



ANALYSIS

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1982, No. 2

An Act to amend the Constitution

(24 August 1982)

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. 11) Act 1982 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 (hereinafter referred to as "the Constitution").

2. Amendment of short titles to Amendments Nos. 9 and 10 -

(1) Section 1(1) of the Constitution Amendment (No.9) Act 1980-81 is hereby amended as from its commencement by omitting the words "Cook Islands Constitution Act 1964", and substituting the words "Cook Islands Constitution Amendment Act 1965".

(2) Section 1(1) of the Constitution Amendment (No.10) Act 1981 is hereby amended as from its commencement by omitting the words "Cook Islands Constitution Act 1964", and substituting the words "Cook Islands Constitution Amendment Act 1965".

3. Meetings of Parliament - Article 29(2) of the Constitution (as enacted by section 5 of the Constitution Amendment (No.9) Act 1980-81) is hereby amended by adding after the word "determined" the following:

"by the High Court at first instance or have been withdrawn or dismissed for want of prosecution."

4. Prorogation and dissolution of Parliament - Article 37 of the Constitution (as enacted by section 5 of the Constitution Amendment (No.9) Act 1980-81) is hereby amended by:

(a) adding to subclause (4) after the word "determined" the words -

"by the High Court at first instance or have been withdrawn or dismissed for want of prosecution."

(b) adding the following new subclause -

"(7) (a) No Bill repealing or amending or modifying or extending subclause (5) of this Article or this subclause or making any provision inconsistent with any provision of the said subclause (5) or this subclause shall be deemed to have been passed by Parliament, unless -

"(i) At both the final vote thereon and the vote preceding that final vote it receives the affirmative vote of not less than two-thirds of the total membership (including vacancies) of Parliament; and

"(ii) There is an interval of not less than 90 days between the date on which that final vote was taken and the date on which the preceding vote was taken; and,

"(b) no such Bill shall be presented to the Queen's Representative for his assent, unless -

"(i) It has been passed by Parliament in accordance with the foregoing provisions of this subclause; and

"(ii) It has been submitted to a poll, conducted in a manner prescribed by law, of the persons who are entitled to vote as electors at a general election of members of Parliament; and

"(iii) It has been supported by not less than two-thirds of the valid votes cast in such a poll; and

"(iv) It is accompanied by a certificate under the hand of the Speaker to that effect."

5. Board of Appeal - Paragraph (c) of subclause (3) of Article 76 of the Constitution is hereby amended by inserting after the words "two heads of departments" (but within the bracket) the words "or in accordance with a decision of the Public Service Appointments Board".

6. Consequential amendments - Section 19 of the Constitution Amendment (No.9) Act 1980-81 is hereby amended by adding the following new subsections -

"(5) Every reference to a Commissioner or to a Commissioner of the High Court or of the Land Court in any other law in force at the commencement of this Act, or in any instrument or document of any kind whatever in force at the commencement of this Act shall after the commencement of this Act, be read as a reference to a Justice of the Peace of the Cook Islands.

"(6) Every reference to the Judicial Service Commission in any other law in force at the commencement of this Act, or in any instrument or document of any kind whatever in force at the commencement of this Act shall, after the commencement of this Act, be read as a reference to the Minister responsible for Justice

"(7) Articles 84 and 85 of the Constitution are hereby repealed."

7. Staff of Queen's Representative - (1) Article 75 of the Constitution is hereby amended by omitting from subclause (2) (as amended by section 5 of Constitution Amendment (No.2) Act 1968-69) the words "Public Service Commission" and substituting the words "Public Service Commissioner".

(2) Section 5 of the Constitution Amendment (No.2) Act 1968-69 is hereby repealed.

8. Amendment of Schedule - The First Schedule to the Constitution, (as inserted by Section 16 of the Constitution Amendment (No.9) Act 1980-81) is hereby amended by repealing Part I thereof and substituting the following:

"PART I

CONSTITUENCIES COMPRISING THE ISLANDS OF AITUTAKI, MANUAE AND TE-AU-O-TU.

VAIPAE-TAUTU CONSTITUENCY

All that area in the Island of Aitutaki delineated and edged in red on the plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:-

- (i) the Avanui Tapere being part of the Avanui District; and
- (ii) the Oako Tapere and Vaipae Tapere of the Vaipae District; and
- (iii) the Mataotane Tapere and Tautu Tapere of the Tautu District; and
- (iv) the motus known as

Angarei

Niura

Mangere

Papau

Tavairuaiti

Tavairuanui

Akaiami

Muritapua

Rapota

Moturakau

Tekopua

Tapuetai

Motukitui.

AMURI-UREIA CONSTITUENCY

All that area in the Island of Aitutaki delineated and edged blue on plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:-

- (i) the Ureia Tapere being part of the Arutanga District; and
- (ii) the Amuri Tapere and Punganui Tapere of the Amuri District; and
- (iii) the Anaunga Tapere and Punoua Tapere of the Anaunga District; and
- (iv) the Taakarere Tapere and Vaitupa Tapere of the Vaitupa District; and
- (v) the Vaipeka Tapere being part of the Avanui District; and
- (vi) the motu known as Akitua.

ARUTANGA-REUREU-NIKAUPARA CONSTITUENCY

All that area in the Island of Aitutaki delineated and edged green in the plan S.O.1008 deposited in the office of the Chief Surveyor at Rarotonga, comprising:-

- (i) the Arutanga Tapere, the Reureu Tapere and Mukuonoi Tapere being part of the Arutanga District; and
- (ii) the Vairoea Tapere, the Vaiiau Tapere and Taravao Tapere of the Taravao District; and
- (iii) the Islands of Manuae and Te-au-o-Tu; and
- (iv) the motu known as Maina."