

Hon. Dr. Pomare.

COOK ISLANDS GOVERNMENT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Cook Islands Government Act, 1908. 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 Government Amendment Act, 1912, and shall form part of and be read together with the Cook Islands Government Act, 1908 (hereinafter referred to as the principal Act). Short Title.

2. In this Act, unless a contrary intention appears,— Interpretation.
“European” means an adult person who is a British subject by birth or naturalization, and who is not a Native:
“Native” means a person belonging to the aboriginal Polynesian race, and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race.

3. (1.) The Minister for the time being administering the principal Act may from time to time, by writing under his hand, appoint some fit person, being a member of the Public Service of New Zealand proper or an officer appointed under section eight of the principal Act, to be the Deputy Resident Commissioner. Deputy Resident Commissioner.

(2.) The Deputy Resident Commissioner shall, during the absence from the Cook Islands of the Resident Commissioner, or while the Resident Commissioner is incapacitated by illness or otherwise from carrying out his duties, have all the powers and exercise all the functions of the Resident Commissioner. 5

Present Council continued until constitution of Federal Council in pursuance of this Act.

4. The Federal Council as constituted at the date of the passing of this Act shall be deemed to be validly constituted, and shall, until the date to be fixed by the Governor in pursuance of the *next succeeding* section hereof, continue to be the Federal Council for the Cook Islands, and all Ordinances passed and acts done by it shall be deemed to be validly passed and done respectively. 10

Constitution of Federal Council.

5. On and after a day to be fixed by the Governor by Proclamation in that behalf, the Federal Council shall consist of the following members, namely:—

- (a.) The Resident Commissioner for the time being ; 15
- (b.) Five Arikis of Rarotonga and three Native residents of Rarotonga, representing the Island of Rarotonga ;
- (c.) One Native resident of Rarotonga, representing the Island of Mangaia ;
- (d.) One Native resident of Rarotonga, representing the Island of Aitutaki ; and 20
- (e.) One Native resident of Rarotonga, representing the Island of Atiu.

Resident Commissioner to preside at meetings of Federal Council.

6. (1.) The Resident Commissioner shall preside at all meetings of the Federal Council at which he is present. 25

(2.) If at any time a meeting of the Federal Council is held while the Resident Commissioner is absent from Rarotonga or is for any other reason unable to attend, the Deputy Commissioner shall preside at that meeting.

(3.) The person presiding at any meeting of the Council shall have a deliberative and a casting vote. 30

Election or appointment of representatives for Rarotonga.

7. (1.) The five Arikis representing the Island of Rarotonga who on the passing of this Act are members of the said Council shall be members of the Federal Council as constituted by this Act, and shall hold office for so long as they hold respectively the office of Ariki, and the successor of each such Ariki shall hold office as a member for so long as he or she shall hold the office of Ariki. 35

(2.) The three Native residents of Rarotonga representing the Island of Rarotonga shall be elected by the Native residents of Rarotonga, and shall hold office for three years. 40

(3.) There shall be a new election of such three members every three years, at which retiring members shall be eligible for re-election.

(4.) Such elections shall be governed by Ordinances passed from time to time by the Federal Council. 45

Representatives of other islands.

8. The Arikis of the Islands of Mangaia, Aitutaki, and Atiu respectively shall each appoint from among the Native residents of Rarotonga a member to represent the said Islands of Mangaia, Aitutaki, and Atiu respectively. Every member so appointed shall hold office for three years, but shall be eligible for reappointment : 50

Provided that if any of such appointments are not made within six months after the passing of this Act the Governor may exercise the power vested in the said Arikis respectively.

5 9. (1.) In addition to the members of the Federal Council referred to in section five hereof the Governor may from time to time, if he thinks fit,—

Representative of northern islands.

(a.) Appoint from among the Native residents of Rarotonga a member to represent the islands commonly known as the northern islands of the Cook Islands ;

10 (b.) Appoint from among the European residents of Rarotonga a member to represent the European residents of the Cook Islands.

Representative of European residents of Cook Islands.

(2.) Every member appointed under this section shall hold office for three years, but shall be eligible for reappointment.

15 10. (1.) Notwithstanding anything hereinbefore contained, the Governor may at any time, for any cause which seems to him just, by Order in Council, remove any member of the said Council from office, and upon the publication of any such Order in Council in the *Cook Islands Gazette* the member so removed shall cease to hold office, and his place may be filled by a new election or appointment, as the case may be, in accordance with the provisions of this Act.

Governor may remove member of Council from office.

20 (2.) If an Ariki is so removed, the Governor may from time to time appoint some fit person in his place to be a member of the Federal Council. Every person so appointed shall hold office until the succession of an Ariki in place of the Ariki so removed, or for such shorter period as the Governor in that behalf appoints.

25 (3.) The successor of an Ariki removed from office under this section shall upon his succession become a member of the Federal Council.

30 11. The Federal Council shall have power to fix its times of meeting and the order of its business :

Council to fix times, &c., of meetings.

Provided that its place of meeting shall be at Rarotonga, and it shall meet at least once in every month.

35 12. Seven members of the Federal Council present at any meeting thereof (of whom the Resident Commissioner or his deputy shall be one) shall form a quorum. If a quorum is not present within half an hour of the time of meeting, the meeting shall be adjourned to such other day and time as the Resident Commissioner or his deputy (as the case may be) shall appoint in that behalf.

Quorum and adjournments.

40 13. The Resident Commissioner may from time to time appoint a fit and proper person to be Clerk to the Federal Council. Such Clerk shall keep in writing minutes of all proceedings of the Federal Council.

Clerk of Federal Council.

45 14. All Ordinances passed by the Federal Council, when assented to by the Governor, shall be published in the *Cook Islands Gazette* in both the English and the Native language, and (unless a later date is expressed in any Ordinance as being the date of its coming into operation) shall be deemed to come into operation upon the date of their respective publication in such *Gazette*.

Federal Ordinances to be gazetted.

50 15. In all civil proceedings in the High Court between Europeans, the law in force in New Zealand shall apply, except in so far as it is inconsistent with any Ordinance passed from time to time

Conduct of civil proceedings between Europeans.

by the Federal Council, applicable to Europeans, and in operation in the said islands.

Sentences of imprisonment may be carried out in New Zealand proper.

16. (1.) Where any person is sentenced by the High Court to any term of imprisonment exceeding *three* months for any offence committed in the Cook Islands, the said Court may order that the sentence shall be carried out by imprisonment, with or without hard labour, in any prison in New Zealand proper. 5

(2.) If any such order is made by the said Court, the person so sentenced may be lawfully deported to New Zealand proper, and detained in the said prison until the expiration of the sentence so passed upon him. 10

(3.) The period of detention after sentence of any such person in the Cook Islands and during the voyage to New Zealand shall be computed as part of the term of his sentence.

Consequential amendments of principal Act, &c.

17. All Ordinances heretofore passed by the Federal Council and all provisions of the principal Act in so far as they are respectively inconsistent with the provisions of this Act are hereby repealed. 15