



ANALYSIS

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1992, No. 10

An Act to amend the Constitution

(21 December 1992)

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 Constitution Amendment (No.13) Act 1992 and shall be read together with and deemed part of the Constitution of the Cook Islands as set out in the Second Schedule to the Cook Islands Constitution Amendment Act 1965 of the Parliament of New Zealand as amended by Acts of the Legislative Assembly and Parliament of the Cook Islands (hereinafter referred to as "the Constitution").

2. Functions of the Public Service Commissioner - Article 74B of the Constitution is amended by repealing subclause (1) and substituting therefore the following subclause -

"(1) Subject to the provisions of Article 74BB hereof and of subclauses (3) and (4) of this Article and except as may otherwise be provided by enactment, the Public Service Commissioner shall be responsible for the appointment, promotion, transfer, termination of appointment, dismissal, and disciplinary control of employees of the Cook Islands Public Service, and shall have such other functions as may be prescribed by law."

(2) Article 74B of the Constitution is further amended by -

- (a) repealing subclause (2); and
- (b) deleting from subclause (3) the words "subclauses (2) and (4)" and substituting the words "subclause (4)"; and
- (c) deleting from subclause (4) the words "Subject to subclause (2) of this Article"; and
- (d) deleting paragraph (b) from subclause (6).

3. Exempted positions - Subclause (2) of Article 74BB of the Constitution is amended by -

- (a) deleting paragraph (b) and substituting the following paragraph -
"(b) all Heads of Departments, regardless of their titles or designations";
- (b) deleting from paragraph (c) the words "Chief Administration Officer" and substituting the words "Government Representative".

4. Savings - A person holding office as a Head of Department immediately before the coming into force of this Act shall upon and after the commencement of this Act and without further appointment, continue to hold office as if that person were appointed to an exempted position referred to in Article 74BB(2)(b) (as inserted by this Act) and in accordance with Article 74BB(3) and notwithstanding the terms and conditions of that persons original appointment, may be removed from such appointment in accordance with the provisions of Article 74BB.
