



## ANALYSIS

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1989, No. 6

An Act to amend the Tourist Authority Act 1968

(1 May 1989)

BE IT ENACTED by the Parliament 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 1989 and shall be read with and deemed part of the Tourist Authority Act 1968 (herein referred to as "the principal Act").

(2) This Act shall come into force on a date to be determined and notified by the Minister in the Cook Islands Gazette.

2. Tourist Authority - (1) Section 3 of the principal Act is amended by deleting subsection (2) (as inserted by section 3 of the Tourist Authority Amendment Act 1976) and inserting the following subsection -

"(2) The Authority shall consist of -

- (a) A Chairman to be appointed by the Minister; and

- (b) Three other members to be appointed by the Minister on the recommendation of the Cook Islands Chamber of Commerce Incorporated or such other organisation or body of persons as in the opinion of the Minister represents the interests of owners and or operators of hotels, accommodation premises, restaurants and tourist related services and facilities."

(2) Section 3 of the principal Act is further amended by inserting after subsection (2) (as inserted by subsection (1) of this section) the following subsection -

"(2A) The Cook Islands Chamber of Commerce Incorporated in making its recommendation to the Minister pursuant to paragraph (b) of subsection (2) shall nominate -

- (a) One person from and to represent the Restaurant and Transport Association of the Chamber;
- (b) One person from and to represent the Accommodation Council of the Chamber.
- (c) One person from and to represent those persons who are owners of or are engaged in the operations of hotels or accommodation premises.

3. Consequential amendments on restructuring of Authority - The principal Act is consequently amended in the manner indicated in the First Schedule.

4. Transitional provisions as to existing members of Authority - (1) Every person who is a member of the Authority prior to the coming into force of this Act shall, notwithstanding the passing of this Act and its coming into force continue to be a member until either -

- (a) A person is appointed in his stead by the Minister acting pursuant to section 3(2) (as inserted by section 2(1) of this Act); or
- (b) When he receives written notice from the Minister that his appointment has determined."

5. Functions of Authority to issue licences abolished - Sections 16, 17 and 18 of the principal Act are repealed, and the subheading "LICENCES" is consequentially deleted from the principal Act.

6. Consequential amendments on abolition of Authority's function to issue licences - The principal Act is consequentially amended in the manner indicated in the Second Schedule.

7. Transitional provisions as to existing licences -  
Every licence issued by the Authority before the coming into force of this Act shall, notwithstanding the repeal of those provisions in the principal Act relating to the licensing of hotels, accommodation premises, restaurant or other facilities, continue in force according to its tenor and shall be deemed to have been issued pursuant to the provisions of the General Licensing Act 1989.

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This Act is administered by the Tourist Authority.

SCHEDULESFIRST SCHEDULE

## Section 3

Amendments Consequential On Restructuring  
of Authority

Sections Amended	Amendments
Section 4	<p>By omitting from subsection (1) the words "Except as otherwise provided in this Act".</p> <p>By deleting subsection (2).</p> <p>By deleting subsection (4) (as inserted by section 4 of the Tourist Authority Amendment Act 1976).</p>
Section 5	<p>By omitting from subsections (1), (2), (3) and (4) of section 5 the words "Queen's Representative" (which words were inserted by section 4(3) of the Constitution Amendment No. 10 Act 1981) and substituting the word "Minister".</p> <p>By adding to subsection (4) after the word "vacancy" the words "pursuant to section 3(2)".</p> <p>By omitting from subsection (6) the words "less than five members in office" and substituting the words "an extraordinary vacancy".</p> <p>By deleting subsection (7) (as inserted by section 5 of the Tourist Authority Amendment Act 1976).</p>
Section 6	<p>By deleting subsection (4) (as inserted by section 6 of the Tourist Authority Amendment Act 1976).</p>
Section 7	<p>By omitting from subsection (3) the word "three" and substituting the word "two".</p>

SECOND SCHEDULE

## Section 7

Amendments Consequential On Abolition  
Of Authority Function To Issue Licences

Sections Amended	Amendments
Section 9	<p>By deleting paragraphs (b), (f) and (g).</p> <p>By omitting in paragraph (h) the words "licenced pursuant to this Act" and substituting the words "and make recommendations thereon to the Minister and such persons or bodies interested in the establishment and licensing of hotels, accommodation premises and restaurants".</p>
Section 10	<p>By omitting in paragraph (d) the words "and to license such hotel or accommodation premises on such terms as the Authority may with the said approval decide either in combination or otherwise with any person or group of persons whether corporate or unincorporate as the Authority may decide".</p> <p>By deleting paragraph (i).</p> <p>By deleting paragraph (j) and substituting the following paragraph -</p> <p>"(j) To make recommendations to the Minister or interested persons on standards to be complied with by hotels, accommodation premises, restaurants, scenic attractions and recreational facilities together with services and amenities, in connection therewith".</p>
Section 11	By repealing section 11.
Section 23	By deleting subsection (2).