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Cook Islands Amendment Act 1957

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Date of assent 25 October 1957

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An Act to amend the Cook Islands Act 1915**1 Short Title and commencement**

[Repealed]

- (1) This Act may be cited as the Cook Islands Amendment Act 1957, and shall be read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).
- (2) Parts 1, 2, and 3 and sections 95 and 96 of this Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Proclamation, and different dates may be so appointed for the purpose of different sections and Parts of this Act.

Part 1**The Government of the Cook Islands**

[Repealed]

Part 1: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

2 Interpretation

[Repealed]

Section 2: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

The Executive Government of the Cook Islands

[Repealed]

Heading: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

3

Section 3 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

4

Section 4 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

5

Section 5 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

6

Section 6 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

7

Section 7 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

8

Section 8 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

9

Section 9 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

10

Section 10 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

11

Section 11 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

12

Section 12 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

13

Section 13 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

14

Section 14 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

The public revenues of the Cook Islands
[Repealed]

Heading: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

15

Section 15 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

16 Loans to Cook Islands Government Account

[Repealed]

Section 16: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

17

Section 17 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

18

Section 18 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

19

Section 19 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

20 Traders' deposit accounts

[Repealed]

Section 20: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

21

Section 21 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

Public health
[Repealed]

Heading: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

22 Chief Medical Officer of the Cook Islands

[Repealed]

Section 22: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

23 Qualification of Medical Officers*[Repealed]*

Section 23: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

24 Duties of Chief Medical Officer of the Cook Islands*[Repealed]*

Section 24: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

25 Hospitals and other institutions of public health*[Repealed]*

Section 25: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

26 Compulsory transfer of lepers*[Repealed]*

Section 26: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

*Prisons and police**[Repealed]*

Heading: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

27

Section 27 was repealed, as from 27 November 1970, by section 2(1)(c) Cook Islands Amendment Act 1970 (1970 No 56).

28

Section 28 was repealed, as from 27 November 1970, by section 2(1)(c) Cook Islands Amendment Act 1970 (1970 No 56).

29

Section 29 was repealed, as from 27 November 1970, by section 2(1)(c) Cook Islands Amendment Act 1970 (1970 No 56).

30

Section 30 was repealed, as from 27 November 1970, by section 2(1)(c) Cook Islands Amendment Act 1970 (1970 No 56).

Education
[Repealed]

Heading: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

31

Section 31 was repealed, as from 26 October 1967, by section 6(b) Cook Islands Amendment Act 1967 (1967 No 23).

The Legislative Government of the Cook Islands
[Repealed]

Heading: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

32

Section 32 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

33

Section 33 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

34

Section 34 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

35

Section 35 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

36

Section 36 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

37

Section 37 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

38

Section 38 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

39

Section 39 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

40

Section 40 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

41

Section 41 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

42

Section 42 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

43

Section 43 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

44

Section 44 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

45

Section 45 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

46

Section 46 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

47

Section 47 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

48

Section 48 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

49

Section 49 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70).

50

Section 50 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

Miscellaneous
[Repealed]

Heading: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

51 Island Councils*[Repealed]*

Section 51: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

52 High Commissioner may assent to Island Council bylaws by telegram*[Repealed]*

Section 52: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

Subsection (1) was substituted, and subsection (1A) was inserted, as from 7 June 1965, by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1).

In subsection (2) the words “the High Commissioner” were substituted, as from 4 August 1965, for the words “the Resident Commissioner” pursuant to section 57(3) Cook Islands Amendment Act 1964 (1964 No 70).

Subsection (2) was amended, as from , by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1) by substituting the expression “subsection (1A)” for the words “paragraph (b) of subsection (1)”. It was further amended by the same provision by substituting the words “Article 44 of the Constitution” for the words “section 42 of this Act”.

In subsection (3) the Post and Telegraph Act 1928 has been repealed and replaced by the Post Office Act 1959 but without a corresponding definition of the term telegram.

53

Section 53 was repealed, as from 25 November 1970, by section 2(1)(c) Cook Islands Amendment Act 1970 (1970 No 56).

54

Section 54 was repealed, as from 25 November 1970, by section 2(1)(c) Cook Islands Amendment Act 1970 (1970 No 56).

Part 2**The Government of Niue****55**

Section 55 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

56

Section 56 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

57

Section 57 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

58

Section 58 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

59

Section 59 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

60

Section 60 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

61

Section 61 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

62

Section 62 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

63

Section 63 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

64

Section 64 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

65

Section 65 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

66

Section 66 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

67

Section 67 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

68

Section 68 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

69

Section 69 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

70

Section 70 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

71

Section 71 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

72

Section 72 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

73

Section 73 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

74

Section 74 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

75

Section 75 was repealed, as from 4 August 1965, by section 53(a) Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

Part 3

The Cook Islands public service

76 Interpretation

In this Part of this Act, unless the context otherwise requires,—

Administering authority*[Repealed]*

Administering authority: inserted, as from 7 June 1965, by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1), and omitted as from 1 January 1967, by section 2(2) Cook Islands Amendment Act 1966 (1966 No 39).

[Repealed]

Cook Islands Public Service means the Cook Islands Public Service constituted by Article 72 of the Constitution

Cook Islands Public Service: the original definition was amended, as from 7 June 1965, by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1).

Cook Islands Public Service and employee: substituted, as from 1 January 1967, by section 3(1) Cook Islands Amendment Act 1966 (1966 No 39).

Employee, in relation to the Cook Islands Public Service, means a person who is an employee of that Service under the law for the time being in force in the Cook Islands

Cook Islands Public Service and employee: substituted, as from 1 January 1967, by section 3(1) Cook Islands Amendment Act 1966 (1966 No 39).

New Zealand controlling authority means, in respect of a person employed in any branch of the New Zealand Government Service to which the State Sector Act 1988 applies, the State Services Commission, and, in respect of a person employed in any other branch of the New Zealand Government Service, the Minister in charge of that branch

New Zealand controlling authority: A reference to the State Services Act 1962 was substituted, as from 1 January 1965, for a reference to the Public Service Act 1912 pursuant to section 77(1) State Services Act 1962 (1962 No 132). In turn this was substituted, as from 1 April 1988, by the reference to the State Sector Act 1988, pursuant to section 88(2) State Sector Act 1988 (1988 No 20).

New Zealand controlling authority: the words “the State Services Commission” were substituted, as from 1 January 1967, for the words “the Public Service Commission” by section 3(10) State Services Act 1962 (1962 No 132).

New Zealand Government Service means the service of Her Majesty in respect of the Government of New Zealand, not being honorary service; and includes service which is education service within the meaning of the Government Superannuation Fund Act 1956.

New Zealand Government Service: The reference to the Government Superannuation Fund Act 1956 was substituted, as from 1 November 1976, for a reference to the Superannuation Act 1956 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

77

Section 77 was repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

78

Section 78 was repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

79

Section 79 was repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

80

Section 80 was repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

81

Section 81 was repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

82

Section 82 was repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

83 Payment of salary and allowances

[Repealed]

Section 83: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

83A

Section 83A was inserted, as from 7 June 1965, by section 17 Cook Islands Amendment Act 1962 (1962 No 40), and repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

84

Section 84 was repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

84A

Section 84A was inserted, as from 4 August 1965, by section 55 Cook Islands Amendment Act 1964. See regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128). Section 84A was repealed, as from 1 January 1967, by section 3(2)(a) Cook Islands Amendment Act 1966 (1966 No 39).

84B Superannuation rights of employees of Cook Islands Public Service appointed as Ministers

- (1) Where any member of the Legislative Assembly (in this section referred to as the contributor), being a member of the Cook Islands Public Service and a contributor to the Government Superannuation Fund (in this section referred to as the Fund), is at any time after the first general election of the Assembly

held after the commencement of this section and before the 1st day in January 1966, appointed to be a Minister of the Government of the Cook Islands, and on that appointment vacates his office as a member of the Service pursuant to the provisions of Article 13 of the Constitution—

- (a) He may elect to postpone the acceptance by him of a refund of the contributions made by him to the Fund or the other benefits to which he may be entitled from the Fund and the making of any election which he may be entitled to make in respect of those benefits; and
 - (b) The period of postponement shall expire not later than 13 months after the contributor ceases to be a Minister or the expiration of the period of 4 years after the appointment of the contributor as a Minister, whichever first occurs. The period may be at any time terminated by the contributor by notice in writing addressed to the Superintendent of the Fund. The period shall be deemed to commence on the date of the contributor's appointment as a Minister, and is in this section referred to as the period of postponement.
- (2) If the contributor is during the period of postponement appointed (whether permanently or temporarily) to the Cook Islands Public Service, the period of his contributory service after that appointment shall for the purposes of the Government Superannuation Fund Act 1956 be deemed to be continuous with the period of his contributory service before his appointment as a Minister.
 - (3) The contributor shall be deemed to continue to be a contributor to the Fund during the period of postponement:
Provided that no contributions shall be payable by the contributor to the Fund, and no payments shall be made to the contributor for his own benefit out of the Fund, in respect of the period of postponement or any part thereof, and no part of that period shall be regarded as part of the period of his contributory service.
 - (4) Notwithstanding the provisions of subsections (2) and (3) of this section, where the contributor has resumed employment in the Cook Islands Public Service, he may, with the consent of the Government Superannuation Board, elect to contribute

to the Fund, at such rate as that Board determines, in respect of the period during which he was a Minister; and if he does so that period shall be regarded as part of his contributory service.

- (5) Where any contributor ceases to be a Minister during the period of postponement, and at the time when he ceases to be a Minister or thereafter during the period of postponement he is or becomes medically unfit for further duty within the meaning of subsection (4) of section 36 of the Government Superannuation Fund Act 1956, he shall be entitled to receive from the Fund an annual retiring allowance computed as provided in section 35 of that Act.
- (6) The provisions of subsections (2), (2A), (3), and (5) of section 36 of the Government Superannuation Fund Act 1956 shall apply as if any retiring allowance payable under this section were payable under the said section 36.
- (7) Where any contributor dies during the period of postponement, the provisions of sections 45, 46, and 47 of the Government Superannuation Fund Act 1956 shall apply as if the contributor's death had occurred immediately before his appointment as a Minister.

Subsection (1) was amended, as from 1 January 1967, by section 2(2) Cook Islands Amendment Act 1966 (1966 No 39) by omitting the words "other than Niue".

In subsections (2), (5), (6) and (7) the reference to the Government Superannuation Fund Act 1956 was substituted, as from 1 November 1976, for a reference to the Superannuation Act 1956 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

85 Employment in New Zealand and Cook Islands Public Services

- (1) Any person permanently employed in the New Zealand Government Service may, with the consent of the New Zealand controlling authority, be appointed to any position in the Cook Islands Public Service in all respects as if he were an employee thereof; but, until he is appointed to a position in the Cook Islands Public Service, no such person shall have any right of appeal against any determination of the Secretary of the Premier's Department in relation to any appointment, promotion, or transfer in or to the Cook Islands Public Service.

- (2) Any employee of the Cook Islands Public Service may be appointed to any position in the New Zealand Government Service in all respects as if he were permanently employed therein; but, until he is appointed to a position in the New Zealand Government Service, no such person shall have any right of appeal against any determination of the New Zealand controlling authority in relation to any appointment, promotion, or transfer in the New Zealand Government Service. For the purposes of this subsection, the seniority of any such person shall be determined with reference to his grading (if any) in the New Zealand Government Service.
- (3) Any person appointed to a position in the Cook Islands Public Service under subsection (1) of this section or to a position in the New Zealand Government Service under subsection (2) of this section may hold positions concurrently in both services, and in such a case—
 - (a) His status, rights, and liabilities in each service shall be unaffected by the fact that he holds a position in the other service; and
 - (b) In respect of each position he shall be subject to the laws governing the service to which that position belongs, irrespective of his tenure of a position in the other service; and
 - (c) He shall in respect of each service be qualified for promotion, increase of salary, and appointment to any other position as if he held no position in the other service.
- (4) So long as any person so holds positions concurrently in both services, he shall be deemed to be absent on leave without pay from the New Zealand Government Service or, as the case may be, from the Cook Islands Public Service, unless the New Zealand controlling authority or, as the case may be, the Secretary of the Premier's Department otherwise directs.
- (5) When an employee of the New Zealand Government Service is appointed to a position in the Cook Islands Public Service, and then or thereafter ceases to hold a position in the New Zealand Government Service, he shall not be deemed for that reason to have retired from the New Zealand Government Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the New Zealand Government

Service, shall so remain until he ceases to be employed in the Cook Islands Public Service and for such further period, not exceeding 6 months, as the New Zealand controlling authority may from time to time in any case allow.

- (6) When an employee of the Cook Islands Public Service is appointed to a position in the New Zealand Government Service, and then or thereafter ceases to hold a position in the Cook Islands Public Service, he shall not be deemed for that reason to have retired from the Cook Islands Public Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the Cook Islands Public Service, shall so remain until he ceases to be employed in the New Zealand Government Service and for such further period, not exceeding 6 months, as the Secretary of the Premier's Department may from time to time in any case allow.
- (7) A supernumerary employee shall receive no pay in respect of the service of which he is a supernumerary employee, but shall for all other purposes be deemed to remain an employee of that service.
- (8) Any employee of the Cook Islands Public Service may, with the consent of the New Zealand controlling authority, be attached to the New Zealand Government Service for training or experience, and during the period of his service in New Zealand that employee shall be paid such salary and allowances as may be determined by the New Zealand controlling authority.

This section was substituted, as from 5 December 1962, by section 18 Cook Islands Amendment Act 1962 (1962 No 40).

Subsections (1), (4) and (6) were amended, as from 7 June 1965, by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1) by substituting the words "administering authority" for the words "State Services Commission".

Subsections (1), (4) and (6) were further amended, as from 1 January 1967, by section 2(2) Cook Islands Amendment Act 1966 (1966 No 39) by substituting the words "Secretary of the Premier's Department" for the words "administering authority".

85A Contribution to Government Superannuation Fund by employees of the Cook Islands Public Service

- (1) The provisions of subsections (2) and (3) of section 50 of the Government Superannuation Fund Act 1956 shall not apply

to any permanent employee of the Cook Islands Public Service who was not ordinarily resident in the Cook Islands immediately before his appointment to the Cook Islands Public Service, unless at any time, by notice in writing to the Superintendent of the Government Superannuation Fund, he elects to become a contributor to that Fund; and, if he so elects,—

- (a) He shall be a contributor to that Fund from the dates specified in subsection (2) or subsection (3), as the case may be, of the said section 50, or from such date as he may elect pursuant to the provisions of section 22 of the Government Superannuation Fund Act 1956; and
 - (b) He shall have the right, pursuant to section 28 of that Act, to cease to be a contributor.
- (2) While any employee to whom subsection (1) of section 85 of this Act applies holds positions concurrently in both services, or is a supernumerary employee of the New Zealand Government Service in accordance with the provisions of subsection (5) of that section, and is a contributor to the Government Superannuation Fund, the salary together with increments, if any, that in the opinion of the New Zealand controlling authority he would have been entitled to receive in respect of his employment in the New Zealand Government Service had he not been appointed to the Cook Islands Public Service shall be deemed to be his salary for the purposes of the Government Superannuation Fund Act 1956:
- Provided that, when any such employee has held a position in the Cook Islands Public Service for a continuous period of 6 years, he may, at any time after the expiration of that period while he still holds a position in that service, or if he is transferred to or returns to employment in the New Zealand Government Service, within one year after the termination of service in the Cook Islands, elect to contribute on the salary received by him in respect of his employment in the Cook Islands Public Service (exclusive of any special allowance received by him in respect of his residence in the Cook Islands) with effect from the date of his appointment in the last-mentioned service.
- (3) While any person to whom subsection (2) of section 85 of this Act applies hold positions concurrently in both services or is a

supernumerary employee of the Cook Islands Public Service under subsection (6) of section 85 of this Act, or is attached to the New Zealand Government Service under subsection (8) of that section, the salary together with increments, if any, that in the opinion of the Secretary of the Premier's Department he would have been entitled to receive in respect of his employment in the Cook Islands Public Service had he not been appointed to a position in or been attached to the New Zealand Government Service shall be deemed to be his salary for the purposes of the Government Superannuation Fund Act 1956: Provided that, when any such employee has held a position in the New Zealand Government Service for a continuous period of 6 years, he may, at any time after the expiration of that period while he still holds a position in that service, or if he is transferred to or returns to employment in the Cook Islands Public Service, within one year after the termination of service in New Zealand, elect to contribute on the salary received by him in respect of his employment in the New Zealand Government Service with effect from the date of his appointment in the last-mentioned service.

- (4) Upon any such election, there shall be payable by the employee to the Fund, within such time and in such manner as the Government Superannuation Board determines, such sum as the Board fixes in respect of the excess of his salary during the past period as an employee of the Cook Islands Public Service or of the New Zealand Government Service, as the case may be, over the amount deemed to be his salary during that period under the foregoing provisions of this subsection.
- (5) In this section the term **employee** includes—
- (a) The High Commissioner of the Cook Islands:
 - (b) A Judge of the High Court of the Cook Islands:
 - (c) A Judge of the Land Court of the Cook Islands:
 - (cc) The Secretary of the Premier's Department:
 - (ccc) A member of the staff of the High Commissioner of the Cook Islands:
 - (d) The holder of any position specified in a declaration made pursuant to section 78 of this Act:
 - (e) The holder of any position specified in a notice given pursuant to paragraph (e) of subsection (9) of section 50

of the Government Superannuation Fund Act 1956 (as enacted by section 2 of the Government Superannuation Fund Amendment Act 1958).

The original section was inserted, as from 26 September 1958, by section 6 Cook Islands Amendment Act 1958 (1958 No 47).

This section was substituted, as from 5 December 1962, by section 19(1) Cook Islands Amendment Act 1962 (1962 No 40).

In subsections (1) and (2) the reference to the Government Superannuation Fund Act 1956 was substituted, as from 1 November 1976, for a reference to the Superannuation Act 1956 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Subsection (3) was amended, as from 7 June 1965 by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1) by substituting the words “administering authority” for the words “State Services Commission”.

Subsection (3) was further amended, as from 1 January 1967, by section 2(2) Cook Islands Amendment Act 1966 (1966 No 39) by substituting the words “Secretary of the Premier’s Department” for the words “administering authority”.

In subsection (3) the reference to the Government Superannuation Fund Act 1956 was substituted, as from 1 November 1976, for a reference to the Superannuation Act 1956 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Subsection (5)(a) was substituted, as from 7 June 1965, by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1).

In subsection (5)(c) the words “the Land Court” were substituted, as from 4 August 1965, for the words “the Native Land Court”, pursuant to section 57(4) Cook Islands Amendment Act 1964 (1964 No 70). *See regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).*

Subsection (5)(cc) and (ccc) were inserted, as from 7 June 1965, by section 3(2) Cook Islands Amendment Act 1965 (1965 No 1).

In subsection (5)(e) the reference to the Government Superannuation Fund Act 1956 was substituted, as from 1 November 1976, for a reference to the Superannuation Act 1956 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

In subsection (5)(e) the reference to the Superannuation Fund Amendment Act 1958 was substituted, as from 1 November 1976, for a reference to the Superannuation Amendment Act 1958 pursuant to section 3(3) Government Superannuation Fund Amendment Act 1976 (1976 No 30).

85B

Section 85B was inserted, as from 17 October 1960, by section 29 Cook Islands Amendment Act 1960 (1960 No 32) and repealed, as from 1 January 1967, by section 2(2) Cook Islands Amendment Act 1966 (1966 No 39).

Part 4

Miscellaneous provisions

86

Section 86 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

87

Section 87 was repealed, as from 27 November 1970, by section 2(2)(d) Cook Islands Amendment Act 1970 (1970 No 56).

88

Section 88 was repealed, as from 27 November 1970, by section 2(2)(d) Cook Islands Amendment Act 1970 (1970 No 56).

89

(1)

(2)

Subsection (1) was repealed, as from 27 November 1970, by section 2(2)(d) Cook Islands Amendment Act 1970 (1970 No 56).

90

Section 90 was repealed, as from 27 November 1970, by section 2(2)(d) Cook Islands Amendment Act 1970 (1970 No 56).

91

Section 91 was repealed, as from 1 January 1967, by section 2(2) Cook Islands Amendment Act 1966 (1966 No 39).

92

93

94

95 Consequential amendments

(1) *The principal Act is hereby amended in the manner indicated in Schedule 2 to this Act.*

(2)

(3)

(4) All references to the Legislative Council of the Cook Islands in any Act, regulation, Ordinance, order, or other enactment, or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever shall be read hereafter as references to the Legislative Assembly of the Cook Islands, and all proceedings, resolutions, and other acts of authority of the Legislative Council of the Cook Islands shall be deemed

to be proceedings, resolutions, and acts of authority of the Legislative Assembly of the Cook Islands.

(5)

Subsection (2) was repealed, as from 1 January 1967, by section 2(2) Cook Islands Amendment Act 1966 (1966 No 39).

Subsection (3) was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

Subsection (5) was repealed, as from 1 January 1967, by section 2(2) Cook Islands Amendment Act 1966 (1966 No 39).

96 Repeals, revocation, and savings

- (1) The enactments specified in Schedule 3 to this Act are hereby repealed.
- (2) The regulations as to the Cook Islands Public Service made by Order in Council on the 5th day of June 1916 and published in the *Gazette* on the 8th day of June 1916 at page 1910 are hereby revoked.
- (3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal or revocation of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting and in force at the time of the repeal or revocation and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.
- (4) Every Island Council (except the Island Council of Niue) constituted under Part 2 of the principal Act at the date of the commencement of Part 1 of this Act shall be deemed to have been duly constituted by an Ordinance under section 51 of this Act, but any Ordinance made under that section may abolish any such Island Council or alter its constitution or any of its powers or functions. Until the coming into force of any such Ordinance, the provisions of sections 62 to 72, section 74, sections 76 to 78, and sections 92 to 100 of the principal Act and of any regulations thereunder relating to that Island Council shall, notwithstanding the repeal of Part 2 of the principal Act,

continue to apply with respect to that Island Council as if those provisions were contained in an Ordinance made under section 51 of this Act, and as if the references to Island Ordinances in those sections or in any such regulations were references to bylaws, and as if the reference in section 63 of the principal Act to the Cook Islands Treasury were a reference to the Cook Islands Assembly Account.

Schedule 1

Sections 39(2)(a) and
70(2)(a)

Reserved enactments

[Repealed]

Schedule 1 was repealed, as from 4 August 1965, by section 58 Cook Islands Amendment Act 1964 (1964 No 70). *See* regulation 2 Cook Islands Constitution Act Commencement Order 1965 (SR 1965/128).

Schedule 2

Section 95

Sections of principal Act amended

[Repealed]

Schedule 2: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

Schedule 3

Section 96

Enactments repealed

[Repealed]

Schedule 3: repealed, on 20 September 2007, by section 6 of the Cook Islands Amendment Act 2007 (2007 No 49).

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Notes**1 *General***

This is an eprint of the Cook Islands Amendment Act 1957. It incorporates all the amendments to the Cook Islands Amendment Act 1957 as at 20 September 2007. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

Cook Islands Amendment Act 2007 (2007 No 49): section 6
