



ANALYSIS

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1973-74, No. 37

An Act to constitute the Department of Electric Power Supply (1 May 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 Department of Electric Power Supply Act 1973-74.

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

"Department" means the Department of Electric Power Supply constituted under the provisions of this Act;

"Director" means the Director of the Department of Electric Power Supply appointed under the provisions of this Act;

"Minister" means the Minister in charge of the Department.

3. Department of Electric Power Supply - There shall be a Department of State to be known as the Department of Electric Power Supply which under the control of the Minister shall be charged with the administration of the Electric Power Supply Ordinance 1960 and with such other functions as may be lawfully conferred on it.

4. Principal Functions of the Department - The principal functions of the Department shall be -

- (a) To promote, organise, continue, and maintain the production, transmission, and supply of electricity:
- (b) To ensure standards of safety, efficiency, and economy of operation in respect of the production, transmission, and supply of electricity in the Cook Islands:
- (c) To promote and encourage the safe and efficient use of electricity by consumers.

5. Director of Electric Power Supply - There shall from time to time be appointed as a member of the Public Service a Director of the Department of Electric Power Supply who shall be the administrative head of the Department.

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

7. Existing appointments deemed to be made under this Act -

- (a) The person holding office in the Public Service at the commencement of this Act as Engineer-in-charge of the Electric Power Supply shall be deemed to have been appointed to the office of Director under this Act.
- (b) All other persons who at the commencement of this Act are officers or employees of the Department of Electric Power Supply in the Public Service shall be deemed to have been appointed under this Act.

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

9. Delegations of powers of Minister -

- (1) The Minister may from time to time, by writing under his hand, either generally or particularly delegate to the Director all or any of the powers which are conferred on him as Minister in charge of the Department by any enactment including powers delegated to him under any enactment.

- (2) Where the Director 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 Director 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 Director.

10. Delegation of powers by Director -

- (1) The Director may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers, or employee or employees of the Department as he thinks fit all or any of the powers delegated to him under any enactment including any powers delegated to him under any enactment, but not including this present power of delegation:

Provided that the Director shall not delegate any power delegated to him by the Minister without 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 Director.

- (5) Any such delegation shall, until revoked, continue in force according to its tenor not withstanding the fact that the Director 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 Director.

11. Investigations -

- (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 functions of the Department.
- (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 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 investigations 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.

12. Annual Report -

- (1) The Director shall as soon as practicable after the end of each financial year furnish to the Minister a report on the operations of the Department 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 Electric Power Supply Ordinance 1960 is hereby amended in the following manner:

- (i) By omitting from section 2 the term "Officer-in-charge" and its definition and substituting the following new term and definition:-
"Director" means the Director of the Department of Electric Power Supply":
- (ii) By omitting all other references in the Ordinance to the term "Officer-in-charge" and substituting references to the term "Director".
- (2) The Public Service Act 1969 is hereby amended by -
- (i) Adding to the First Schedule the words "Department of Electric Power Supply":
- (ii) Adding to the Second Schedule the words "Director of Electric Power Supply".

This Act is administered in the Department of Electric Power Supply.