

1964/33

THE COOK ISLANDS PUBLIC SERVICE REGULATIONS 1964

PURSUANT to section 82 of the Cook Islands Amendment Act 1957, the State Services Commission, with the approval of the Governor-General in Council, hereby makes the following regulations.

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REGULATIONS

1. Title, commencement, and application—(1) These regulations may be cited as the Cook Islands Public Service Regulations 1964.

(2) These regulations shall come into force on the 1st day of April 1964.

(3) These regulations shall apply to the whole of the Cook Islands (including Niue).

2. Interpretation—(1) In these regulations, unless the context otherwise requires—

“The Act” means the Cook Islands Amendment Act 1957.

“Casual workman” means a person engaged pursuant to the provisions of Part IX of these regulations:

“The Commission” means the State Services Commission constituted by the State Services Act 1962:

“Contract employee” means a person employed under a contract of service in terms of regulation 24 hereof:

“Controlling officer”, in relation to any employee, means the person for the time being in charge of that employee and authorised to require him to do or abstain from doing any act or thing in relation to his duties:

“Department” means each separate organisation of the Service established as such by the Commission:

“Employee” means a person employed in the Service, whether as an officer, probationer, contract employee, or temporary employee; but does not include a person engaged as a casual workman:

“Instructions” means Instructions issued by the Commission pursuant to section 81 (2) of the Act:

“Notice” has the meaning assigned thereto by regulation 6 hereof; and “notify” and “notification” have corresponding meanings:

“Officer” means an employee other than a probationer, a contract employee, or a temporary employee:

“Official Circular” means the *Public Service Official Circular* issued in respect of the Cook Islands (other than Niue) or the *Public Service Official Circular* issued in respect of Niue, as the case may require:

“Probationer” means an employee on probation in terms of regulation 20 hereof:

“Quarters” means any premises made available to an employee by the Government for use as a residence; and includes any area of land occupied in conjunction therewith:

“Resident Commissioner” means the Resident Commissioner of the Cook Islands or the Resident Commissioner of Niue, as the case may require:

“The Service” means the Cook Islands Public Service, whether in relation to the service of the Government of the Cook Islands (other than Niue) or to the service of the Government of Niue:

“Service Organisation” means the New Zealand Public Service Association (Incorporated):

“Temporary employee” means an employee engaged in a temporary capacity under these regulations.

(2) Subject to the provisions of subclause (1) of this regulation, expressions defined in the Cook Islands Act 1915 or in the Cook Islands Amendment Act 1957 shall have the meanings so defined.

PART I

GENERAL PROVISIONS

3. Instructions—(1) Instructions issued by the Commission pursuant to section 81 (2) of the Act shall be read together with these regulations.

(2) Instructions so issued may consist of any provisions not inconsistent with the Act and these regulations that the Commission from time to time deems necessary and expedient for the purpose of controlling the Service; and may, according to their tenor, apply to all employees or casual workmen or with respect to any particular case or class of cases as, in the opinion of the Commission, the circumstances require.

(3) Where in these regulations power is conferred on the Commission to determine, prescribe, require, or specify any act, matter, or thing, that power may be exercised from time to time by issuing Instructions, or in any other lawful manner.

(4) Instructions may be published in the *Official Circular* or in such other manner as the Commission thinks fit, and shall be deemed to have been communicated to each employee when so published.

4. Resident Commissioner’s directions—(1) So far as Instructions issued by the Commission do not extend, the Resident Commissioner may from time to time issue such directions as he thinks necessary and expedient for the due administration of the Act and these regulations.

(2) Any directions so issued shall be transmitted by the Resident Commissioner to the Commission as soon as possible.

(3) The Commission may in its discretion issue Instructions relating to the subject-matter of any such direction.

5. Copies of regulations, Instructions, and directions to be available—
(1) The Resident Commissioner shall ensure that copies of these regulations and any Instructions and directions are available for perusal by any employee.

(2) Every employee is required to acquaint himself with the provisions of these regulations and any Instructions and directions aforesaid, and ignorance of any such provision shall not excuse any breach thereof.

6. Notices to employees—Where notice is required by these regulations to be given to an employee of any decision or other matter, then, except as provided in regulation 58 hereof, it shall be sufficient if the notice is published in the *Official Circular* or sent to the employee by letter or telegram addressed to him at his usual place of employment.

7. Representations to Commission by Service Organisation—The Service Organisation shall be entitled at all times to make representations to the Commission on any matter affecting the conditions of employment of any employee or class of employees, and in arriving at any decision the Commission shall have due regard to all such representations in addition to any other considerations that the Commission thinks relevant.

8. Right of appeal—(1) Every officer shall have a right of appeal in accordance with this regulation against any determination of the Commission—

(a) To appoint any person other than an employee, or to promote any employee, to a position with a higher maximum salary than that of the appellant, where, if the appointment or promotion was made in filling a notified vacancy, the appellant had applied for the position within a specified time:

Provided that no right shall be available to any officer who is prevented, pursuant to subclause (1) of regulation 33 hereof, from proceeding beyond a specified maximum salary in a grade to appeal against the appointment of any employee to the same grade, or to appeal against an increase in maximum salary granted, pursuant to that subclause, to any employee in the same grade:

(b) Finding the officer guilty of an offence under regulation 62 hereof:
(c) Fixing any penalty imposed in accordance with regulation 63 hereof other than a reprimand or a fine of £2 or less.

(2) Notice of appeal, in a form prescribed by the Commission, must be lodged with the Resident Commissioner within 21 days after the notification of the determination appealed against, or within such extended time as the Commission may in any case or class of cases allow.

(3) The Resident Commissioner shall forward the notice of appeal to the Chief Judge of the High Court within one week in the case of an appeal under paragraph (b) or paragraph (c) of subclause (1) of this regulation by an officer serving in the Cook Islands (other than Niue), and to the Commission within one month in the case of any other appeal.

9. Hearing of Appeals—An appeal by an officer serving in the Cook Islands (other than Niue) under paragraph (b) or paragraph (c) of subclause (1) of regulation 8 hereof shall be heard and finally determined by the Chief Judge of the High Court or in his absence by the Chief Judge of the Native Land Court. All other appeals shall be considered by the Appeals Committee established under regulation 10 hereof.

10. Appeals Committee—(1) An Appeals Committee comprising—

(a) One member, who shall be appointed by the Commission after consultation with the Service Organisation, and who shall be the Chairman of the Committee:

(b) One member appointed by the Secretary of Island Territories:

(c) One member appointed by the Service Organisation—

shall be set up from time to time to consider appeals referred to the Commission in accordance with regulation 9 hereof and applications for review of grading referred to it in accordance with subclause (3) of regulation 29 hereof, and shall sit in Wellington or elsewhere as determined by the Commission.

(2) Save as otherwise provided in the Act or these regulations, the Appeals Committee shall determine its own procedure, and may consider any appeal or application on the basis of written submissions, and may receive such evidence as it deems fit, whether or not such evidence would be legally admissible in a Court of law.

(3) The Appeals Committee shall make a recommendation to the Commission that the appeal should be allowed or disallowed or, in the case of an application for review of grading, that the grading of the applicant should be adjusted or should not be adjusted, and may add such comments as it thinks fit.

(4) The Commission may, for special reasons which shall be stated in writing, return a recommendation to the Committee for reconsideration, but otherwise shall forthwith adopt and give effect to the recommendation.

(5) If any appeal is, in the opinion of the Appeals Committee, frivolous or vexatious, the Committee shall notify the Commission accordingly, and the Commission may in any such case require the appellant to pay all or such part as the Commission may determine of the costs as determined by the Commission incurred in dealing with the appeal.

PART II

EFFICIENCY AND ECONOMY

11. Efficiency and economy—Subject to the provisions of section 81 of the Act, the Resident Commissioner and such officer or officers as the Commission may direct shall take proper measures for—

(a) Procuring efficiency and economy in the methods of working of the Service by the application of modern office methods and otherwise, in the number of employees, and in dealing with Government property:

(b) Avoiding extravagance and waste:

(c) Controlling the volume of work performed and reporting any significant increase or reduction therein, whether temporary or otherwise:

(d) Encouraging employees to submit suggestions for increasing the efficiency of the Service or for diminishing the work and its cost:

(e) The adequate training of employees:

(f) The maintenance of a proper standard of conduct by employees.

12. Inspection of Departments and reports to Commission—

(1) The Resident Commissioner shall, as required by the Commission or as he thinks necessary, arrange for the inspection from time to time of each Department by a duly authorised employee who, after each inspection, shall submit a report on the efficiency of the Department and any measures necessary to maintain or increase its efficiency.

(2) The Resident Commissioner shall furnish to the Commission, not later than the 30th day of April in each year, a report on the condition and efficiency of the Service, and shall indicate the changes and measures necessary in the opinion of the Resident Commissioner for the improved working thereof or of any Department thereof.

13. Responsibility of controlling officers—The head of each Department shall be responsible to the Resident Commissioner for the discipline, the efficiency, and the economical administration of the Department under his control, and the controlling officer in charge of any branch or section of a Department shall be responsible to the head of the Department for the proper management of his branch or section.

PART III

APPOINTMENT, STATUS, AND TENURE OF EMPLOYEES

14. Applications for appointment—Every person desiring appointment as an employee shall complete an application containing such particulars as the Commission requires.

15. Appointment—(1) All appointments of employees shall be made by the Commission in writing.

(2) In making the appointment the Commission shall specify the capacity in which the applicant has been appointed to serve, and shall notify the applicant accordingly.

(3) Subject to the provisions of these regulations, the Commission shall not make any appointment to the Service, unless it is satisfied that the appointment is necessary and that the person appointed has clearly more merit for the position to be filled than any officer who is qualified and available for the position.

16. Minimum educational qualifications—The Commission may prescribe a standard or standards of education that shall be required as a minimum educational qualification for appointment to the Service or to any specified class or classes of positions in the Service.

17. Medical examination—The Commission may require any applicant for appointment to the Service to submit himself to a medical examination at his own expense or otherwise by a Medical Officer or by a registered medical practitioner nominated by the Commission.

18. Permanent staff—(1) Every officer and every probationer shall be deemed to have been appointed to the permanent staff of the Service.

(2) No person shall be appointed to the permanent staff whose age is less than 16 years or more than 60 years.

(3) No person who has attained the age of 65 years shall be retained on the permanent staff.

(4) The Commission shall notify every appointment or promotion that could be the subject of an appeal by any officer.

(5) In making an appointment to a vacancy in the permanent staff, the Commission shall give preference to the officer who in the opinion of the Commission has the most merit for appointment to the position.

(6) For the purposes of these regulations, the merit of an officer for appointment to a vacancy in the permanent staff shall be determined by—

- (a) Work experience and competence shown in performance of duties previously carried out by him; and
- (b) Personal qualities, characteristics, and attributes relevant to the position to be filled; and
- (c) Relevant educational or other qualifications.

(7) Every appointment to and promotion in the permanent staff shall be provisional, and shall not be confirmed until all appeals relating thereto have been disposed of or, if no such appeals are lodged, then until the time allowed for the lodging of appeals has expired.

(8) A provisional appointment may be cancelled by the Commission at any time.

19. Effective date of appointment—(1) The power conferred by the Act or by these regulations to appoint any person to any position in the Service shall be deemed to include a power to appoint that person from and including a date to be specified in that behalf in the appointment, whether or not that date is earlier or later than the date on which the right of appointment is exercised, and salary shall be payable from and including such date (not being earlier than the date so specified in the appointment) as the Commission may determine.

(2) The provisions of subclause (1) of this regulation shall apply notwithstanding that any other person previously appointed to the position may on the specified date and for any time thereafter continue to hold and receive the salary for that position though (by reason of absence or other circumstance) not actually perform the duties thereof.

20. Probation—(1) Except as determined by the Commission, every person who is appointed to the permanent staff of the Service shall be on probation for three years:

Provided that officers of the New Zealand Government Service, and temporary employees of the Cook Islands Public Service who have been continuously employed for not less than three years at the date of appointment to the permanent staff, shall not be on probation, unless the Commission so directs in any particular case or class of cases.

(2) The controlling officer shall submit reports on the work and conduct of any probationer under his control as required by the Commission.

(3) The Commission may terminate the employment of any probationer at any time.

21. Termination of employment of officers—Every officer shall be deemed to be a three-monthly employee, and shall be removable by the Commission at any time after three months' notice, or may resign by giving three months' notice in writing to the Commission.

22. Retirement through illness—If, in the opinion of the controlling officer, any officer is inefficient or unable properly to perform the duties of his office through repeated or continuous illness or disability, the matter shall be reported to the Commission, which may have the officer medically examined with a view to his retirement from the Service as being medically unfit for further duty.

23. Temporary employees—(1) Where in the opinion of the Commission the interest of the Service so requires, the Commission may appoint in a temporary capacity such persons as it thinks fit.

(2) Subject to the provisions of regulation 18 hereof, any temporary employee may be appointed to the permanent staff at any time.

(3) Every temporary employee shall be removable by the Commission, or may resign, at any time by the giving of seven days' notice.

24. Contract of service in special cases—(1) The Commission may in any special case enter into a contract of service with any person other than an employee of the New Zealand Government Service or of the Cook Islands Public Service for a specified period not exceeding four years:

Provided that every such contract shall be deemed to contain a provision that the contract may be terminated at any time by the Commission on account of serious misconduct of the employee but that the period of employment shall be governed by the terms of the contract in all other respects.

(2) The provisions of these regulations shall apply to contract employees in the same manner as to other employees, except to the extent that they are inconsistent with this regulation or with the express terms of the contract of service.

25. Resignation or death of employee—The resignation or death of any employee shall be reported immediately to the Resident Commissioner, who shall notify the Commission accordingly.

26. Membership of Island or Village Councils—(1) Any applicant for appointment to a position in the Service who is or becomes an elected member of an Island Council or a Village Council shall notify the Commission of that membership in his application or on being declared elected, as the case may be.

(2) If the Commission is of the opinion that membership of an Island Council or a Village Council by an employee interferes with the due and proper discharge of the duties of his employment in the Service, the Commission may call on the employee to resign from the Council or to vacate his position in the Service.

PART IV

GRADING

27. Grades of the Service—(1) The Service shall be divided into such grades as the Commission determines from time to time.

(2) The Commission shall place every officer or probationer in a grade.

28. Allocation to grades—(1) The grade in which an officer or a probationer is placed shall be according to the level of responsibility and skill required to be exercised in the performance of the duties allocated to him.

(2) The Commission shall be responsible for conducting a continuous review of the grading of the Service, and in discharging this responsibility shall ascertain whether or not there is need to adjust the salary

scale or grading pattern, and ensure that every position is placed in a grade appropriate to the level of responsibility and skill required in the discharge of its functions.

(3) If the grading assigned to a position under subclause (2) of this regulation does not coincide with the grading of the incumbent thereof as determined by subclause (1) of this regulation, the Commission may either appoint the holder to the position at its new grading, or it may declare the position vacant and fill it in any authorised manner.

(4) When any position or officer is graded or regraded under this regulation, the Commission may direct that the grading or regrading shall take effect retrospectively as from such date as it thinks fit. The decision of the Commission as to the date of any such grading or regrading shall be final.

29. Review of grading—(1) Every officer shall have the right to apply to the Commission in writing for a review of the grading of the position which he occupies if he has not applied to the Appeals Committee constituted under regulation 10 hereof within the period of five years immediately preceding the application:

Provided that nothing in this subclause shall prevent any officer from making representations to the Commission at any time on the grading of the position.

(2) On receipt of any application under subclause (1) of this regulation the Commission shall review the case, and shall notify the officer in writing of the result of the review.

(3) If the officer is not satisfied with any decision of the Commission given under subclause (2) of this regulation, he may, within 21 days after the notification of that decision, lodge with the Resident Commissioner a request that his application be referred for consideration by the Appeals Committee constituted under regulation 10 hereof.

(4) Where the Commission agrees to change the grading of a position as a result of a decision made under subclause (2) of this regulation, or adopts and gives effect to the recommendation of the Appeals Committee in accordance with subclause (4) of regulation 10 hereof, the Commission may either appoint the applicant to the position at its new grading or it may declare the position vacant and fill it in any authorised manner.

30. Reports on employees—At such times and in such form and manner as the Commission may determine the Resident Commissioner shall furnish to the Commission a report upon the conduct, diligence, efficiency, and merit for promotion of each employee or such employees as the Commission may direct.

31. Classification list—A list of employees shall be published at such times and with such particulars as the Commission determines.

PART V

ADVANCEMENT OF EMPLOYEES

32. Advancement dependent on merit—Notwithstanding that scales of salaries may have been determined by the Commission for any position or grade, the Commission may direct that any employee is not to progress beyond the point in the scale at which he is placed,

and the Commission may make advancement beyond that point conditional on the Commission being satisfied that the employee's merit and conduct warrant such advancement.

33. Examinations—(1) The Commission may direct that an employee may not proceed beyond a specified maximum salary until he has passed such qualifying examination as the Commission requires.

(2) When any employee has passed an examination which in the opinion of the Commission is deserving of special consideration, or in other cases of outstanding merit, the Commission may in its discretion accelerate the advancement in grading of that employee or may approve the payment to him of a special allowance or a lump sum.

PART VI

GENERAL CONDITIONS OF EMPLOYMENT

34. Hours of attendance—The hours of attendance to be observed by employees each week and each day of the week shall be determined from time to time by the Commission.

35. Additional hours of duty—(1) Any employee who is called upon by his controlling officer to work additional hours shall attend during such additional hours as required.

(2) Payment for such additional hours shall be made at such rates and subject to such conditions as the Commission determines from time to time.

36. Records of attendance—In every Department attendance books or other records of attendance shall be kept.

37. Absence from place of employment—(1) No employee shall leave his place of employment during the prescribed hours of attendance, except on official business or by express permission of his controlling officer.

(2) Where an employee absents himself from duty without sufficient cause, a proportionate amount shall be deducted from his remuneration notwithstanding any other penalty that may be lawfully imposed.

38. Care of public stores and property—Every employee shall exercise strict care and economy in the use of stores, stationery, and the property of the Crown or of the Government or of any Department.

39. Accounts and public money—Every employee shall exercise strict care in the handling of money held by him on behalf of the Crown or of the Government or of any Department, and in the observance of any provisions of law and instructions relating to accounts and the collection, custody, or payment of public money.

40. Liability not to be incurred—No employee shall incur or attempt to incur any liability, or shall attempt to make or vary any contract, on behalf of the Crown or of the Government or of any Department, without proper authority.

41. Private employment—Except with the express approval of the Commission, which approval may be at any time withdrawn, no person shall accept appointment or election to any paid office in connection with any commercial or industrial business or undertake any private employment, trade, or private practice of any profession or trade:

Provided that any employee owning or having an interest in land may, unless the Commission otherwise directs, engage in agricultural work on or connected with the land concerned at any time not included in official hours of attendance:

Provided further that nothing in this regulation shall prohibit any employee from becoming a member or shareholder only of any incorporated company or society of persons registered under any Act.

42. Remuneration for official services—Except with the express approval of the Commission, no employee shall receive and accept, otherwise than for the use of his Department, any gratuity, fee, reward, or other remuneration of any kind whatsoever beyond his salary and any allowance due to him under these regulations for any service performed for the Government during his hours of duty or otherwise, or for his attendance in an official capacity under a subpoena or order to give evidence or to produce documents in any Court, but any necessary and reasonable expenses incurred and paid for by the employee in the performance of the service or in attending at the Court may be refunded to him.

43. Solicitation or acceptance of gifts—(1) No employee or casual workman shall, directly or indirectly, solicit or accept gifts or presents from any member of the public concerned, directly or indirectly, with any matter connected with the duties of the employee or casual workman or of the Service generally.

(2) Nothing in this regulation shall prohibit the acceptance by an employee—

(a) Of gifts made as a token of courtesy according to local custom, if notification of the receipt of any such gift is made to the controlling officer by the first available means of communication:

Provided that the Resident Commissioner may require any employee to return any such gift or may forbid any employee to receive any such gift:

(b) With the permission of the controlling officer, of a public testimonial presented on his retirement from the Service, or upon transfer from one locality to another, or a presentation from fellow employees.

44. Borrowing and lending of money—(1) No employee shall borrow or attempt to borrow money from a subordinate employee.

(2) The making of unauthorised loans or allowances to any employee out of money paid to or held by any employee in his capacity as a receiver of revenue shall be deemed to constitute a misappropriation of public money.

45. Use of official information—(1) Every employee upon first taking up employment in the Service shall be required to complete a statutory declaration in a form approved by the Commission to the effect that his attention has been drawn to the provisions of the Official Secrets Act 1951, or any Act passed in substitution therefor, and of this regulation.

(2) No employee shall use for any purpose, other than for the discharge of his official duties, information gained by or conveyed to him through his connection with the Service.

(3) No information out of the strict course of official duty shall be divulged, directly or indirectly, or otherwise used by any employee, and no communication to the press or to the public on matters affecting the Service shall be made by any employee, unless with the consent of the Resident Commissioner.

46. Outside influence—(1) No employee shall seek the influence of any person in order to obtain promotion, transfer, or other advantage.

(2) Nothing in this regulation shall apply to evidence given on behalf of any employee before any Court or appeal authority under these regulations or to representations made by the Service Organisation, or to any application or representations made to the Commission in manner prescribed by instructions.

47. Transfer—(1) The Commission may direct any employee to transfer from any one Department to any other Department, and from any one island to any other island, and the employee so directed shall transfer accordingly and shall perform any duties assigned to him in that Department or island:

Provided that an employee shall not be directed to transfer between the Cook Islands (other than Niue) and Niue unless he consents to that transfer.

(2) Nothing in subclause (1) of this regulation shall prohibit the temporary transfer of any employee to New Zealand or between the Cook Islands (other than Niue) and Niue for the purpose of training that employee in the performance of duties assigned or to be assigned to him.

48. Obedience to instructions—(1) Every employee shall obey promptly and with readiness all lawful orders given to him by his controlling officer.

(2) If any employee considers that he has ground for complaint arising out of any such order or from any other cause, he may report the same, through official channels, to the Commission, but shall nevertheless as far as possible carry out until they are countermanded any orders lawfully given to him.

49. Residential quarters—(1) Employees may be provided with quarters and furniture on such conditions in respect of occupancy, tenure, possession, and payment of rent as the Commission prescribes from time to time:

Provided that no employee shall be entitled as of right to have quarters or furniture allotted to him.

(2) Any rent payable pursuant to subclause (1) of this regulation shall be deducted from the employee's remuneration or other money due to him without further authority than this regulation.

PART VII**LEAVE OF ABSENCE**

50. Annual leave—Employees may be granted annual leave for such periods and subject to such conditions as the Commission determines from time to time.

51. Special leave—In special cases the Commission may grant special leave of absence with or without pay on such terms and conditions as it thinks fit.

52. Furlough—Employees may be granted furlough on completion of such period of employment in the Service and subject to such conditions as the Commission determines from time to time.

53. Retiring leave—The Commission may, in its discretion, grant retiring leave for such period and on such conditions as it thinks fit to any employee who retires after completing a period of not less than 10 years' service.

54. Payment for leave due on death of employee—On the death of an employee the Commission may approve payment to his widow or dependants of an amount equivalent to the salary or wages that might have been granted to him for any period of leave or furlough had he retired on the date of his death.

55. Sick leave—(1) Employees may be granted sick leave on account of sickness or accident for such periods and subject to such conditions as the Commission determines from time to time.

(2) Any employee absenting himself from duty under a false plea of sickness or accident shall be guilty of a breach of these regulations.

56. Medical examination—Any employee, if so required by his controlling officer, shall submit himself to examination by a Medical Officer for the purpose of ascertaining his fitness to perform his duties, at such place and time as may be directed by the controlling officer and subject to such conditions in respect of the costs of the examination as the Commission prescribes.

57. Holidays—(1) In the Cook Islands (other than Niue), the holidays specified in the Public Holidays Ordinance 1949 of the Legislative Council of the Cook Islands shall be observed as statutory holidays in the Service.

(2) In the Island of Niue, statutory holidays shall be observed in the Service as prescribed by Ordinance of the Niue Island Assembly or, so far as there is no such Ordinance in force on the commencement of these regulations or so far as any such Ordinance does not extend, as the Commission determines from time to time.

(3) Additional holidays may be prescribed by the Commission as "Commission holidays" for any part of the Cook Islands.

58. Unauthorised absence—(1) Notwithstanding the provisions of regulation 62 hereof, an employee who absents himself from duty, or who fails to return to duty, and (in either case) continues to be absent without permission for a period of not less than four weeks shall be deemed to have forfeited office:

Provided that notice of the effect of this regulation shall be sent by letter or telegram to the employee at his usual or last known place of abode, and he shall not be deemed to have so forfeited office before the expiration of four weeks from the date on which the notice is so sent.

(2) If the employee subsequently satisfies the Commission that there was a valid reason for his absence and for his failure to inform the Commission earlier of that reason, the Commission may reinstate the employee; and in such a case the employee shall be deemed not to have forfeited office, but to have been on leave from the Service during the period of absence.

PART VIII

DISCIPLINARY PROVISIONS

59. Minor offences—In the case of a minor offence against discipline, an employee may be reprimanded or cautioned by his controlling officer.

60. Unsatisfactory work or conduct—Whenever it is found that the work or conduct of any employee is unsatisfactory, he shall be notified in writing by his controlling officer of the fact and of the direction in which he is failing to meet the required standard.

61. Criminal conviction—If any employee is convicted of any offence by any Court, he shall notify his controlling officer, who shall report the circumstances relating thereto, through official channels, to the Commission.

62. Complaints and inquiries—(1) Whenever it is alleged that any employee other than a probationer is guilty of—

- (a) Habitual irregularity in the time of his arrival at or departure from his place of employment; or
- (b) Absenting himself from his place of employment or from his official duties without leave or valid excuse during the prescribed hours of his attendance; or
- (c) Disobeying, disregarding, or making wilful default in carrying out any lawful order or instruction given by any person having authority to give the order or instruction or by word or conduct displaying insubordination; or
- (d) Negligence, carelessness, or indolence in the discharge of his duties; or
- (e) Inefficiency or incompetence in the discharge of his duties; or
- (f) Behaving in an insulting or threatening manner, or in a manner calculated to cause inconvenience or unreasonable distress to other employees or to affect adversely the performance of their duties; or
- (g) Using intoxicating liquor or drugs to excess, or in such manner as to affect adversely the performance of his duties; or

- (h) Failing to comply with the requirements of these regulations, or of any other regulations, instructions, or directions applying in the Service; or
- (i) Any disgraceful or improper conduct in his official capacity or of any other improper conduct which affects adversely the performance of his duties or brings the Service into disrepute; or
- (j) Improperly using property or stores for the time being in his official custody or under his control,—the circumstances thereof shall be reported by his controlling officer, through official channels, to the Commission.

(2) On receipt of any report pursuant to subclause (1) of this regulation, the Commission shall notify the employee of the nature of the complaint made against him and require him to state in writing, within a reasonable time to be specified in the notice, whether he admits or denies the truth thereof, and any further information or submissions he may wish to make in respect thereof. If the employee does not reply within the time specified, the complaint may be determined without any such reply.

(3) The Commission may make such investigation or conduct such inquiry into any complaint made against an employee as it thinks necessary.

(4) The Commission shall notify the employee of its finding in the matter.

63. Penalties—(1) If any employee is convicted of an offence by any Court, or is found guilty of an offence in accordance with regulation 62 hereof, he shall be liable to dismissal with or without notice (whether he be an officer or other employee) or to a fine not exceeding £10, or to transfer, or to any other less penalty, as the Commission determines.

(2) A transfer or warning may be imposed or given in addition to any penalty other than dismissal imposed under this regulation.

64. Suspension of employees—(1) Any employee who is at any time considered by his controlling officer to be unfit to perform his duties efficiently by reason of intoxication or the use of drugs shall be suspended from duty by his controlling officer until such time as he is in the opinion of his controlling officer again capable of performing his duties efficiently.

(2) Any employee who is reported under regulation 62 hereof or who has been charged before any Court with the commission of an offence may be suspended from duty by the Commission or the Resident Commissioner until the matter has been determined. In case of emergency any such employee may be suspended by his controlling officer, in which case the suspension shall expire 48 hours after it was imposed, unless the Resident Commissioner confirms the suspension.

(3) The Resident Commissioner may remove any suspension at any time.

(4) Every suspension under this regulation shall be reported to the Commission, which may, if it thinks fit, remove the suspension.

(5) If any employee who has been suspended under this regulation is acquitted of the charge or adjudged not guilty of an offence, he shall be paid any loss of earnings that he may have suffered while so suspended, but in any other case the employee shall receive no pay for the period of suspension unless the Commission otherwise directs.

65. Incriminating questions—An employee shall not be compelled to answer any question tending to establish his guilt in respect of any offence, but shall be expected to answer any other question put to him in the course of any investigation or inquiry made under the Act or these regulations.

PART IX

CASUAL WORKMEN

66. Engagement, conditions, and discharge of casual workmen—

(1) The Commission, or the holders for the time being of such offices or positions as may be designated in that behalf by the Commission, may engage and discharge such casual workmen as may from time to time be required.

(2) The conditions of employment of casual workmen, including pay and allowances, shall be such as the Commission determines from time to time.

(3) In determining the conditions of employment as aforesaid, the Commission shall have regard to any determination made under the provisions of the Cook Islands Industrial Unions Regulations 1947* or any regulations made or Ordinance passed in substitution therefor.

Dated at Wellington this 28th day of February 1964.

A. G. RODDA, Deputy Chairman.

R. M. WILLIAMS, Member.

The State Services Commission.

PURSUANT to section 82 of the Cook Islands Amendment Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby approves the foregoing regulations.

BERNARD FERGUSSON,
Governor-General.

Approved in Executive Council this 16th day of March 1964.

T. J. SHERRARD,
Clerk of the Executive Council.

*S.R. 1947/78

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 March 1964.

These regulations are administered in the Department of Island Territories.