



## ANALYSIS

Title	
1. Short Title	3. New constituency
2. New Cabinet Minister	4. Audit

1991, No. 21

An Act to amend the Constitution

(12 August 1991)

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.14) Act 1991 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. New Cabinet Minister - Subclause (1) of Article 13 of the Constitution is hereby repealed and replaced by the following:

"(1) There shall be a Cabinet of Ministers, comprising the Prime Minister of the Cook Islands (who shall preside over Cabinet) and not fewer than 6 nor more than 8 other Ministers, which shall have the general direction and control of the executive government of the Cook Islands, and shall be collectively responsible to Parliament."

3. New constituency - (1) The first paragraph of subclause (2) of Article 27 of the Constitution is hereby repealed and replaced by the following:

"(2) Parliament shall consist of 25 members, to be elected by secret ballot under a system of universal suffrage by the electors of the following islands or group of islands or areas and in the following numbers:-"

(2) Paragraph (2)(j) of Article 27 of the Constitution is hereby repealed and replaced by the following:

"(j) The island of Rarotonga and the island of Palmerston, 10 members, being 1 member for each of the 10 constituencies together comprising those islands, having the names and boundaries set out in Part II of the First Schedule to this Constitution;"

(3) The First Schedule to the Constitution is amended by deleting from Part II the description of the Murienua Constituency and substituting the following description -

"All that area of the Arorangi Survey District in the Island of Rarotonga, comprising the Tapere of Kavera the Tapere of Aroa and the Tapere of Rutaki as delineated on the said plan S.O. 1002."

(4) The First Schedule to the Constitution is further amended by inserting in Part II after the description of the Murienua Constituency (as amended by subsection (3) of this section) the following constituency and its description -

#### "AKAOA CONSTITUENCY

"All that area of the Arorangi Survey District in the Island of Rarotonga, comprising the Tapere of Akaoa and the Tapere of Vaiakura, as delineated on the said plan S.O. 1002."

(5) Notwithstanding the amendment of Part II of the First Schedule to the Constitution, by subsection (3) of this section, the person elected as the Member of Parliament for the Murienua Constituency at the General Election held immediately before the coming into force of this Act, shall be deemed, after the coming into force of this Act, but subject to the provisions of section 7 of the Electoral Act 1966, to have been elected as the Member of Parliament for the Akaoa Constituency as created by this Act.

(6) Notwithstanding that the circumstances provided for in section 7(1) of the Electoral Act 1966 may not have arisen the Speaker shall pursuant to section 7(5) of that Act and upon the coming into force of this Act declare the seat in respect of the Murienua Constituency as amended by this Act to be vacant without specifying the cause thereof and such declaration of the Speaker shall be sufficient for the Chief Electoral Officer to appoint a day for a by-election to fill that vacancy under section 27 of the Electoral Act 1966."

4. Audit - (1) Article 71 of the Constitution is amended by deleting from subclause (1) the words "New Zealand" and substituting the words "the Cook Islands".

(2) Article 71 of the Constitution is further amended by adding after subclause (2) the following subclauses -

"(3) There shall be established by enactment a Public Expenditure Committee comprising -

- (a) a Chairman who shall not be a member of Parliament; and
- (b) such number of members of Parliament as shall be prescribed by enactment each of whom shall not, while a member of the Committee, be a member of Cabinet.

(4) The enactment referred to in subclause (3) of this Article shall provide to the Public Expenditure Committee sufficient powers to investigate expenditure from the Cook Islands Government Account and other public funds or accounts of executive government and such other public statutory or local authorities or bodies as may be prescribed by law, and shall have such other functions, duties, powers, and responsibilities as shall be provided by enactment."

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