

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 5 de 1957

JOINT REGULATION 5 of 1957

JOINT REGULATION

No. 5 of
1957.

To provide for the establishment of a Temporary Advisory Council
in the New Hebrides.

*Joint Regulation No. 5 of 1957 was published in Condominium Gazette
No. 195 and is reprinted as amended by the following Joint Regulations:*

14 of 1964 Condominium Gazette No. 222

9 of 1969 Condominium Gazette No. 278

Note: See also Joint Regulations extending validity from time to time.

MADE by the British and French High Commissioners under
the provisions of Articles 2 and 7 of the Anglo-French Protocol of
1914.

PART I

ESTABLISHMENT

1. A temporary Advisory Council shall be established pending
consideration by the Metropolitan Governments of constitutional
proposals made by the Honiara Conference in 1954. The Council
shall meet in Vila.

Creation of
Advisory
Council.

[2. (1) The Council shall consist of two Co-Presidents and
twenty-eight members—

Constitution
of Council.

(a) Co-Presidents: the Resident Commissioners or, in their
absence, their deputies.

J.R. No. 9
of 1969.

(b) Official members:

(i) The Chancellor of the French Residency, the British
Assistant Resident Commissioner or, in their absence,
their deputies.

(ii) Two Heads of Department appointed by the Resident
Commissioners.

(c) Private members:

(i) Ten members appointed by the Resident Commissioner
from among the inhabitants of the New Hebrides.

(ii) Fourteen members elected from the inhabitants of the
New Hebrides in a manner which the Resident
Commissioners shall determine by Joint Rules.

(2) Each Resident Commissioner shall preside in turn unless
they agree that one or other shall preside over any meeting.

(3) The Chancellor of the French Residency and the British
Assistant Resident Commissioner shall not have the right to vote in
divisions of the Council.]

3. The Resident Commissioners may appoint as many alternate members as there are [nominated] unofficial members; the alternate member may be called upon to attend a meeting of the Council should the substantive member for whom he is alternate be unable to be present; provided that for the purpose of constituting a quorum the Resident Commissioners may appoint as a temporary member any alternate member or any other person, in which case the term of office shall be governed by the terms of the appointment.

Alternate members.
J.R. No. 14 of 1964.

4. [The term of office of unofficial members shall be two years from the date of appointment or election. Re-appointment or re-election for a further term or terms shall not be precluded.] The Resident Commissioners acting jointly may remove or suspend from the Council any member who shall have been convicted of any criminal offence and sentenced to a term of imprisonment by a competent court either within or without the territory.

Term of Office.
J.R. No. 14 of 1964.

5. The functions of the Council shall be solely advisory. Submission of matters to the Council for advice shall be at the discretion of the Resident Commissioners.

Council to be advisory only.

[6. A quorum of the Council shall consist of the two Presidents and not less than sixteen members, of whom seven are private elected members.]

Quorum.
J.R. No. 9 of 1969.

7. No member of the Council shall be paid for membership or attendance. The Resident Commissioners may in their discretion provide for the payment by the Joint Administration of reasonable travelling expenses and in the case of members not living on Efate, a subsistence allowance at the rate normally applicable to a Head of Department.

Payment of expenses and allowances.

PART 2

MEETINGS

8. The Council shall meet not less than once a year at a time and place decided upon by the Resident Commissioners.

Time and Place of Meetings.

9. The Resident Commissioners shall prepare the Agenda for each session and shall arrange for its distribution to members before the meeting.

Agenda.

10. The Resident Commissioners shall appoint an official Secretary or Secretaries for each meeting and provide for the recording of minutes of the Council's proceedings.

Appointment of Secretaries.

11. Each Resident Commissioner may nominate one or more officers of his national administration to attend any meeting as his adviser, and a Head of Department may be required by the Council

Advisers.

to attend any meeting for the period of discussion of any matter for which he has responsibility.

12. On the request of at least five members of the Council consideration of any matter shall, subject to the provisions of Article 13 thereof, be postponed for not less than 48 hours.

Postpone-
ment of
considera-
tion of
particular
matters.

13. The Resident Commissioners may in their discretion—

- (a) limit discussion on any item of the agenda, including the annual estimates;
- (b) require the Council to consider forthwith any matter, whether or not consideration thereof has been postponed under Article 12.

Limitation
and bringing
forward of
discussions.

14. One of the official Secretaries shall be responsible for the keeping of the minutes of each meeting. He shall record the majority opinion of the Council on each subject considered, together with any minority opinion which a member expressly desires to be recorded. The minutes shall be circulated to all members and shall be submitted to the next meeting of the Council; after approval they shall be signed by each member then present and copies shall be sent to the High Commissioners.

Minutes to
be kept.

15. The Resident Commissioners may take such action as may be necessary to provide for the satisfactory conduct of the business of the Council and for the maintenance of good order in the course of its sessions.

Resident
Commis-
sioners to
control
procedure
of Council.

Dated at Vila this twenty third day of April, 1957.

A. GRIMALD

JOHN GUTCH

High Commissioner for the
French Republic in the
New Hebrides.

Her Britannic Majesty's High
Commissioner for the
Western Pacific.
