



ANALYSIS

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| 1. Title
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Schedule |
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1993-94, No. 16

An Act to amend the Ministry of Cultural Development Act 1990

(20 January 1994)

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

1. Short Title - This Act may be cited as the Ministry of Cultural Development Amendment Act 1993-94 and shall be read together with and deemed part of the Ministry of Cultural Development Act 1990 (hereinafter referred to as "the principal Act").

2. Cultural Development Fund - (1) The principal Act is amended, by repealing Part IV and substituting the new Part IV set out in the Schedule to this Act.

(2) The Cultural Development Fund shall, on the coming into force of this Act, and without further authority than this section, be paid into and form part of the Cook Islands Government Account.

This Act is administered by the Ministry of Cultural Development

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SCHEDULE
(NEW PART IV)

"PART IV
CULTURAL DEVELOPMENT FUND

20. Cultural Development Fund - The Cultural Development Fund shall consist of the following money -

- (a) all money paid to the Ministry under Section 12 of the Entertainment Tax Act 1975;
- (b) all money lawfully contributed or donated to the Ministry or otherwise lawfully payable to the Ministry;
- (c) all money received by the Ministry by way of fees, rent, or otherwise in respect of any real or personal property owned or controlled by the Ministry or in respect of the exercise of any of the functions or powers of the Ministry;
- (d) all accumulations of money belonging to the Cultural Development fund.

21. Disbursement of funds - (1) The funds referred to in Section 20 shall be disbursed by the Ministry for the following purposes -

- (a) grants, on such conditions as it thinks fit, to any persons to assist them to undertake studies, assignments, or commissions, or to make investigations, or to gain further experience, in respect of matters recommended by the Council whether within or beyond the Cook Islands;
- (b) grants or pay subsidies, or such conditions as it thinks fit, to Island Councils, Village Committees, and to organisations engaged in the execution, creation, publication, or presentation of any of the arts or in the preservation and display of articles and things relating to the arts, on the recommendation of the Council;
- (c) awards to persons for outstanding accomplishment in the arts, whether within or beyond the Cook Islands;
- (d) commissioning the creation or execution of any artistic works, whether within or beyond the Cook Islands;
- (e) to acquire or accept, by purchase, exchange, gift, or bailment, or by any other means, either permanently or temporarily, any artistic work and, if so desired, deliver it for safe custody and control to any local authority, museum, art gallery, library, association, society, or body, on such conditions as the Ministry thinks fit.
- (f) to arrange for or undertake any artistic exhibition or performance, whether within or beyond the Cook Islands.

22. Money to be banked - All money forming part of the funds of the Cultural Development Fund shall as soon as practicable after it is received, be paid into the Cook Islands Government Account.

23. Special Funds - Where any funds are donated granted or otherwise provided to or for the purposes of the Ministry for any special or particular purpose, such money may, with the approval of the Financial Secretary, and subject to such conditions as the Financial Secretary may impose, be kept in a separate imprest or other account within the Cook Islands Government Account, to be used only for the special purposes or purposes for which it was donated or granted.

24. Trustees - (1) The Minister shall in writing appoint not more than 3 trustees for such term or terms as the Minister thinks fit, for the purposes set out in subsection (2).

(2) The trustees shall be responsible for the administration of the Cultural Development Fund, and for any trust account established pursuant to section 4(2)(i), in accordance with the objectives and functions of the Ministry.

(3) Notwithstanding any other provision in this Act, the Secretary of Cultural Development may with the approval of the Financial Secretary, open and operate one bank account at such a bank, and subject to such terms and conditions as the Financial Secretary may approve. Any bank account so opened and operated shall be subject to audit in the same manner as the Cook Islands Government Account.

25. Accounts - (1) The Ministry shall keep full and correct accounts of all money received and expended by it.

(2) The Ministry shall, as soon as possible after the end of every financial year, cause its accounts for that financial year to be balanced and cause to be prepared a statement of the assets and liabilities of the Ministry as at the end of that financial year, together with an account of income and expenditure showing the financial transactions of the Ministry for that financial year.

26. Audit and taxation - (1) The accounts of the Ministry and any special funds held pursuant to section 23, shall be subject to audit by the auditors appointed by or pursuant to Article 71 of the Constitution.

(2) The Cultural Development Fund shall be exempt from income tax."
