



## ANALYSIS

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1973-74, No. 36

An Act to constitute the Ministry of Supportive Services  
(29 April 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 Supportive Services 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 Supportive Services constituted under this Act:

"Secretary" means the Secretary of the Ministry of Supportive Services appointed under the provisions of this Act.

3. Ministry of Supportive Services - There shall be a Department of State to be known as the Ministry of Supportive Services which under the control of the Minister shall be charged with the administration of the enactments specified in the 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 provide, construct and maintain roads, harbours, buildings and other public facilities required for the development and administration of the Cook Islands:
- (b) To establish, provide and maintain an adequate water supply and reticulation service in all islands:
- (c) To provide, operate, manage and maintain a transport service for Departments of State and other Government agencies:
- (d) To undertake services in connection with the construction, building, and furniture-making industries for the benefit of the public:
- (e) To provide and promote printing process to cater for the needs of Government and the people of the Cook Islands.

5. Secretary of Supportive Services - There shall from time to time be appointed as a member of the Public Service a Secretary of Supportive Services who shall be the administrative head of the Ministry of Supportive Services.

6. Appointment of other officers and employees - There may from time to time be appointed as members of the Public Service:

- (a) A Director of the Public Works Division of the Ministry:
- (b) A Director of Printing:
- (c) Such other officers and employees of the Ministry as may be necessary.

7. 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 the Secretary of the Ministry of Supportive Services shall be deemed to have been appointed to that office as aforesaid under this Act.

(2) The person holding office in the Public Service at the commencement of this Act as Director of Works shall be deemed to have been appointed to the office of Director of the Public Works Division of the Ministry under this Act.

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

8. 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 the Secretary is charged with the administration by the Act or any other enactment.

9. 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.

10. 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 exercisable by 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 the 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 office.

(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 be ceased to hold office, and shall continue to have effect as if made by the successor in office of that Secretary.

11. Special Investigations - (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 the 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 information obtained by the Minister or by any other person by means of any such investigation shall be treated as confidential except for the purpose of this Act.

12. 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.

13. Regulations - (1) The High Commissioner, by Order in Executive Council, may from time to time make all such regulations 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.

14. Consequential amendment - The Public Service Act 1969 is hereby amended by -

- (a) Omitting from the First Schedule the words "Department of Works and Communications" and substituting the words "Ministry of Supportive Services":
- (b) Omitting from the Second Schedule the words "Director of Works and Communications" and substituting the words "Secretary of Supportive Services":
- (c) Adding to the Second Schedule the words "Director of the Public Works Division, Ministry of Supportive Services".

Section (3)

SCHEDULE

Enactments to be administered by the Ministry of Supportive Services:

Building Controls and Standards Act 1968.  
Rarotonga Waterworks Ordinance 1960.

This Act is administered in the Ministry of Supportive Services.