



## ANALYSIS

Title	
1. Short Title	3. Appointments of Heads of Department
2. Interpretation	

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2000, No. 10

An Act to amend the Public Service Act 1995-96 to make provision for the appointment and termination of appointments of heads of department

(10 April 2000)

**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 Public Service Amendment Act 2000 which shall be read together with and deemed part of the Public Service Act 1995-96 (the principal Act).

2. Interpretation - Section 2 of the principal Act is amended by --

(a) repealing the definition "Department" and substituting the following -

"Department" means any Island Administration department or Government department or any Crown appointed office, agency or instrument prescribed by regulation in accordance with section 42(d) of this Act;"

(b) inserting in alphabetical order the following definitions --

"Parliamentary Under-secretary" means the Parliamentary Under-secretary to a Minister;"

“Responsible Minister” means the Minister charged with the responsibility for a department;”

3. Appointments of heads of department - Section 11 of the principal Act is amended by –

(a) repealing subsection (1) and substituting the following subsection –

“(1) An appointment or promotion to the position of head of a department, other than those specified in paragraphs (a) and (b) of subsection (2) of section 12, shall be made by the Commissioner in accordance with a decision of Cabinet and pursuant to a contract of employment with the Commissioner containing such terms and conditions as shall be approved by Cabinet.”

(b) by adding the following new subsections –

“(3) Except for the contract of employment between the Commissioner and the head of an Island Administration department, every contract of employment between the Commissioner and a head of department shall have included therein –

(a) grounds upon which the contract may be terminated and which grounds shall include –

(i) insubordination of a Minister or Parliamentary Under-secretary;

(ii) refusal to implement lawful instructions of the responsible Minister or of the Parliamentary Under-secretary to the responsible Minister;

(iii) misleading or providing false information to a Minister or Parliamentary Under-secretary;

(b) provision that where grounds for termination have been made out, the responsible Minister may, with the concurrence of Cabinet, direct the Commissioner to terminate the contract subject to its terms.

(4) It shall be the duty of the Commissioner to ensure that the term of all contracts with heads of departments commence and expire as near as possible on the same dates directed by Cabinet and where a contract is terminated before the term expires, an appointment or promotion to the vacancy thereby created shall be for the duration of the unexpired term.”

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This Act is administered by the Office of the Public Service Commissioner