



## ANALYSIS

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1973-74, No. 39

An Act to constitute the Premier's Department

(3 May 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 Premier's Department Act 1973-74.

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

"Chief Administration Officer" means a Chief Administration Officer appointed under this Act.

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- "Department" means the Premier's Department constituted under this Act;
- "Outer Island" means any island in the Cook Islands except the island of Rarotonga;
- "Outer Islands" means all the islands in the Cook Islands except the island of Rarotonga;
- "Premier" means the Premier of the Cook Islands appointed under the provision of the Constitution;
- "Secretary" means the Secretary of the Premier's Department appointed under the provisions of this Act;
- "Senior Clerk" means a Senior Clerk appointed under the provisions of this Act.

#### PART I - PREMIER'S DEPARTMENT

3. Premier's Department - There shall be a Department of State to be known as the Premier's Department which under the control of the Premier shall be charged with the administration of this Act and with such other functions as may be lawfully conferred on it.

4. Divisions of the Department - (1) There shall be three Divisions of the Department which shall be responsible to the Premier for such functions as may be prescribed by this Act or any other enactment and for such other functions as the Premier may deem necessary.

- (2) The three Divisions of the Department shall be:
- Central Administration Division;
  - External Affairs Division;
  - Outer Islands Affairs Division.

#### PART II - CENTRAL ADMINISTRATION DIVISION

5. Functions of the Central Administration Division - The functions of the Central Administration Division shall be:

- To co-ordinate the administration of Government on behalf of Cabinet;
- To provide such clerical, secretarial and other services as may be necessary to facilitate the operations of Cabinet and the Executive Council;
- To provide a channel of communication between the Government of the Cook Islands and the Government of New Zealand through the office of the High Commissioner of the Cook Islands;
- To provide a channel of communication between the Government of the Cook Islands and other sectors of the community;
- To establish and control a records system for use by the Premier and Cabinet;
- To operate and manage a pool of typists for use by Departments of State and other agencies of Government;
- To carry out such other functions as the Premier may from time to time deem necessary.

6. Secretary of the Premier's Department - (1) There shall from time to time be appointed as a member of the Public Service a Secretary of the Premier's Department who shall be the administrative head of the Central Administration Division of the Department.

(2) The person holding office at the commencement of this Act as the Secretary of the Premier's Department shall be deemed to have been appointed to that office under this Act.

7. Other Officers and Employees - (1) There may from time to time be appointed as members of the Public Service such other officers and employees of the Central Administration Division of the Premier's Department as may be necessary.

(2) All officers and employees shall act under the direction of the Secretary of the Premier's Department in the exercise and performance of the powers, duties and functions conferred or imposed on them by an enactment of which the Central Administration Division or the Secretary of the Premier's Department is charged with the administration by this Act or any other enactment.

(3) All persons (except those elsewhere in this Act excluded) who at the commencement of this act are officers and employees of the Department shall be deemed to have been appointed to the Central Administration Division under this Act.

#### PART III - EXTERNAL AFFAIRS DIVISION

8. Functions of the External Affairs Division - The function of the External Affairs Division shall be to assist the Premier in any external matter affecting the Cook Islands.

9. Director of External Affairs - (1) There shall from time to time be appointed as a member of the Public Service a Director of External Affairs who shall be the administrative head of the External Affairs Division of the Premier's Department.

(2) The person holding office at the commencement of this Act as External Affairs officer shall be deemed to have been appointed to the Office of Director of External Affairs under this Act.

10. Other Officers and Employees - (1) There may from time to time be appointed as members of the Public Service such other officers and employees of the External Affairs Division of the Premier's Department as may be necessary.

(2) All officers and employees shall act under the direction of the Director of External Affairs in the exercise and performance of the powers, duties and functions conferred or imposed on them by any enactment of which the external affairs division or the Director is charged with the administration by this Act or any other enactment.

(3) All persons who at the commencement of this Act are officers and employees of the External Affairs Division of the Premier's Department shall be deemed to have been appointed under this Act.

#### PART IV - OUTER ISLANDS AFFAIRS DIVISION

11. Functions of the Outer Islands Affairs Division - The functions of the Outer Islands Affairs Division shall be:

- To establish and control an administrative centre on each Outer Island;
- To provide a channel of communication between the Premier and the Outer Islands;
- To administer the provisions of any legislation enacted with specific provision to the outer islands;

- (d) To co-ordinate the operations of each Ministry and the local government on each Outer Island;
- (e) To carry out such other functions as may be prescribed by any other enactment or as the Premier may deem necessary.

12. Director of Outer Islands Affairs - There shall from time to time be appointed as a member of the Public Service a Director of Outer Islands Affairs who shall be stationed in Rarotonga and shall be the administrative head of the Outer Islands Affairs Division of the Department.

13. Chief Administration Officers - There may from time to time be appointed as members of the Public Service Chief Administration Officers for the Outer Islands who shall subject to the control of the Director be responsible for the administration of the functions prescribed by Section 14 of this Act.

14. Functions of Chief Administration Officers - The Chief Administration Officers shall have the following principal functions:-

- (a) To act as principal representatives of the Government of the Cook Islands;
- (b) To provide a channel of communication between the local governments and the central government in Rarotonga;
- (c) To encourage within local custom and land usage the economic and social development of the people.

15. Senior Clerk - There shall from time to time be appointed as a member of the Public Service a Senior Clerk for each outer island who shall subject to the control of the Chief Administration Officer, if any, be responsible for the administration of the functions prescribed by Section 16 of this Act.

16. Functions of the Senior Clerk - The Senior Clerk shall have the following functions:

- (a) To aid and assist the Chief Administration Officer in encouraging economic and social development and in the absence of the Chief Administration Officer to act in his place;
- (b) To control the collection and expenditure of public moneys, the control of all Government stores and the responsibility for all Government buildings;
- (c) To hold such statutory posts as may be deemed necessary for the effective administration of Government;
- (d) To control all staff and employees appointed to carry out these functions;
- (e) To carry out such other functions as may be required of him by the Chief Administration Officer.

17. Co-ordinating Committee - There shall from time to time be appointed on each outer island a Co-ordinating Committee consisting of:

- (i) the Chief Administration Officer, who shall be Chairman;
- (ii) the Chairman and one Ariki member of the Island Council;

- (iii) One member to be elected by the Kavana, Mataiapo and Rangatira who are members of the Koutunui;
- (iv) a senior representative on the island of each Ministry of Government who shall be appointed by the Minister concerned;
- (v) the Senior Clerk who shall be secretary of the Committee.

18. Principal functions of Co-ordinating Committee - The principal functions of the Co-ordinating Committee shall be:

- (i) To co-ordinate all services necessary for the effective economic and social development of their island;
- (ii) To be responsible for the control and discipline of all public servants on their island within the provisions of any delegation made by the Public Service Commissioner pursuant to the Public Service Act 1969;
- (iii) To carry out such other functions relevant to their Island that may be prescribed by any enactment or deemed necessary by the Premier.

19. Other Officers and Employees - (1) There may from time to time be appointed as members of the Public Service such other officers and employees of the Outer Islands Affairs Division of the Premier's Department as may be necessary both in Rarotonga and in the Outer Islands.

(2) All officers and employees shall act under the direction of the Director of Outer Islands Affairs in the exercise and performance of the powers, duties and functions conferred or imposed on them by any enactment of which the Outer Islands Affairs Division or the Director is charged with the administration by this Act or any other enactment.

(3) All persons in the outer islands (other than Resident Agents and Clerks-In-Charge) who at the commencement of this Act are officers and employees of the Premier's Department shall be deemed to have been appointed to the Outer Islands Affairs Division of the Premier's Department under this Act.

#### PART V - OTHER PROVISION

20. Research Officer - There shall from time to time be appointed as a member of the Public Service a Research Officer within the Department who shall be directly responsible to the Premier for undertaking such research as the Premier may deem necessary.

21. Personal Secretaries to the Premier - (1) There shall from time to time be appointed as members of the Public Service not more than two Personal Secretaries to the Premier who shall be directly responsible to the Premier and who shall perform such duties or functions as the Premier may direct.

(2) The person holding office at the commencement of this Act as Personal Secretary to the Premier shall be deemed to have been appointed to that office under this Act.

22. Special Investigations - (a) The Premier may from time to time, as he thinks fit, cause an investigation pursuant to this section to be made into any matter connected with or affecting any of the functions of the Department.

(b) For the purpose of any such investigation, the Premier may, by order in writing signed by him, require any

person, partnership, company or other corporate body carrying on any business relating to or affecting the subject matter of the investigation to produce for the inspection of any person nominated in that behalf by the Premier, any papers, books or documents which are in possession of the person, partnership, company or coporate body, or to set down in writing any facts relating to the subject matter of the investigation which are within the knowledge of the person, partnership, company, or coporate body, and to allow copies or extracts from any such papers, books or documents to be made by the person inspecting them.

(c) Any person who fails to comply with any order of the Premier under this section or who deceives or obstructs or attempts to deceive or obstruct any person nominated by the Premier as aforesaid in the conduct of any such investigation commits an offence, and shall be liable on conviction to a fine not exceeding one hundred dollars.

(d) All informations obtained by the Premier or by any other person by means of any such investigation shall be treated as confidential except for the purpose of this Act.

23. Annual Reports - (1) The Secretary of the Premier's Department, the Director of External Affairs and the Director of Outer Islands Affairs shall as soon as practicable after the end of each financial year furnish to the Premier and individual report on the operations of their respective Divisions for that year.

(2) A copy of each report shall be laid before the Legislative Assembly within twenty-eight days after it has been furnished to the Premier if the Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twenty-eight days after the commencement of the next ensuing session.

24. Regulations - (1) The High Commissioner, by Order in Executive Council, may from time to time make all such regulations as are deemed necessary or expedient for the purpose of giving full effect to this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before the Legislative Assembly by the Premier within twenty-eight days of the date of the making thereof if the Assembly is then in session, and, if not, shall be laid before the Assembly within twenty-eight days after the date of commencement of the next ensuing session.

25. Consequential Amendments - The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that schedule.

SCHEDULE

(s.14)

CONSEQUENTIAL AMENDMENTS

Enactment Amended	Amendment
Island Councils By-Laws and Ordinances	
1916 No.1 - Aitutaki Peace, Order and Good Government Ordinance 1916	By omitting from sections 13, 15, 17, 24, 25, 27, 28 and 31 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from sections 4, 5, 33, 34 and 39 the words "Resident Agent" and substituting the words "Senior Clerk".
1916 No.2 - Aitutaki Planting of Lands Ordinance 1916	By omitting from section 6 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1958 No.12 - Aitutaki Water Supply Ordinance 1958	By omitting from sections 2 and 4 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from sections 6 and 10 the words "Resident Agent" and substituting the words "Senior Clerk".
1964 No.3 - Aitutaki Coconut and Coconuts Products Bylaw 1964	By omitting from section 5 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1916 No.1 - Atiu Peace, Order and Good Government Ordinance 1916	By omitting from sections 3, 5, 24, 25, 28 and 31 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from sections 13 and 35 the words "Resident Agent" and substituting the words "Senior Clerk".
1926 No.3 - Atiu Cargo Shed Ordinance 1926	By omitting from section 9 the words "Resident Agent" and substituting the words "Senior Clerk".
1949 No.7 - Atiu Planting of Lands Ordinance 1949	By omitting from section 2 the term "Resident Agent" and its definition and substituting the following new term and definition: " "Chief Administration Officer" means the Chief Administration Officer appointed under the provisions of the Premier's Department Act 1973-74".
	By omitting from sections 5, 6 and 7 the words "Resident Agent" and substituting the words "Chief Administration Officer".

Enactment Amended	Amendment
1966 No.1 - Atiu Road Tax By-Law 1966	By omitting from sections 4, 6, 8 and 9 the words "Resident Agent" and substituting the words "Senior Clerk".
1916 No.1 - Mangaia Peace, Order and Good Government Ordinance 1916	By omitting from sections 3, 5, 27, 28, 30 and 33 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from sections 13 and 15 the words "Resident Agent" and substituting the words "Senior Clerk".
1922 No.4 - Mangaia Boating of Cargo Ordinance 1922	By omitting from sections 6, 9 and 10 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from section 2 the words "Resident Agent" and substituting the words "Senior Clerk".
1923 No.6 - Mangaia Copra Ordinance 1923	By omitting from sections 4 and 5 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1962 No.4 - Mangaia Harbour Fees By-Law 1962	By omitting from sections 5 and 6 the words "Resident Agent" and substituting the words "Senior Clerk".
1964, No.10 - Mangaia Road Tax By-Law 1964	By omitting from section 8 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1964, No.12 - Mangaia Cinematographic Admission Tax By-Law 1964	By omitting from section 7 the words "Resident Agent" and substituting the words "Senior Clerk".
1916, No.1 - Manihiki Peace, Order and Good Government Ordinance 1916	By omitting from sections 5, 8 and 9 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from section 12 the words "Resident Agent" and substituting the words "Medical Officer".
1936, No.2 - Manihiki Peace, Order and Good Government Amendment Ordinance 1936	By omitting from section 8 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from section 6 the words "Resident Agent" and substituting the words "Senior Clerk".
1918, No.1 - Mauke Peace, Order and Good Government Ordinance 1918	By omitting from sections 3, 7, 15, 28, 29, 31 and 34 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1957, No.6 - Mauke Boating Ordinance 1957	By omitting from section 9 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1958, No.7 - Mauke Pigs Ordinance 1958	By omitting from sections 2, 3 and 4 the words "Resident Agent" and substituting the words "Chief Administration Officer".

Enactment Amended	Amendment
1960, No. 9 - Mauke Protection of Crops Ordinance 1960	By omitting from sections 2 and 3 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1961, No. 10 - Mauke Road Tax By-Law 1961	By omitting from sections 3 and 8 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1966, No. 15 - Mauke Dogs Registration By-Law 1966	By omitting all references in the By-law to the term "Resident Agent" and substituting references to the term "Senior Clerk".
1937, No. 1 - Mitiaro Peace Order and Good Government Ordinance 1937	By omitting from sections 15, 26, 32, 34 and 36 the words "Chief Administration Officer". By omitting from sections 2, 4, 6 and 20 the words "Resident Agent" and substituting the words "Senior Clerk".
1916, No. 1 - Penrhyn Peace, Order and Good Government Ordinance 1916	By omitting from sections 3, and 4 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from section 11 the words "Resident Agent" and substituting the words "Medical Officer".
1949, No. 2 - Penrhyn Peace, Order and Good Government Ordinance 1949	By omitting from sections 3, and 4 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from section 11 the words "Resident Agent" and substituting the words "Medical Officer".
1949, No. 2 - Penrhyn Peace, Order and Good Government Ordinance 1949	By omitting from sections 4 and 6 the words "Resident Agent" and substituting the words "Senior Clerk".
1937, No. 1 - Pukapuka Peace, Order and Good Government Ordinance 1937	By omitting from sections 13 and 21 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1961, No. 2 - Pukapuka Boating By-Law 1961	By omitting from sections 2, 4 and 6 the words "Resident Agent" and substituting the words "Senior Clerk".
1962, No. 4 - Pukapuka Harbour Fees By-Law 1962	By omitting from sections 8 and 9 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1916, No. 1 - Rukahanga Peace, Order and Good Government Ordinance 1916	By omitting from sections 5 and 6 the words "Resident Agent" and substituting the words "Senior Clerk". By omitting from section 12 the words "Resident Agent" and substituting the words "Chief Administration Officer".

Enactment Amended	Amendment
1936, No. 2 - Rakahanga Peace, Order and Good Government Ordinance 1936	By omitting from sections 2, 4 and 6 the words "Resident Agent" and substituting the words "Senior Clerk" By omitting from section 8 the words "Resident Agent" and substituting the words "Chief Administration Officer".
Regulations made pursuant to Ordinances enacted by the Legislative Assembly	
Employers' Liability Insurance Regulations 1965	By omitting from Form Two of the First Schedule the words "Resident Agent" and substituting the words "Senior Clerk".
Enactments of the New Zealand Parliament	
1915 No. 40 - The Cook Islands Act 1915	By omitting from section 2 the term "Resident Agent" and its definition: " "Senior Clerk" means a Senior Clerk appointed under the provisions of the Premier's Department Act 1973-74". By omitting from section 126, section 278 paragraph (a) of subsection (2) of section 445, subsection (2) of section 475 and section 653 the words "Resident Agent" and substituting the words "Senior Clerk". By omitting from section 20 the words "Secretary of the Premier's Department" and substituting the words "Financial Secretary". By omitting from section 52 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1957, No. 103 - The Cook Islands Amendment Act 1957	
Ordinances of the Legislative Assembly and Legislative Council	
1948, No. 2 - Building Ordinance 1948	By omitting from sections 3, 4, 5, 7 and 11 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from sections 6 and 8 the words "Resident Agent" and substituting the words "Senior Clerk". By omitting from sections 6, 10, 12 and 13 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1951, No. 3 - Cinematographic Ordinance 1951	

Enactment Amended	Amendment
1951, No. 4 - Wandering Stock Ordinance 1951	By omitting from the First Schedule the words "Resident Agent" and substituting the words "Senior Clerk". By omitting from sections 9, 10 and 12 the words "Resident Agent" and substituting the words "Chief Administration Officer".
1954, No. 3 - Arms Ordinance 1954	By omitting from section 8 subsection (2) the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from subsection (6) of section 8 the words "Resident Agent" and substituting the words "Senior Clerk".
1963, No. 9 - Cook Islands Shipping Ordinance 1963	By omitting from sections 5 and 20 the words "Resident Agent" and substituting the words "Chief Administration Officer". By omitting from sections 14 and 16 the words "Resident Agent" and substituting the words "Senior Clerk". By omitting from section 46 the words "Resident Agent or Clerk-in-Charge" and substituting the words "Senior Clerk".
1964, No. 1 - Cook Islands Industrial and Labour Ordinance 1964	
New Zealand made Regulations	
New Zealand Gazette No. 72 of 28 June 1916 - Regulations under the Cook Islands Act 1915 to provide for the issue of Trading Licences	By omitting all references in the Regulations to the term "Resident Agent" and substituting references to the term "Senior Clerk".
New Zealand Gazette No. 135 of 1st December 1916 - Rules of the Land Court made under the Cook Islands Act 1915	By omitting all references in the Rules to the term "Resident Agent" and substituting references to the term "Senior Clerk".
New Zealand Gazette No. 102 of 21st June 1917 - Regulations as to Leprosy and other Diseases in the Cook Islands	By omitting all references in the Regulations to the term "Resident Agent" and substituting references to the term "Chief Administration Officer".
New Zealand Gazette No. 17 of 12th March 1925 - Revoking Regulations for the use, management and control of wharf and cargo sheds at Arutanga, in the Island of Aitutaki, Cook Islands and making new regulations therefore.	By omitting all references in the Regulations to the term "Resident Agent" and substituting references to the term "Senior Clerk".

Enactment Amended	Amendment
S.R. 1944/19 - The Cook Islands Import Control Regulations 1944	By omitting from regulation 3 the following words: "any Resident Agent holding office under section 12 of the Cook Islands Act 1915" and substituting the words: "any Senior Clerk appointed under the provisions of the Premier's Department Act 1973-74".
S.R. 1948/200 - The Cook Islands Exchange Control Regulations 1948	By omitting from regulation 4 the words "Resident Agent" and substituting the words "Senior Clerk". By omitting from regulation 6 the following words: "any Resident Agent holding office under section 12 of the Cook Islands Act 1915" and substituting the words: "any Senior Clerk appointed under the provisions of the Premier's Department Act 1973-74".
S.R. 1954/146 - The Cook Islands Fruit Regulations 1954	By omitting from regulation 7 the words "Resident Agent" and substituting the words "Senior Clerk". By omitting from regulation 2 the words "Resident Agent" and substituting the words "Senior Clerk".
Acts of the Legislative Assembly	
1966, No. 9 - Local Government Act 1966	By omitting from section 2 the term "Resident Agent" and its definition. By omitting from section 2 the term "Clerk-In-Charge" and its definition. By adding in section 2 the following new terms and definitions: " "Chief Administration Officer" means a Chief Administration Officer appointed under the provisions of the Premier's Department Act 1973-74 and includes a Senior Clerk acting in his place when absent". "Senior Clerk" means a Senior Clerk appointed under the provisions of the Premier's Department Act 1973-74".
	By omitting from section 5 the words "Resident Agent or Clerk-in-Charge" and substituting the words "Chief Administration Officer".

Enactment Amended	Amendment
1972, No. 16 - Income Tax Act 1972	By omitting from section 13 the words "Resident Agent" or the Clerk-in-Charge as the case may be" and substituting the words "Senior Clerk". By omitting the words "Resident Agent" and "Clerks-in-Charge" wherever they appear in sections 21, 22 and 35 and substituting the words "Chief Administration Officer". By omitting from section 80 the words "senior member of the Cook Islands Public Service on the Island" and substituting the words "Chief Administration Officer for Islands other than Rarotonga". By omitting from section 205 the words "Resident Agent or Clerk-in-Charge" and substituting the words "Senior Clerk".

This Act is administered in the Premier's Department.