



Tuvalu

**FALEKAUPULE (AMENDMENT) (NO.2)
ACT 2017**



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FALEKAUPULE (AMENDMENT) (NO.2) ACT 2017

AN ACT TO AMEND THE FALEKAUPULE ACT

Commencement [21st December, 2017]

1 Short Title and Commencement

- (1) This Act may be cited as the Falekaupule (Amendment) Act 2017.
- (2) This Act commences on a date the Minister appoints by notice.

2 Interpretation

Section 2(1) of the Principal Act is amended for the definition of “financial year” to substitute:

- (a) “April” with “January”;
- (b) “March” with “December”; and
- (c) “following the” with “one”

3 Qualifications of Kaupule members

Section 9 of the Principal Act is amended to insert after sub-section (h):

- “(i) is a member of the Public Enterprise Board of Directors.”

4 Tenure of office of Kaupule members

Section 11(2)(b) of the Principal Act is amended to substitute the whole with”

- “(b) if he fails to attend the meeting requirements for the Kaupule as provided under the Remuneration Policy for Kaupule:”

5 Filling in vacancies of members

Section 13(1) of the Principal Act is amended to:

- (a) insert “but not more than twenty-one (21) days’ after ‘practicable;” and
- (b) delete the repetition of “or elected”.

6 Qualification of voters

Section 14(c) of the Principal Act is amended to substitute (1) with (a) in “section 86(2)(1)”.

7 Election of Pule o Kaupule

Section 18(1) of the Principal Act is amended to insert “but not more than two(2) days’ after “practicable”.

8 Functions of Pule o Kaupule

Section 19(3)(c) of the Principal Act of the Tuvaluan text of the Principal Act is amended to replace “fakamalologa” with “tukuifoga”.

9 Insertion of new provision

Section 20 of the Principal Act is amended to:

- (a) rename the section title to “**Notices, Oath and Affirmations of members**”; and
- (b) insert after (3) the new-subsection:
“(4) Before entering upon the duties of his or her office, the Pule Kaupule and any other member of the Kaupule shall take an oath of office in the Form as set out in Schedule 4.”.

10 Minutes of meetings

Section 28(1) of the Principal Act is amended to substitute “the person” with “all present persons”.

11 Power to enforce functions

- (1) Section 50(1)(a) of the Principal Act is amended to delete “and within such time or times as may be specified in the order” from this sub-section.
- (2) Section 50(4) of the Principal Act is amended to insert two (2) new sub-sections after (c) as follows:

(d) the report must be supported and accompanied by all relevant evidence in any form relating to the order of default made under sub-section (1); and

(e) the report must be submitted as soon as practicable but no later than within fourteen (14) days upon receipt of an order of default made under sub-section (1) unless the Minister orders otherwise.”

12 Method of making bye-laws

Section 54 of the Principal Act is restructured to shift sub-section (10) as sub-section (6) and re-number the sub-sections to follow onward.

13 Power to lend money

Section 69 of the Principle Act is repealed.

14 Publication of report to Auditor-General

Section 82 of the Principle Act is amended as follows:

- (1) Substitute “within 6 weeks of the” with “upon”; and
- (2) insert after “office”, the phrase “and provide at the next Falekaupule meeting the following”.

15 Procedure for appointments

Section 101(2)(b) of the Principal Act is amended to insert “Permanent” between “the” and “post”

16 Local Development Plan

Section 122 of the Principal Act is amended to substitute its title with “**Island Strategic Plan**”.

17 Obstruction of Officers

Section 126 of the Principal Act is amended to substitute:

- (a) “\$100” with “not more than one thousand dollars (\$1,000); and
- (b) “3 months” with “six (6) months”.

18 Insertion of Schedule 4

The Principal Act is amended to insert Schedule 4 to address the Forms referred to under section 9 of this Act.

“SCHEDULE 4



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FALEKAUPULE (AMENDMENT) ACT 2017

MADE UNDER SECTION 20(4) OF THE FALEKAUPULE ACT

I....., the Falekaupule/Kaupule (*delete where appropriate*) of (*insert island name*).....Island, do swear (or solemnly affirm):

THAT I will perform to the best of my knowledge and ability the responsibilities bestowed upon me under the provisions of the Falekaupule Act;

THAT I will adhere to the code of conduct prescribed upon me through the Falekaupule Act and all other such as required by the Government of Tuvalu; and

THAT I will act in the best interest of the people of (*insert island*)....., considering the customs and traditions of Tuvalu as a whole.

THAT I shall regard and deal with all documents, returns, assessments and information which may come into my possession or to my knowledge in the course of my official duty, as secret, and that I shall not reveal any such documents or information to any person or permit any person to have access to any such document, return or assessment, save in the circumstances in which I am permitted to do so under the Falekaupule Act.

THAT I will be faithful and true member of the Falekaupule/Kaupule and the Sovereign Government of Tuvalu.

(So help me God)

Signed this.....day of20,..... at Funafuti.

(*Insert name*)”

