



ANALYSIS

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1976, No. 12

An Act to amend the Tourist Authority Act 1968

(10 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 - (1) This Act may be cited as the Tourist Authority Amendment Act 1976 and shall be read together with and deemed part of the Tourist Authority Act 1968 (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 "Minister" the following:

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

3. Tourist Authority - Subsection (2) of section 3 of the principal Act is hereby repealed and the following new subsection substituted: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 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 19 of the principal Act is hereby amended by omitting the words "with the prior approval of the Minister responsible for finance."

8. Appropriation by the Legislative Assembly - Section 22 of the principal Act is hereby repealed and the following section substituted:

"22. (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 an 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. New sections inserted - The principal Act is hereby further amended by inserting after section 22 the following new sections:

"22A. Tourist Authority Account - (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 Trading Accounts known as the Bar Trading Account and the Rapae Motels Account from the first day of April 1976, shall cease to be part of the Cook Islands Government Account and the amount standing to the credit of those Accounts 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.

22B. Preparation of estimates - (1) The Authority shall prepare and submit annual estimates of revenue and expenditure, as the Minister responsible for finance directs, covering the operations of the Authority in the exercise of its powers and functions.

(2) The estimates may provide for finance by way of loans the terms and conditions of which shall be subject to the approval of the Minister responsible for finance.

(3) The Minister shall submit the estimates, with such recommendations as he thinks fit, to Cabinet for approval.

(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.

22C. Authorisation of expenditure - (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 of estimates by Cabinet 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:

(i) 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;

(ii) 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.

22D. Annual report and accounts - (1) The Authority shall, as soon as practicable after the end of each financial year, furnish to the Minister a report covering its activities for the year and including financial statements showing estimated and actual expenditure and receipts together with such commercial accounts as are appropriate to the nature of its financial operations.

(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.

(3) The accounts and financial statements of the Authority's activities shall be presented for examination in conjunction with the audit required pursuant to Article 71 of the Constitution and a copy of the annual report shall be laid before the Legislative Assembly as soon as practicable after the presentation to the Legislative Assembly of the Annual Report of the Audit Office."

This Act is administered by the Tourist Authority.