



## ANALYSIS

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1973-74, No. 41

An Act to constitute the Ministry of Economic Services and Natural Resources

(3 May 1974)

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 Ministry of Economic Services and Natural Resources Act 1973-74.

2. Interpretation - In this Act, unless the context otherwise requires, -

"Minister" means the Minister appointed under the provisions of the Constitution as the Minister in charge of the Ministry:

"Ministry" means the Ministry of Economic Services and Natural Resources constituted under this Act:

"Secretary" means the Secretary of the Ministry of Economic Services and Natural Resources appointed under the provisions of this Act.

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3. Ministry of Economic Services and Natural Resources - There shall be a Department of State to be known as the Ministry of Economic Services and Natural Resources which under the control of the Minister shall be charged with the administration of the enactments specified in the First Schedule to this Act and with such other functions as may be lawfully conferred on it.
4. Principal functions of the Ministry - The principal functions of the Ministry shall be:
- (a) To promote and encourage the development of all phases of the agricultural and related industries in the Cook Islands with a view to maintaining and increasing the quality of the products derived from those industries and increasing production of those products;
  - (b) To promote and encourage the development of all natural resources of the land and the sea in the manner most conducive to the economic and social well-being of the Cook Islands;
  - (c) To promote and encourage the improvement and development of the industries in the Cook Islands;
  - (d) To establish, operate and manage advisory services to the growers and producers of the Cook Islands;
  - (e) To provide aid through research and technical assistance to the growers and producers of the Cook Islands;
  - (f) To carry out such functions and duties as the Minister may from time to time direct.
5. Secretary of Economic Services and Natural Resources - There shall from time to time be appointed as a Member of the Public Service a Secretary of Economic Services and Natural Resources who shall be the administrative head of the Ministry of Economic Services and Natural Resources.
6. Divisions of the Ministry - (1) There shall be four divisions of the Ministry which shall be responsible to the Secretary for such functions as may be prescribed by this Act or any other enactment, and for such other functions as the Secretary may deem necessary.
- (2) The four divisions of the Ministry shall be:
    - (a) Research, Planning, Promotion and Advisory Division;
    - (b) Central Administration Division;
    - (c) Marine Resources Division; and
    - (d) Land Resources Division.
7. Research, Planning, Promotion and Advisory Division - (1) The functions of the Research, Planning, Promotion and Advisory Division shall be:
- (a) To carry out research and to provide informations necessary for the formulation of plans;

- (b) To provide research into the correct types and uses of pesticides and fertilizers;
- (c) To provide an advisory service to the Minister through the Secretary;
- (d) To assist in the promotion of industries related to the functions and objectives of the Ministry; and
- (e) To carry out such other functions and duties as the Minister may from time to time deem necessary.

(2) There shall from time to time be appointed a Director of the Research, Planning, Promotion and Advisory Division who shall be the administrative head of this division of the Ministry.

8. Central Administration Division - (1) The functions of the Central Administration Division shall be:

- (a) To provide such clerical, secretarial and other services as may be necessary to facilitate the operations of the Ministry;
- (b) To provide an accounting system to facilitate the orderly financial undertakings of the Ministry;
- (c) To establish and control a records system for the use of the Ministry; and
- (d) To carry out such other functions as the Secretary may from time to time deem necessary.

(2) There shall from time to time be appointed as a member of the Public Service a Chief Executive Officer who shall be the administrative head of this division of the Ministry.

9. Marine Resources Division - (1) The functions of the Marine Resources Division shall be:

- (a) To manage, control and develop the fisheries industry of the Cook Islands;
- (b) To establish, promote and develop the breeding of fish, turtles, and other sea foods;
- (c) To establish, promote and develop the trochus, pearl, and other valuable sea-shell industries in the Cook Islands; and
- (d) To carry out such functions and duties as the Minister may from time to time deem necessary.

(2) Any fresh-water industry that may be established in the Cook Islands shall be under the control of this division of the Ministry.

(3) There shall from time to time be appointed as a member of the Public Service a Director of Marine Resources who shall be the administrative head of this division of the Ministry.

10. Land Resources Division - (1) There shall be four sections of the Land Resources Division which shall be as follows:

- (a) The production and development of citrus and banana crops on the Island of Rarotonga;
- (b) The production and development of other crops on the Island of Rarotonga for marketing either internally or externally;
- (c) The production and development of agricultural produce in the outer islands; and
- (d) The establishment and development of a livestock industry in the Cook Islands.

(2) Notwithstanding any of the provisions of subsection (1) of this section, the Minister may at any time establish further sections of this division as the need or needs may arise.

(3) There may from time to time be appointed as a member of the Public Service a Supervisory Director of the Land Resources Division of the Ministry.

(4) There shall from time to time be appointed as members of the Public Service a Director for each of the four sections of this division of the Ministry who shall be the administrative head of each section and responsible to the Secretary.

11. Other Officers and Employees - There may from time to time be appointed as members of the Public Service such other officers and employees of the Ministry as may be necessary.

12. Existing appointments deemed to be made under this Act - (1) The person holding office in the Public Service at the commencement of this Act as Secretary of the Ministry of Economic Services and Natural Resources shall be deemed to have been appointed to that office as aforesaid under this Act.

(2) All other persons who at the commencement of this Act are officers or employees in the Public Service of the Ministry of Economic Services and Natural Resources shall be deemed to have been appointed under this Act.

13. Officers to act under the direction of the Secretary - All officers and employees of the Ministry shall act under the direction of the Secretary in the exercise and performance of the powers, duties and functions conferred or imposed on them by any enactment of which the Ministry or Secretary is charged with the administration by this Act or any other enactment.

14. Delegation of powers of Minister - (1) The Minister may from time to time, by writing under his hand, either generally or particularly delegate to the Secretary all or any of the powers which are conferred on him as Minister in charge of the Ministry by any enactment including powers delegated to him under any enactment.

(2) Where the Secretary purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(4) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Secretary to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Secretary.

15. Delegation of Powers by Secretary - (1) The Secretary may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers, or employee or employees of the Ministry as he thinks fit all or any of the powers delegated to him under any enactment including any powers delegated to him under any enactment, but not including this present power of delegation:

Provided that the Secretary shall not delegate any power delegated to him by the Minister without written consent of the Minister.

(2) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Secretary.

(5) Any such delegation shall, until revoked, continue in force according to its tenor notwithstanding the fact that the Secretary by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Secretary.

16. Special Investigation - (1) The Minister may from time to time, as he thinks fit, cause an investigation pursuant to this section to be made into any matter connected with or affecting any of the functions of the Ministry.

(2) For the purpose of any such investigation, the Minister may, by order in writing signed by him, require any person, partnership, company or other corporate body carrying on any business relating to or affecting the subject matter of the investigation to produce for the inspection of any person nominated in that behalf by the Minister, any papers, books or documents which are in possession of the person, partnership, company, or corporate body, or to set down in writing any facts relating to the subject matter of the investigation which are within the knowledge of the person, partnership, company, or corporate body, and to allow copies or extracts from any such papers, books or documents to be made by the person inspecting them.

(3) Any person who fails to comply with any order of the Minister under this section or who deceives or obstructs or attempts to deceive or obstruct any person nominated by the Minister as aforesaid in the conduct of any such investigation commits an offence, and shall be liable on conviction to a fine not exceeding one hundred dollars.

(4) All informations obtained by the Minister or by any person by means of any such investigation shall be treated as confidential except for the purpose of this Act.

17. Annual Report - (1) The Secretary shall as soon as practicable after the end of each financial year furnish to the Minister a report on the operations of the Ministry for that year.

(2) A copy of the report shall be laid before the Legislative Assembly within twenty-eight days after it has been furnished to the Minister if the Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twenty-eight days after the commencement of the next ensuing session.

18. Regulations - (1) The High Commissioner, by Order in Executive Council, may from time to time make all such regulations as are deemed necessary or expedient for the purpose of giving full effect to this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before the Legislative Assembly by the Minister within twenty-eight days of the date of the making thereof if the Assembly is then in session, and, if not, shall be laid before the Assembly within twenty-eight days after the date of the commencement of the next ensuing session.

19. Consequential amendments - The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

20. Repeal - The Department of Agriculture Act 1970 is hereby repealed.

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FIRST SCHEDULE

(S.3) ENACTMENTS TO BE ADMINISTERED BY THE  
MINISTRY OF ECONOMIC SERVICES AND  
NATURAL RESOURCES

1. Plants Act 1973.
  2. Copra Act 1970.
  3. The Fishing Ordinance 1950, No. 1.
  4. The Cook Islands Pearl Shell Fisheries Regulations 1950.  
Statutory Regulations Serial No. 1950/50.  
  
Cook Islands Pearl Shell Fisheries Regulations 1950  
Amendment No. 1.  
Statutory Regulations Serial No. 1952/54.  
  
Cook Islands Pearl Shell Fisheries Regulations 1950  
Amendment No. 2.  
Statutory Regulations Serial No. 1957/182.  
  
Cook Islands Pearl Shell Fisheries Regulations 1950  
Amendment No. 3.  
Statutory Regulations Serial No.
  5. The Cook Islands Fruit Regulations 1954.  
Statutory Regulations Serial No. 1954/146 dated  
22 September 1954.
  6. Regulations under Cook Islands Act 1915 for preventing  
growth and spread of Noxious Weeds  
New Zealand Gazette No. 75, 6 July 1916.  
  
Amending Noxious Weeds Regulations 1916  
New Zealand Gazette No. 27, 5 May 1927.  
Amending Noxious Weeds Regulations 1931  
New Zealand Gazette No. 83, 12 November 1931.  
  
Amending Noxious Weeds Regulations, 1933  
New Zealand Gazette No. 67, 21 September 1933.
  7. Regulations dated 29 June 1916 under the Cook Islands  
Act 1915 for the protection of indigenous and imported  
birds and to prevent the introduction of Noxious  
Animals and Birds into the Cook Islands  
New Zealand Gazette No. 72 dated 29 June 1916.
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SECOND SCHEDULE

(S.19)

CONSEQUENTIAL AMENDMENTS

Enactment Amended	Amendment
Public Service Act 1969	<p>By omitting from the First Schedule of the Act the words "Department of Agriculture" and by adding the words "Ministry of Economic Services and Natural Resources".</p> <p>By omitting from the Second Schedule of the Act the words "Director of Agriculture".</p> <p>By adding to the Second Schedule of the Act the words "Chief Executive Officer of the Central Administration Division, Ministry of Economic Services and Natural Resources", "Director of the Marine Resources Division, Ministry of Economic Services and Natural Resources", "Director of Rarotonga Citrus and Banana Crops, Ministry of Economic Services and Natural Resources", "Director of Rarotonga Marketing Crops, Ministry of Economic Services and Natural Resources", "Director of Outer Islands Agricultural Produce, Ministry of Economic Services and Natural Resources", and the words "Director of the Livestock Industry, Ministry of Economic Services and Natural Resources".</p>
Copra Act 1970	<p>By omitting from section 2 the definition of the term "Director" and substituting the following new definition:-</p> <p>"Director" means the Director of Outer Islands Agriculture Produce appointed under the provisions of the Ministry of Economic Services and Natural Resources Act 1973-74".</p> <p>By omitting from the definition of the term "Inspector" in section 2 the words "Department of Agriculture" and substituting the words "Ministry of Economic Services and Natural Resources".</p>
Plants Act 1973	<p>By omitting from section 2 the term "Director" and its definition.</p> <p>By omitting from the definition of the term "Inspector" in Section 2 the words "and includes any officer appointed as an inspector</p>



## Enactment Amended

## Amendment

under section 6 of the Department of Agriculture Act 1970".  
 By omitting from the definition of the term "Minister" in section 2 the words "Department of Agriculture" and substituting the words "Ministry of Economic Services and Natural Resources".  
 By adding in section 2 after the term "Minister" and its definition the following new term and definition:-  
 ""Ministry" means the Ministry of Economic Services and Natural Resources".  
 By adding in section 2 after the term "Port" and its definition the following new term and definition:-  
 ""Secretary" means the Secretary of the Ministry of Economic Services and Natural Resources".  
 By omitting all other references in the Act to the term "Director" and substituting references to the term "Secretary".  
 By omitting all other references in the Act to the term "Department of Agriculture" and substituting references to the term "Ministry".

This Act is administered in the Ministry of Economic Services and Natural Resources.