



ANALYSIS

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 1971, No. 142

An Act to amend the Tokelau Islands Act 1948
[9 December 1971]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Tokelau Islands Amendment Act 1971, and shall be read together with and deemed part of the Tokelau Islands Act 1948 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the date appointed for the commencement of Part I of the Tokelau Islands Amendment Act 1970.

2. Interpretation—Section 2 of the principal Act (as amended by section 13 of the Tokelau Islands Amendment Act 1970) is hereby further amended by adding the following subsection:

“(3) In this Act, unless the context otherwise requires,—

“‘Administrator’ means the Administrator of the Tokelau Islands:

“‘Elder’ means the head of a Tokelauan family:

“‘Faipule’, in relation to any island, means the chief representative of the Administrator on that island.

“Tokelauan’ means a person belonging to the Polynesian race of the Tokelau Islands; and includes a person descended from a Tokelauan.”

3. Appointment of Commissioners—Section 9 of the Tokelau Islands Amendment Act 1970 is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) The Governor-General, on the recommendation of the Minister of Island Affairs made after consultation by him with the Elders of the island concerned, may appoint any Tokelauan to be—

“(a) Commissioner for Atafu:

“(b) Commissioner for Fakaofu:

“(c) Commissioner for Nukunonu.

“(2) Every Commissioner, unless he sooner ceases to hold office, shall retire from office on reaching the age of 68 years:

“Provided that where a Faipule holds concurrently the office of Commissioner, he shall remain in office as Commissioner, unless he is sooner removed from office as Commissioner or resigns that office, until the completion of his term of office as a Faipule, notwithstanding that he attains the age of 68 years before the completion of his term of office as a Faipule.”

4. Incapacity or absence of Commissioner—The Tokelau Islands Amendment Act 1970 is hereby further amended by inserting, after section 9, the following section:

“9A. (1) If at any time a Commissioner is incapable by reason of sickness or otherwise of performing the office of Commissioner or is absent from the island for which he is Commissioner, or where there is a vacancy in the office of Commissioner, any person performing in that island the functions of a Faipule with the authority of the Administrator, may, without further authority or appointment, exercise any power, duty, or function of the Commissioner during that incapacity, absence, or vacancy.

“(2) The fact that any person performing the functions of a Faipule exercises any power, duty, or function of a Commissioner shall be conclusive evidence of his authority to do so.”