

INTERIM GOVERNMENT OF FIJI OF THE REPUBLIC OF THE FIJI ISLANDS'

LOCAL GOVERNMENT (AMENDMENT) PROMULGATION 2008
(PROMULGATION NO. 29 OF 2008)

IN EXERCISE of the powers conferred upon the Interim Government, and upon the exercise of my own deliberate judgement as President of the Republic of the Fiji Islands as to what is best and good for the people of Fiji, and by the executive authority of the State in accordance with section 85 of the Constitution and such other powers as may appertain, and with the advice of Cabinet, I, Josefa Iloilovatu Uluivuda, make this Promulgation—

TO AMEND THE LOCAL GOVERNMENT ACT (CAP 125)

Short title

- 1.—(1) This Promulgation may be cited as the Local Government (Amendment) Promulgation 2008.

Section 2 amended

2. Section 2 of the Local Government Act (Cap. 125) ("**the Act**") is amended by inserting a new definition—

"*special administrators*" mean any person appointed under section 9A and are deemed to hold office for a period specified by the Minister until election is done in accordance to the Act;"

Section 9 amended

3. Section 9 of the Act is amended—

(a) in subsection (3) by—

- (i) deleting "*Subject to the other provisions of this Act*";
- (ii) deleting "*4 years*" and substituting it with "*3 years*";
- (iii) deleting "*,but shall be eligible for re-election*";
- (iv) deleting "*Provided that a councillor shall remain in office until immediately before the meeting at which his replacement first takes his seat after the election at which he is returned.*" and substituting it with -

"*Provided that, without prejudice to the powers of the Minister to appoint special administrators pursuant to section 9A, the Minister may in his or her discretion, allow a councillor to remain in office on such terms and conditions as the Minister may deem fit.*"

Section 9A Inserted

4. The Act is amended by inserting a new section 9A—

"Special administrators

9A. — (1) *The Minister may by order appoint two or more persons to be special administrators of a municipality for such period as the Minister may consider necessary to perform the functions of a council until the election date is determined by the Electoral Commission.*

(2) *The persons appointed as special administrators under subsection 1 shall be deemed to be the duly constituted council of a municipality and shall, subject to any general or specific directions issued by the Minister, have the power to perform and discharge of all the rights, privileges, powers, duties and functions vested in or conferred or imposed on the council, the mayor and any officer of the council by the Act or any other written law. "*

GIVEN UNDER MY HAND this 17th day of December 2008.

J. I. ULUIVUDA
President of the Republic of the Fiji Islands

BACKGROUND

[This is not Part of the Promulgation but just a summary explanation of the proposed amendment text]

- 1.0 The Minister for Local Government, Urban Development and Public Utilities.
 - 2.0 Purpose of this amendment is to amend certain provisions of the Local Government Act (Cap. 125).
 - 3.0 Clause 2 is to add in a new definition for special administrators.
 - 4.0 Clause 3 is to amend subsection 9(3) and to reduce the term of office from 4 to 3 years and include that the Minister can exercise his discretion on the term of services as a councillor.
 - 5.0 Clause 4 is to insert a new clause that deals with special administrators, for the Minister to appoint such special administrators until the electoral commission determines the date of elections.
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