



ANALYSIS

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1978, No. 1

An Act to establish a Trade Commissioner to New Zealand
and to establish other overseas representatives

(9 January 1978)

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 Overseas Representative Act 1978.

PART ITrade Commissioner to New Zealand

2. Appointment of Trade Commissioner to New Zealand -
- (1) There shall be appointed by the High Commissioner, acting on the advice of Cabinet, a Trade Commissioner to New Zealand.
- (2) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1975 by reason of his appointment as Trade Commissioner to New Zealand.

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3. Term of Office - (1) The Trade Commissioner to New Zealand shall hold office for such term or terms and under such conditions as may be determined by the High Commissioner, acting on the advice of Cabinet.

(2) The Trade Commissioner may at any time resign his office by writing addressed and delivered to the High Commissioner.

(3) The Trade Commissioner may at any time be removed or suspended from his office by the High Commissioner acting on the advice of Cabinet, for disability, bankruptcy, neglect of duty, or misconduct of his office.

4. Duties and Functions - The duties and functions of the Trade Commissioner to New Zealand shall be:-

- (a) To represent the Government of the Cook Islands in New Zealand in all matters referred to him by the High Commissioner, Cabinet or the Premier;
- (b) To act as a buying agent, shipping and forwarding agents and general mercantile and commission agents for the Government of the Cook Islands and its agencies and to pay all accounts incurred by acting as such agents;
- (c) To act as a channel of communication between the Government of the Cook Islands and the news media in New Zealand and such other organisations as may be specified by Cabinet;
- (d) To promote trade between the Cook Islands and New Zealand on behalf of Government and non Government agencies and institutions;
- (e) To promote a good relationship with all persons, firms or corporations trading or dealing with the Cook Islands in any manner whatsoever;
- (f) To assist in the welfare and well being of Cook Islanders in New Zealand;
- (g) To carry out such other functions as may be directed by Cabinet from time to time.

5. Salary and allowances - The salary, allowances and expenses of the Trade Commissioner to New Zealand shall be determined by the High Commissioner from time to time, acting on the advice of Cabinet, and shall be charged to the Cook Islands Government Account.

6. Staff of Trade Commissioner - (1) Subject to the provisions of this section the Trade Commissioner to New Zealand may appoint such officers and employees as may be necessary for the efficient carrying out of his duties and functions under this Act.

(2) The number of persons that may be appointed under this section whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by Cabinet.

(3) The salaries allowances and expenses of persons employed under this section shall be subject to the approval of Cabinet.

(4) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1975 by reason of his appointment under this section.

7. Appropriation by the Legislative Assembly - Subject to the provisions of the Public Moneys Act 1969, there shall be paid to the Trade Commissioner for the purposes of carrying out his functions and duties under this Act such sums of money as may be

appropriated by the Legislative Assembly from time to time for the purposes of the Trade Commissioner.

PART II

Cook Islands Representative

8. Appointment of Representatives - (1) The High Commissioner, acting on the advice of Cabinet, may appoint Cook Islands Representatives to -

- (a) The State of Hawaii, United States of America;
- (b) Fiji;
- (c) Any other country, state, or area as shall be determined by the High Commissioner by Order in Executive Council.

(2) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1975 by reason of his appointment as a Cook Islands Representative pursuant to this section.

9. Duties and functions of Representative - The Duties and functions of any Cook Islands Representative appointed under section 8 of this Act shall be to -

- (a) To represent the Government of the Cook Islands in the country, state or area to which his appointment applies in all matters referred to him by the High Commissioner, Cabinet or the Premier;
- (b) To act as a channel of communication between the Government of the Cook Islands and the news media in the country, state or area to which his appointment applies and such other organisations as may be specified by Cabinet;
- (c) To promote trade between the Cook Islands and the country, state or area to which his appointment applies on behalf of Government and non Government agencies and institutions;
- (d) To assist in the welfare and well being of Cook Islanders in the country, state or area to which his appointment applies;
- (e) To carry out such other functions as may be directed by Cabinet from time to time.

10. Term of Office - Each Cook Islands Representative appointed pursuant to section 8 of this Act shall hold office for such term or terms and under such conditions as may be determined by the High Commissioner, acting on the advice of Cabinet.

(2) Any Cook Islands Representative may at any time resign his office by writing addressed and delivered to the High Commissioner.

(3) Any Cook Islands Representative may at any time be removed or suspended from his office by the High Commissioner acting on the advice of Cabinet, for disability, bankruptcy, neglect of duty, or misconduct of his office.

11. Salary and allowances - The salary, allowances and expenses of any Cook Islands Representative appointed pursuant to section 8 of this Act shall be determined by the High Commissioner from time to time, acting on the advice of Cabinet, and shall be charged to the Cook Islands Government Account.

12. Staff of the Cook Islands Representatives - (1) Subject to the provisions of this section, each Cook Islands Representative may appoint such officers and employees as may be necessary for the efficient carrying out of his duties and functions under this Act.

(2) The number of persons that may be appointed under this section whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by Cabinet.

(3) The salaries allowances and expenses of persons employed under this section shall be subject to the approval of Cabinet.

(4) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1975 by reason of his appointment under this section.

13. Appropriation by the Legislative Assembly - Subject to the provisions of the Public Moneys Act 1969 there shall be paid to each Cook Islands Representative for the purposes of carrying out his functions and duties under this Act such sums of money as may be appropriated by the Legislative Assembly from time to time for the purposes of the Cook Islands Representative.

PART III

General

14. Transitional provision - The person holding the office of Trade Commissioner to New Zealand and the persons holding office on his staff immediately before the commencement of this Act shall on the coming into force of this Act be deemed to have been appointed pursuant to this Act and the provisions of this Act shall apply to them accordingly.

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

(2) All regulations made under this section shall be laid before the Legislative Assembly within 28 days after the date of the making thereof if the Legislative Assembly is then in Session, and, if not, shall be laid before the Legislative Assembly within 28 days after the date of the commencement of the next ensuing session.

This Act is administered in the Premier's Department.