

Local Government (Amendment) Act 2006

Not yet commenced

FIJI ISLANDS

LOCAL GOVERNMENT ACT 2006
ACT No. 12

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Section 7 amended
3. Section 9 amended
4. Section 10 amended
5. Section 13 amended
6. Section 30 amended
7. Section 34D amended
8. Section 44 amended
9. Section 47 amended
10. Section 57 amended
11. Section 59 amended
12. Section 88 amended
13. Section 90 amended
14. Section 115 amended
15. Section 121 amended
16. Section 123 amended
17. Section 125 amended
18. Section 126 amended

ACT NO. 12 OF 2006

I assent

J. I. ULUIVUDA
President

[8 September 2006]

AN ACT

FOR AN ACT TO AMEND THE LOCAL GOVERNMENT ACT

ENACTED by the Parliament of the Fiji Islands:

Short title, etc

1. (1) This Act may be cited as the Local Government (Amendment) Act 2006, and comes into force on a date appointed by the Minister by notice in the Gazette.

(2) In this Act, the Local Government Act (Cap. 125) is referred to as the "principal" Act.

Section 7 amended

2. Section 7(2) of the principal Act is amended:

(a) by adding after "subsection (1)" the following:

"and the Minister shall not make an order under section 5(1) or section 6(1) until any appeal under subsection (4) or (5) is finally determined."

(b) by adding after subsection (2) the following subsections:

"(3) The advice of a Local Government Committee shall be advertised in a newspaper published and circulating in Fiji, giving an opportunity to an aggrieved person to lodge an appeal to the Minister who may hear and determine the appeal.

(4) An appeal under subsection (3) may be lodged within 21 days from the date of publication of the advice in the newspaper.

(5) A person who is aggrieved with the decision of the Minister under subsection (3) may, within 21 days from the date of the Ministers decision, appeal to the High Court on a question of law.

(6) The Minister may prescribe other procedures for appeal under subsection (3)."

Section 9 amended

3. Section of the principal Act is amended in subsection 3 by deleting "three years" and substituting "4 years".

Section 10 amended

4. The principal Act is amended in section 10(2) by:

(a) by deleting "or" at the end of paragraph (h);

(b) by replacing the full stop with "; or" at the end of paragraph (i) and by adding after that paragraph the following paragraph:

"(j) ceases, for a continuous period of 12 months, to reside and own or occupy land in the municipality in which he was ordinarily resident at the time of his election as a councillor."

Section 13 amended

5. The principal Act is amended in section 13 by adding after subsection (3) the following subsection:

"(4) The Supervisor of Elections shall, subject to subsection (1), be responsible for the preparation of electoral roll and conduct of elections to municipalities".

Section 30 amended

6. Section 30(3) of the principal Act is amended by inserting ", any company or other legal entity" after "Fijian Affairs Act".

Section 34D amended

7. Section 34D(1) of the principal Act is amended by deleting "sixty days" and substituting "90 days".

Section 44 amended

8. Section 44 of the principal Act is amended in the proviso to paragraph (a) by deleting "5 per cent of his or her salary or wages" and substituting "the rate of his or her salary or wages as stipulated under the relevant written law regulating the scheme, system or other form of retirement benefits".

Section 47(2) amended

9. Section 47(2) of the principal Act is amended by inserting "in accordance with the accounting standards approved by the Fiji Institute of Accountants and" after "shall be kept".

Section 57 (1) amended

10. Section 57 of the principal Act is amended in subsection (1), by inserting "and in accordance with the accounting standards approved by the Fiji Institute of Accountants" after "Minister";

Section 59 amended

11. Section 59 of the principal Act is amended in the proviso to subsection (1) by replacing the full stop with a semi-colon at the end of paragraph (b) and by adding after that paragraph the following paragraph:

"(c) no special rates shall be levied on any native land not leased or licensed to any person or any village within a municipality declared under the Fijian Affairs Act."

Section 88 amended

12. Section 88 of the principal Act is amended by adding after subsection (1) the following subsection:

"(1A) For the purpose of subsection (1), a council may enter into partnership, joint venture or other commercial arrangement with any statutory authority, company or other legal entity."

Section 90 amended

13. Section 90 of the principal Act is amended by inserting ", a company or other legal entity" after "Government".

Section 115(1) amended

14. Section 115 of the principal Act is amended in subsection (1) by:

(a) deleting:

"\$20 for every day upon which such offence is committed or suffered or continued: Provided that no penalty shall be imposed unless the information or complaint is laid by authority of the council or some officer thereof duly authorized in writing in that behalf by the town clerk"; and

(b) substituting:

"\$5,000, and the information or complaint for such offence shall be laid by the council or an officer authorized in writing in that behalf by the town clerk".

Section 121 amended

15. Section 121 of the principal Act is amended by:

(a) by deleting:

"If the owner or occupier fails to comply with a requirement made under this section within such time as the council may prescribe, the council may undertake the work and the cost shall be a debt to the council and may be sued for in a court of competent jurisdiction.";

(b) by renumbering the existing provision as subsection (1) and adding the following subsections:

"(2) An owner or occupier who fails to comply with a requirement made under subsection (1) within the time specified by the council commits an offence and is liable on conviction to a fine not exceeding \$2,000.

(3) Notwithstanding subsection (2), the council may undertake the work at its own cost which shall be a debt to the council."

Section 123(2) amended

16. Section 123(2) of the principal Act is amended in the definition of "approved duty" by repealing paragraph (a) and substituting the following paragraph:

"(a) attendance at a meeting of the council, a standing committee or ad hoc committee in respect of functions approved by the full council;"

Section 125 amended

17. Section 125 of the principal Act is amended:

(a) by deleting "rates" and substituting "municipal service fees for the purpose of subsection (2)";

(b) by renumbering the existing provision as subsection (1) and by adding the following subsection:

"(2) A council shall provide municipal services to any Fijian village situated within its municipality."

Section 126 amended

18. Section 126 of the principal Act is amended:

(a) in subsection (1), by inserting "or an interim committee" after "council" appearing twice in that subsection; and

(b) in subsection (2), by inserting "or an interim committee" after "council" appearing twice in that subsection.

Passed by the House of Representatives this 2nd day of August 2006.

Passed by the Senate this 23rd day of August 2006.