings have been commenced or taken before the High Court.

(5) Where a person fails to pay any fine duly imposed on him by a District Council under this section the amount of the fine shall be recoverable in the High Court as a debt due to the District Council by the person so failing to pay the fine provided that such person may defend the proceedings and in any such case the matter shall be reheard by the High Court which in its discretion may give judgment for the amount of the fine or for such greater or lesser amount as it thinks fit, or may give judgment for the defendant provided the High Court shall not in any event give judgment for a greater sum than the amount of the fine if any prescribed for the breach of the rule, regulation, ordinance or by-law in respect of which the proceedings are brought.

(6) A District Council may subject to any direction by the Minister delegate its authority in any proceeding in which a person is charged with or against whom a complaint is made of a breach of any rule, regulation, ordinance or by-law to a committee comprising not fewer than four members of the District Council and the investigation of the breach and the determination of any fine by that Committee shall for the purposes of this section be an investigation and a determination of the District Council.

(7) All proceedings before a District Council in respect of any breach or alleged breach of any rule, regulation, ordinance or by-law shall be instituted and prosecuted by or at the request or on behalf of the Village Committee of the Village in which the person charged or against whom the complaint is made is resident unless the District Council shall otherwise direct provided that no breach shall be prosecuted by a Village Committee against a person who is resident of another village unless the Village Committee of the village in which such person is resident shall have been informed and been allowed to appear in the proceedings before the District Council if it so wishes.

(8) The amount of any fine imposed by a District Council in respect of any proceeding pursuant to this section shall be paid by the offender to the District Council and shall form part of the funds of the Council or may be transmitted by the District Council to the Village Committee which instituted or prosecuted the proceedings as the District Council shall decide.

(9) A District Council may sue and be sued in the High Court in the name of the Council.

(10) Nothing in this section shall derogate from any powers of any officer of police.

49. Remuneration of Chairman of District

Councils - The Chairman of a District Council may be paid such annual allowance out of the funds of the District Council as the Council from time to time shall fix not exceeding £50 in any one year payable by equal

quarterly instalments provided that any Chairman who is also in receipt of payment as a member of an Island Council shall not receive the annual allowance.

50. Committees - (1) A District Council may from time to time appoint standing or special committees consisting of any members of the District Council and may refer to such committees any matter for consideration or inquiry or report or for the purpose of performing any act which in the opinion of the Council may be more conveniently performed by a committee.

(2) Every committee so appointed may be dissolved or its functions transferred to any other committee so appointed.

(3) Every committee shall be subject to the control of the District Council and shall comply with all directions general or special given by the Council in the exercise of such control.

(4) Any committee may co-opt advisers whether members of the District Council or not.

(5) The District Council may appoint a member of any Committee to be the Chairman thereof or may authorise any committee to appoint one of its members Chairman.

(6) The District Council shall determine the quorum of every committee.

(7) Every committee may meet from time to time and may adjourn from place to place but no business shall be transacted at any meeting of the committee unless a quorum is present.

(8) Every committee may hear and receive such evidence and representations as it deems necessary or advisable to assist it in its deliberations.

(9) Every question before any committee shall be decided by a majority of votes of the Council members present and in the event of an equality of votes the Chairman shall have a casting vote as well as a deliberative vote.

DISTRICT COUNCIL FINANCIAL PROVISIONS

51. District Council Fund - There shall be a fund for each District Council to be called the (Name of District) District Council fund consisting of the following moneys:-

(1) All moneys received by way of subsidy from the Minister.

(2) All moneys received by the Council from any fines or proceedings in the High Court or any service carried out by the Council pursuant to any of the functions or powers vested in it by this Act.

(3) All interest earned on any money belonging to the Council.

52. District Council Account - (1) All moneys forming part of the District Council fund shall be deposited with the Treasurer and kept in a separate account to be known as the (Name of District) District Council Account.

(2) No sum of money shall be drawn out of a District Council account or paid to any person save by resolution of the Council and the Treasurer shall pay out no such sum except pursuant to such resolution.

53. Investment of Fund - All money forming part of the District Council fund shall be paid into the Cook Islands Government Treasury as the Financial Secretary shall direct.

54. Estimates - (1) Each District Council shall during the first month of every financial year cause an estimate to be prepared of all proposed expenditure and all expected receipts during that year.

(2) Particulars of any deficiency or surplus in expenditure and income for the preceding financial year when applicable shall also accompany the estimate.

(3) The estimate and deficiency or surplus provided pursuant to subsections (1) and (2) of this section shall be confirmed by resolution of the District Council and forwarded with a copy of the resolution to the Financial Secretary without delay.

55. Accounts and Audit - (1) Each District Council shall keep such accounts and balance them in such manner as may be directed by the Financial Secretary.

(2) Each District Council shall appoint subject to approval by the Financial Secretary an auditor who shall hold office until after the next audit of the accounts is completed to the satisfaction of the Financial Secretary, or as he shall decide when the auditor shall be eligible for reappointment.

(3) The accounts of each District Council shall be audited annually as directed by the Financial Secretary and shall be certified by the Auditor as to their correctness.

(4) If for any reason the auditor shall cease to act during his term of office a new auditor shall be appointed for the rest of the term by the District Council subject to approval by the Financial Secretary.

56. Annual Report - An annual report shall be furnished to the Minister by each District Council and the provisions of Section 37 of this Act shall apply to such report as if the words "District Council" had been inserted in Section 37 in place of the words "Island Council".

PART III - VILLAGE COMMITTEES

57. Village Committees - (1) There shall be in each village of the Cook Islands a Committee called a Village Committee established in accordance with the provisions of this Act.

(2) The Village Councils described in the Third Schedule to this Act in the Islands and pursuant to the by-laws also set forth in the said Schedule shall be deemed to be duly established Village Committees in pursuance of and subject to the provisions of this Act.

(3) Where there is a Village Committee on any Island in which there is no Island Council the Village Committee shall be administered by and subject to the by-laws of such Island Council as has or usually exercises jurisdiction over the inhabitants of that island or if there is no such Island Council then such Island Council as shall be appointed to exercise such jurisdiction by the High Commissioner by Order in Executive Council.

58. Constitution of Village Committees - Each Village Committee shall consist of not less than four and not more than twenty members who shall be elected at the Annual Meeting of the Village as provided in Section 70 of this Act. Each member shall subject to the provisions of Section 61 of this Act hold office until the next Annual Assembly of the Village and shall be eligible for re-election.

59. Village Electors - Every person ordinarily resident on the day of the election in a village shall be an elector in that village for the purposes of this Act irrespective of race or creed provided he is of or over the age of eighteen years on the day of the election, and is not of unsound mind or a person undergoing a sentence of imprisonment.

60. Qualification of Membership of Village Committees - Every person who is an elector shall be qualified to be a candidate for election as a member of the Village Committee in the village of which he is an elector and to be a member of that Village Committee:

Provided that a person who is a member of an Island Council shall not be a member of a Village Committee.

61. Disqualification of Members of Village Committees - (1) The office of Member of a Village Committee shall be vacated -

- (a) If a member dies or resigns by giving written notice of resignation signed by him to the Chairman of the Village Committee of which he is a member:

- (b) If a Member fails to attend three consecutive meetings of the Committee without leave of absence being granted by the Village Committee before or after the event:
- (c) If a Member is sentenced to a term of imprisonment exceeding seven days;
- (d) If a member is convicted of an offence pursuant to subsection (2) of section 74 of this Act.

(2) If on the office of a Member being vacated pursuant to the provisions of this Section the number of remaining Members is less than the minimum number required by section 58 of this Act the vacancy shall be filled at an Assembly of the Village to be called for the purpose forthwith in the same manner as the Annual meeting of the Village.

62. Chairman and Deputy-Chairman - (1) Each Village Committee shall from time to time appoint from among its Members a Chairman and Deputy-Chairman of the Committee. During any vacancy in the office of Chairman or whenever the Chairman is unable to act whether by reason of absence or otherwise the Deputy-Chairman may exercise and perform all the powers and duties of the Chairman.

(2) The Chairman shall preside at every meeting of the Committee at which he is present. In the absence of the Chairman and Deputy-Chairman from any meeting of the Committee the members present shall select one of their number to be Chairman for the purposes of the meeting.

(3) At any meeting of the Committee the Chairman shall have a deliberative vote and in the case of an equality of votes shall have a casting vote.

63. Officers of Village Committees - (1) Each Village Committee shall appoint a secretary, a treasurer and such other officers or servants as it thinks fit and may at any time remove such secretary, treasurer, officer or servant.

(2) One person may be appointed to hold two or more offices under this section.

64. Duties of Secretary - The Secretary of each Village Committee shall -

- (a) keep all correspondence, a register of members of the Village Committee and any other records as may be directed by the Village Committee from time to time;
- (b) keep a Minute Book and shall record in it all decisions made by the Village Committee and such Minutes shall be read and confirmed at the next meeting of the Village Committee and signed by the Chairman;

- (c) serve under the direction of the Village Committee of which he is the Secretary as an executive officer in respect of the work of such Village Committee generally, and he shall consult the Village Committee on all important matters or report on the same at the earliest possible moment.

65. Duties of Treasurer - The Treasurer of each Village Committee shall -

- (a) receive all moneys due to the Village Committee of which he is the Treasurer and shall make such payments as may be authorised from time to time by such Village Committee;
- (b) keep full and regular accounts and shall report on the finances of such Village Committee at each of its meetings;
- (c) furnish an Annual Report and Balance Sheet to the year ending 31st March, to the Annual Assembly of the Village.

66. Political and Religious Activities of Village Committees - (1) Village Committees shall not take part in the activities or subscribe to the funds of any Political Organisation and no discussion of Party politics shall be allowed at any meeting of the Village Committee provided that the letting of a hall in a village to a political organisation or the granting of permission to a political organisation to hold a meeting shall not be considered a breach of this section.

(2) In religious matters Village Committees shall at all times be undenominational.

67. Functions and Powers of Village Committees - Each Village Committee shall have the following functions and powers:-

- (1) To encourage, guide and assist the residents in its village -
 - (a) to maintain and improve their physical, economic, social and moral well-being;
 - (b) to assume and maintain self-dependence, thrift, pride of race and such conduct as will be conducive to their general health and economic advancement;
 - (c) to accept and maintain the full rights, privileges and responsibilities of citizenship;

- (d) to apply and maintain the maximum possible efficiency and responsibility in their local self-government and undertakings; and
- (e) to preserve, revive and maintain the teaching of Maori arts, crafts, language, genealogy and history in order to perpetuate Maori culture.

(2) To collaborate with and assist the management of schools and other educational institutions in its village in the education, vocational guidance and training of the children in its village.

(3) To make recommendations to the Government through the Minister of Social Development, or the Island Council, or any District Council on the Island of Rarotonga on any matter affecting the well-being of the residents of its village.

(4) To assist in encouraging and improving the use of land and the enforcement of any rule, regulation, ordinance, by-law or Act.

(5) To plan and help to carry out community development projects for the good of the village.

68. Special Powers of Village Committees - Each Village Committee shall have the following special powers which are not in any way in restriction or limitation of the general powers contained in Section 67 hereof:

- (a) To decide upon and carry out any voluntary co-operative project for the welfare of the residents of the village:
- (b) To make surveys of the population of the residents of the village with regard to housing, source of income, health and other matters from time to time:
- (c) To expend any Government moneys made available to it for any specific project on such projects:
- (d) To raise money by means of forms of entertainment and bazaars for projects to develop the village:
- (e) To make recommendations to the Housing Improvement Board concerning applicants for Government special housing loans:
- (f) To confer, co-operate or combine with any neighbouring Village Committee on any matter:
- (g) To refer any matter with which it may be concerned whether of a disciplinary nature or otherwise to the Island Council or in Rarotonga to the District Council on which the Village Committee shall have representation as the case may be.

69. Delegates to District Councils

on the island of Rarotonga - Each Village Committee on Rarotonga from time to time as may be required shall elect from among its members not more than three delegates to the District Council provided in this Act for the district of which the village forms a part.

70. Annual Village Meeting - (1) The electors as defined in Section 59 hereof in each village shall meet at least once a year in the month of January such meeting to be known as the Annual Meeting of that village.

(2) The Annual Meeting of a village shall be called by public notice at least seven days before the Meeting, in any newspaper circulating in that village signed by the Chairman or Secretary or any other member of the Village Committee for that village. In the event of there being no newspaper available for publication of the notice then by public notice in such manner as the Chairman of the Island Council for that village shall direct.

(3) The quorum for a Meeting of a village shall for the island of Rarotonga be thirty; in all other islands the quorum shall be fixed by the Island Council of the Island.

(4) In the absence of the Chairman or the Deputy-Chairman of the Village Committee or a Committee Member until the Meeting of a village shall elect a Chairman, the person convening the meeting shall act as Chairman.

(5) The Annual Meeting of a village shall receive the Annual Report and Balance Sheet for the year ended 31st December, previously audited by the Village Committee Auditor, elect Members of the Village Committee for the ensuing year and consider any other matters that may be raised and make any resolutions or recommendations that may be deemed necessary.

(6) A special Village Meeting may be convened by the secretary of a Village Committee upon request in writing of at least three residents of that village or by an order of the Village Committee to consider any matter that may be within the control of the Village Committee. Public notice of such Meeting shall be given in a manner similar to that required for the Annual Meeting.

(7) At any Village Meeting all persons entitled to vote shall be entitled to one vote only on each matter.

71. Meetings of Village Committees - (1) Each Village Committee shall meet as often as may be necessary but not less than once every month to examine its accounts and to arrange and conduct the affairs of the Village Committee.

(2) A meeting of a Village Committee may be called at any time by the Secretary at the request of the Chairman, or at the written request of any three members of the Village Committee stating the purpose for which the meeting is required. The Secretary shall give members of the Village Committee at least seven days' notice of the time, place and business of such meeting.

(3) The quorum for the meetings of each Village Committee shall be half the number of members of that Village Committee. Any proportion of a whole number shall be taken to the next highest whole number.

(4) All matters before a meeting of a Village Committee shall be decided by a majority vote and each member shall have one vote on each matter.

72. Property of Village Committees - (1) Each Village Committee shall appoint three Trustees who shall be members of that Village Committee and who shall jointly hold in trust for the Village Committee any property including bank accounts of the Village Committee provided the trustees of any bank account shall be two members of the Committee and the Treasurer.

(2) The Trustees shall administer and dispose of any property as directed by the Village Committee.

73. Audit - (1) The auditor for each Village Committee shall be appointed at the Annual Assembly of each Village and shall hold office until the following Annual Assembly when he shall be eligible for re-appointment. Any such Auditor appointed shall be approved by the Financial Secretary.

(2) The accounts of each Village Committee shall be audited annually by each Village Committee Auditor and shall be certified as to their correctness.

(3) If for any reason the Auditor shall cease to act during his term of office a new auditor shall be appointed for the rest of the term by the Village Committee subject to approval by the Financial Secretary.

PART IV - MISCELLANEOUS

74. Disability of Member of Island Councils, District Councils, and Village Committees having interests in matters under consideration - (1) No member of any Island Council, District Council, or Village Committee shall vote or take part in the discussion of any matter before a meeting of such Island Council, District Council or Village Committee or any committee thereof in which such member has directly or indirectly any pecuniary interest apart from an interest in common with the public.

(2) Any member who knowingly and wilfully fails to comply with the provisions of subsection (1) of this section commits an offence and is liable to a fine not exceeding £50 or to imprisonment for a term of imprisonment not exceeding three months.

(3) Every office of any member of an Island Council, District Council or Village Committee held pursuant to the provisions of this Act shall upon conviction of an offence under subsection (2) of this section forthwith be vacated.

75. Liability of Members of Island Councils, District Councils, and Village Committees - Neither the Chairman, Deputy-Chairman, nor any member of an Island Council or District Council or Village Committee shall be personally liable for any act or default of the Island or District Council or Village Committee as the case may be done or omitted to be done in good faith in the exercise of the powers and authorities of the respective Council or Village Committee.

76. Privileges of Members of Island Councils and District Councils - (1) No member of an Island Council or District Council and no other person entitled to speak at any meeting or proceeding of an Island Council or District Council shall be liable to any proceedings in any Court in respect of anything said or any vote given by him at such meeting or in any Committee meeting of such Council.

(2) No person shall be liable to any proceedings in any Court in respect of the publication by or under the authority of an Island Council or District Council of any report, paper, vote or proceeding.

77. Proceedings of Island and District Councils and Village Committees not invalid by reason of irregularities - No Act or proceeding of any Island Council, District Council, Village Committee or of any person acting as a member thereof shall be invalidated in consequence of there being a vacancy in the membership of the Island Council, District Council or Village Committee as the case may be at the time of the act or proceeding or of the subsequent discovery of some defect with regard to the appointment of any member of the respective Council or Committee or of any person so acting or that he was incapable of being a member of such Council or Committee.

78. Moneys payable out of the Cook Islands Government Account - There shall from time to time be paid out of the Cook Islands Government Account money appropriated by the Legislative Assembly for the purpose of this Act or that may be appropriated for any purpose incidental or related to the purposes of this Act.

79. Income Tax - Every Island Council, District Council and Village Committee shall be exempt from Income Tax.

80. Notices - (1) Any Notice required to be published by the provisions of this Act and not otherwise provided for shall be sufficiently published if inserted in a newspaper circulating daily in the Island where the notice is required to be published or if there is no such newspaper or if publication in such newspaper shall for any reason be inadequate or unavailable then such notice shall be sufficiently published for all purposes if published in the manner directed by the senior member of the Cook Islands Public Service on the Island whereon the notice is required to be published.

(2) Any notice, communication, approval or consent required to be given or sent by or to any Minister pursuant to the provisions of this Act may be given or sent by telegram or whereby reason of lack of communication between any island and the island of Rarotonga this cannot be done thereby such means and in such manner as the respective Minister shall decide.

81. Regulations - (1) The High Commissioner may by Order in Executive Council and upon notice in the Cook Islands Gazette make all 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. Such notice shall be sufficient if it states that the regulations have been made and gives the place where copies of them can be published.

(2) Regulations made under this Section may prescribe for offences against the regulations punishable by a term of imprisonment not exceeding three months or a fine not exceeding fifty pounds or both.

(3) All regulations made under this section shall be laid before the Legislative Assembly within twentyeight days after the date of the making thereof if the Legislative Assembly is in session and if not in session shall be laid before the Legislative Assembly within twentyeight days after the date of the commencement of the next ensuing Session.

82. Repeals and Savings - (1) Sections 53 and 54 of the Cook Islands Amendment Act 1957 are hereby repealed.

(2) The Ordinances and By-laws set forth in the Fourth Schedule hereto are hereby revoked.

(3) Without limiting the provisions of the Acts Interpretation Act 1924 as amended and applied to the Cook Islands it is hereby declared that the repeal or revocation of any provision By-law or Ordinance by this Act shall not affect any document or any thing whatsoever done under any provision so repealed or revoked or under any corresponding former provision and every such document, or thing so far as it is subsisting or in force at the time of the repeal or revocation and could have been done under this Act shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

FIRST SCHEDULE

(s.5)

CONSTITUENCIES AND NUMBER OF ELECTED MEMBERS.

<u>First Column</u>	<u>Second Column</u>	<u>Third Column</u>
<u>Name of Island</u>	<u>Constituencies</u>	<u>Number of Elected Members</u>
Rarotonga	(1) The Constituency of Te-Au-O-Tonga being the Survey District of Avarua	3
	(2) The Constituency of Takitumu being the Survey Districts of Matavera, Ngatangia and Takitumu	3
	(3) The Constituency of Puaikura being the Survey District of Arorangi	<u>3</u>
	Total for the Island	<u>9</u>
Mangala	(1) The Village of Ivirua ..	1
	(2) The Village of Tamarua ..	1
	(3) The Village of Karanga ..	1
	(4) The Village of Tavaenga ..	1
	(5) The Village of Veitatei ..	1
	(6) The Village of Keia	<u>1</u>
	Total for the Island	<u>6</u>
Aitutaki	(1) The Village of Amuri	1
	(2) The Village of Ureia	1
	(3) The Village of Arutanga ..	1
	(4) The Village of Reureu ..	1
	(5) The Village of Nikaupara ..	1
	(6) The Village of Vaipae ..	1
	(7) The Village of Tautu	<u>1</u>
	Total for the Island	<u>7</u>
Atiu	(1) The Village of Ngatiarua ..	1
	(2) The Village of Tengatangi ..	1
	(3) The Village of Mapumai ..	1
	(4) The Village of Areora ..	1
	(5) The Village of Teenui ..	<u>1</u>
	Total for the Island	<u>5</u>

FIRST SCHEDULE - continued

<u>First Column</u>	<u>Second Column</u>	<u>Third Column</u>
<u>Name of Island</u>	<u>Constituencies</u>	<u>Number of Elected Members</u>
Mauke	(1) The Village of Avuavaroa	1
	(2) The Village of Parā	1
	(3) The Village of Makatea	1
	(4) The Village of Areora	1
	(5) The Village of Ngatiarua	<u>1</u>
	Total for the Island	<u>5</u>
Mitiaro	The island as one constituency	<u>3</u>
Penrhyn	(1) The Village of Omoka	4
	(2) The Village of Tetautua	<u>2</u>
	Total for the Island	<u>6</u>
Manihiki	(1) The Village of Tauhunu	4
	(2) The Village of Tukao	<u>3</u>
	Total for the Island	<u>7</u>
Rakahanga	The island as one constituency	<u>7</u>
Pukapuka	(1) The Village of Yato	2
	(2) The Village of Roto	2
	(3) The Village of Ngake	<u>2</u>
	Total for the Island	<u>6</u>

SECOND SCHEDULE

(s.47 (6))

LIST OF ORDINANCES AND BY-LAWS BREACHES OF WHICH DISTRICT COUNCILS HAVE JURISDICTION TO HEAR

1. The Mosquito Control Ordinance 1947
2. The Copra Ordinance 1947
3. Cook Islands Fishing Ordinance 1950
4. Cinematographic Ordinance 1951
5. Wandering Stock Ordinance 1951
6. Hurricane Public Safety and Prevention of Damage By-Law 1959
7. Rarotonga Fisheries By-Law 1960
8. Rarotonga Plant Diseases By-Law 1966
9. Parts III, IV, V and VI of Rarotonga Regulations and Offences Ordinance 1917.

THIRD SCHEDULE

(S.57 (2))

VILLAGE COUNCILS CONSTITUTED VILLAGE
COUNCILS

By-law creating Village
Councils

Village Councils

Rarotonga Island Village
Councils By-Law 1966

Nikao
Rarotonga-Avatiu
Takuyaine-Parekura
Tupapa-Maraerenga
Tutakimoa-Teotue
Titikaveka
Ngatanglia
Matavera

Atiu Village Councils
By-Law 1966

Teenui
Mapumai
Tengatangi
Aroora
Ngatiarua

FOURTH SCHEDULE

(s. 82)

ORDINANCES AND BY-LAWS REVOKED

1. Rarotonga Island Council Ordinance 1958
 2. Island Councils (other than Rarotonga) Ordinance 1960
 3. Rarotonga Island Village Councils By-Law 1966
 4. Atiu Village Councils By-Law 1966
 5. Rarotonga Island Council Members Remuneration and Committee Allowance By-Law 1960
 6. Pukapuka Island Council Members Remuneration and Committee Allowance By-Law 1961
 7. Aitutaki Island Council Members Remuneration By-Law 1963
 8. Atiu Island Council Members Remuneration By-Law 1963
 9. Mauke Island Council Members Remuneration By-Law 1964
 10. Mangaia Island Council Members Remuneration By-law 1966.
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