



ANALYSIS

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2009, No. 11

An Act to amend the Cook Islands Pearl Authority Act 1993(2nd July 2009)

BE IT ENACTED by the Parliament of the Cook Islands, in Session assembled, and by the authority of the same, as follows:

1. Short Title – This Act may be cited as the Cook Islands Pearl Authority Amendment Act 2009 and shall be read with and be deemed part of the Cook Islands Pearl Authority Act 1993 (hereinafter referred to as “the principal Act”).

2. General Manager - The Principal Act is amended by deleting the words “General Manager” where ever they appear and substituting the words “Chief Executive Officer”.

3. Functions of the Authority – Section 16(2) of the principal Act is amended by inserting after paragraph (k), the following paragraph –

“(ka) to promote and regulate fair trading in pearl and pearl shell and products, natural or otherwise, derived there from.”

Price \$1.50

4. Fair trading – The Principal Act is amended by inserting after section 16, the following section –

“16A. Fair trading in pearl and pearl shell - (1) For the purposes of paragraph (ka) of section 16(2), and notwithstanding section 14(1) of the Fair Trading Act 2008, the powers vested in the Commissioner under that Act in so far as they can be exercised in relation to trade in pearl and pearl shell and products, natural or otherwise, derived there from and persons engaged in such trade, shall, –

- (a) vest exclusively in and may be exercised solely by the Chief Executive Officer appointed under section 11 of this Act; and
- (b) in the application of the Fair Trading Act 2008 to trade in pearl and pearl shell and products, natural or otherwise, derived there from and persons engaged in such trade, every reference to the Commissioner shall be read as a reference to the Chief Executive Officer.

(2) Section 57 of the Fair Trading Act 2008 shall apply to the Chief Executive Officer and any officer employed by the Authority to the extent that section 57 shall apply to the Commissioner and any officer employed by the Commissioner.”

5. Savings – The person holding office as the General Manager of the Authority immediately before the coming into force of this Act shall from and after the coming into force of this Act continue to hold office as the Chief Executive Officer.

6. Administration of this Act – The Principal Act and every amendment thereto shall be administered by the Cook Islands Pearl Authority.

This Act is administered by the Cook Islands Pearl Authority