



ANALYSIS

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1970, No. 18

An Act to constitute the Department of Agriculture

(22 January 1971)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Department of Agriculture Act 1970.

2. Interpretation - In this Act unless the context otherwise requires -

"Department" means the Department of Agriculture constituted under this Act;

"Director" means the Director of Agriculture appointed under this Act;

"Minister" means the Minister appointed under the provisions of the Constitution as the Minister in charge of the Department.

3. Department of Agriculture - There shall be a Department of State to be known as the Department of Agriculture which under the control of the Minister shall be charged with the administration of the enactments specified in the Schedule hereto and with such other functions as may be lawfully conferred on it.

4. Principal functions of the Department - The principal functions of the Department shall be -

(a) To promote and encourage the development of all phases of the agricultural, pastoral, and horticultural industries of the Cook Islands including the livestock, poultry, fruit, coconut, vegetable, honey and fishery production industries with a view to maintaining and improving the quality of the products derived from those industries:

(b) To increase the production of these products and the efficiency of the production of these products.

5. Director of Agriculture - There shall from time to time be appointed as a member of the Public Service a Director of Agriculture who shall be the administrative head of the Department of Agriculture.

6. Appointment of other officers and employees - There may from time to time be appointed as members of the Public Service such other officers and employees of the Department as may be necessary.

7. Existing appointments deemed to be made under this Act - (1) The person holding office at the commencement of this Act as Director shall be deemed to have been appointed to that office as aforesaid under this Act.

(2) All other persons who at the commencement of this Act are officers or employees of the Department shall be deemed to have been appointed under this Act.

8. Officers to act under the direction of the Director - All extension officers, inspectors, clerks, officers and employees of the Department shall act under the direction of the Director in the exercise and performance of the powers, duties and functions conferred or imposed on them by any enactment of which the Department or the Director is charged with the administration by the Act or any other enactment.

9. Delegation of powers of Minister - (1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the Director all or any of the powers which are conferred on him as Minister in charge of the Department by any enactment, including powers delegated to him under any enactment.

(2) Where the Director purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(4) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Director to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Director.

10. Delegation of powers by Director - (1) The Director may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers, or employee or employees of the Department as he thinks fit all or any of the powers exercisable by him under any enactment including any powers delegated to him under any enactment, but not including this present power of delegation:

Provided that the Director shall not delegate any power delegated to him by the Minister without the written consent of the Minister.

(2) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Director.

(5) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Director by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Director.

11. Powers of Minister - For the purpose of enabling the Department to carry out its functions, the Minister may -

(a) Devise, promote and carry out experiments, researches, investigations, and measures in relation to the health and the diagnosis, prevention and treatment of diseases of livestock, poultry, bees and plants, the management of soils, and the production and improvement of livestock, crops and pastures and in relation to any other matters affecting the operations of any of the industries which it is the function of the Department to promote and encourage:

(b) Promote and carry out by publicity or other means the diffusion or dissemination of information relating to or affecting any of those industries for the instruction, guidance and benefit of persons engaged in those industries:

- (c) Establish and maintain experimental, research, instructional and demonstration farms and areas for the purpose of acquiring knowledge and imparting practical instruction and advice on modern practices and management in respect of any of the industries which it is the function of the Department to promote and encourage;
- (d) Devise, promote and carry out investigations and experiments into the harvesting, storage and transport of the products of the industries which it is the function of the Department to promote and encourage;
- (e) Initiate and carry out economic surveys into any aspect of agricultural, pastoral, or horticultural production;
- (f) Exercise such other powers as are reasonably necessary for the effective performance of the functions of the Department.

12. Special investigation - (1) The Minister may, from time to time, as he thinks fit, cause an investigation pursuant to this section to be made into any matter connected with or affecting any of the industries which it is the function of the Department to promote and encourage.

(2) For the purpose of any such investigation, the Minister may, by order in writing signed by him, require any person, partnership, company or other corporate body carrying on any business relating to or affecting the subject matter of the investigation to produce for the inspection of any person nominated in that behalf by the Minister, any papers, books or documents which are in the possession of the person, partnership, company, or corporate body, or to set down in writing any facts relating to the subject matter of the investigation which are within the knowledge of the person, partnership, company or corporate body, and to allow copies or extracts from any such papers, books or documents to be made by the person inspecting them.

(3) Any person who fails to comply with any order of the Minister under this section or who deceives or obstructs or attempts to deceive or obstruct any person nominated by the Minister as aforesaid in the conduct of any such investigation commits an offence, and shall be liable on conviction to a fine not exceeding one hundred dollars.

(4) All information obtained by the Minister or by any other person by means of any such investigation shall be treated as confidential except for the purpose of this Act.

13. Annual report - (1) The Director shall as soon as practicable after the end of each financial year furnish to the Minister a report on the operations of the Department for that year.

(2) A copy of the report shall be laid before the Legislative Assembly within twenty-eight days after it has been furnished to the Minister if the Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twenty-eight days after the commencement of the next ensuing session.

14. Regulations - (1) The High Commissioner, by Order in Executive Council, may from time to time make all such regulations as are deemed necessary or expedient for the purpose of giving full effect to this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before the Legislative Assembly by the Minister within twenty-eight days of the date of the making thereof if the Assembly is then in session, and, if not, shall be laid before the Assembly within twenty-eight days after the date of the commencement of the next ensuing session.

SCHEDULE

Section 3

Enactments to be administered by the Department of Agriculture

1. Regulations dated 29 June 1916 under the Cook Islands Act 1915 for the protection of indigenous and imported birds and to prevent the introduction of Noxious Animals and Birds into the Cook Islands.
New Zealand Gazette No. 72 dated 29 June 1916.
2. The Cook Islands Plant Quarantine Regulations 1955
Statutory Regulations Serial No. 1955/69.
3. The Cook Islands Fruit Regulations 1954
Statutory Regulations Serial No. 1954/146
dated 22 September 1954.
4. The Cook Islands Fruit Control Regulations 1937
Statutory Regulations Serial No. 136/1937.
The Cook Islands Fruit Control Regulations 1937
Amendment No. 1
Statutory Regulations Serial No. 1940/145.
The Cook Islands Fruit Control Regulations 1937
Amendment No. 2
Statutory Regulations Serial No. 1946/32.
The Cook Islands Fruit Control Regulations 1937
Amendment No. 3
Statutory Regulations Serial No. 1958/196.
The Cook Islands Fruit Control Regulations 1937
Amendment No. 4
Statutory Regulations Serial No. 1961/147.
5. The Copra Ordinance 1947, No. 2.
6. The Fishing Ordinance 1950, No. 1.
7. Cook Islands Pearl Shell Fisheries Regulations 1950
Statutory Regulations Serial No. 1950/50.

SCHEDULE (continued) Section 3

Cook Islands Pearl Shell Fisheries Regulations 1950
Amendment No. 1

Statutory Regulations Serial No. 1952/54.

Cook Islands Pearl Shell Fisheries Regulations 1950
Amendment No. 2

Statutory Regulations Serial No. 1957/182.

Cook Islands Pearl Shell Fisheries Regulations 1950
Amendment No. 3

Statutory Regulations Serial No.

8. Regulations under Cook Islands Act 1915 for preventing
growth and spread of Noxious Weeds.

New Zealand Gazette No. 75, 6 July 1916.

Amending Noxious Weeds Regulations 1916

New Zealand Gazette No. 27, 5 May 1927.

Amending Noxious Weeds Regulations 1931

New Zealand Gazette No. 83, 12 November 1931.

Amending Noxious Weeds Regulations 1933

New Zealand Gazette No. 67, 21 September 1933.

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This Act is administered in the Agriculture Department.