



ANALYSIS

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2012, No. 8

An Act to amend the Te Aponga Uira O Tumu-Te-Varovaro Act 1991

(22 June 2012)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Title - This Act is the Te Aponga Uira O Tumu-Te-Varovaro Amendment Act 2012 and shall be read together with and deemed part of the Te Aponga Uira O Tumu-Te-Varovaro Act 1991 (herein referred to as “the principal Act”).

2. Commencement - This Act comes into force on the date it is assented to by the Queen’s Representative.

3. Interpretation - Section 2 of the principal Act is amended by inserting the following definition –

““Energy Commissioner” means the Energy Commissioner appointed pursuant to section 3(3) of the Energy Act 1998.”

4. Section 5A - (1) The principal Act is amended by repealing section 5A and inserting the following new section –

“5A. Powers of the Minister - (1) Despite any provision in this Act, the Minister may from time to time review the Authority’s performance to determine if the Authority is giving effect to the energy policies of the government insofar as the functions and powers of the Authority permit it to do so.

(2) Where the Minister requires the Authority to give full effect to the energy policies of the government, he or she may give a written direction to the Authority to do so in a manner as the Minister sees fit.

(3) The Authority shall comply with any written direction made pursuant to section 5A(2)."

5. New Section - (1) The principal Act is amended by inserting after section 5A, the following new section –

"5B. Delegation of Powers of the Minister - (1) The Minister may by writing under his hand, either generally or particularly, delegate from time to time to the Energy Commissioner all or any of the powers which are conferred on the Minister by this Act.

(2) Subject to any general or special directions given or conditions attached by the Minister, the Energy Commissioner may exercise any powers delegated to him or her in the same manner and with the same effect as if they had been conferred on him directly by this Act.

(3) Any such delegation shall –

- (a) be revocable at will and no such delegation shall prevent the exercise of any power by the Minister;
- (b) until revoked, continue in force according to its tenor, notwithstanding the fact that the Minister by whom the delegation was made, may have ceased to hold office and shall continue to have effect as if made by the Minister's successor."

This Act is administered by Te Aponga Uira O Tumu Te-Varovaro