

## **COOK ISLANDS**

### **Country Report**

#### **Pacific Islands Law Officers Network (PILON) 2009**

##### **SAMOA : 14 – 16 DECEMBER 2009**

#### **The Cook Islands**

The Cook Islands consist of 15 islands scattered over some 2 million square kilometers of the Pacific Ocean.. It is divided into two groups; the Northern and Southern Groups.

It is a parliamentary democracy, which became self-governing in free association with New Zealand on 4 August 1965. It is fully responsible for its internal affairs, while New Zealand retains responsibility for defence and external affairs. It uses the New Zealand dollar as its unit of currency.

The Cook Islands has a unicameral Parliament of 24 seats. Members are elected by popular vote to serve four-year terms. Following legislative elections, the leader of the party that wins the most seats usually becomes Prime Minister. Parliament make laws for the "peace, order and good government of the Cook Islands" (Article 39(1)), including "laws having extra-territorial operation" (Article 39 (2)).

The Cook Islands' legal system is based on New Zealand and English common law. The Constitution establishes a "Court of record, to be called the High Court of the Cook Islands, for the administration of justice throughout those islands". The High Court has Civil, Criminal and Land Divisions with the Ministry of Justice.

#### **The Crown Law Office. (TE AKINANGA O TE TURE)**

The principal function of the Crown Law Office is to advise the Government of the Cook Islands on legal matters that may be referred to it by the Prime Minister, Cabinet, the Ombudsman, Ministers, departments and statutory bodies.

The Attorney-General is the Minister responsible for the Crown Law Office. The administrative head of the Office is the Solicitor-General.

The current number of staff in the Office is 4 lawyers and three support staff. The Office retained the services of Dr Alex Frame as a constitutional adviser and has engaged the services of Mr. Mike Ruffin, formerly of Meredith Connell in Auckland to represent it matters now before the Court.

#### **Court Matters:**

- Criminal

- Operation Slush - Currently before the Court
- Sunday Flights - Awaiting sentencing
- Metuakore - EBA causing death
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- Civil
  - Triad - Currently before the Court
  - Pokoinu 107C - Date to be fixed by Registrar

Legislation passed:

## **2009 ACTS**

2009/1	Official Information Amendment
2009/2	Land Agents Registration
2009/3	Arbitration
2009/4	Narcotics and Misuse of Drugs Amendment
2009/5	Infants Amendment
2009/6	Penrhyn (Naharakura Lease) Facilitation Amendment
2009/7	Income Tax (Sponsorship Deductions) Amendment
2009/8	Appropriation Amendment (No.3)
2009/9	Financial Services Development Authority
2009/10	Money-Changing and Remittance Businesses
2009/11	Cook Islands Pearl Authority Amendment
2009/12	Public Service
2009/13	Appropriation
2009/14	Trustees Companies Amendment
2009/15	Insurance Amendment
2009/16	Seabed Minerals
2009/17	Constitution Amendment (No. 28)

## **2009 REGULATIONS AND ORDERS**

2009/1	Departure Tax Order
2009/2	International Trusts (Forms and Fees) Amendment Regulations
2009/3	Departure Tax Amendment (No.2) Order

2009/4	Remuneration Tribunal (Queen's Representative and Members of Parliament Salaries and Allowances) Order
2009/5	Commissioner of Police (Appointment) Order
2009/6	Departure Tax Amendment (No.3) Order
2009/7	Departure Tax Amendment (No.4) Order
2009/8	Insurance Regulations
2009/9	Entry, Residence and Departure (Award of Honorary Residence to Dr Katherine Bowden) Order