

Serial Number 1947/61



**THE COOK ISLANDS LEGISLATIVE COUNCIL
REGULATIONS 1947**

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 16th day of
April, 1947

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Cook Islands Act, 1915, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Cook Islands Legislative Council Regulations 1947.

2. In these regulations, unless inconsistent with the context —

“Extraordinary election” means an election to fill the place of a person who has ceased to be a member by reason of any of the events set out in Regulation 8 hereof :

“Legislative Council” means the Legislative Council of the Cook Islands :

“Member” means a member of the Legislative Council :

“Ordinary election” means an election other than an extraordinary election :

“Resident Commissioner” means the Resident Commissioner of Rarotonga :

“Year” means a secular year commencing on the 1st day of January.

3. The ten unofficial members of the Legislative Council being members of Island Councils (other than that of Niue) shall be elected by the Island Councils following in the numbers following, namely :—

		Members.
By the Island Council of Rarotonga .. .. .	.. .. .	4
By the Island Council of Aitutaki .. .. .	.. .. .	1
By the Island Council of Mangaia .. .. .	.. .. .	1
By the Island Council of Atiu .. .. .	.. .. .	1
By the Island Councils of Manihiki and Rakahanga in rotation .. .. .	.. .. .	1
By the Island Councils of Penrhyn and Pukapuka in rotation .. .. .	.. .. .	1
By the Island Councils of Mauke and Mitiaro in rotation .. .. .	.. .. .	1

4. (1) The Island Councils of Rarotonga, Aitutaki, Mangaia, and Atiu shall elect the members or member they are respectively entitled to elect once in every year.

(2) The Island Councils of Manihiki and Penrhyn shall each elect a member in the year 1947 and in every alternate year thereafter.

(3) The Island Councils of Rakahanga and Pukapuka shall each elect a member in the year 1948 and in every alternate year thereafter.

(4) The Island Council of Mauke shall elect a member in the years 1947 and 1948 and thereafter in every year except the years in which a member is to be elected by the Island Council of Mitiaro.

(5) The Island Council of Mitiaro shall elect a member in the year 1949 and in every third year thereafter.

5. Every member of the Legislative Council to be elected by an Island Council shall be elected at a meeting of the Council duly held for the purpose and shall be elected by open vote or secret ballot as the Island Council may from time to time decide :

Provided, first, that before any person is proposed for election he shall sign a consent to serve if elected :

Provided, secondly, that in the election the Resident Commissioner or Resident Agent (as the case may be) shall not exercise a deliberative vote, but in the case of an equality of votes shall be entitled to exercise such casting vote or votes as may be necessary to give a majority of votes to any candidate or candidates, but not more than one casting vote for any one candidate.

6. All ordinary elections to be held in the year 1947 shall be held on such date or respective dates as the Resident Commissioner may appoint, and all ordinary elections to be held in any year thereafter shall be held on such day in the month of April as the Island Council making the election shall from time to time appoint.

7. Every member shall come into office on the day on which the minute of his election and his consent to serve are received by the Resident Commissioner, and unless his office is sooner vacated pursuant to the next succeeding regulation shall hold office until his successor comes into office.

8. The seat of a member shall become vacant—

(a) If he resigns by writing in that behalf signed by him and delivered to the Resident Commissioner :

(b) If he dies :

(c) If he ceases to be a member of the Island Council by which he was elected to the Legislative Council :

(d) If on three consecutive sitting-days he fails without permission of the Resident Commissioner to attend any meeting of the Legislative Council of which notice has been duly given.

9. When it comes to his knowledge that the seat of a member elected by the Island Council of Rarotonga has become vacant, then, subject to Regulation 11 hereof, the Resident Commissioner shall forthwith convene a meeting of that Island Council to elect a successor in his stead.

10. When it comes to his knowledge that the seat of a member elected by any Island Council other than that of Rarotonga has become vacant, the Resident Commissioner shall forthwith give written notice thereof to the appropriate Resident Agent and, subject to Regulation 11 hereof, the Resident Agent shall forthwith convene a meeting of the Island Council to elect a successor in his stead.

11. Nevertheless, no election shall be held to replace a member whose seat becomes vacant in any year after the month of January and before the ordinary election for that year is held.

12. Upon election of any member by the Island Council of Rarotonga the Resident Commissioner shall sign a minute setting out the name of the person elected and the date of election and cause the same, with the member's consent to serve, to be deposited as a record of the Legislative Council, and upon election of any member by any other Island Council the Resident Agent shall sign the like minute and deliver it, with the member's consent to serve, to the Resident Commissioner, who shall cause the same to be deposited as aforesaid.

13. The date and time of every meeting of the Legislative Council shall be notified by the Resident Commissioner in such manner as he from time to time thinks fit.

14. Every unofficial member of the Legislative Council not permanently resident in Rarotonga shall receive, in respect of meetings of the Legislative Council, the following allowances:—

- (a) A refund of expenses actually and reasonably disbursed by him in travelling to and from Rarotonga to attend a meeting of the Legislative Council:
- (b) The sum of 7s. per diem for every day, other than actual sitting-days, necessarily or reasonably spent by him in Rarotonga for the purpose of attending a meeting of the Legislative Council.

15. Every unofficial member of the Legislative Council shall receive an allowance of 10s. for every sitting-day on which he is present at a sitting of the Legislative Council.

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 8th day of May, 1947.

These regulations are administered in the Department of Island Territories.