



ANALYSIS

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1994, No. 13

An Act to establish the Ministry of Outer Islands Development
and to provide for its functions and powers

(7 September 1994)

BE IT ENACTED by the Parliament 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 Ministry of Outer Islands Development Act 1994.

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

"Minister" means the Minister appointed under the provisions of the Constitution as the Minister in Charge of the Ministry;

"Ministry" means the Ministry of Outer Islands Development established by this Act;

Price \$1.50c

"Outer islands" means all islands of the Cook Islands other than Rarotonga;

"Secretary" means the Secretary of the Ministry of Outer Islands Development appointed under the provisions of this Act.

3. Ministry of Outer Islands Development - There shall be a department of State to be known as the Ministry of Outer Islands Development which under the control of the Minister shall be charged with the administration of this Act and with such other functions as may be lawfully conferred on it.

4. Objectives of the Ministry - (1) To co-ordinate, encourage, and assist the development of the outer islands.

(2) In the carrying out of its objectives the Ministry shall -

- (a) exhibit a sense of social and environmental responsibility by having regard to the interests of outer islands communities and the environment;
- (b) promote the social and economic well-being of the outer islands.

5. Functions of the Ministry - The general functions of the Ministry shall be:

- (a) to facilitate effective implementation of outer islands development policies;
- (b) to strengthen the capacity of outer island authorities to manage the development of their respective islands;
- (c) to put in place the necessary infrastructure in the outer islands to enable the residents of those islands to implement and complete developmental programmes which will assist in raising the living standards on their islands;
- (d) to lead Government's efforts for identifying and measuring economic opportunities in the outer islands, and for developing practical private and public sector based strategies for their exploitation;
- (e) to develop programmes to facilitate better co-ordination and back-up support of Government's outer islands initiatives so as to improve efficiency, effectiveness and impact on outer island development;
- (f) to ensure that each of the outer islands has an efficient and properly maintained infrastructure capable of meeting existing as well as anticipated additional demands resulting from new developments;
- (g) to devise necessary administrative arrangements to enable wider local community participation in decision-making relating to both administrative and investment matters affecting the outer islands.

6. Divisions of the Ministry - There shall be the following Divisions of the Ministry -

- (a) Administrative Services Division;
- (b) Financial Services Division;
- (c) Planning and Specialist Services Division;
- (d) Works and Technical Services Division;
- (e) Outer Islands Services Division.

7. Administrative Services Division - The functions of the Administrative Services Division shall be:

- (a) generally, to ensure efficient administrative services in the Ministry in Rarotonga and the outer islands; and
- (b) specifically, to take responsibility for administration procedures covering personnel control, accommodation, filing systems, job procedure, employment control, stores services including the ordering, control and issuing of stores.

8. Financial Services Division - The functions of the Financial Services Division shall be:

- (a) generally to ensure adequate financial control and accounting services for the Ministry; and
- (b) specifically, to supervise the preparation of annual estimates of revenue and expenditure, ensure proper recording and control of expenditure, cash accounts, receipt of public monies, debtors accounts, preparation of works orders, requisitions and vouchers, and prepare, review and upgrade on a regular basis, the Ministry's costing systems and procedures.

9. Planning and Specialist Services Division - The functions of the Planning and Specialist Services Division shall be:

- (a) to assist in policy formulation for recommendation to the Minister;
- (b) to co-ordinate the formulation of outer islands development programmes and strategies;
- (c) to develop and co-ordinate implementation of systems and procedures to enable regular monitoring and evaluation of outer islands development programmes;
- (d) to conduct economic analysis of development projects;
- (e) to organise feasibility studies for new development projects;
- (f) to train outer islands project managers on project formulation, implementation planning, and monitoring and evaluation;
- (g) to maintain a database of information that is of value to the planning of development in the outer islands;
- (h) to maintain close liaison with the Chief Economic Advisor's Office, the Ministry of Planning and Economic Development, Treasury, and other Ministries and Departments which have functions and responsibilities in the outer islands.

10. Works and Technical Services Division - The functions of the Works and Infrastructure Services Division shall be:

- (a) to provide technical advice to the Ministry on all matters related to outer islands infrastructure design, development and maintenance;
- (b) to collaborate with the Planning Division in formulating outer islands infrastructure maintenance and development programmes.

11. Outer Islands Services Division - There shall be established on each outer island an Outer Islands Services Division the function of which shall be:

- (a) to carry out the required work to translate policies and strategies into practical and successful programmes of action;
- (b) to provide a strong and capable administrative section to ensure efficient clerical, financial, stores and workshop procedures, and to co-ordinate the preparation of annual estimates of revenue and expenditures for each island;
- (c) to provide an efficient and effective technical services section to implement the development programmes on each island;
- (d) to provide the head office of the Ministry with up to date progress reports of all work undertaken on that island;
- (d) to provide an effective maintenance service for all Government buildings, heavy equipment, motor vehicles and infrastructure.

* 12. Secretary of Outer Islands Development - There shall from time to time be appointed under the Public Service Act 1975 and in accordance with the provisions of the Constitution, a Secretary of Outer Islands Development who shall be the administrative head of the Ministry.

13. Other Officers and employees - (1) There shall from time to time be appointed as term appointments pursuant to the provisions of the Public Service Act 1975, suitably qualified persons to hold the following positions -

- (a) a Director of Administration, who shall subject to the control of the Secretary be the administrative head of the Administration Services Division of the Ministry;
- (b) a Director of Finance, who shall subject to the control of the Secretary be the administrative head of the Financial Services Division of the Ministry;
- (c) a Director of Planning, who shall subject to the control of the Secretary be the administrative head of the Planning and Specialist Services Division of the Ministry;
- (d) a Director of Works and Technical Services, who shall subject to the control of the Secretary be the administrative head of the Works and Technical Services Division of the Ministry;
- (e) on each Outer Island, a Director of Outer Islands Development, who shall subject to the control of the Secretary, be the administrative head of the Outer Islands Services Division of the Ministry on the island in respect of which he is appointed;

(2) There shall in addition to those persons appointed pursuant to subsection (1), be appointed pursuant to the provisions of the Public Service Act 1975, such other officers and employees of the Ministry as may be necessary for the efficient carrying out of the functions of the Ministry.

14. Delegation of powers by the Minister - (1) The Minister may from time to time by writing under his hand, either generally or particularly, delegate to the Secretary all or any of the powers which are conferred on him as Minister in charge of the Ministry by this Act.

(2) Where the Secretary 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 of 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 Secretary 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 Secretary.

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

Provided that the Secretary shall not delegate any powers of delegation conferred on the Secretary 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. 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 office.

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

(4) Any such delegation shall, until revoked continue in force according to its tenor, notwithstanding the fact that the Secretary 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 Secretary.

16. Special investigations - (1) The Minister may from time to time, as he thinks fit, cause an investigation pursuant to this section to be made to any matter connected with or affecting any of the functions of the Ministry.

(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 investigations, shall be treated as confidential except for the purpose of this Act.

17. Advisory and technical committees - (1) The Minister may from time to time appoint advisory or technical committees, and define the functions of any such committee.

(2) If the Minister so directs, there may be paid to the members of any such committee, out of money appropriated by Parliament for the purpose, such remuneration by way of fees, salary or allowances and travelling allowances and expenses as shall be prescribed.

18. Statement of corporate intent - (1) The Ministry shall deliver to the Minister a draft statement of corporate intent approved by the Secretary -

(a) within two months of the coming into force of this Act; and thereafter

(b) not later than 1 month after the commencement of each financial year.

(2) Each statement of corporate intent shall specify for the Ministry in respect of the financial year in which it is delivered, the following information -

(a) the objectives of the Ministry;

(b) the nature and scope of the activities to be undertaken;

(c) the performance targets and other measures by which the performance of the Ministry may be judged in relation to its objectives;

(d) such other matters as are required by the Minister.

(3) The Secretary shall consider any comments on the draft statement of corporate intent that are made to him within 2 months of the commencement of the financial year by the Minister, and shall deliver the completed statement of corporate intent to the Minister within 3 months of the commencement of the financial year.

(4) A statement of corporate intent for the Ministry may be modified at any time by written notice from the Ministry to the Minister, so long as the Secretary has first given written notice to the Minister of the proposed modification and considered any comments made thereon by the Minister within 1 month of the date on which that notice was given.

19. Annual Report and accounts - (1) Within 2 months after the end of each financial year, the Secretary shall deliver to the Minister -

(a) a report of the operations of the Ministry during that financial year; and

(b) consolidated financial statements for that financial year consisting of statements of financial position, balance sheets and such other statements as may be necessary to show the financial position of the Ministry and the results of its operations during that financial year; and

(c) the auditor's report on those financial statements.

(2) Every report under subsection (1)(a) and (1)(b) of this section shall contain such information as is necessary to enable an informed assessment of the operations of the Ministry including a comparison of the performance of the Ministry with the relevant statement of corporate intent.

20. Half-yearly reports - (1) Within one month after the end of the first half of each financial year, the Secretary shall deliver to the Minister a report of its operations during that half-year.

(2) Each report required by this section shall include the information required by the statement of corporate intent to be included therein.

21. Information to be laid before Parliament - (1) Within 1 month of receiving all the following documents in respect of a financial year of the Ministry, the Minister shall lay before Parliament -

- (a) the statement of corporate intent of the Ministry for that year; and
- (b) the annual report and audited financial statements of the Ministry for the preceding financial year; and
- (c) the auditor's report on those financial statements.

(2) Where a statement of corporate intent has been modified pursuant to this Act, the Minister shall lay before Parliament a copy of the notice making the modification within 1 month after the date on which the Minister receives the notice.

22. Other information - The Secretary shall supply to the Minister such information relating to the affairs of the Ministry as the Minister from time to time requests after consultation with the Secretary whether or not the information is of a kind referred to in the statement of corporate intent.

23. Disclosure of information - Any employee of the Ministry who directly or indirectly discloses or for private purposes uses any information acquired by him either in the course of his duties or in his capacity as employee of the Ministry commits an offence, and on conviction shall be liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

24. Regulations - (1) The Queen's Representative may from time to time by Order in Executive Council, 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 Parliament by the Minister within 28 days of the date of the making thereof if the Parliament is then in session, and if Parliament is not then in session, within 28 days after the date of the commencement of the next ensuing session.

This Act is administered by the Ministry of Outer Islands Development