



ANALYSIS

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1973-74, No. 27

An Act to establish a Ministry of Labour and Commerce

(27 March 1974)

BE IT ENACTED by the Legislative Assembly 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 Ministry of Labour and Commerce Act 1973-74.

2. Interpretation - In this Act, unless the context otherwise requires, -

"Minister" and "Minister of Labour and Commerce" mean the Minister appointed under the Constitution as the Minister in Charge of the Ministry of Labour and Commerce;

"Ministry" means the Ministry of Labour and Commerce established by this Act;

"Secretary" means the Secretary of Labour and Commerce appointed under this Act.

3. Ministry of Labour and Commerce - There is hereby established a Department of State, to be known as the Ministry of Labour and Commerce, which, under the control of the Minister, shall be charged with the administration of this Act and of the enactments specified in the Schedule to this Act and with such other functions as may be conferred upon it.

4. Principal functions of the Ministry - (1) The Ministry shall have the following principal functions:-

- (a) To promote and encourage the employment of labour in the manner most conducive to the economic and social well-being of the Cook Islands:
- (b) To operate and manage a labour pool for the use by Departments of State and other agencies of Government and private industry:
- (c) To promote and encourage the improvement in standards of shipping services operating to, from and within the Cook Islands:
- (d) To and encourage the protection of consumers.

(2) The Ministry shall be responsible for providing administrative services for all Boards, Tribunals, and other Committees established pursuant to any enactment which the Ministry is required to administer.

5. Secretary of Labour and Commerce - There shall be from time to time appointed under the provisions of the Public Service Act 1969 a Secretary for Labour and Commerce who shall be the administrative head of the Ministry.

6. Other officers and employees - (1) There shall from time to time be appointed pursuant to the provisions of the Public Service Act 1969 such other officers and employees as may be necessary for the efficient administration of this Act and any other enactment administered by the Ministry.

(2) All officers and other employees of the Ministry shall act under the direction of the Secretary in the exercise and performance of the powers, duties, and functions conferred or imposed on them by this Act or any other enactment, and shall have all such powers, duties, and functions as may be conferred upon them by that enactment or may be delegated or assigned to them by the Secretary.

7. Delegation of powers of Minister - (1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the Secretary all or any of the powers which are conferred on him as Minister in charge of the Ministry by any enactment, including powers delegated to him under any enactment.

(2) Where the Secretary purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(4) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Secretary to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Secretary.

8. Delegation of powers by Secretary - (1) The Secretary may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers, or employee or employees of the Ministry as he thinks fit all or any of the powers exercisable by him under any enactment including any powers delegated to him under any enactment, but not including this present power of delegation:

Provided that the Secretary shall not delegate any power delegated to him by the Minister without the written consent of the Minister.

(2) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified officer or class of officers.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Secretary.

(5) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Secretary by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Secretary.

9. Annual Report - (1) The Secretary shall as soon as practicable after the end of each financial year prepare and submit to the Minister a report on the operations of the Ministry for that year.

(2) A copy of the report shall be laid before the Legislative Assembly as soon as practicable after it has been received by the Minister.

10. Consequential Amendments - (1) In any enactment listed in the Schedule to this Act and in any regulations, rules, orders, agreements, deeds, instruments, notices, licences, or other document whatsoever made under or pursuant to any of those enactments and in force at the commencement of this Act, every reference to:

- (a) The Minister of Customs, shall be read as a reference to Minister of Labour and Commerce:
- (b) The High Commissioner, shall be read as a reference to the Minister of Labour and Commerce:
- (c) The Minister of Finance, shall be read as a reference to the Minister of Labour and Commerce:
- (d) The Minister of Labour and Employment, shall be read as a reference to the Minister of Labour and Commerce:
- (e) The Financial Secretary, the Comptroller of Customs, and the Collector of Customs shall be read as a reference to the Secretary of Labour and Commerce.

(2) For the purposes of the Entry, Residence and Departure Act 1971-72 the Secretary shall be deemed to be the Principal Immigration Officer.

SCHEDULEENACTMENTS TO BE ADMINISTERED BY THE MINISTRY
OF LABOUR AND COMMERCEORDINANCES

1949	No. 2	Public Holidays Ordinance 1949
1960	No. 2	Prohibition of Forced or Compulsory Labour Ordinance 1960
1963	No. 1	Cook Islands Shipping Licence Ordinance 1963
1963	No. 9	Cook Islands Shipping Ordinance 1963
1964	No. 1	Cook Islands Industrial and Labour Ordinance 1964

ACTS

1966	No. 6	Control of Prices Act 1966
1971/72	No. 2	Entry, Residence and Departure Act 1971-72
1971/72	No. 4	Harbours Control Act 1971-72.

REGULATIONS

1916	G.2209	Regulations under the Cook Islands Act 1915 to provide for the Issue of Trading Licences 1916
1923	G.2398	Trades and Industries (Cook Islands) Regulations 1923
1948/23		Trade Dispute Intimidation (Cook Islands) Regulations 1948
1956/220		Rarotonga Harbours Improvement and Maintenance Fund Regulations 1956

This Act is administered in the Ministry of Labour and Commerce.