

PITCAIRN, HENDERSON

DUCIE & OENO ISLANDS

No 4 of 2014

Jonathan Sinclair



Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

OFFICE OF ADMINISTRATOR ORDINANCE 2014

DATE MADE: *28 November 2014*

DATE PUBLISHED: *28 NOVEMBER 2014*

An Ordinance to amend the Local Government Ordinance and subsidiary legislation to remove references to the role of the Governor's Representative and insert references to the office of Administrator

PART I – PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Office of Administrator Ordinance 2014 and shall come into operation on the day after it is published.

PART II – LOCAL GOVERNMENT ORDINANCE

Principal Ordinance amended

2. This Part amends the Local Government Ordinance.

Interpretation

3. Section 2 is amended by inserting the following definition in appropriate alphabetical order:

““Administrator” means the person appointed by the Governor to hold the public office of Administrator;”

- Island Council
4. Section 6(1)(b) is amended by—
- (a) deleting the words “Governor’s representative” in subparagraph (iii), and replacing them with the word “Administrator”; and
 - (b) repealing subparagraph (iv).
- Powers and duties of Council
- 5.—(1) Section 7(1) is amended by inserting the word “or Administrator” after the word “Governor”.
- (2) Section 7(2) is amended by repealing paragraph (1).
- (3) Section 7(4) is amended by deleting the word “who” where it appears after the word “Governor”, and inserting the words “and Administrator, either of whom” in its place.
- Chief Executive Officer, Island Secretary, and Government Treasurer
- 6.—(1) Section 10(1) is amended by inserting the words “or Administrator” after the word “Governor”.
- (2) Section 10(2) is amended by—
- (a) in paragraph (a)—
 - (i) deleting the words “and of the Committee”; and
 - (ii) inserting the words “and the Administrator” after the word “Mayor”; and
 - (b) in paragraph (b), deleting the phrase “, the Mayor and the Committee” and inserting the words “and the Mayor” in their place; and
 - (c) in paragraph (c), inserting the words “, the Administrator,” after the word “Governor”.
- (3) Section 10(3) is amended by inserting the words “, the Administrator,” after the word “Governor”.
- (4) Section 10(4) is amended by inserting the words “or the Administrator” after the word “Mayor”.
- Interpretation
7. Paragraph (c) of section 10A is repealed.
- Absentee voting
8. Paragraph (c) in section 17 is amended by—
- (a) deleting the phrase “Governor’s Representative on the Island” and replacing it with the word “Administrator”; and
 - (b) deleting the words “Governor’s Representative” where they appear in the phrase “to a Recorder by the Governor’s Representative”, and replacing them with the word “Administrator”.

Application for
recount

9. Section 26(1A) is amended by deleting the words "Governor's Representative" in both places in which they occur and replacing them with the word "Administrator".

PART III – LOCAL GOVERNMENT REGULATIONS

Principal
enactment
amended

10. This Part amends the Local Government (Firearms Control) Regulations.

Interpretation

11. Regulation 2 is amended by—
(a) repealing the definition of "Governor's Representative"; and
(b) inserting the following definition in the appropriate alphabetical order—

"Administrator" means the person appointed by the Governor to the public office of Administrator, and includes any person acting on his or her behalf;"

Applications for
certificates

12. Regulation 23 is amended by deleting the words "Governor's Representative" where they appear in subregulations (2), (3), (4), (5), and (7), and replacing them with the word "Administrator".

Variation of
firearms and shot
gun certificates

13. Regulation 26(1) is amended by deleting the words "Governor's Representative" in both places in which they occur, and replacing them with the word "Administrator".

Revocation of
certifications

14. Regulation 27(1)(c) is amended by deleting the words "Governor's Representative" and replacing them with the word "Administrator".

LEGAL REPORT

1. The Office of Administrator Ordinance 2014 makes amendments to the Local Government Ordinance and to the Local Government (Firearms Control) Regulations that are consequent upon the establishment of the office of Administrator by the Governor.
2. It removes references to the Governor's Representative, and replaces them with references to the Administrator.
3. The amendments to s 7 allow the Administrator to also directly exercise certain powers that are currently held by the Governor, in relation to Council. Primarily this is the power to vary, alter, or revoke Regulations made by Council (subsection (3)). The Administrator may also give the Council directions on behalf of the Governor regarding providing for the enforcement of ordinances (subsection (1)).
4. Currently the Children's Officer and the Designated Place of Safety are (respectively) the Governor's Representative and the residence of the Governor's Representative. New designations will be required, of the Administrator, when he assumes office.
5. In my opinion this Ordinance may properly be made and is consistent with the Constitution of Pitcairn. The office of Administrator is one that may be established by the Governor under s 32 of the Constitution.

Paul Rishworth

Attorney-General