

Hon. Dr. Pomare.

COOK ISLANDS GOVERNMENT AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Deputy Resident Commissioner. 4. Present Council continued until constitution of Federal Council in pursuance of this Act. 5. Constitution of Federal Council. 6. Resident Commissioner to preside at meetings of Federal Council. 7. Election of representatives for Rarotonga. 8. Representatives of Mangaia and Aitutaki. 9. Representatives of other islands. 10. Governor may remove member of Council from office. 11. Council to fix times, &c., of meetings. | <ol style="list-style-type: none"> 12. Quorum and adjournments. 13. Clerk of Federal Council. 14. Federal Council may make Ordinances imposing penalties for manufacture, &c., of intoxicating liquor. 15. Federal Ordinances to be gazetted. 16. Sentences of imprisonment may be carried out in New Zealand proper. 17. Revocation of notices taking lands for public purposes. 18. Section 20 of principal Act amended. 19. Validation of constitution of Cook Islands Land Titles Court. 20. Consequential amendments of principal Act, &c. |
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A BILL INTITULED

AN ACT to amend the Cook Islands Government Act, 1908.

Title.

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

1. This Act may be cited as the Cook Islands Government Amendment Act, 1913, and shall form part of and be read together with the Cook Islands Government Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. In this Act, unless a contrary intention appears,—

Interpretation.

“Adult” means a person of the age of twenty-one years and upwards:

“Native” means a person belonging to the aboriginal Polynesian race, and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race.

3. (1.) The Minister for the time being administering the principal Act may from time to time, by writing under his hand, appoint some fit person, being a member of the Public Service of New Zealand proper or an officer appointed under subsection three of section eight or section nine of the principal Act, to be the Deputy Resident Commissioner.

Deputy Resident Commissioner.

(2.) The Deputy Resident Commissioner, during the absence from the Cook Islands of the Resident Commissioner, or while the

Resident Commissioner is incapacitated by illness or otherwise from carrying out his duties, shall have and may exercise all the powers and functions of the Resident Commissioner.

Present Council continued until constitution of Federal Council in pursuance of this Act

4. (1.) Whereas the Federal Council for the Cook Islands, as constituted on the twenty-third day of November, nineteen hundred and three, ceased to exist on the thirty-first day of December, nineteen hundred and four: And whereas certain persons who were members of the said Federal Council on the said thirty-first day of December, nineteen hundred and four (together with certain other persons), continued to act after that date as a Federal Council and to pass Ordinances and otherwise to exercise the functions of the Federal Council: And whereas it is desirable to validate all such Ordinances so passed and the acts so done: Now, therefore, it is enacted that the persons who from time to time have acted as a Federal Council since the said thirty-first day of December, nineteen hundred and four, shall be deemed to have validly constituted the Federal Council, and all Ordinances which since the said date have been passed by the said Federal Council and assented to by His Excellency the Governor of New Zealand, and all acts done as aforesaid since the said date, shall be deemed to have been and to be validly passed or done respectively. 5 10 15 20

(2.) The Federal Council as deemed to be constituted on the passing of this Act shall be the Federal Council until the date fixed by the Governor for the constitution of the Federal Council under this Act, and the members of the Council then in office shall go out of office on the said date. 25

Constitution of Federal Council.

5. On and after a day to be fixed by the Governor by Proclamation in that behalf, the Federal Council shall consist of the following members, namely:—

- (a.) The Resident Commissioner for the time being; 30
- (b.) The five Arikis of Rarotonga for the time being representing respectively the Districts of Takitumu, Avarua, and Arorangi;
- (c.) Three adult Native residents of Rarotonga, representing respectively the districts of Takitumu, Avarua, and Arorangi; 35
- (d.) One adult Native resident of Rarotonga, representing the Island of Mangaia;
- (e.) One adult Native resident of Rarotonga, representing the Island of Aitutaki; 40
- (f.) One adult Native male resident of Rarotonga, representing the Islands of Atiu, Mauke, and Mitiaro; and
- (g.) One adult Native male resident of Rarotonga, representing the islands commonly known as the northern islands of the Cook Islands. 45

Resident Commissioner to preside at meetings of Federal Council.

6. (1.) The Resident Commissioner shall preside at all meetings of the Federal Council at which he is present.

(2.) If at any time a meeting of the Federal Council is held while the Resident Commissioner is absent from Rarotonga or is for any other reason unable to attend, the Deputy Resident Commissioner may attend and shall preside at that meeting. 50

(3.) The person presiding at any meeting of the Council shall have a deliberative and a casting vote.

7. (1.) The three Native residents of Rarotonga, representing respectively the districts of Takitumu, Avarua, and Arorangi, shall be elected by the adult Native residents of those districts respectively, and shall hold office until the election of their successors respectively.
- 5 (2.) There shall be a new election of such three members every three years, at which retiring members shall be eligible for re-election.
- (3.) Such elections shall be governed by Ordinances passed from time to time by the Federal Council.
- 10 8. The Island Councils of the Islands of Mangaia and Aitutaki respectively shall appoint from among the adult Native residents of Rarotonga a member to represent the said Islands respectively. Every member so appointed shall hold office for three years, but shall be eligible for reappointment:
- 15 Provided that if any appointment under this section is not made within six months after the passing of this Act or after the occasion has arisen for a fresh appointment, as the case may be, the Governor may exercise the power conferred by this section on the said Island Councils.
- 20 9. (1.) The Native residents of Rarotonga, representing the Islands of Atiu, Mauke, and Mitiaro, and the northern islands respectively shall from time to time be appointed in that behalf by the Governor.
- (2.) Every member appointed under this section shall hold office
- 25 for three years, but shall be eligible for reappointment.
10. (1.) Notwithstanding anything hereinbefore contained, the Governor may at any time, for any cause which seems to him just, by Order in Council, remove any member of the said Council from office, and upon the publication of any such Order in Council in the
- 30 *Cook Islands Gazette* the member so removed shall cease to hold office, and his place may be filled by a new election or appointment, as the case may be, in accordance with the provisions of this Act.
- (2.) If an Ariki is so removed, the Governor may from time to time appoint some fit person in his place to be a member of the
- 35 Federal Council. Every person so appointed shall hold office until the succession of an Ariki in place of the Ariki so removed, or for such shorter period as the Governor in that behalf appoints.
- (3.) The successor of an Ariki removed from office under this section shall upon his succession become a member of the Federal
- 40 Council.
11. The Federal Council shall have power to fix its times of meeting and the order of its business:
- Provided that its place of meeting shall be at Rarotonga, and it shall meet at least once in every month:
- 45 Provided further that the Resident Commissioner may summon an extraordinary meeting of the Federal Council at such times and in such manner as he thinks fit.
12. Seven members of the Federal Council present at any meeting thereof (of whom the Resident Commissioner or his deputy
- 50 shall be one) shall form a quorum. If a quorum is not present within half an hour of the time of meeting, the meeting shall be adjourned to such other day and time as the Resident Commissioner or his deputy (as the case may be) shall appoint in that behalf.

Election of representatives for Rarotonga.

Representatives of Mangaia and Aitutaki.

Representatives of other islands.

Governor may remove member of Council from office.

Council to fix times, &c., of meetings.

Quorum and adjournments.

Clerk of Federal Council.

13. The Resident Commissioner may from time to time appoint a fit and proper person to be Clerk to the Federal Council. Such Clerk shall keep in writing minutes of all proceedings of the Federal Council.

Federal Council may make Ordinances imposing penalties for manufacture, &c., of intoxicating liquor.

14. In the exercise of the powers conferred on it by section twelve of the principal Act, the Federal Council may make Ordinances imposing penalties for and otherwise restricting the manufacture, sale, or consumption of bush-beer, orange-beer, or any other intoxicating liquor : 5

Provided that the Federal Council shall not, pursuant to this section, reduce any of the penalties prescribed in Part XI of the Licensing Act, 1908 (relating to the Cook Islands). 10

Federal Ordinances to be gazetted.

15. All Ordinances passed by the Federal Council, when assented to by the Governor, shall be published in the *Cook Islands Gazette* in both the English and the Native languages, and (unless a later date is expressed in any Ordinance as being the date of its coming into operation) shall be deemed to come into operation upon the date of their respective publication in such *Gazette*. 15

Sentences of imprisonment may be carried out in New Zealand proper.

16. (1.) Where any person is sentenced by the High Court to any term of imprisonment exceeding *three* months for any offence committed in the Cook Islands, the said Court may order that the sentence shall be carried out by imprisonment, with or without hard labour, in any prison in New Zealand proper. 20

(2.) If any such order is made by the said Court the person so sentenced may be lawfully deported to New Zealand proper, and detained in the said prison until the expiration of the sentence so passed upon him. 25

(3.) Where any such order is made by the said Court, the Judge thereof shall issue a warrant of commitment in the form numbered (24) in the Second Schedule to the Justices of the Peace Act, 1908, or to the like effect, under his hand, requiring the constable to whom the same is directed to take and convey the person so sentenced to the prison named in the warrant, and there to deliver him to the Gaoler thereof, and requiring such Gaoler to receive the person so sentenced into such prison, and there to imprison him, or to imprison him and keep him to hard labour (as the case may be), for such time as the warrant directs. 30 35

(4.) The possession of any such warrant shall be a sufficient authority for the apprehension, custody, conveyance, and reception into prison in New Zealand proper of the prisoner named therein, and every such warrant shall be forthwith acted upon by the constable and Gaoler to whom it is addressed. 40

(5.) The constable or other officer having charge of any watch-house or lock-up in New Zealand proper, or in the Cook Islands, on the request of any person having the custody of a prisoner under any such warrant, shall receive such prisoner and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant. 45

(6.) The period of detention after sentence of any such person in the Cook Islands and during the voyage to New Zealand proper shall be computed as part of the term of his sentence. 50

(7.) The cost of the conveyance of any such person from the Cook Islands to New Zealand proper and of his return from New Zealand proper to the Cook Islands after his discharge from prison, shall be defrayed out of the public revenues of the said islands.

5 17. (1.) If at any time after the gazetting of a notice under section twenty of the principal Act, and before the payment of any compensation in respect of the taking of the land referred to in that notice, it is found that the land or any part thereof is not required for the purpose for which it was taken, or that any error in form or
10 substance exists in or in relation to that notice, the Governor may, by a subsequent notice in the *Cook Islands Gazette*, revoke the former notice either wholly or so far as he thinks necessary.

Revocation of notices taking lands for public purposes.

(2.) The former notice shall thereupon, to the extent to which it has been so revoked, be absolutely void and of no effect as from
15 the date thereof.

18. (1.) Section twenty of the principal Act is hereby amended by inserting, after the word " fisheries " in subsection one, the words " experimental farms."

Section 20 of principal Act amended.

(2.) The said section is hereby further amended by inserting,
20 after subsection three, the following subsection :—

" (3A.) The Governor may also from time to time, by like notice published in the *Cook Islands Gazette*, and filed in the office of the Registrar as aforesaid, change the purpose for which any such land has been taken to any other purpose for which land may be taken
25 pursuant to this section."

19. The Cook Islands Land Titles Court shall be deemed to be, and at all times since the constitution thereof to have been, validly constituted notwithstanding the fact that there may at any time have been less than two Judges of the said Court, as required
30 by regulations made by Order in Council, dated the seventh day of July, nineteen hundred and two, and published in the *New Zealand Gazette* of the tenth day of the same month.

Validation of constitution of Cook Islands Land Titles Court.

20. All Ordinances in force in the Cook Islands on the passing of this Act and all provisions of the principal Act in so far as they
35 are respectively inconsistent with the provisions of this Act are hereby repealed.

Consequential amendments of principal Act, &c.