

2/97

186
107

REPUBLIC OF KIRIBATI

CONSTITUTION OF KIRIBATI AND LOCAL GOVERNMENT ACT 1984

(Section 121 of Constitution and Section 3 of the Local Government Act)

WARRANT ESTABLISHING THE TABUAERAN ISLAND COUNCIL

WHEREAS by virtue of section 121 of the Constitution of Kiribati it is provided that "There shall be a Tabuaeran Island Council whose powers and duties shall be prescribed by or under law;" and

WHEREAS by virtue of section 3 of the Local Government Act 1984 (No. 2 of 1984) (as amended) it is provided that the Minister acting in accordance with the advice of the Cabinet and after consultation with such persons who are and over 18 years of age and resident within the area of authority of such Council as are to be established, may establish by warrant under his hand such Councils as he may deem necessary or expedient for the purpose of local government;

NOW THEREFORE in exercise of the powers conferred by section 3 of the Local Government Act 1984 (No. 2 of 1984) (as amended) the Minister, acting in accordance with the advice of the Cabinet and after consultation with the people of Tabuaeran who are and over 18 years of age and residing in Tabuaeran at the time when such consultation took place, by Warrant under his hand direct as follows -

Tabuaeran Island Council established

1. There shall be deemed to have been established with effect from the 1st March 1995 a Council to be known as the Tabuaeran Island Council.

Common Seal or Stamp

2. The Common Seal of the said Council shall be the following device -
 - (i) A frigate bird in flight above a symbolic representation of the sun rising from the ocean, the whole surrounded by a circle bearing the words, that is to say: "The Common Seal of the Tabuaeran Island Council".
 - (ii) Until such time as a seal as prescribed in sub-paragraph (i) of this paragraph is available, a stamp of the same description may be used as the common seal.

Area of Authority

3. The area of authority of the Council shall be the island of Tabuaeran.

Membership

4. The Council shall consist of 6 members.

Powers duties and functions

5. (i) The Council shall exercise all those powers, duties and functions conferred upon it by the Local Government Act 1984 (as amended) or by any other law for the time being in force.
- (ii) The Council may exercise all or any of the functions set out in the following paragraphs of the First Schedule to the Local Government Act 1984 (as amended).
- (iii) The Council shall seek written approval of the Secretary for Home Affairs and Rural Development prior to making or implementing any decisions involving in one way or another, government owned land.

1. Agriculture, Livestock and Fisheries

- (a) to provide services for the improvement of agriculture;
- (b) to control plant diseases, weeds and pests;
- (c) to control or exterminate insect, animal or other pests detrimental to crops;
- (d) to control methods of husbandry;
- (e) to regulate areas and methods of planting and types of crops and trees;
- (f) to provide service for the improvement of livestock;
- (g) to prohibit, restrict or regulate the movement of livestock in or through the Council area;
- (h) to prohibit, restrict and regulate the keeping of livestock of any description;
- (i) to establish, maintain and control pounds, seize and impound any stray animal, and provide for the payment of compensation for damage done by such animal;
- (j) to prohibit cruelty to animals and any specified acts of cruelty to animals;
- (k) to establish, erect, maintain and control slaughter houses;
- (l) to provide for the control, destruction and licensing of dogs;
- (m) to prevent and control the outbreak or the prevalence of any disease among animals;
- (n) to provide for the improvement and control of fishing and related industries;
- (o) to prohibit, restrict or regulate the hunting, capture, killing or sale of animals, reptiles, birds or fish or any specified kind of animal, reptile, bird or fish.

2. Buildings and Town or Village Planning

- (a) to regulate and control the erection and construction, demolition, re-erection and reconstruction, conversion and re-conversion, alteration, repair, sanitation and ventilation of public and private buildings and structures;
- (b) to provide for buildings lines and the layout of buildings;
- (c) to make advances upon such conditions as may be approved by the Minister for the purpose of enabling persons to build or buy dwelling houses;

- (d) to prepare and undertake or otherwise control schemes for improved housing layouts and settlements;
- (e) to prescribe the conditions to be satisfied by a site for any building or for any class of building;
- (f) to prohibit the construction of any building unless and until the approval of the council has been obtained;
- (g) to provide for the demolition of dangerous buildings and for the recovery of any expenses incurred in connection therewith;
- (h) to prohibit or regulate the use in any defined area of any inflammable material in the construction or repair of any building;
- (i) to build, equip and maintain social or sporting centres, public libraries and museums, communal feeding centres, restaurants, rest houses, or buildings designed and used for public or educational purposes;
- (j) to build, equip, maintain and let shops;
- (k) to prohibit or regulate the making of babai-pits or other excavations;
- (l) to control and regulate the siting of advertisements and hoardings or other structures designed for the display of advertisements;
- (m) to regulate the use of natural building and construction materials;
- (n) to establish, erect and maintain public monuments and to make collections of money towards the establishment or maintenance thereof;
- (o) to restrict the use of barbed wire and the use of broken glass or the like on fences and walls;
- (p) to lay out and adorn any public place by any architectural scheme or ornamentation, including the erection of statues, fountains or other structures.

3. Education

- (a) to build, equip, maintain or manage any kindergarten, primary school or any other class of school which may be approved by the Minister;
- (b) to grant sums of money towards the establishment, equipment or maintenance of any primary school or any other class of school which may be approved by the Minister;
- (c) to grant and maintain scholarships or bursaries to suitable persons to attend any school or other educational institution in Kiribati or elsewhere;
- (d) to provide for the compulsory education of children of 5 and 15 years;
- (e) to grant sums of money towards the establishment or maintenance of any public library or museum or to any association existing for the promotion of arts and crafts, or recreation and sport, or educational purposes generally.

4. Forestry and Trees

- (a) to establish, preserve, maintain, improve and control tree nurseries, forests and woodlands and to sell the produce thereof;
- (b) to plant and tend trees in, and remove trees from, any public place.

5. Land

- (a) to prevent and control erosion of land by the sea or other cause;

- (b) to provide for the fencing of land and for the maintenance and repair of such fencing;
- (c) to engage in and promote the reclamation of land from the sea.

6. Relief and Famine Drought

- (a) to regulate the areas and methods of planting and types of crops in areas which are liable to drought or famine.

7. Markets

- (a) to build, equip, open, close and maintain markets, to prohibit the erection of stalls in places other than markets, and to prevent the sale and purchase of goods or stock near established markets;
- (b) to regulate and control markets, including the fixing of and collection of stallages, rents and tolls;
- (c) to fix the days and hours during each day on which a market may be held and to prevent the sale and purchase of goods in markets on any day or any hour except those fixed.

8. Public Health

- (a) to safeguard and promote public health, including the prevention of and the dealing with any outbreak or the prevalence of any disease;
- (b) to regulate the number of persons permitted to reside in a building or room of any particular size;
- (c) to build, equip and maintain, or grant sums of money towards the establishment, equipment or maintenance of any health centre or clinic, or any other medical institution which may be approved by the Minister;
- (d) to build, equip and maintain, or grant sums of money towards the establishment, equipment or maintenance of any institution or settlement for the aged, destitute or infirm or for orphans or lepers;
- (e) to exterminate and prevent the spread of mosquitoes, rats, bugs and other vermin;
- (f) to establish and operate ambulance services or to make grants towards such services;
- (g) to establish, maintain and carry out sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of rubbish, refuse or excrete;
- (h) to control and provide for offences in respect of any act or omission by any member of the public detrimental to the sanitary condition of the council area or any part thereof;
- (i) to provide, erect and maintain a public water supply, and impose water rates;
- (j) to establish, maintain and control public wells, springs, bathing places, wash houses and swimming pools;
- (k) to regulate or prohibit the sinking of wells and provide for the closing of wells;

- (l) to prevent the pollution of any water, and to prevent access to any polluted source of water;
- (m) to regulate the production or preparation for sale and sale of foodstuffs, and to provide for the inspection of such foodstuffs and the places or premises used for their production, preparation or sale;
- (n) to establish, maintain and control cemeteries or burial grounds;
- (o) to provide for the cleaning and clearing of any public place.

9. Public Order, Peace and Safety

- (a) to prohibit any act or conduct which is likely to cause a riot or any disturbance or any breach of the peace;
- (b) to prohibit, regulate or restrict the carrying or possession of weapons;
- (c) to prevent, abate and control fires;
- (d) to prohibit, control and restrict the storage of inflammable or offensive materials in any specified area;
- (e) to regulate the services of guides, porters and carriers;
- (f) to prevent and remove public nuisances;
- (g) to control the movement of beggars and vagrants in public places;
- (h) to regulate and control public collections in public places;
- (i) to prohibit, restrict, control or licence hawking;
- (j) to control the movement of children and other young persons in public places during the hours of darkness.

10. Communications and Public Utilities

- (a) to make, alter, divert and maintain roads, streets, parking areas, paths, culverts, causeways, bridges, drains and watercourses;
- (b) to provide or arrange for lighting in public places and to provide, construct and maintain an electricity supply;
- (c) to make, alter and maintain wharves and jetties;
- (d) to make, alter and maintain aerodromes;
- (e) to provide postal and wireless telegraphic services;
- (f) to erect and maintain navigational aids;
- (g) to establish, acquire and maintain transport services by land or water, including ferries;
- (h) to prohibit, restrict or control the access of motor traffic to any road or parking area maintained by the council and to impose speed limits in respect of any road maintained by the council;
- (i) to licence bicycles;
- (j) to regulate or prohibit the planting, cutting or destruction of any trees or vegetation growing along any street, road, path or in any public place;
- (k) to provide that the owner or occupier, or several such persons jointly, of any land or tenements, maintain, clear and keep free from vegetation and rubbish such land or tenements or the road, streets, paths or public places adjoining such land or tenements;
- (l) to prevent damage or obstruction to any roads, streets, paths, or open spaces maintained by the council.

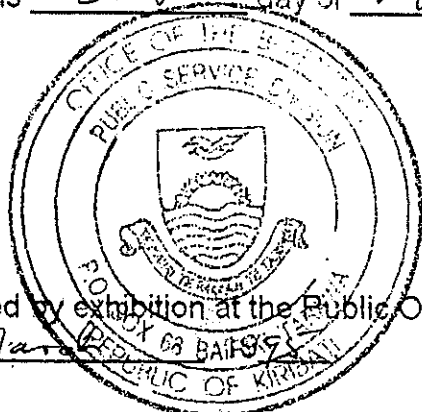
11. Trade and Industry

- (a) to establish, maintain and control collection centres, storage depots and processing services for agricultural produce;
- (b) to provide for the control, regulation, inspection, supervision and licensing of all places of entertainment and recreation, lodging and eating-houses, and any premises in which any profession, trade or business is carried on;
- (c) to provide for the control, regulation, supervision and licensing of any other occupation;
- (d) to prescribe the conditions under which any offensive trade or industry may be carried on.

12. Miscellaneous

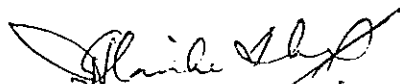
- (a) to establish, maintain and provide information and publicity services;
- (b) to require the marriage, birth or death of any person within the area of authority of the council to be reported to or registered with the council and to appoint registration officers and registers for such purposes;
- (c) to promote and regulate the development of an arts and crafts industry;
- (d) to protect, preserve, prohibit or control the removal from any place of any antique artifact;
- (e) to establish, control and manage recreation grounds, open spaces and parks;
- (f) to provide for or grant sums of money towards the maintenance and welfare of children, young persons, the aged, destitute or infirm;
- (g) to enter any contract with any other council or with any other body or person to secure or further the carrying on of any work or undertaking which the council is authorised to carry on;
- (h) to fix tariffs or charges for services rendered in connection with the achievement of any of the council's purposes;
- (i) to perform any other function, whether similar to those enumerated in this Schedule or not, which may be specifically conferred upon the council by the Minister.

Dated this 3rd day of March 1995




 Minister for Home Affairs and
 Rural Development

Published by exhibition at the Public Office of the Beretitenti this 3rd day of March


 Secretary to Cabinet