

Examined and certified:

Clerk of the Legislative Assembly

In the name and on behalf of Her Majesty Queen Elizabeth
the Second I hereby assent to this Act this day
of 1969.



High Commissioner

ANALYSIS

- | | |
|---|-------------------------------|
| Title | |
| 1. Short Title | 4. New Articles substituted |
| 2. The Speaker of the
Legislative Assembly | 5. Staff of High Commissioner |
| 3. Revenue and expenditure
of Cook Islands
Government Account | 6. Board of Appeal |

1968-69, No. 27

An Act to amend the Constitution

(9 May 1969)

BE IT ENACTED by the Legislative Assembly 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. 2) Act 1968-69 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 (hereinafter referred to as "the Constitution").
2. The Speaker of the Legislative Assembly - Subclause (3)
of Article 31 of the Constitution is hereby amended by omitting
the word "prescribe", and substituting the word "subscribe".
3. Revenue and expenditure of Cook Islands Government
Account - Paragraph (a) of subclause (3) of Article 70
of the Constitution is hereby amended by omitting the words
"one-fourth", and substituting the words "five-twelfths".
4. New Articles substituted - The Constitution is
hereby further amended by repealing Articles 73 and 74 and
substituting the following Articles:-

"73. Public Service Commission - (1) There
shall be a Public Service Commission, which
shall consist of not less than two nor more than
four persons appointed by the High Commissioner,
acting on the advice of the Premier.

(2) The High Commissioner, acting on the advice of the Premier, shall appoint one of the members of the Public Service Commission to be Chairman.

(3) No person shall be appointed to be or shall remain a member of the Public Service Commission -

- (a) if he is not or ceases to be a citizen of New Zealand; or
- (b) if he is or becomes a member of the Legislative Assembly.

(4) No member of the Public Service Commission shall hold concurrently any other office in the Cook Islands Public Service.

(5) The powers of the Public Service Commission shall not be affected by any vacancy in the number of its members, and no proceedings of the Commission shall be invalidated in consequence of the subsequent discovery of some defect with regard to the appointment of any member of the Commission.

(6) The members of the Public Service Commission shall be paid such remuneration by way of salaries and allowances as may from time to time be appropriated by the Legislative Assembly.

74. Term of office of members of Public Service Commission - (1) Every member of the Public Service Commission shall be appointed for a term of not more than four years but shall be eligible for reappointment.

(2) Any member of the Public Service Commission may at any time resign his office by writing under his hand addressed to the Premier.

74A. Removal from office of member of Public Service Commission - (1) Any member of the Public Service Commission may be suspended or removed from office in accordance with the following provisions of this Article and not otherwise.

(2) The High Commissioner, acting on the advice of the Premier, may suspend any member of the Public Service Commission from office for misbehaviour or incompetence, but a member shall not be removed from office except as provided in this Article.

(3) The High Commissioner shall cause to be laid before the Legislative Assembly a full statement of the grounds of any suspension within seven days after the date of that suspension if the Legislative Assembly is then in session, or if the Legislative Assembly is not in session then within seven days after the date of the commencement of the next ensuing session.

(4) Unless the Legislative Assembly, within twenty-one days from the date on which the statement in respect of any member of the Public Service Commission suspended under this Article has been laid before it, declares by resolution that he ought to be removed from office, the member shall be deemed to be restored to office as from the date of his suspension; and if the Legislative Assembly within the said time does so declare, the member shall be removed by the High Commissioner from the date of the suspension.

74B. Functions of Public Service Commission -

(1) The Public Service Commission shall be responsible for the appointment, promotion, transfer, termination of appointment, dismissal, and disciplinary control of the Cook Islands Public Service, and shall have such other functions as may be prescribed by law.

(2) In the performance of its functions under this Article, the Public Service Commission shall have regard to the general policy of Cabinet relating to the Cook Islands Public Service, and shall give effect to any decision of Cabinet defining that policy conveyed to the Commission in writing by the Premier.

74C. Procedure of Public Service Commission -
Subject to the provisions of this Constitution and of any law, the Public Service Commission may -

- (a) regulate its own procedure (including the fixing of a quorum) and exercise its functions in such manner as it thinks fit; and
- (b) delegate any of its functions to any of its members or to any person or persons."

5. Staff of High Commissioner - Subclause (2) of Article 75 of the Constitution is hereby amended by omitting the words "Secretary of the Premier's Department", and substituting the words "Public Service Commission".

6. Board of Appeal - Paragraph (c) of subclause 3 of Article 76 of the Constitution is hereby amended by omitting the words "Secretary of the Premier's Department", and substituting the words "Public Service Commission".
