



ANALYSIS

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2001, No. 6

An Act to amend the Constitution

(24 July 2001)

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.24) Act 2001 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 Parliament of the Cook Islands (herein referred to as "the Constitution").

2. The Speaker of Parliament - Article 31 of the Constitution is amended by repealing subclause (2) and substituting the following subclauses –

- "(2) The person who shall be elected Speaker of Parliament and no other, shall be the person nominated by the Prime Minister or, if there is no Prime Minister, the member of Parliament who commands or is likely to command the confidence of a majority of the members of Parliament.
- (2A) The person nominated under subclause (2) may be either –
- (a) a member of Parliament who is not a Minister; or
- (b) a person who is not a member of Parliament if that person is qualified to be a member of Parliament."

Price \$1.50c

3. Tenure of office of Speaker - Article 32 of the Constitution is amended by repealing paragraph (e) and substituting the following paragraph –

“(e) If Parliament passes a resolution supported by the votes of not less than a majority of all members (including vacancies) requiring the Speaker’s removal from office.”

4. Deputy Speaker - - Article 33(2) of the Constitution is amended by repealing paragraph (e) and substituting the following paragraph –

“(e) If Parliament passes a resolution supported by the votes of not less than a majority of all members (including vacancies) requiring the Deputy Speaker’s removal from office.”

5. Procedure - Article 34 of the Constitution is amended by repealing subclause (3) and substituting the following subclause -

“(3) The person presiding over a sitting of Parliament shall, -
(a) if the person is a member, have a deliberative vote and in case of an equality of votes, have a casting vote;
(b) if the person is not a member have a casting vote only in case of an equality of votes.”
