

Section 153 of the principal Act extends the civil jurisdiction of the Supreme Court of New Zealand to the Cook Islands, and section 154 extends the jurisdiction of the Supreme Court under the Declaratory Judgments Act 1908 to judgments or orders relating to the laws of the Cook Islands. In neither of these cases is there any provision as to the registry of the Court in which the proceedings are to be filed.

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Tuesday, the 1st Day of August 1967

COOK ISLANDS AMENDMENT BILL

Proposed Amendment

Hon. Mr HANAN, in Committee, to move the following amendment:

To insert, after clause 1, the following clause:

1A. Place for filing proceedings—(1) The principal Act is hereby amended by inserting, after section 154, the following section:

“154A. Any proceedings in the Supreme Court of New Zealand in the jurisdiction conferred on it by section 153 or section 154 of this Act shall be filed in the office of the Supreme Court at Auckland.”

(2) Section 155 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) The information for any such offence shall be filed either in the Magistrate’s Court at Auckland or the office of the Magistrate’s Court appointed for the exercise of criminal jurisdiction which is nearest by the most practicable route to the place where the informant believes that the defendant may be found.”

EXPLANATORY NOTE

Section 153 of the principal Act extends the civil jurisdiction of the Supreme Court of New Zealand to the Cook Islands, and section 154 extends the jurisdiction of the Supreme Court under the Declaratory Judgments Act 1908 to judgments or orders relating to the laws of the Cook Islands. In neither of these cases is there any provision as to the registry of the Court in which the proceedings are to be filed.

Subclause (1) of the proposed new clause will require the proceedings to be filed in the office of the Supreme Court at Auckland. Under section 156, cases stated for the Supreme Court by the High Court or the Land Court are to be filed in that office, and under section 159 appeals from the High Court to the Supreme Court are also to be transmitted to the Registrar of the Supreme Court at Auckland. This amendment will therefore result in all civil proceedings in the Supreme Court in relation to the Cook Islands being filed in the Auckland office of the Court.

Subclause (2): Section 155 of the principal Act extends the criminal jurisdiction of the Supreme Court to offences committed in the Cook Islands where the offender is found in New Zealand, and that jurisdiction may be exercised as if those offences were indictable offences committed in New Zealand. The preliminary proceedings are to be taken in the same manner as in the case of indictable offences committed in New Zealand, and under the Summary Proceedings Act 1957 this requires the information to be filed either in the office of the Magistrate's Court nearest to the place where the offence was committed or the office of the Court nearest to the place where the defendant can be found.

This subclause requires the information to be filed either in the office of the Magistrate's Court at Auckland or the office of the Court nearest to the place where the defendant can be found.

Under Article 46 of the Constitution of the Cook Islands, the Government of the Cook Islands has requested and consented to this provision being included in the Bill.