

## New Zealand.



### ANALYSIS.

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### 1901, No. 44.

Title.	AN ACT to provide temporarily for the Government of the Cook and other Islands in the Pacific within the Boundaries of the Colony of New Zealand. <span style="float: right;">[7th November, 1901.]</span>
Preamble.	WHEREAS, by Order in Council dated the thirteenth day of May, one thousand nine hundred and one, and made under "The Colonial Boundaries Act, 1895," it was ordered by His Majesty the King (with the consent of the General Assembly, testified by resolution of both Houses of the said General Assembly) that on and after a date to be appointed by the Governor by Proclamation the Islands of the Cook group and all other the islands and territories then or thereafter forming part of His Majesty's dominions situate within the boundary-lines set forth in the Schedule hereto (hereinafter referred to as "the said Islands") should form part of the Colony of New Zealand: And whereas by Proclamation dated the tenth day of June, one thousand nine hundred and one, the Governor appointed the eleventh day of June, one thousand nine hundred and one, to be the date on and after which the said Order in Council should come into effect: And whereas it is expedient to make temporary provision for the administration of the Government in the said Islands:
	BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
Short Title.	1. The Short Title of this Act is "The Cook and other Islands Government Act, 1901"; and it shall be deemed to have commenced and come into operation on the said eleventh day of June, one thousand nine hundred and one, being the date on which His Majesty's said recited Order in Council came into effect.
Commencement.	

2. Subject to the provisions of this Act, the laws in force in the said Islands at the commencement of this Act (including the local laws, customs, and usages of the native inhabitants, in so far as the same are not repugnant to the general principles of humanity) shall continue until other provision is made, and, subject as aforesaid, the statute laws of New Zealand shall not be in force in the said Islands :

Local laws and usages to continue.

Provided that the Governor, by Order in Council, may from time to time direct that any of the laws in force in the said Islands at the commencement of this Act may be modified or repealed.

Proviso.

3. The Governor, by Order in Council, may from time to time direct that any of the laws in force in New Zealand, other than the laws relating to the sale of alcoholic liquors, shall have operation and be observed in the said Islands as in his opinion are expedient for the peace, order, good government, and welfare of the inhabitants.

Gradual introduction of New Zealand laws.

4. (1.) Subject as aforesaid, the Courts of justice in existence in the said Islands at the commencement of this Act, and the Judges and officers thereof, and the jurisdiction, practice, and procedure thereof, shall continue until other provision is made :

Courts of justice continued.

Provided that the jurisdiction of the High Court shall extend to all the said Islands.

(2.) There shall be an appeal from the decisions of the High Court of the said Islands to the Supreme Court of New Zealand, and thence to the Court of Appeal of New Zealand, in such cases and subject to such rules and regulations as are from time to time made in that behalf by the Governor in Council with the concurrence of any two or more of the Judges of the Supreme Court.

Appeal to New Zealand Courts.

(3.) Appeals to the Supreme Court may be heard and determined at any sitting of the Supreme Court in New Zealand, or by any Judge of the Supreme Court sitting at Rarotonga, on such dates as shall be appointed by the Governor in Council.

(4.) The rules and regulations made under this section may provide, *inter alia*, that appeals to the Supreme Court may be by way of case stated, with the legal argument (if any) attached thereto in writing, and it shall not be necessary in any such case for the parties to appear either personally or by counsel.

5. (1.) The Governor may from time to time appoint some fit person to administer the Government in the said Islands, who shall be called "the Resident Commissioner," and shall have such powers and duties as may from time to time be determined by the Governor by Order in Council.

Resident Commissioner.

(2.) Pending any such Order in Council, and subject thereto, the Resident Commissioner shall have and exercise all such powers and duties as were possessed by the late British Resident Agent of the said Islands.

(3.) The person now acting as Representative of the New Zealand Government shall be deemed to be the Resident Commissioner appointed under this Act.

(4.) The Governor may also from time to time appoint such officers and assign to them such powers and duties, either in the said Islands or in any one or more of them, as he thinks fit.

(5.) All officers of the Government in office at the commencement of this Act shall be deemed to have been appointed under this Act.

Provision for  
ascertaining titles  
to land.

6. The Governor, by Order in Council, may from time to time establish a tribunal or appoint an officer or officers, with such powers and functions as he thinks fit, in order to ascertain and determine the title to land within the said Islands, distinguishing titles acquired by native customs and usage from titles otherwise lawfully acquired; and may provide for the issue of instruments of title, and generally make such provision in the premises as he thinks fit.

Federal and Island  
Councils.

7. (1.) The Federal Parliament and the Native Councils existing at the commencement of this Act may continue, but shall hereafter be called the "Federal Council" and "Island Councils" respectively, and the enactments made by them shall hereafter be called "Federal Ordinances" in the case of the Federal Council and "local Ordinances" in the case of the Island Councils.

(2.) In Niue Island there shall be a Council to be called the "Niue Island Council," consisting of not more than nine members, who shall from time to time be nominated by the Governor on the recommendation of the Resident Commissioner made after consultation with the Arikis and inhabitants of the Island.

Councils to make  
Ordinances.

8. Subject to this Act, the said Councils shall have the following powers respectively, that is to say,—

(1.) The Federal Council shall have the power to make Federal Ordinances for the government and welfare of all the said Islands and the inhabitants thereof;

(2.) Each of the Island Councils (other than the Niue Island Council) shall have the power to make local Ordinances for the government and welfare of the inhabitants within its jurisdiction; and

(3.) The Niue Island Council shall have the power to make local Ordinances for the government and welfare of the inhabitants within its jurisdiction:

Power of veto.

Provided that such Federal and local Ordinances shall be transmitted by the Resident Commissioner to the Governor, and shall have no force or effect until assented to by the Governor in the name and on behalf of His Majesty.

Ordinances to be  
laid before  
Parliament.

9. All Federal and local Ordinances assented to by the Governor shall be laid on the table of both Houses within ten days of the meeting of Parliament.

Duties of Customs.

10. (1.) There shall be paid on all goods imported into the said Islands duties of Customs in accordance with the New Zealand tariff.

(2.) There shall be paid on all goods imported into the said Islands from any place or country other than New Zealand, and which would in New Zealand be admitted free of duty, such *ad valorem* duty, not exceeding ten per centum, as the Governor from time to time by Order in Council determines.

(3.) No drawback shall be paid in New Zealand on goods shipped to the said Islands.

(4.) All goods the produce or manufacture of New Zealand, and all goods on which duty has been paid in New Zealand, or which have been imported and entered into New Zealand free of duty, shall

be admitted to the said Islands free of duty, and, similarly, all goods the produce or manufacture of the said Islands or on which duty has been paid in the said Islands shall be admitted to New Zealand free of duty.

(5.) "The Customs Laws Consolidation Act, 1882," and all other laws relating to Customs now in force in New Zealand, shall be deemed to be in force in the said Islands.

11. For the purposes of "The Shipping and Seamen's Act, 1877," ships trading to or going between the said Islands and New Zealand shall not be deemed to be Home-trade ships.

Application of Shipping and Seamen's Act restricted.

12. For the purposes of sections two, three, four, ten, and eleven hereof the expression "New Zealand" shall be deemed not to include the said Islands.

Restricted definition of "New Zealand."

13. The Governor may from time to time, by Warrant or Order,—

The Governor may appoint ports, and prohibit importation of certain goods.

(1.) Appoint any port or ports in the said Islands to be the only port or ports for the entry of ships and the landing of goods;

(2.) Prohibit, either absolutely or subject to such conditions as he thinks fit, the importation into the said Islands of arms or other munitions of war, intoxicating liquors, opium, or any other article of any kind which in his opinion is likely to be injurious to the inhabitants;

(3.) Impose penalties for the breach of any such Warrant or Order, and make provision for the recovery of any such penalty by forfeiture of the ship or goods, or otherwise; and

(4.) Delegate to the Resident Commissioner all or any of the powers by this section conferred upon the Governor.

14. The public revenues of the said Islands shall be available for defraying the public expenditure thereof; and the Governor may from time to time make such provisions and regulations as he deems necessary for the receipt, expenditure, control, and audit of public moneys in the said Islands.

Revenue and expenditure.

15. (1.) The Governor may from time to time, by Proclamation, set aside Crown lands within the said Islands to be reserves for the purpose of Imperial or colonial naval or military defence, or any other specified public purpose.

Reserves for naval, military, or other purposes.

(2.) Such Proclamation shall be conclusive evidence that the lands specified therein as Crown lands are in fact Crown lands for the purposes of this Act.

(3.) With respect to reserves for Imperial naval and military defence, the following special provisions shall apply:—

(a.) Upon being informed by His Majesty's Secretary of State for the Colonies as to who is the proper person or authority in whom any reserve ought to be vested for the Imperial naval or military service of His Majesty, the Governor may, by Proclamation, vest the same in such person or authority and his or their successors in office for an estate in fee-simple in trust, to hold and use the same for the Imperial naval or military service of His Majesty, as the case may be, according to the tenor of the Proclamation, and for no other purpose.

(b.) Upon being satisfied that any such reserve is no longer required for the purpose for which it is so vested as aforesaid the Governor may, by Proclamation, revoke the vesting Proclamation, and thereupon the title created by the vesting Proclamation shall be deemed to be divested, and the reserve shall revert to His Majesty as Crown land and be liable to be dealt with accordingly in like manner in all respects as if the vesting Proclamation had never been made:

Provided that all works, buildings, and machinery erected on the reserve during the currency of the vesting Proclamation may be removed or otherwise disposed of in such manner as the naval, or, as the case may be, the military, authorities of His Majesty think fit, and within such period after the reversion of the reserve as may be agreed on between the Governor and them.

Duration of Act.

(4.) All reserves (other than those for Imperial naval or military purposes) shall be held and administered by such persons, in such manner, and subject to such conditions as are from time to time prescribed by the Governor, or any person or authority empowered by the Governor in that behalf.

16. This Act shall remain in force until ten days after the expiration of the next session of Parliament, and no longer, unless further by Act of the General Assembly extended.

Schedule.

## SCHEDULE.

### BOUNDARY-LINES.

A LINE commencing at a point at the intersection of the twenty-third degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich, and proceeding due north to the point of intersection of the eighth degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich; thence due west to the point of intersection of the eighth degree of south latitude and the one-hundred-and-sixty-seventh degree of longitude west of Greenwich; thence due south to the point of intersection of the seventeenth degree of south latitude and the one-hundred-and-sixty-seventh degree of longitude west of Greenwich; thence due west to the point of intersection of the seventeenth degree of south latitude and the one-hundred-and-seventieth degree of longitude west of Greenwich; thence due south to the point of intersection of the twenty-third degree of south latitude and the one-hundred-and-seventieth degree of longitude west of Greenwich; and thence due east to the starting-point at the intersection of the twenty-third degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich.