



ANALYSIS

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1987, No. 24

An Act to Constitute the Ministry of Planning and Economic Development

(12 December 1987)

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 Planning and Economic Development Act 1987.

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

"Minister" means the Minister of Planning and Economic Development;

"Ministry" means the Ministry of Planning and Economic Development established by this Act;

"Secretary" means the Secretary of Planning and Economic Development.

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3. Ministry of Planning and Economic Development - (1) There shall be a Ministry of State to be known as the Ministry of Planning and Economic Development which under the control of the Minister shall be charged with the objectives and functions set out in section 4 and such other objectives and functions as may be lawfully conferred on the Ministry.

(2) The Ministry shall comprise such divisions having such functions not inconsistent with this Act as may be prescribed by regulation.

4. Principal objectives and functions of the Ministry -

(1) The principal objectives of the Ministry shall be,-

- (a) To ensure that economic development proceeds in a manner compatible with social and cultural values, with equitable distribution of benefits, and in accordance with the level of natural resources to attain a larger measure of economic independence and with regard to conservation of natural resources and the environment.
- (b) To improve the level of prosperity for the Cook Islands people and increase the participation of Cook Islanders in the overall development of the Cook Islands, to strengthen the national identity and create and develop a co-operative relationship with Pacific countries for economic development and sharing of mutual interests and benefits.

(2) The principal functions of the Ministry shall

be,-

- (a) To formulate and evaluate guidelines for a National Development Plan and to design specific programmes to achieve those national developments in accordance with Government policy; and
- (b) To advise Government and its Department on all matters relating to the National Development Plan, and oversee all programmes; and
- (c) To act as the co-ordinating and catalytic agency for the effective and efficient utilization of available resources; and
- (d) To monitor and assess changes in the trends of the economy and to undertake research to analyse the constraints and development potential; and
- (e) To co-ordinate all infrastructural development programmes and projects and to ensure that these are formulated, evaluated and implemented in accordance with Government policy and Cabinet directives; and
- (f) To formulate and evaluate programmes for the productive utilization of all overseas development assistance and to explore new avenues of development assistance to meet national development objectives.

5. Secretary of Planning and Economic Development - There shall from time to time be appointed under the Public Service Act 1975 a Secretary of Planning and Economic Development who shall be the administrative head of the Ministry.

6. Appointment of other officers and employees - There may from time to time be appointed under the Public Service Act 1975 such other officers and employees of the Ministry as may be necessary.

7. Officers to act under 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 the administration of which the Ministry or the Secretary is charged by this Act or any other enactment.

8. Delegation of powers by 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 of Planning and Economic Development by this Act or any other enactment, but not including the power to delegate under this section or the power to consent to a delegation under section 9 of this Act.

(2) Subject to any general or special directions given or conditions attached by the Minister, the Secretary may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) 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.

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

(5) 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 or, if there is no Secretary in office or if the Secretary is absent from duty, to the person for the time being directed to act in the place of the Secretary.

9. Delegation of powers by the 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, or any power delegated to him under the Public Service Act 1975 without the written consent of the Public Service Commissioner.

(2) Subject to any general or special directions given or conditions attached by the Secretary, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) 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.

(4) 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.

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

(6) 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.

10. Advisory and technical committees - (1) The Minister may from time to time with the concurrence of Cabinet appoint or discharge or alter or continue or reconstitute such advisory or technical committees to advise the Minister and Cabinet on such matters concerning the functions of the Ministry.

(2) A person may be appointed to be a member of a committee under this section, notwithstanding that he is not an officer or employee of the Ministry.

(3) Subject to any directions given by the Minister or Cabinet, every such committee shall determine its own procedure.

(4) There shall be paid to the members of any such committee (other than persons in the employ of the Government) travelling allowances and expenses as may from time to time be fixed by the Queen's Representative by Order in Executive Council.

11. 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 Parliament within 14 days after it has been furnished to the Minister if Parliament is then in Session, and, if not, shall be laid before Parliament within 14 days after the commencement of the next ensuing Session.

12. Regulations - (1) The Queen's Representative may from time to time, by Order in Executive Council, make all such regulations as may be necessary or expedient for the purpose of giving full effect to the provisions of this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before Parliament within 14 days after the date of the making thereof if Parliament is then in session, and, if Parliament is not then in Session, shall be laid before Parliament within 14 days after the commencement of the next ensuing Session.

13. Repeals and amendments - (1) The Ministry of Planning and External Affairs Act 1977 is amended by,-

- (a) repealing Part II; and
- (b) deleting the words "Planning" and "the Planning Division" wherever they appear in the Act.

This Act is administered by the
Ministry of Planning and Economic Development.