

COOK ISLANDS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes several miscellaneous amendments to the Cook Islands Act 1915 and the amendments of that Act.

Clause 2: Section 41 of the principal Act provides that no person shall be qualified for appointment as a Medical Officer unless he is registered as a medical practitioner in New Zealand. This clause extends that provision, and provides that no person shall be qualified for appointment as a Medical Officer or to practise medicine or surgery in the Cook Islands unless he is either registered as a medical practitioner in New Zealand or in the United Kingdom or in the Republic of Ireland or in the opinion of the Medical Council of New Zealand has qualifications equivalent to those required for registration in New Zealand. Graduates of the Central Medical School at Suva, Fiji, may, however, practise medicine and surgery under the general control of the Medical Officer of Rarotonga or the Medical Officer of Niue. *Subclause (2)* makes it an offence for unqualified persons to practise medicine or surgery in the Cook Islands.

Clause 3: Section 651 of the principal Act provides that the time of the day in each of the Cook Islands is to be determined in accordance with the meridian of that island. This clause preserves this provision in the case of the Island of Niue, but fixes a standard time for each of the other islands of the group.

Clause 4 provides that where any regulations under the principal Act provide for the election of a European member for any Island Council (other than the Island Council of Niue) that European member is also to be a member of the Legislative Council of the Cook Islands. At present the only Island Council where provision is made for the election of a European member is the Island Council of Rarotonga.

Clause 5 applies the Incorporated Societies Act 1908 to the Cook Islands.

Clause 6 applies the Carriers Act 1948 within the Cook Islands. It will not apply to any contract for the carriage of any person or any goods between the Cook Islands and New Zealand.

Clause 7 gives statutory effect to the purchase from the Crown of the Island of Nassau by the Natives of Pukapuka, and vests the island (except an area of 10 acres retained for administration purposes) as customary land in the Natives of Pukapuka, to be held according to the customs and usages of the Island of Pukapuka.

Hon. Mr. Webb

COOK ISLANDS AMENDMENT

| Title. | ANALYSIS |
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| 1. Short Title. | 5. Incorporated Societies Act 1908 to be in force in the Cook Islands. |
| 2. Qualification of Medical Officers and medical practitioners. | 6. Carriers Act 1948 to be in force in the Cook Islands. |
| 3. Time of day in Cook Islands. | 7. Vesting Island of Nassau in Natives of Pukapuka. |
| 4. European members of Island Councils to be members of Legislative Council. | |

A BILL INTITULED

AN ACT to amend the Cook Islands Act 1915.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Cook Islands Amendment Act 1952, and shall be read together with and deemed part of the Cook Islands Act 1915 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. II, p. 658

10 2. The principal Act is hereby amended by repealing section forty-one, and substituting the following section:—

Qualification of Medical Officers and medical practitioners.

“41. (1) No person shall be qualified for appointment as a Medical Officer or to practise medicine or surgery in the Cook Islands, unless—

15 “(a) He is duly registered in New Zealand as a medical practitioner under the Medical Practitioners Act 1950; or
1950, No. 50

“(b) He is registered in accordance with the Acts regulating the registration of medical practitioners in the United Kingdom or the Republic of Ireland; or

“(c) He is the holder of a certificate issued under the hand of the Secretary to the Medical Council of New Zealand to the effect that, in the opinion of that Council, he has attained a standard of practice in medicine and surgery equivalent to the standard required for registration in New Zealand as a medical practitioner under the Medical Practitioners Act 1950: 5 10

“Provided that, notwithstanding anything in the foregoing provisions of this subsection, a graduate of the Central Medical School at Suva, Fiji, may practise medicine and surgery in the Cook Islands subject to the general control of the Chief Medical Officer of Rarotonga or the Chief Medical Officer of Niue, and not otherwise. 15

“(2) Every one commits an offence and shall be liable to a fine not exceeding ten pounds for every day on which the offence continues who, not being qualified or entitled to practise medicine or surgery as provided in subsection *one* of this section, practises medicine or surgery or any branch of medicine or surgery, under the style or title of a physician, surgeon, doctor, licentiate in medicine or surgery, bachelor of medicine, or medical practitioner, or under any name, title, addition, or description implying that he holds any diploma or degree in medicine or surgery or in any branch of medicine or surgery, or is otherwise specially qualified to practise medicine or surgery or any branch of medicine or surgery.” 20 25 30

**Time of day in
Cook Islands.**

3. The principal Act is hereby amended by repealing section six hundred and fifty-one, and substituting the following section:— 35

“651. (1) The hour of the day in each of the islands included in the Cook Islands, other than Niue, shall be determined as if each island were situated on the meridian one hundred and fifty-seven degrees thirty minutes West of Greenwich. 40

“(2) The hour of the day in the Island of Niue shall be determined as if that island were situated on the meridian one hundred and seventy degrees West of Greenwich.”

5 **4.** Section four of the Cook Islands Amendment Act 1946 is hereby amended by adding to paragraph (a) of subsection one the following proviso:—

European members of Island Councils to be members of Legislative Council.
1946, No. 30

10 “ Provided that, where by any regulations made under the principal Act provision is made for the election of a European member of any Island Council (other than the Island Council of Niue) as a representative of the European population, any European elected as a member of an Island Council in pursuance of those regulations shall thereby be deemed to have been elected as
15 an unofficial member of the Legislative Council; and in every case where provision is so made for the election of a European member of an Island Council the number of unofficial members to be elected by Island Councils in accordance with this paragraph shall be nine: ”.

20 **5.** (1) The Incorporated Societies Act 1908 shall be in force in the Cook Islands.

Incorporated Societies Act 1908 to be in force in the Cook Islands. See Reprint of Statutes, Vol. III, p. 922

(2) In that Act the term “ New Zealand ” shall, both in New Zealand and in the Cook Islands, be construed as including the Cook Islands.

25 (3) Offences punishable on summary conviction under that Act shall, if committed in the Cook Islands, be punishable by the High Court of the Cook Islands in the ordinary course of its criminal jurisdiction.

30 **6.** (1) The Carriers Act 1948, except subsection two of section three, shall be in force in the Cook Islands.

Carriers Act 1948 to be in force in the Cook Islands.
1948, No. 66

(2) In that Act the term “ New Zealand ” shall be construed as including the Cook Islands:

35 Provided that nothing in that Act shall apply with respect to any contract for the carriage of any person or any goods between New Zealand and the Cook Islands.

7. Whereas the Island of Nassau is Crown land within the meaning of the principal Act: And whereas the Native inhabitants of the Island of Pukapuka have purchased the said Island of Nassau from Her Majesty the Queen for the sum of two thousand pounds: Be it
40 therefore enacted as follows:

Vesting Island of Nassau in Natives of Pukapuka.

Notwithstanding anything in the principal Act, the Island of Nassau (excepting an area of ten acres to be retained for administration purposes and to be hereafter defined by the Native Land Court) is hereby vested in the Native inhabitants of the Island of Pukapuka, and is hereby declared to be customary land within the meaning of the principal Act, to be held by the Native inhabitants of the Island of Pukapuka and their descendants according to the Native customs and usages of the Island of Pukapuka.

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