



## ANALYSIS

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1973-74, No. 35

An Act to constitute the Ministry of Social Services

(29 April 1974)

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 Ministry of Social Services Act 1973-74.

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 Social Services constituted under this Act;  
 "Secretary" means the Secretary of the Ministry of Social Services appointed under the provisions of this Act.

3. Ministry of Social Services - There shall be a Department of State to be known as the Ministry of Social Services which under the control of the Minister shall be charged with the administration of the enactments specified in the First Schedule to this Act and with such other functions as may be lawfully conferred on it.

4. Principal functions of the Ministry - The principal functions of the Ministry shall be -

- (a) To promote and encourage the development of all phases of health, education, social welfare, culture, and environmental services in the Cook Islands;
- (b) To establish and maintain such hospitals and other institutions as may be necessary for the public health;
- (c) To establish and maintain schools and other educational institutions for the advancement of learning and skills;
- (d) To promote and encourage sports and entertainment, arts and crafts, and community activities in the Cook Islands;
- (e) To promote and encourage the beautification and preservation of the physical environment of the Cook Islands.

5. Secretary of Social Services - There shall from time to time be appointed as a member of the Public Service a Secretary of Social Services who shall be the administrative head of the Ministry of Social Services.

6. Appointment of other officers and employees - There may from time to time be appointed as members of the Public Service:

- (a) A Director of the Health Division of the Ministry;  
 A Director of the Education Division of the Ministry;  
 A Director of the Internal Affairs Division of the Ministry;  
 A Director of the Cultural Development Division of the Ministry; and
- (b) Such other officers and employees of the Ministry as may be necessary.

7. Existing appointments deemed to be made under this Act - (1) The person holding office in the Public Service at the commencement of this Act as Secretary of the Ministry of Social Services shall be deemed to have been appointed to that office as aforesaid under this Act.

(2) The person holding office at the commencement of this Act as Director of Health shall be deemed to have been appointed to the office of Director of the Health Division of the Ministry under this Act.

(3) The person holding office at the commencement of this Act as Director of Education shall be deemed to have been appointed to the office of Director of the Education Division of the Ministry under this Act.

(4) The person holding office in the Public Service at the commencement of this Act as Secretary of Internal Affairs shall be deemed to have been appointed to the office of Director of the Internal Affairs Division of the Ministry under this Act.

(5) All other persons who at the commencement of this Act are officers or employees in the Public Service of the Ministry of Social Services shall be deemed to have been appointed under this Act.

8. Officers to act under the direction of the Secretary - All officers and employees of the Ministry shall act under the direction of the Secretary in the exercise and performance of the powers, duties and functions conferred or imposed on them by any enactment of which the Ministry or the Secretary is charged with the administration by the Act or any other enactment.

9. Delegation of powers of 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 any enactment, including powers delegated to him under any enactment.

(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 to 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.

10. Delegation of powers by 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 employee of employees of the Ministry as he thinks fit, all or any of the powers exercisable by him under any enactment including any powers delegated to him under any enactment, but not including this present power of delegation:

Provided that the Secretary shall not delegate any power delegated to him 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.

(3) 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.

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

(5) 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.

11. Special investigation - (1) The Minister may from time to time, as he thinks fit, cause an investigation pursuant to this section to be made into any matter connected with or affecting any of the services which it is the function of the Ministry to administer.

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

12. Annual report - (1) The Secretary shall as soon as practicable after the end of each financial year furnish to the Minister a report on the operations of the Ministry for that year.

(2) A copy of the report shall be laid before the Legislative Assembly within twenty-eight days after it has been furnished to the Minister if the Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twenty-eight days after the commencement of the next ensuing session.

13. Regulations - (1) The High Commissioner, by Order in Executive Council, may from time to time 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 the Legislative Assembly by the Minister within twenty-eight days of the date of the making thereof if the Assembly is then in session, and, if not, shall be laid before the Assembly within twenty-eight days after the date of the commencement of the next ensuing session.

14. Consequential amendments - (1) The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Except as otherwise provided in subsection (1) of this section, every reference in any enactment to the term "Director of Health" and to the term "Chief Medical Officer" shall be read as a reference to the term "Director of the Health Division, Ministry of Social Services".

15. Repeals - (1) Sections 3, 4 and 5 of the Education Act 1966 are hereby repealed.

(2) Sections 22 and 25 of the Cook Islands Amendment Act 1957 are hereby repealed.

FIRST SCHEDULE(s.3) ENACTMENTS TO BE ADMINISTERED BY THE  
MINISTRY OF SOCIAL SERVICES -

Aged, Destitute and Infirm Persons Relief Act 1966  
 Aged, Destitute and Infirm Persons Relief Amendment Act 1968  
 Aged, Destitute and Infirm Persons Relief Amendment Act 1969  
 Aged, Destitute and Infirm Persons Relief Amendment Act 1971-1972  
 Aged, Destitute and Infirm Persons Relief Amendment Act 1972

Cook Islands Amendment Act 1957: section 24  
 Cook Islands Industrial and Labour Ordinance 1964 - Part VI

Dental Act 1970-71

Education Act 1966  
 Education Amendment Act 1967-1968  
 Education Amendment Act 1968  
 Education Amendment Act 1968-1969

Local Government Act 1966  
 Local Government Amendment Act 1967-1968 No.18  
 Local Government Amendment Act 1968 No. 2  
 Local Government Amendment Act 1971-9172 No.12

Manufacture and Sale of Food Ordinance 1948 No.1  
 Amendment 1951 No.1

Mosquito Control Ordinance 1947 No.1

Notifiable Disease Ordinance 1953 No.1

Quarantine Ordinance 1952 No.2

SECOND SCHEDULE(s.14) CONSEQUENTIAL AMENDMENTS

Enactment Amended	Amendment
Cook Islands Amendment Act 1957	By omitting from section 24 the words "Director of Health" (as inserted by section 2 of the Cook Islands Amendment Act 1968) wherever they occur, and substituting the words "Secretary of the Ministry of Social Services".
	By omitting from subsection (2) of section 24 the words "Department of Health" and substituting the words "Ministry of Social Services".
Aged, Destitute and Infirm Persons Relief	By omitting from section 9 the term "Director of Health" and its definition (as inserted by section 5 of the Aged, Destitute and Infirm Persons Relief Amendment Act 1971-72.
	By omitting from section 9 the term "Department" and its definition.
	By adding in section 9 after the term "Inspector" and its definition the following new term and definition:- "Ministry means the Ministry of Social Services".
	By omitting from subsections (2) and (3) of section 10 (as amended by section 6 of the Aged, Destitute and Infirm Persons Relief Amendment Act 1971-72) the words "Director of Health", and substituting the word "Director of the Internal Affairs Division, Ministry of Social Services".
	By omitting all other references in the Act to the term "Department" and substituting references to the term "Ministry".
	By omitting from section 2 the term "Department" and its definition.
	By omitting from section 2 the term "Director" and its definition.
Education Act 1966	By omitting from the definition of the term "Minister" in section 2 the words "of Education duly appointed under Article 13 of the Constitution" and substituting the words "in charge of the Ministry of Social Services".

SECOND SCHEDULE - continued

## CONSEQUENTIAL AMENIMENTS

Enactment Amended	Amendment
Education Act 1966 - continued	By inserting in section 2 after the term "Minister" and its definition and before the term "Private School" and its definition the following new term and definition:- " "Ministry" means the Ministry of Social Services".
	By inserting in section 2 after the term "Public Service" and its definition and before the term "Teacher" and its definition the following new term and definition:- " "Secretary" means the Secretary of the Ministry of Social Services".
	By omitting all other references in the Act to the term "Department" and substituting references to the term "Ministry".
	By omitting all other references in the Act to "Director" and substituting references to the term "Secretary".
Local Government Act 1966	By omitting from the definition of the term "Minister" in section 2 (as amended by section 2 of the Local Government Amendment Act 1968) the words "Department of Internal Affairs" and substituting the words "Ministry of Social Services".
Public Service Act 1969	By omitting from the First Schedule of the Act the words "Department of Education", "Department of Health" and "Department of Internal Affairs", and by adding the words "Ministry of Social Services".
	By omitting from the Second Schedule of the Act the words "Secretary of Internal Affairs" and substituting the words "Director of the Internal Affairs Division, Ministry of Social Services".
	By omitting from the Second Schedule of the Act the words "Director of Education" and substituting the words "Director of the Education Division, Ministry of Social Services".

SECOND SCHEDULE - continued

## CONSEQUENTIAL AMENIMENTS

Enactment Amended	Amendment
Public Service Act 1969 - continued	By omitting from the Second Schedule of the Act the words "Director of Health" and substituting the words "Director of the Health Division, Ministry of Social Services".
	By adding to the Second Schedule of the Act the words "Secretary of the Ministry of Social Services".
Dental Act 1970-71	By omitting from section 2 the term Department of Health and its definition
	By inserting in section 2 after the word "requires" and before the term "Practice of Dentistry".... The following new term and definition "Ministry" means the Ministry of Social Services.
	By omitting all other references in the Act to the term "Department of Health" and substituting references to the term "Health Division of the Ministry of Social Services".
	By omitting all other references in the Act to the term "Dental Division" and substituting references to the term "Dental Division".
	By omitting all other references in the Act to the term "Department" and substituting references to the term "Ministry".

This Act is administered in the Ministry of Social Services.