



ANALYSIS

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|---------------------------------|--|
| 1. Title | 7. Officers and employees |
| 2. Short Title and commencement | 8. Appropriation by Legislative Assembly |
| 3. Interpretation | 9. Housing Authority Account |
| 4. Housing Authority | 10. Estimates |
| 5. Term of office | 11. Authorisation of expenditure |
| 6. Extraordinary vacancies | 12. Annual report and accounts |
| 7. Deputies | |

1976, No. 13

An Act to amend the Housing Act 1969

(9 September 1976)

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 and commencement - This Act may be cited as the Housing Amendment Act 1976 and shall be read together with and deemed part of the Housing Act 1969 (hereafter referred to as the "principal Act").
(2) This Act shall be deemed to have come into force on the first day of April 1976.

2. Interpretation - Section 2 of the principal Act is hereby amended by inserting after the definition "Authority" and before the definition "Housing purpose" the following:

"Financial Year" shall be the financial year as defined in the Public Moneys Act 1969:".

3. Housing Authority - Subsection (2) of section 3 of the principal Act is hereby repealed and the following new subsection substituted:

"(2) The Authority shall consist of the Financial Secretary and not more than five members, who shall be appointed by the High Commissioner on the recommendation of the Minister. One of the members other than the Financial Secretary shall be appointed as Chairman of the Authority."

4. Term of office - Section 4 of the principal Act is hereby amended by adding after subsection (3) the following new subsection:

"(4) Nothing in this section shall affect or limit the term of appointment of the Financial Secretary as a member of the Authority."

5. Extraordinary vacancies - Section 5 of the principal Act is hereby amended by adding after subsection (6) the following new subsection:

"(7) Nothing in this section shall authorise the termination of the membership of the Financial Secretary,"

6. Deputies of members - Section 6 of the principal Act is hereby amended by adding after subsection (3) the following new subsection:

"(4) This section shall not apply to the Financial Secretary who may authorise a substitute to act in his absence in accordance with section 10 of the Public Moneys Act 1969."

7. Officers and employees - Subsection (4) of section 10 of the principal Act is hereby amended by omitting the words "with the prior approval of the Minister responsible for finance".

8. Appropriation by Legislative Assembly - Section 21 of the principal Act is hereby repealed and the following section substituted:

"21. (1) There shall be paid to the Authority such sums of money as may be appropriated by the Legislative Assembly from time to time for the purposes of the Authority whether by vote or item within a vote.

(2) Where in any Appropriation Act or in any estimates of expenditure and revenue accompanying any Appropriation Act for any year any vote or item to which this section applies is noted as being for a specified purpose, it shall not be competent for the Authority to use the moneys so appropriated for any purpose other than that specified in the said Act or estimates save only that the moneys may be placed on interest bearing deposit with a bank pending the time when they will be required.

(3) Where any appropriation is made for the purposes of the Authority, the Minister responsible for finance may direct the manner in which the moneys appropriated shall be paid to the Authority and may require that any such appropriation be used first in payment of any debt due to the Public Account or to any account within the Public Account."

9. Housing Authority Account - Section 22 of the principal Act is hereby repealed and the following new section substituted:

"22. (1) The Authority shall keep such bank account or bank accounts as may be determined from time to time by the Minister responsible for finance.

(2) The Housing Authority Account shall from the first day of April 1976 cease to be part of the Cook Islands Government Account and the amount standing to the credit of the

Housing Authority Account is hereby appropriated accordingly and shall be deemed to be an account established under subsection (1) of this section.

(3) No money shall be withdrawn from any bank account except by cheque or other instrument (not being a promissory note or bill) signed by such person or persons in such manner as the Minister in charge of finance may from time to time determine."

10. Estimates - Section 23 of the principal Act is hereby amended by adding after subsection (3) the following new subsection:

"(4) A copy of the estimates as approved by Cabinet shall be attached to the estimates prepared pursuant to section 22 of the Public Moneys Act 1969 as an appendix thereto."

11. Authorisation of expenditure - Section 24 of the principal Act is hereby repealed and the following new section substituted:-

"24. (1) The Chairman of the Authority may authorise expenditure in accordance with the estimates approved by Cabinet and as between items of expenditure in the approved estimates may exercise a power of virement to an extent not exceeding twenty per cent of the item to which funds are transferred.

(2) The Minister may authorise expenditure in excess of the total provided for in the estimates to the extent that receipts of the Authority exceed the amount estimated.

(3) In the period between the commencement of any financial year and the approval by Cabinet of the estimates for that year -

(a) The Chairman of the Authority may authorise expenditure which in his opinion is of a recurrent nature up to an amount equal to one twelfth of the approved estimate for that item of expenditure for the preceding financial year for every month or part of a month of the current financial year that has elapsed at the date the authority is exercised.

(b) The Minister may authorise expenditure that is not of a recurrent nature subject to:

(a) the prior approval of the Minister responsible for finance where the expenditure is estimated to be more than \$1,000 but less than \$10,000;

(b) The prior approval of Cabinet where the expenditure is estimated to be \$10,000 or more.

(4) All expenditure approved under paragraphs (a) and (b) of subsection (3) of this section shall accord with or be part of the estimates for that year and shall be set off against the amount provided in the estimates when they are approved by Cabinet."

12. Annual report and accounts - Section 25 of the principal Act is hereby amended by repealing subsection (2) and enacting the following new subsection:

"(2) The financial statements required to be furnished to the Minister in accordance with subsection (1) of this section shall be in such form as may be directed from time to time by the Minister responsible for finance and shall be completed and available for examination in accordance with subsection (3) of this section not later than four months after the end of the financial year to which they relate."

This Act is administered by the Housing Authority