



**Cook Islands Government
PUBLIC SERVICE MANUAL
2016**

Contents

ACRONYMS & ABBREVIATIONS.....	6
WEBSITE REFERENCES.....	8
FOREWORD.....	9
INTRODUCTION	10
OUR VISION: PUBLIC SERVICE OF EXCELLENCE.....	11
VALUES OF THE COOK ISLANDS PUBLIC SERVICE.....	12
KEY LEGISLATION	13
PART A: MACHINERY OF GOVERNMENT – (WHO WE ARE)	16
SECTION 1:INTRODUCTION	16
1.1 Government Structure	16
1.1.1 Parliament	16
1.1.2 Head of State	16
1.1.3 House of Arikis	17
1.1.4 Executive Government of the Cook Islands	17
1.1.4.1 Cabinet.....	17
1.1.4.2 The Executive Council.....	17
1.1.4.3 The Judiciary.....	17
1.1.4.4 The Cook Islands Public Service	18
1.1.5 The Ombudsman	19
1.1.6 Financial Supervisory Commission (FSC)	19
1.1.7 Financial Intelligence Unit (FIU)	19
SECTION 2:MINISTERS AND THE PUBLIC SERVICE.....	20
2.1 Roles and Responsibilities	20
2.1.1 Prime Minister.....	20
2.1.2 Ministers of the Crown	20
2.2 Ministers’ Relationships with Heads of Agencies.....	20
2.3 Ministerial Briefing Papers	21
2.4 Cabinet Documentation	22
2.4.1 Information Papers	22
2.4.2 Cabinet Memoranda (Submissions)	22
2.5 Committees	23
2.5.1 Central Agencies Committee (CAC).....	23
2.5.2 National Sustainable Development Committee (NSDC)	23
2.5.3 Infrastructure Committee (IC)	24
2.5.4 Budget Support Group (BSG)	24
2.6 Ministerial Support Offices.....	25
SECTION 3:THE PUBLIC SERVICE COMMISSIONER AND THE PUBLIC SERVICE	26
3.1 The Public Service Act (2009)	26
3.2 The Role of the Public Service Commissioner	26
3.3 The Office of the Public Service Commissioner	27
3.4 Heads of Agencies.....	28
3.5 Public Servants.....	29

SECTION 4: ISLAND GOVERNMENTS AND THE PUBLIC SERVICE	30
4.1 Island Government Administration and its Key Roles.....	30
4.1.1 Island Government Act (2012-2013)	30
4.1.2 Island Governance	30
4.1.3 The Role of the Mayor	31
4.1.4 The Executive Officer	31
4.1.5 Bylaws and Memoranda of Understanding.....	32
PART B: PUBLIC SERVICE CHARTER (WHAT WE DO).....	33
SECTION 5: PUBLIC GOODS AND SERVICES	33
5.1 Social Sector	33
5.2 Economic Sector	33
5.3 Infrastructure Sector	34
5.4 Environment Sector	34
5.5 Governance Sector	34
5.6 Law and Order Sector.....	35
5.7 Service Charter.....	35
SECTION 6: PLANNING	36
6.1 National Planning	36
6.2 Strategic Planning.....	38
6.3 Business Planning.....	39
SECTION 7: FINANCIAL AND ASSET MANAGEMENT.....	41
7.1 Government Appropriation	41
7.2 Monthly Variance Reporting	41
7.3 Bulk Funding Suspensions.....	41
7.4 Procurement.....	42
7.5 Sensitive Expenditure.....	42
7.5.1 Travel and Accommodation	43
7.5.2 Entertainment and Hospitality Expenditure	43
7.5.3 Gifts	43
7.5.4 Private Use of Government Assets	43
7.5.5 Staff Support and Welfare Expenditure	44
7.5.6 Communications Technology.....	44
7.6 Audit	44
7.6.1 The Cook Islands Audit Office.....	44
7.6.2 The Public Expenditure Review Committee (PERC).....	45
7.7 Public Accounts Committee.....	45
7.8 Internal Audit – PEFA	45
SECTION 8: REPORTING	46
8.1 Reporting to the Public Service Commissioner.....	46
8.2 Reporting to Ministers	46
8.3 Reporting to MFEM	47
8.4 Reporting to Parliament.....	47
8.5 Reporting to the Public.....	47

PART C: HUMAN RESOURCES MANAGEMENT (HOW WE WORK)	48
SECTION 9: GENERAL INFORMATION	48
9.1 Hours of Work	48
9.1.1 Rest and Meal Breaks	48
9.1.2 Overtime	48
9.1.3 Time Off in Lieu (TOIL)	48
9.2 Public Holidays	49
9.3 Closing an Agency	49
9.4 Employment Procedures	50
9.4.1 Recruitment	50
9.4.2 Employment Offers	50
9.4.3 Employing Authority	50
9.4.4 Confirmation and Notice of Appointment	51
9.4.5 Probationary Periods	51
9.4.6 Induction and Orientation	51
9.4.7 Employee Categories	52
9.4.8 Employee Records	52
9.4.9 Appointment of Heads of Agencies	53
9.4.9.1 Recruitment of Heads of Agencies	53
9.4.9.2 Terms and Conditions of Employment of Heads of Agencies	53
9.4.9.3 Heads of Agencies Responsibilities	53
9.5 Remuneration	54
9.5.1 Principles	54
9.5.2 Job Descriptions	54
9.5.3 Job Evaluation	54
9.5.4 Government Pay Structure	55
9.5.5 Payment of Salaries and Wages	55
9.5.6 Salary and Wage Deductions including Over-Payments	56
9.5.6.1 PAYE (Pay as You Earn) Taxation	56
9.5.6.2 Superannuation	56
9.5.6.3 Bank Accounts	57
9.5.6.4 Other Deductions	57
9.5.7 Overtime	58
9.5.8 Allowances	58
9.5.8.1 Higher Duties Allowances	58
9.5.8.2 Vehicle Allowances	58
9.5.8.3 Per Diem Allowances	59
9.6 Leave	60
9.6.1 Heads of Agencies Authority and Responsibilities	60
9.6.2 Employees' Rights and Responsibilities	60
9.6.3 Applications and Approvals	60
9.6.4 Annual Leave	61
9.6.5 Sick Leave	61
9.6.6 Maternity Leave	62
9.6.6.1 Still Birth and/or Miscarriage	62
9.6.7 Paternity Leave	63
9.6.8 Leave Without Pay (LWOP) or Unpaid Leave	63
9.6.9 Special Leave	63
9.6.9.1 Bereavement Leave	64
9.6.9.2 National Representation Leave	64
9.6.9.3 Compassionate Leave	64
9.6.9.4 Study Leave	64
9.6.9.5 Constitution Celebrations	65

9.6.9.6	Inter-Islands Sports.....	65
9.6.9.7	Civil Duty.....	65
9.6.9.8	Island Government Employees Stranded on Rarotonga.....	66
9.6.9.9	Official Duty Travel Leave.....	66
9.6.9.10	Professional Development Leave.....	66
9.6.10	Summary of Leave.....	67
9.7	Human Resources Management Information System (HRMIS)	68
9.7.1	Access to HRMIS.....	68
9.7.2	Information Available.....	68
9.7.3	Delegations.....	68
9.7.4	Leave Applications - Instructions.....	68
9.7.5	Heads of Agencies HRMIS Responsibilities.....	69
9.8	Health and Safety	70
9.8.1	Employee Welfare.....	70
9.8.2	Health and Safety Practices and Responsibilities.....	71
9.8.2.1	Heads of Agencies Responsibilities.....	71
9.8.2.2	Managers/Supervisors Responsibilities.....	71
9.8.2.3	Employees' Responsibilities.....	72
9.8.3	Hazards.....	72
9.8.3.1	Physical Hazards.....	72
9.8.3.2	Ergonomic Hazards.....	73
9.8.3.3	Chemical Hazards.....	73
9.8.3.3	Biological Hazards.....	73
9.8.3.4	Risk Management.....	74
9.8.4	Accidents and Injuries.....	74
9.8.5	Workers' Compensation Insurance.....	75
9.8.6	Alcohol and Drugs.....	75
9.8.7	Smoking.....	76
9.8.8	Disaster Risk Management.....	76
9.8.9	Security.....	76
9.8.10	Travel Insurance.....	77
9.9	Performance Management	78
9.9.1	Purpose.....	78
9.9.2	Principles.....	78
9.9.3	Responsibilities.....	79
9.9.3.1	Responsibilities of the Office of the Public Service Commission (OPSC) ..	79
9.9.3.2	Responsibilities of Heads of Agencies and Managers.....	79
9.9.3.3	Responsibilities of Employee.....	79
9.9.4	Benefits of Performance Management.....	79
9.9.4.1	Benefits to Agencies.....	80
9.9.4.2	Benefits to Employers (Heads of Agencies) and Managers/Supervisors ...	80
9.9.4.3	Benefits to Employees.....	80
9.9.5	Procedures.....	80
9.9.6	Performance Appraisal.....	80
9.9.6.1	Performance Numeric Ratings.....	80
9.9.6.2	Behaviour and Conduct Alphabetical Ratings.....	81
9.9.6.3	Recognition and Rewards for Exceptional Performance.....	81
9.9.6.4	Performance Ratings Matrix.....	81
9.9.6.5	Performance Improvement Plans.....	82
9.9.7	Heads of Agencies Performance Management.....	83
9.10	Training and Development.....	83
9.10.1	Purpose.....	83
9.10.2	Roles and Responsibilities.....	83
9.10.2.1	OPSC Responsibilities.....	83
9.10.2.2	Heads of Agencies Responsibilities.....	84

9.10.2.3	Managers' and Supervisors' Responsibilities	84
9.10.2.4	Employees' Responsibilities.....	84
9.10.3	Training and Development Options and Types.....	84
9.10.4	Scholarships	85
9.11	Leaving the Service	85
9.11.1	Retirement.....	85
9.11.1.1	Voluntary Retirement Policy.....	86
9.11.2	Resignations and Notice Period	87
9.11.3	Completion of Fixed Term Contracts	87
9.11.4	Superannuation	87
9.11.5	Redundancy	88
9.11.5.1	Managing Redundancies	88
9.11.5.2	Voluntary and Compulsory Redundancy	88
9.11.5.3	Notice Periods.....	88
9.11.5.4	Redundancy Payments.....	88
9.11.6	Termination.....	89
9.11.7	Entitlements upon Termination of Employment	89
9.12	Integrity and Conduct.....	90
9.12.6	Code of Conduct.....	90
9.12.7	Standards of Personal Presentation	91
9.12.8	Knowledge and Information Sharing.....	91
9.12.9	Confidentiality.....	92
9.12.10	Political Neutrality.....	93
9.12.11	Conflicts of Interest	94
SECTION 10:RESOLVING WORKPLACE DISPUTES	96	
10.1	Employment Disputes	96
10.2	Investigating Disputes	96
10.3	Disclosures (Whistle Blowing).....	97
10.4	Appeals	98
APPENDICES	99	
Appendix I – Cook Islands Government Operating Policies	99	
Appendix II – Preparing an Information Paper for Cabinet.....	100	
Appendix II (a) – Format of an Information Paper for Cabinet.....	101	
Appendix III – Preparing a Memorandum for Cabinet	102	
Appendix III (a) – Cabinet Submission Template Guidelines.....	104	
Appendix III (a) – Cabinet Submission Template Guidelines.....	108	
Appendix IV – Motor Vehicle Accident Form.....	109	

ACRONYMS & ABBREVIATIONS

ANZAC	The Australia and New Zealand Army Corps
ANZ (Bank)	The Australia and New Zealand Banking Group
BPS	Budget Policy Statement
BSG	Budget Support Group
BTIB	Business Trade and Investment Board
CAC	Central Agencies Committee
CEO	Chief Executive Officer
CIGFPPM	Cook Islands Government Financial Policies and Procedures Manual
CIIC	Cook Islands Investment Corporation
CINSF	Cook Islands National Superannuation Fund
CIPA	Cook Islands Pearl Authority
CITC	Cook Islands Tourism Corporation
CITTI	Cook Islands Tertiary Training Institute
CLO	Crown Law Office
CM	Cabinet Minute
DCD	Development Co-ordination Division (of MFEM)
DP	Development Plan
DRM	Disaster Risk Management
EMCI	Emergency Management Cook Islands
ERA	The Employment Relations Act
ESS	Employee Self-Service
FIU	Financial Intelligence Unit
FSC	Financial Supervisory Commission
GSF	(New Zealand) Government Superannuation Fund
HRM	Human Resources Management
HRMIS	Human Resources Management Information System
IC	Infrastructure Committee
ICI	(Ministry of) Infrastructure Cook Islands
ICT	Information Communication Technology
IMF	International Monetary Fund
IntAff	Ministry of Internal Affairs
JICA	Japanese International Co-operation Agency
JD	Job Description
KPI	Key Performance Indicator
KRA	Key Result Area
LWOP	Leave without Pay
MFAI	Ministry of Foreign Affairs and Immigration
MFEM	Ministry of Finance and Economic Management
MMR	Ministry of Marine Resources
MoA	Ministry of Agriculture

ACRONYMS & ABBREVIATIONS

MoCD	Ministry of Cultural Development
MoE	Ministry of Education
MoH	Ministry of Health
MP	Member of Parliament
NDRMC	National Disaster Risk Management Committee
NOA	Notification of Appointment
NEA	Notification of Employee Adjustment
NET	Notification of Employee Termination
NSDC	National Sustainable Development Committee
NSDP	National Sustainable Development Plan
NZQA	New Zealand Qualifications Authority
OPM	Office of the Prime Minister
OPSC	Office of the Public Service Commissioner
OSH	Occupational Safety and Health
PA	Performance Agreement
PAC	Public Accounts Committee
PAYE	Pay As You Earn (Income Taxation)
PDP	Performance and Development Plan
PEFA	Public Expenditure and Financial Accountability
PERC	Public Expenditure Review Committee
PERCA	Public Expenditure Review Committee and Audit
PFM	Public Financial Management
PFTAC	Pacific Financial Technical Assistance Centre
PICPA	Pacific Islands Centre for Public Administration
PIFS	Pacific Islands Forum Secretariat
PIP	Performance Improvement Plan
POBOC	Payment on Behalf of the Crown
PS	Public Service
PSC	Public Service Commissioner
ROBOC	Revenue Received on Behalf of the Crown
SCPTA	Singapore Co-operation Programme Training Awards
SIDSTEC	Small Island Developing States Technical Cooperation Programme (Singapore)
SMA	Seabed Minerals Authority
SMART	Specific, measurable, achievable, realistic and timely goals
SOE	State Owned Enterprise
SP10	Strategic Pay (NZ) Job Evaluation System
TICA	Thai International Co-operation Programme
TOIL	Time Off in Lieu
USP	University of the South Pacific
VPVP	Vision, Purpose, Values and Principles

WEBSITE REFERENCES

Cook Islands Constitution Act (1964)

<http://www.parliament.gov.ck/Constitution.pdf>

Employment Relations Act (2012)

<http://intaff.whupi.com/wp-content/uploads/2014/04/Employment-Relations-Act-2012.pdf>

Employee Self Service Electronic Payroll System

https://payroll.cookislands.gov.ck/ESS/BaseForm.aspx?_view=Login.Login

MFEM Act (1995-1996)

<http://www.mfem.gov.ck/mfemdocs/admin/384-mfem-act-1995-96-with-199ammendment/file>

Office of the Ombudsman (Complaints)

<http://www.whupi.com/ombudsman/index.php/complaint>

Official Information Act (2008)

http://www.whupi.com/ombudsman/attachments/article/109/oi_act_2008.pdf

Public Service Act (2009)

(<http://www.psc.gov.ck/wp/wp-content/uploads/2015/07/PS-Act-2009.pdf>)

FOREWORD



In the same way that the Bible is essential in guiding one in their spiritual journey in life, this Public Service Manual is an indispensable resource for Heads of Agencies and Public Servants to guide us in our work.

This manual is intended to empower every Public Servant to provide excellent services to the people of the Cook Islands, by being inspired with an understanding and appreciation of what it means to work as a Public Servant.

As Public Servants, we have the privilege of serving our communities through the policies and programmes we implement on behalf of the government. We serve our people well by understanding their needs and striving to meet those needs in the way we do our work.

I would like to thank Heads of Agencies and Public Servants on Rarotonga and the Pa Enua, who have contributed to the development of policies and procedures that have been collated in this manual - for the benefit of all Public Servants.

I expect this manual to be a guiding light for Heads of Agencies and Public Servants to help you understand your role and responsibilities, how you fit into the machinery of government and the work of the Public Service.

May God help us continue working together to achieve our national vision and goals and our collective Public Service vision of excellence.

Na te Atua e tauturu mai ia tatou i tatou kaveinga kia ārangatū.

Meitaki Atupaka

A handwritten signature in black ink, appearing to read 'Russell Thomas'. The signature is fluid and cursive, written over a light blue horizontal line.

Russell Thomas

Public Service Commissioner

INTRODUCTION

The government Public Sector Strategy 2016-2025 is our strategy to transform the Public Sector to support the achievement of our National Sustainable Development Plan goals. Extensive public consultation, conducted by an expert team comprising three former senior Public Servants, informed the development of this Strategy.

The Strategy outlines the transformation journey required to achieve excellence over the period 2016-2025. This transformation will focus on improving effectiveness and efficiency in three critical areas: people, structures and systems.

The strategic priorities underpinning this transformation include:

- (a) A well led and trusted public sector comprising progressive and high-performing public sector employees.
- (b) A relevant and responsive public sector that is fit for purpose; and
- (c) A relevant and responsive public sector providing responsive service delivery.

A three phased approach to implementation is planned:

- (a) Phase One – 2016-2018, focuses on establishing crucial leadership capacity and institutional infrastructure.
- (b) Phase Two will see us embracing change through strong leadership and improved systems and structures.
- (c) Phase Three is where we sustain a culture of continuous innovation and adapting to remain relevant and responsive to the communities we serve.

As the Public Service aspires to achieve its vision of “A Public Service of Excellence”, it is important that management and leadership practices across the sector are applied consistently, equitably and transparently. A Public Service of Excellence requires the delivery of quality goods and services through effective leadership and governance.

This Public Service Manual therefore provides a range of information relevant to the generic daily operations of agencies and as such, is a valuable resource for Heads of Agencies in their roles as strategic leaders. It should be the first point of reference within Agencies as it encapsulates Cook Islands Government legislation, policies and regulations integral to effective leadership and management.

The manual has three key parts:

Part A – Machinery of Government (Who we are)

Part B – Public Service Charter (What we do)

Part C – Human Resource Management (How we work)

The dynamic nature of our country and the global environment in which we participate, necessitates ongoing review of our practices and as such, recognising the speed at which change is likely and the need to maintain the currency of this manual, links to regularly updated source material are provided.

Agencies may choose to use the Public Service Manual as a basis for compiling their own Agency specific employee manual. Such manuals will obviously pay greater attention to the core functions of the Agency however, there must be alignment and consistency with policies and guidelines provided in this Manual.

OUR VISION: PUBLIC SERVICE OF EXCELLENCE

To achieve the vision of a Public Service of Excellence, it is important to build and sustain public trust. As Public Servants, we are all guardians of what ultimately belongs to the public and the public expects us to serve and safeguard their interests responsibly. This can best be achieved in an environment where accessible, responsive and effective service is provided and continuous improvement is evident in the pursuit of excellence.

A Public Service of Excellence will see agencies working effectively together under the 'one government' banner to ensure the total contribution of government agencies is greater than the sum of its parts.



VALUES OF THE COOK ISLANDS PUBLIC SERVICE



HONESTY

Acting honestly, being truthful and abiding by the laws of the Cook Islands

IMPARTIALITY

Giving free and frank advice, acting without fear or favour and making decisions on their merits

TRANSPARENCY

Taking actions and making decisions in an open way

ACCOUNTABILITY

Taking full responsibility for all actions and decisions

SERVICE

Serving the people well through faithful service to the government of the Cook Islands

RESPECT

Treating everyone with courtesy and respect

EFFECTIVE

Achieving good results in everything undertaken

EFFICIENCY

Achieving good results in an economical way

KEY LEGISLATION

Mandates for Agencies will be reflected in a range of legislation specific to each entity. However, across the Public Service, there are core Acts of Parliament which provide the mandates and regulations by which all Agencies are bound.

A COOK ISLANDS CONSTITUTION ACT (1964)

The Constitution of the Cook Islands is the supreme law of the Cook Islands. Its coverage includes legislative requirements for The Government of the Cook Islands (Part I); The Executive Government of the Cook Islands (Part II); The Parliament of the Cook Islands (Part III); The Judiciary (Part IV) and Fundamental Human Rights (Part IVa); The Public Revenues of the Cook Islands (Part V); and The Cook Islands Public Service (Part VI).

Enacted in 1964, there have also been a range of subsequent amendments.

B PUBLIC SERVICE ACT (2009)

Enacted in 2009, with amendments pending, the purpose of the Public Service Act is to:

- (a) amend and consolidate the law relating to the Public Service; and
- (b) ensure that the members of the Public Service are impartially selected, fairly remunerated, and administratively competent; and
- (c) make provision for State Services and for the human resource development of members of the Public Service.

C MINISTRY OF FINANCE AND ECONOMIC MANAGEMENT (MFEM) ACT (1995/96)

The MFEM Act establishes effective economic, fiscal, and financial management and responsibility by Government; provides accompanying accountability arrangements, together with compliance with those requirements; and requires the Government to produce:

- (a) statements of economic policy;
- (b) confirmation of adherence to fiscal disciplines prescribed under the MFEM Act;
- (c) budget policy statements;
- (d) economic and fiscal forecasts and updates;
- (e) financial management information; and
- (f) comprehensive annual reports

D PUBLIC EXPENDITURE REVIEW COMMITTEE AND AUDIT (PERCA) ACT (1995/96)

The purpose of the PERCA Act is to give effect to the principle of the Executive Government's responsibilities to the public through Parliament to:

- (a) make available such information as will enable Parliament to be informed of the scrutiny of public expenditure and the management of public money;
- (b) promote the accountability of servants of the Crown, where public expenditure and public money are concerned; and
- (c) promote the accountability of local authorities in the management of the money and stores of such authorities.

The statutory mandate for the function of the Audit Office is enshrined in the Constitution of the Cook Islands, (Article 71) and the PERCA Act (1995/96, Part 3).

Part 2 of the PERCA Act (1995/96), stipulates the powers and reporting functions of The Public Expenditure Review Committee. The Committee's principal role is to ensure adequate public accountability of the Crown transactions, interests, and any legitimate issues of public concern that affect the management of public funds, is reported to Parliament.

The Public Expenditure Review Committee and Audit is also responsible for ensuring that Heads of Department have complied with their financial management obligations under the PERCA Act.

E EMPLOYMENT RELATIONS ACT (2012)

The Employment Relations Act (2012) is an Act to:

- (a) reform the law concerning employment relations and the negotiation of individual and collective employment agreements in the employment sector in the Cook Islands;
- (b) provide for maternity leave payments by the Crown to eligible employees; and
- (c) make consequential amendments.

F ISLAND GOVERNMENT ACT (2012/13)

The Island Government Act (2012/13) aims to:

- (a) foster good governance by all Island Governments;
- (b) promote accountability of Island Governments to their island communities;
- (c) encourage community participation in the governance of each island through transparency and consultation;
- (d) encourage Island Governments and the island community to progressively assume responsibilities as and when they are able to do so;
- (e) enable Island Governments and their island communities to decide on how best to promote the social, economic, cultural and environmental well-being of the respective islands

G OFFICIAL INFORMATION ACT (2008)

The purpose of the Official Information Act (2008) is consistent with the principle of the Executive Government's responsibility to Parliament:

- (a) to increase the availability of official information to the people of the Cook Islands in order to:
- (b) enable their more effective participation in the making and administration of laws and policies; and
- (c) to promote the accountability of Ministers of the Crown and officials, and thereby to enhance respect for the law and to promote the good government of the Cook Islands.
- (d) to provide for proper access by each person to official information relating to that person;
- (e) to protect official information to the extent consistent with the public interest and the preservation of personal privacy.

H CROWN LAW OFFICE ACT (1980)

This Act establishes the Attorney-General, where one is appointed under the Constitution, as the senior law officer, and it establishes the junior law officer position of Solicitor-General. The Attorney-General has Ministerial status under Article 16 of the Constitution. If an Attorney-General is not appointed, the Minister of Justice is responsible for the Crown Law Office. The Attorney-General has the power, exercisable in their discretion, to institute and conduct any civil or criminal proceedings and may discontinue any criminal proceedings whether instituted by him or otherwise.

The Solicitor-General manages the Crown Law Office and has power to appoint Crown Counsel with the concurrence of the Attorney-General. There is also a statutory opportunity to have a Deputy Solicitor-General appointed by a similar process of recommendation by the Solicitor-General, concurrence of the Attorney-General and confirmation by the Queen's Representative.

The Solicitor-General sits on the Central Agencies Committee, the Tender Committee, the Anti-Corruption Committee Crown Counsel review and often drafts statutory instruments and government contracts. The Solicitor-General has discretion whether to prosecute a criminal offence. The Police have control over all criminal prosecutions, including whether to instruct the Crown to prosecute.

The principle function of the Crown Law Office shall be to advise the government of the Cook Islands on legal matters that may be referred to it. It has control where required over criminal prosecutions, advises government on all aspects of the law, and is responsible for legislative drafting.

PART A: MACHINERY OF GOVERNMENT – (WHO WE ARE)

SECTION 1: INTRODUCTION

1.1 GOVERNMENT STRUCTURE

1.1.1 Parliament

The Cook Islands has a Westminster parliamentary style of government similar to that of New Zealand and England.

The country is a State in free association with New Zealand. While the Constitution provides for New Zealand to be responsible for defence and some aspects

of international relations, New Zealand can only act upon a request from the Government of the Cook Islands. The Government is responsible for and has the power to enact legislation for the peace, order and good government of the Cook Islands. It is fully competent to enter into international agreements and conduct its own international relations.

Parliament consists of a single chamber of 24 members elected by secret ballot, 10 of whom are from the main island of Rarotonga with the other 14 representing the outer islands. The Speaker of Parliament is usually nominated by the Prime Minister and is elected by Parliament. The Speaker's role is to preside over the sittings of parliament.

All debates and discussions in Parliament must be conducted in the Rarotonga dialect of the Maori language and also in English.

At the expiration of four years from the date of the last preceding general election, the Queen's Representative dissolves Parliament (unless Parliament has been dissolved earlier). A general election must be held within three months after the dissolution of Parliament.

1.1.2 Head of State

The Head of State is Her Majesty, Queen, Elizabeth II who is represented in the Cook Islands by the Queen's Representative. The Queen's representative is appointed by Her Majesty the Queen through the Office of the Prime Minister and Governor General of New Zealand and holds office for a period of three years although, from time to time, they may be reappointed.

Generally, the Head of State acts on the advice of Cabinet, the Prime Minister, or the appropriate Minister, whichever best applies. The Prime Minister is responsible for ensuring that copies of all relevant Cabinet documentation (eg agenda and minutes) are provided to the Queen's Representative. The Queen's Representative presides as Chairperson in the Executive Council which is made up of the Queen's Representative and the Cabinet.

More specifically, the Queen's Representative performs constitutional and ceremonial functions as well as executive and appointments on behalf of Government.

Whenever the office of the Queen's Representative is vacant or the holder of that office is absent from the Cook Islands or unable to perform their duties, their functions will be performed by the Chief Justice of the Cook Islands.



1.1.3 House of Arikis

The Constitution of the Cook Islands provides for a House of Arikis comprising representation and membership from all islands. The House of Arikis' functions include consideration of matters relative to the welfare of the people of the Cook Islands submitted to it by Parliament for its consideration. The House of Arikis has the opportunity to express its opinion and make recommendations to Parliament on any such matters. It may also have other functions as prescribed by law and has its own legislation – The House of Arikis Act 1966.

1.1.4 Executive Government of the Cook Islands

Executive authority of the Cook Islands is vested in Her Majesty the Queen and may be exercised on her behalf through the Queen's Representative. The Executive arms of Government in the Cook Islands comprise:

1.1.4.1 Cabinet

Cabinet comprises the Prime Minister and no more than six other Ministers. It is presided over by the Prime Minister and has the general direction and control of the executive government of the Cook Islands. Cabinet is collectively responsible to Parliament with Ministers assigned their portfolios of responsibility by the Prime Minister.

Only the Prime Minister, or in their absence their delegate Minister, may summon Cabinet. All decisions of cabinet must be recorded in minutes which generally should be communicated to the Queen's Representative within 48 hours of the decision being made for their approval.

1.1.4.2 The Executive Council

The Executive Council consists of the Queen's Representative and the members of Cabinet. The Secretary to Cabinet is the Clerk of the Executive Council. Only the Queen's Representative or the Prime Minister can summons a meeting of the Executive Council which may be required to consider any decision recorded in the minutes of a Cabinet meeting. The original decision may be confirmed, amended or a reconsideration requested.

1.1.4.3 The Judiciary

The Constitution of the Cook Islands provides for the establishment of The High Court, the purpose of which is the administration of justice throughout the Cook Islands. The High Court has civil and criminal jurisdiction as necessary to administer the law in force in the Cook Islands and comprises three divisions – Civil, Criminal and Land Divisions.

The Chief Justice of the Cook Islands is a judge of the High Court and is appointed by the Queen's Representative acting on the advice of the Executive Council as submitted by the Prime Minister. The Judges of the High Court are appointed from New Zealand on the recommendation of the Chief Justice and the Minister of Justice to the Prime Minister. The Court of Appeal comprises three Justices including a President. Appointments to the Court of Appeal are from the New Zealand judiciary, usually retired New Zealand High Court or Court of Appeal Justices. The final appellate Court is the Privy Council sitting in London.

1.1.4.4 The Cook Islands Public Service

The Public Service comprises all those who are in the service of the Government of the Cook Islands as prescribed by law. The Public Service Act (2009) provides for the administration and regulation of the Cook Islands Public Service including appointment, terms of service, disciplinary control, termination of appointment, and dismissal of members of the Public Service.

The Public Service Commissioner is appointed by the Queen's Representative on the advice of the Prime Minister. The functions of the Public Service Commissioner are prescribed by the Public Service Act (2009).

The Public Service, of which there are 31 Agencies, is part of the total Public Sector. The Public Sector as a whole comprises the Public Service as well as 21 other agencies including Crown Agencies, Ministerial Support Offices, FSC and State owned Enterprises.



COOK ISLANDS PUBLIC SECTOR

PUBLIC SERVICE (13)

- ▶ Ministry of Agriculture
- ▶ Ministry of Cultural Development
- ▶ Ministry of Education
- ▶ Ministry of Foreign Affairs and Immigration
- ▶ Ministry of Finance and Economic Management
- ▶ Ministry of Health
- ▶ Ministry of Justice
- ▶ Ministry of Internal Affairs
- ▶ Infrastructure Cook Islands
- ▶ Ministry of Marine Resources
- ▶ Ministry of Transport
- ▶ Office of the Prime Minister
- ▶ Office of the Public Service Commissioner

OTHER ENTITIES (1)

- ▶ Punanga Nui

52 ENTITIES

ISLAND GOVERNMENTS (10)

- ▶ Aitutaki
- ▶ Atiu
- ▶ Mangaia
- ▶ Manihiki
- ▶ Mauke
- ▶ Mitiaro
- ▶ Palmerston
- ▶ Penrhyn
- ▶ Pukapuka/Nassau
- ▶ Rakahanga

STATUTORY AGENCIES (7)

- ▶ Business Trade and Investment
- ▶ Cook Islands Pearl Authority
- ▶ Cook Islands Seabed Minerals Authority
- ▶ Cook Islands Tourism Corporation
- ▶ Financial Services Development Authority
- ▶ National Environment Service
- ▶ Natural Heritage Trust

CROWN AGENCIES (7)

- ▶ Head of State
- ▶ Office of the Ombudsman
- ▶ Cook Islands Audit Office and PERC
- ▶ Parliamentary Services
- ▶ Cook Islands Police
- ▶ Crown Law
- ▶ Financial Supervisory Commission

MINISTERIAL SUPPORT OFFICES (7)

- ▶ Cabinet Ministers' Offices (6)
- ▶ Opposition Leader's Office (1)

STATE OWNED ENTERPRISE (7)

- ▶ Cook Islands Investment Corporation*
- ▶ Cook Islands Government Property Corporation
- ▶ Airport Authority
- ▶ Bank of the Cook Islands
- ▶ Ports Authority
- ▶ Te Aponga Uira
- ▶ Aitutaki Power Supply

1.1.5 The Ombudsman

The Office of the Ombudsman is an impartial and independent office that represents the interests of the public by investigating and addressing complaints reported by individual citizens. The Ombudsman's Office was established under the Ombudsman's Act (1984) to represent the interests of the public. Its purpose is to provide a service to the public that is targeted towards ensuring, enhancing and edifying "Good Governance" through the investigation of complaints relating to matters of government administration received from members of the public.

Anyone can make a complaint to the Ombudsman by completing the application form and following the required procedures outlined on the website of the Office of the Ombudsman.

1.1.6 Financial Supervisory Commission (FSC)

The Financial Supervisory Commission Act (2003) sets out the duties, functions and powers of FSC. A Board of five members appointed by the Minister of Finance, has overall control of FSC. The main responsibility of the Commission is to regulate licensed financial institutions in the Cook Islands by:

- (a) keeping under review the operation of the Cook Islands legislation relating to licensed financial institutions and the effectiveness of supervision of licensed financial institutions; and
- (b) continually monitoring the extent to which Cook Islands legislation and the supervision of licensed financial institutions comply with internationally accepted standards.

In carrying out these duties, the Commission has the following functions:

- (a) licencing financial institutions and monitoring their compliance with their obligations under the Act; and
- (b) recommending to the Minister legislative, administrative or other actions that will better facilitate the provision of services by licensed financial institutions, ensure compliance with statutory obligations and licensing requirements, and avoid acts or practices that may be detrimental to the reputation of the Cook Islands.

1.1.7 Financial Intelligence Unit (FIU)

The Financial Intelligence Unit Act (2015) sets out the duties, functions and powers of FIU which is a Crown Agency and part of FSC. However, in matters of intelligence, investigation and other related operational matters, FIU acts independently of FSC and it is at the discretion of the Head of FIU to what extent FSC is involved.

The functions of FIU include:

- (a) the administration and oversight of relevant Acts;
- (b) investigating financial misconduct; and
- (c) conducting related enquiries, investigations, analysis and enforcement oversight.

SECTION 2: MINISTERS AND THE PUBLIC SERVICE

2.1 ROLES AND RESPONSIBILITIES

2.1.1 Prime Minister

The Prime Minister is the head of Government and Chairperson of Cabinet. The Prime Minister alone can advise the Queen's Representative to dissolve Parliament and call elections, appoint, dismiss, or accept the resignation of Ministers.

The allocation of all portfolios is made at the discretion of the Prime Minister. The Prime Minister and Ministers constitute Cabinet which is the supreme arm of Executive government. The Prime Minister and Ministers are supported in their portfolios by the Heads of Ministries and Crown Agencies.

2.1.2 Ministers of the Crown

Ministers are responsible for providing policy direction and support for the Agency and are accountable to Parliament and the public for the performance of the Public Service and State Owned Enterprises.

Each Minister is responsible for:

- (a) The leadership of Government agencies which fall within their portfolio;
- (b) The initiation and advancement of relevant policies for their portfolio for consideration by Cabinet;
- (c) Ensuring that Heads of Agencies implement policy decisions of Cabinet, as may be instructed by the Public Service Commissioner pursuant to section 7 of the Public Service Act 2009.

Cabinet meetings usually occur weekly, however, the scheduling of these meetings is at the prerogative of the Prime Minister.

2.2 MINISTERS' RELATIONSHIPS WITH HEADS OF AGENCIES

Ministers decide both the direction and the priorities of their Agencies. They should not, however, be involved in the day to day operations of their Agencies but are responsible for determining and promoting policy, defending policy decisions, and answering policy and operational matters related to their portfolios which are raised in Parliament.

The professional relationship and frequency of contact between the Minister and the Head of Agency will develop according to the Minister's personal preference. However, a "No Surprises" approach is recommended so that Ministers are informed promptly of any matters of significance which could be controversial or become the subject of public debate.

Ministers and Heads of Agencies need a clear understanding about which of them is responsible for media or other public comment on particular issues.

The annual performance agreements for Heads of Agencies must be approved and signed off by the relevant portfolio Minister, and the Public Service Commissioner is responsible for ensuring that the portfolio Minister receives a copy of the annual performance report for each Head of Agency.

Whilst the Public Service Commissioner has the final authority regarding Heads' of Agencies official overseas duty travel, in the first instance, signed approval must be obtained from the portfolio Minister.

It is recommended that where Heads of Agencies require clarification or support on matters regarding their professional relationship with their Minister, they should consult the Public Service Commissioner.

2.3 MINISTERIAL BRIEFING PAPERS

When a new Minister is appointed or assumes a new portfolio, the Head of Agency should prepare a written briefing paper for him/her. This briefing paper is usually given to the Minister after appointment. Its purpose is to give the Minister sufficient information to meet their initial requirements. Obviously, this initial briefing will need to be supplemented, over a number of weeks, with further written and/or oral briefings as required.

The written briefing should be tailored to the needs of the new Minister. The level of detail included in this initial briefing will vary depending on whether the Minister concerned has had any prior involvement with the portfolio, and whether there has been a change of government.

This briefing is for the information of the Head of Agency and the portfolio Minister and, as such, there is no presumption of a public release unless the Minister specifically authorises this.

At a minimum, the briefing paper should:

- (a) describe the Agency and its responsibilities;
- (b) set out the terms of reference, membership, and terms of office for all boards, commissions, tribunals, and so on, for which the Minister has responsibility;
- (c) include an account of major outstanding policy issues and the implementation of current programmes; and
- (d) set out details of pending decisions or action that will be required of the Minister, including recommendations for draft legislation, if applicable.

2.4 CABINET DOCUMENTATION

The Secretary to Cabinet can assist with the preparation of Cabinet Submissions (Memoranda) and Information Papers. There is also a Manual of Cabinet Procedures available from the Office of the Prime Minister – contact the Cabinet Secretary for a copy. It is important that Public Servants follow the required procedures to ensure that Cabinet submissions reach Cabinet in a timely manner.

There are four main types of Cabinet documents:

- (a) Memorandum - this is a written submission that seeks a decision of Cabinet;
- (b) Information Paper - does not seek a Cabinet decision and is primarily used to inform and enlighten Cabinet on a particular issue;
- (c) Agenda - itemises the official business of Cabinet for each sitting; and
- (d) Minutes - the official record of the decisions of Cabinet.

2.4.1 Information Papers

Ministers may sometimes wish to keep their colleagues apprised of some matters of importance that do not require a Cabinet decision. In such circumstances an information paper will be circulated to Cabinet for their information. Prior to circulation to Cabinet, comments on the information presented must be sought from the Financial Secretary, Chief of Staff of the Office of the Prime Minister, Public Service Commissioner and Solicitor General.

All such papers will have “FOR INFORMATION” printed in capitals inserted below the date at the top, left-hand side of the first page of the paper and should be structured as per Appendix I. Information papers will be recorded at the end of the Agenda of the meeting of Cabinet and will not be discussed unless a Minister specifically makes a request to the Prime Minister that the paper be formally considered by Cabinet.

2.4.2 Cabinet Memoranda (Submissions)

To ensure the prompt consideration by Cabinet of cabinet memoranda, it is important that Heads of Agencies follow the required procedures and submit their memoranda on the approved form (Appendix II). The following procedures are required:

- (a) All submissions for Cabinet consideration must be approved and supported by a Minister.
- (b) All submissions must be referred by the lead agency promoting the submission to all the Central Agencies (MFEM, OPM, OPSC) and the Crown Law office, no less than seven days prior to the Cabinet meeting.
- (c) Each of the four Agencies must be given ample time to provide their respective input and advice on the implications of the proposed submission on the government and its operations.
- (d) Any Cabinet Memorandum that fails to obtain input from any one of the Central Agencies or Crown Law Office shall be referred back to the lead Agency to complete all the requirements of the submission.
- (e) To ensure compliance with the Public Service Act (2009), comments from the Public Service Commissioner must be obtained before the Memorandum is submitted to Cabinet.
- (f) The Secretary to Cabinet is responsible for sending Cabinet Minutes to approved persons only.
- (g) All copies of Cabinet memoranda and Minutes will be allocated a unique number and sent to relevant persons by the Secretary to Cabinet.

2.5 COMMITTEES

2.5.1 Central Agencies Committee (CAC)

Prior to approving cabinet memoranda, it is important that Cabinet are fully apprised of the relevant implications of projects and initiatives proposed which seek their endorsement. A Central Agencies Committee (CAC), comprising The Public Service Commissioner, The Solicitor General, The Financial Secretary and The Chief of Staff for the Office of the Prime Minister (OPM) meet weekly to discuss and formulate their advice on such matters for Cabinet, to enable Ministers to make informed decisions.

The representation on CAC provides oversight and input at the highest level on major policy initiatives relevant to each member's area of specialism as follows:

- (a) National policy implications (Chief of Staff, OPM);
- (b) Fiscal implications and budgetary advice (Financial Secretary - MFEM);
- (c) Legal implications and advice (Solicitor General – Crown Law Office); and
- (d) Public Service implications (Public Service Commissioner).

2.5.2 National Sustainable Development Committee (NSDC)

The National Sustainable Development Committee (NSDC) was established in 2008 by Cabinet. The role of the NSDC is to provide sound strategic advice to Cabinet on the allocation of national resources and development aid to all sectors of the country and to ensure that such allocation is aligned to the implementation of the National Sustainable Development Plan in accordance with existing sector plans and including regional and international obligations. It also has a role in ensuring the fulfilment of the Budget Policy Statement and that the medium-term budgeting framework is successfully implemented.

The objectives of the NSDC are to ensure that:

- (a) Systematic allocation of budget and aid resources are in line with national plan directions/strategies/programmes/projects; and
- (b) Strategic policy advice is provided to Cabinet on sustainable development and resource allocation and the implications of these decisions.

Membership of the NSDC comprises Heads of Agencies of:

- (a) Office of the Prime Minister;
- (b) Crown Law;
- (c) MFEM;
- (d) Foreign Affairs and Immigration;
- (e) Office of the Public Service Commissioner; and
- (f) Ministry of Education;

The NSDC is chaired by the Chief of Staff of the Office of the Prime Minister (or MFEM in their absence). It may also co-opt other Heads of Agencies or relevant persons on a sector or project specific basis.

2.5.3 Infrastructure Committee (IC)

The Infrastructure Committee (IC) was established in 2008 by Cabinet. The IC was established to focus on the delivery of all infrastructure projects and make decisions regarding the management and commissioning of individual projects.

The governance framework for Cook Islands Infrastructure is as follows:

Responsibilities of IC include to:

- (a) Seek technical advice from relevant stakeholders on matters relating to the project cycle;
- (b) Follow up on current and outstanding projects with line agencies;
- (c) Resolve all project development constraints with relevant agencies;
- (d) Endorse all new projected proposals and connected design procedures;
- (e) Approve implementation measures that best suit the environment;
- (f) Monitor progress and receive progress reports from the lead agencies; and
- (g) Incorporate strategies where possible to infrastructure developments to promote capacity building and participation of local resources without affecting the progress of the project.

Membership comprises Heads of the following Agencies:

- (a) Infrastructure Cook Islands (ICI);
- (b) MFEM/Development Co-ordination Division (DCD);
- (c) Cook Islands Investment Corporation (CIIC); and
- (d) Office of the Prime Minister (OPM).

Two additional private sector representatives and one Outer Island representative make up the total membership of IC.


2.5.4 Budget Support Group (BSG)

The Budget Support Group (BSG) is established by the Financial Secretary with the endorsement of the Minister of Finance to provide advisory support to the Financial Secretary and the Minister of Finance in assessing budget submissions. The BSG also ensures value for government's limited funds whilst promoting transparency, accountability and fairness in the distribution of monies in the adopted Government budget process.

Membership consists of:

- (a) The Minister of Finance (Chairperson);
- (b) The Financial Secretary; and
- (c) Heads of Agencies who have a range of experience and expertise in the areas of finance, social, legal and economic fields.

The purpose of the BSG is to assist the Minister of Finance in critiquing business plans, associated costs, and investment proposals and produce a report of recommendations for the Cook Islands Government, advising how best funds should be appropriated in accordance with the MFEM Act.



All Agency requests for major items of capital are considered by the Capital Funding Committee and the Infrastructure Committee together with the BSG.

2.6 MINISTERIAL SUPPORT OFFICES

Ministers of the Crown are provided with an office and the funding to source a Chief Executive Officer (CEO) and/or other staff as may be required to effectively carry out their responsibilities. On many occasions, it is the Minister's CEO who will have direct contact, on behalf of the Minister, with the Head of an Agency. It should, however, be noted that neither the Minister nor their CEO are the employer of Heads of Agencies'.

Whilst Ministerial Support Offices are staffed by politically appointed staff and not therefore deemed to be Public Servants, it is expected that Heads of Agencies would afford the same courtesies to Ministerial Support staff that they would to any other government employee.

SECTION 3: THE PUBLIC SERVICE COMMISSIONER AND THE PUBLIC SERVICE

3.1 THE PUBLIC SERVICE ACT (2009)

The Public Service Act (2009) amends and consolidates the law relating to the Public Service; ensures that members of the Public Service are impartially selected, fairly remunerated and administratively competent; and makes provision for State Services and for the human resource development of members of the Public Service.

Compliance with this Act is a requirement for all Public Servants and should be read in conjunction with other legislation relevant to each Agency. Heads of Agencies are required to familiarise themselves and their staff with this important legislation. Some proposed amendments to this Act are pending.

The Act contains legislation pertaining to:

- (a) The functions and roles of the Public Service Commissioner and the Office of the Public Service Commissioner;
- (b) Heads of Departments – their appointments, functions, responsibilities and duties, powers and delegation authorities;
- (c) The Values and Code of Conduct of the Public Service, including the duty to act as a good employer;
- (d) Employment and Human Resources Management in the Public Service;
- (e) Rights of Appeal and relevant processes; and
- (f) Miscellaneous provisions relating to medical examinations, bonds and loan agreements, regulations and notices to employees.

3.2 The Role of the Public Service Commissioner

The Public Service Commissioner is appointed by the Queen's Representative on the advice of the Prime Minister (Article 73, Cook Islands Constitution). The Commissioner's functions include:

- a) review the machinery of government;
- b) ensure compliance with the code of conduct and values of the public service;
- c) issue written instructions to heads of departments relating to the implementation of government policies to ensure uniformity and cohesion in the Public Service;
- d) carry out inquiries relating to the administration of the public service or any other matters relating to the public service in accordance with the Act;
- e) investigate any dispute between an employer and an employee and make recommendations as to how the dispute should be settled;
- f) ensure heads of departments discharge their responsibilities specified in accordance with the Act;
- g) review the performance of heads of departments, including the performance of their contracts of employment and compliance with their performance agreements;
- h) ensure the heads of departments are not subjected to unlawful or improper pressure from Ministers of the Crown or members of parliament, in particular with regard to public expenditure;

- i) to act as an intermediary between Ministers of the Crown and heads of departments in relation to the functions specified in the Act;
- j) appoint heads of departments and negotiate with the successful candidates their conditions of employment;
- k) develop and promote personnel policies and standards, including performance management systems for heads of departments and the Public Service;
- l) provide advice on the training and career development of staff in the Public Service;
- m) determine salary ranges for positions in the Public Service in accordance with the remuneration system approved by Cabinet;
- n) tender advice to the Minister and other Ministers of the Crown as necessary in relation to the Commissioner's functions;
- o) In carrying out their functions, the Commissioner must give effect to the policies of the Government relating to the Public Service as communicated to the Commissioner from time to time by the Prime Minister in writing;
- p) Issue instructions to heads of departments:
 - a. The Commissioner may issue written instructions to heads of departments for the purpose of the effective administration of the public service and to give effect to Government policies referred to in the Act.
 - b. Heads of departments are bound by any instructions made under this section that apply to them.

3.3 The Office of the Public Service Commissioner

The Public Service Act (2009) mandates the establishment of an Office of the Public Service Commissioner, to assist the Commissioner with the general administration of the Act as well as other such functions which may from time to time be legally conferred on it.

The Head of the Office of the Public Service Commissioner is the Chief Executive Officer who is appointed under section 14 of the Act and who, in consultation with the Commissioner, may appoint employees as required to enable the Commissioner to carry out their functions and duties.

The main functions of this Office include:

- (a) Policy and Planning:
 - (i) Manage the Cook Islands government's operational policy development, compliance and review;
 - (ii) Provide policy and planning support and advice to Heads of Agencies;
 - (iii) Support the Commissioner in monitoring and reviewing the machinery of government; and
 - (iv) Provide input into national policy development.
- (b) Human Resources Management:
 - (i) Management of the HRMIS database;
 - (ii) Facilitation and/or co-ordination of Public Service development and training – in-country and external;
 - (iii) Administration functions for Heads of Public Service Agencies' recruitment and performance management;
 - (iv) Management and administration of the government remuneration framework;

- (v) Assist Agencies with the review of organisational structures ;
- (vi) Conduct inquiries into unresolved employment disputes between Heads of Agencies and employees;
- (vii) Conduct inquiries into public complaints relating to the public service and/or breaches of the public service code of conduct;
- (viii) Support and assist Agencies with the preparation and review of job descriptions and co-ordinate job evaluations; and
- (ix) Provide support and policy advice to Heads of Agencies and government employees on public service matters.

3.4 HEADS OF AGENCIES

A high performing Public Service is dependent on high performing Heads of Agencies. The recruitment process for Heads of Agencies is managed by the Public Service Commissioner who, in their role as their employer, is responsible for their appointment and performance management.

Heads of Agencies are appointed on a contractual basis (usually three years) and they are responsible and accountable for the performance of their employees and their Agency. Regular performance reviews co-ordinated by the Office of the Public Service Commissioner on behalf of the Commissioner, measure the effectiveness of Heads of Agencies' leadership against the outputs and goals prescribed in the Agency's business plan. The conduct and attributes exhibited by the Head of Agency in the course of carrying out their daily responsibilities, as well as their compliance with legislation and policies, is also assessed.

Heads of Agencies have a responsibility to promptly bring to the attention of the Commissioner and their Minister, any issues that may bring the reputation of the government and public service into disrepute. They must develop a relationship of mutual trust and confidence with their Minister and the Public Service Commissioner, adopting a 'no surprises' approach so that Ministers are informed promptly of any matters of significance which could be controversial or become the subject of public debate.

Other specific responsibilities for Heads of Agencies include:

- (a) Acting as a good employer;
- (b) Adhering to and promoting compliance with the Public Service Code of Conduct, values and government policies;
- (c) Demonstrating political neutrality;
- (d) Declaring any conflicts of interest to the Commissioner;
- (e) Administering and complying with legislation that the agency is responsible for;
- (f) Managing resources effectively;
- (g) Reviewing procedures and continuously striving to improve and innovate;
- (h) Providing professional/evidence-based strategic policy advice to Ministers; and
- (i) Implementing government priorities effectively and efficiently.

3.5 PUBLIC SERVANTS

The Public Service consists of Heads of Agencies and employees of agencies as defined in the Public Service Act (2009). In accordance with this legislation, Public Servants are engaged under the standard terms and conditions applicable to all employees of the Public Service of the Cook Islands. They are therefore subject to instructions and directives issued by the Public Service Commissioner, and any approved government policies and regulations.

A range of government and Agency policies define Public Servants' employment environment with the Code of Conduct Policy outlining the required standards of behaviour expected and the possible consequences of any breach of these.

Public Servants are expected to uphold the values of the Public Service and behave in a manner at all times which enhances the good reputation of the public service and does not bring the government into disrepute.

SECTION 4: ISLAND GOVERNMENTS AND THE PUBLIC SERVICE

4.1 ISLAND GOVERNMENT ADMINISTRATION AND ITS KEY ROLES

4.1.1 Island Government Act (2012-2013)

The Island Government Act (2012-13) came about as a result of a growing realisation that the previous legal framework for the governance of the Pa Enua was inadequate. The Government was committed to reforming these fundamental arrangements, and providing a real basis for the empowerment of the Island Governments and the effective and accountable management of their Administrations.

The objectives of the Act are:

- (a) to foster good governance by all Island Governments;
- (b) to promote accountability of Island Governments to their island communities;
- (c) to encourage community participation in the governance of each island through transparency and consultation;
- (d) to encourage Island Governments and the island community to progressively assume responsibilities as and when they are able to do so; and
- (e) to enable Island Governments and their island communities to decide on how best to promote the social, economic, cultural and environmental well-being of the respective islands.

4.1.2 Island Governance

Each island has its own Island Government also known as the 'Kavamani Enua'. Its purpose is to provide good, efficient and effective governance for the island for those responsibilities conferred on it by the Act.

The duties of Island Governments include to:

- (a) act in the public interest;
- (b) pursue policies that are not inconsistent with national government policies;
- (c) deliver public facilities and services in the best interests of the island's community and on behalf of national government;
- (d) promote transparency by dissemination and providing access to information pertaining to local government and its administration;
- (e) promote fiscal responsibility and financial accountability;
- (f) promote natural justice;
- (g) encourage effective participation of the island community in local government through regular and frequent consultation, and where appropriate referenda;
- (h) encourage private sector development and inter island joint ventures;
- (i) promote sustainable and environmentally friendly management practices in the management of island resources; and
- (j) encourage social and cultural development.

Membership of the Island Government comprises:

- (a) a Mayor elected by the eligible electors of the island;
- (b) councillors representing each constituency on the island elected by eligible electors for each island;
- (c) the person(s) invested with the office of Ariki for the island;
- (d) one person (other than an Ariki) representing the Aronga Mana (or the Mataiapo for Aitutaki); and
- (e) the member(s) of Parliament for the island.

The exception is on Palmerston Island where councillors are elected from each of the three families on the island.

4.1.3 The Role of the Mayor

It is the responsibility of the Mayor on each island to:

- (a) provide and demonstrate good leadership;
- (b) ensure that resolutions of the Council are implemented and act in accordance with any resolution of the Council requiring action by the Mayor;
- (c) ensure that the members of the Council are involved in the affairs of the Island Government to the fullest extent possible;
- (d) ensure co-operation between the Island Government and National Government so as to establish policy directions that promote economic, social, environmental and cultural opportunities that are consistent with national outcomes;
- (e) encourage good governance, accountability, social equity and fairness;
- (f) enhance prosperity of the island's community through partnerships in business enterprise, health, education and employment;
- (g) develop growth and investment strategies that encourage sustainable development for the island and the utilisation of resources in a manner that benefits the community and the island;
- (h) implement safety procedures and practices that minimise the risk to members of the community, infrastructure and the environment; and
- (i) implement a system of administration that is capable of managing resources on behalf of the national Government and the donor community.

4.1.4 The Executive Officer

The Executive Officer is the principal administrative officer of the Island Government Administration and must attend all meetings of the Council and any committee of the Council. They must ensure that all staff of the island administration are engaged in accordance with approved structures, policies and budgets. All staff are subject to the direction of the Executive Officer, which must be in accordance with any directions given by the Mayor.

The Executive Officer, who is employed as a Public Servant, is responsible to the Mayor and the Island Government for:

- (a) implementing the decisions of the Island Government;
- (b) ensuring that all funds of the Island Government are managed, expended, recorded and accounted for as required by law;
- (c) providing advice to members of the Island Government and any of its committees;
- (d) ensuring that all functions, duties and powers delegated to him/her or any employee of the Island Government are properly performed or exercised;
- (e) ensuring the effective, efficient and proper management of the activities and planning of the Island Government;
- (f) preparing and providing monthly financial reports to the Island Government;
- (g) developing the annual business plan and budget in consultation with the Island Government;
- (h) ensuring compliance with all relevant legislation in respect to the administration and management of the Island Government; and
- (i) ensuring and promoting the efficient management of the Island Government and the effective performance of its functions and responsibilities.

4.1.5 Bylaws and Memoranda of Understanding

Section 69 of The Island Government Act (2012-13) makes provision for the making of Bylaws for the purposes of giving better effect to:

1. the objects of regulations made under the Act
2. the intention of a contract or memorandum of understanding entered into pursuant to the Act
3. the performance of powers, duties and responsibilities of an Island Government under the Act
4. recognising the status, position and authority of the Ui Ariki
5. the imposition and collection of fees or charges for goods or services provided by an Island Government
6. licensing and regulating any activity or matter affecting the island
7. protecting Island Governments, and their staff
8. the proceedings of meetings of Island Government
9. the roles, responsibilities, powers and duties of any committee appointed under the Act.

Agencies may consider entering into a Memorandum of Understanding with an Island Government where that Agency needs representation at a higher level on the Island. Agencies are encouraged to work closely with Island Councils.

PART B: PUBLIC SERVICE CHARTER (WHAT WE DO)

SECTION 5: PUBLIC GOODS AND SERVICES

5.1 SOCIAL SECTOR

The Social Sector comprises the Ministries of Cultural Development (MoCD), Education (MoE), Health (MoH), and Internal Affairs (IntAff).

The Social Sector is encouraged to work collaboratively in its pursuit to specifically achieve the following National Sustainable Development Plan 2016-2020 (NSDP) Goals:

- (a) Goal 1 – Improve welfare, reduce inequity and economic hardship;
- (b) Goal 7 – Improve health and promote healthy lifestyles;
- (c) Goal 8 – Ensure inclusive and equitable quality education and promote life-long learning opportunities;
- (d) Goal 9 – Accelerate gender equality, empower all women and girls, and advance the rights of youth, the elderly and disabled; and
- (e) Goal 14 – Preserve our heritage, history, and traditional knowledge, and develop our language, creative and cultural endeavours.

Whilst the Social Sector Agencies will have overlapping responsibilities in the achievement of other NSDP goals, the aforementioned are the specific goals relating to the Social Sector.

5.2 Economic Sector

The Economic Sector comprises the Cook Islands Tourism Corporation (CITC), Cook Islands Seabed Minerals Authority (SMA), Cook Islands Pearl Authority (CIPA), the Business Trade and Investment Board (BTIB), Punanga Nui Market, Financial Services Development Authority (FSDA), as well as the Ministries of Agriculture (MoA) and Marine Resources (MMR).

Working collaboratively with other Agencies, the Economic Sector Agencies have a key role to play in the achievement of the following NSDP goals pertaining to the economic development of the Cook Islands:

- (a) Goal 2 - Expand economic opportunities, improve economic resilience and productive employment to ensure decent work for all; and
- (b) Goal 15 – Ensure a sustainable population promoting development by Cook Islanders for Cook Islanders.

Economic growth in the Cook Islands is heavily reliant on the tourism which accounts for approximately 60% of the economy.

Fish exports now represent our biggest export earner, accounting for approximately 96% of all goods exported, although revenue from fishing licences continues to provide the most benefit to the Cook Islands economy from fishing activities. Agriculture and seabed minerals provide opportunities for the Cook Islands to further diversify its economic base and thus grow the economic sector. Pearl production has declined in recent years but it continues to provide opportunities to grow the economic sector.

5.3 Infrastructure Sector

The Infrastructure Sector comprises Infrastructure Cook Islands (ICI), The Ministry of Transport, and the Renewable Energy Division of the OPM. Collectively, the specific NSDP goals which relate to this sector include:

- (a) Goal 3 - Promote sustainable practices and effectively manage solid and hazardous waste;
- (b) Goal 4 – Sustainable management of water and sanitation;
- (c) Goal 5 – Build resilient infrastructure and ICT to improve our standard of living; and
- (d) Goal 6 – Ensure access to affordable, reliable, sustainable, modern energy and transport.

This sector has responsibility for ensuring the provision of fit for purpose infrastructure that supports economic development and improves the quality of life for all Cook Islanders, both on Rarotonga and in the Pa Enea.

Like the other sectors, there are overlapping national goals and outputs that the Infrastructure Sector contributes towards and supports, for example, education, health and tourism.

5.4 Environment Sector

The National Environment Service and Climate Change Office at the Office of the Prime Minister, comprise the Environment Sector. Protecting our environment from the negative impacts of climate change, as well as ensuring that our natural resources are not exploited nor spoiled, is vital to the sustainability of our pristine environment. In this regard, the NSDP goals which the Environment Sector must take the lead on include:

- (a) Goal 11 – Promote sustainable land use, management of terrestrial ecosystems, and protect biodiversity;
- (b) Goal 12 – Sustainably use the ocean, lagoons and marine resources; and
- (c) Goal 13 – Strengthen resilience to combat the impacts of climate change and natural disasters.

5.5 Governance Sector

The effective governance of the Cook Islands is crucial if the ambitious goals of the NSDP are to be achieved within the prescribed timeframe (2016-2020). Agencies which comprise this sector include the Office of the Prime Minister (OPM), the Office of the Public Service Commissioner (OPSC), the Ministry of Foreign Affairs and Immigration (MFAI) and the Ministry of Finance and Economic Management (MFEM). This sector provides policy advice to

government and has oversight to ensure effective governance across the Public Sector. These Agencies have a leadership role with the Law and Order Sector in the achievement of the following NSDP goal:

Goal 16 – promote a peaceful and just society and practice good governance to promote transparency and accountability.

5.6 Law and Order Sector

The Crown Law Office, the Ministry of Justice and the Cook Islands Police Service comprise the Law and Order Sector and as such, have ultimate responsibility for the maintenance of law and order within the Cook Islands. The Ministry of Justice holds responsibility for the Prison and Probation Services as well as our courts (Land, Civil and Criminal) while the Cook Islands Police Service is the primary law enforcement agency in the Cook Islands.

Whilst the work and responsibilities of the Law and Order Sector overlap with that of all other sectors, these three agencies work closely with the Governance Sector to achieve NSDP Goal 16 – Promote a peaceful and just society and practice good governance to promote transparency and accountability.

5.7 Service Charter

The Public Service aspires to provide a “Public Service of Excellence” epitomised by the provision of quality goods (public infrastructure) and services to all. No single Agency can achieve this vision on its own – it requires a collaborative approach across the whole Public Sector.

Agencies are therefore encouraged to develop a Service Charter which sets out their commitment to providing customers/stakeholders with the quality of service they have every right to expect.

In establishing a Service Charter, Agencies should consider and may include in the Charter:

- (a) Who they are and what key functions they perform.
- (b) What goods and services they provide.
- (c) The Agency’s customer service principles including:
 - a. Responsiveness – examples: provide accurate and up-to-date information; respond to phone and email enquiries within a defined period of time etc.
 - b. Quality Service – what that looks like for the Agency, examples: staff understanding of work related issues because of their experience and training; tailoring responses to meet the needs of the customer etc.
 - c. Confidentiality – how the confidentiality and privacy of the customer is protected.
 - d. Transparency – the Agency’s position on transparency. How are conflicts of interest disclosed and managed? How customers can access their personal information. How the public can access official information.
 - e. Professionalism – examples: acting with integrity and honesty; treating everyone equally etc.

SECTION 6: PLANNING

6.1 NATIONAL PLANNING

The Cook Islands National Vision is:

“To enjoy the highest quality of life consistent with the aspirations of our people, and in harmony with our culture and environment.”

“Te oraanga tu rangatira kia tau ki te anoano o te iti tangata, a kia tau ki ta tatou peu Maori e te aotini taporoporoia o te basileia.”

In 2007 the Cook Islands launched the Cook Islands 2020 visionary framework - Te Kaveinga Nui, articulating the national vision and development outcomes desired by the Cook Islands which would be realised through a three phase medium term (5 yearly) planning approach (Te Kaveinga Nui -The National Sustainable Development Plan 2016 – 2020).



Figure 1: Te Kaveinga Nui NSDP Pathway

Central Policy and Planning is managed by the Office of the Prime Minister. National Planning in the Cook Islands not only provides policy direction for Government Agencies on their journey to achieve the national vision, but also provides alignment with regional and international commitments and goals to which we subscribe.

Agencies are expected to align their own annual and medium-long term planning to the achievement of the sixteen national goals:

1. Improve welfare, reduce inequity and economic hardship
2. Expand economic opportunities, improve economic resilience and productive employment to ensure decent work for all
3. Promote sustainable practices and effectively manage solid and hazardous waste
4. Sustainable management of water and sanitation
5. Build resilient infrastructure and Information Communication Technology (ICT) to improve our standard of living
6. Improve access to affordable, reliable, sustainable modern energy and transport
7. Improve health and promote healthy lifestyles
8. Ensure inclusive and equitable quality education and promote life-long learning opportunities
9. Accelerate gender equality, empower all women and girls, and advance the rights of youth, elderly and disabled
10. Achieve food security and improved nutrition, and increase sustainable agriculture
11. Promote sustainable land use, management of terrestrial ecosystems, and protect biodiversity
12. Sustainably use the oceans, lagoons and marine resources
13. Strengthen resilience to combat the impacts of climate change and natural disasters
14. Preserve our heritage, history, traditional knowledge and develop our language, creative and cultural endeavours
15. Ensure a sustainable population engaged in development for Cook Islanders by Cook Islanders
16. Promote a peaceful and just society and practice good governance to promote transparency and accountability

6.2 STRATEGIC PLANNING

Strategic planning is the process an Agency will use to deliver on its vision over the long term. An Agency's strategy is its plan to achieve its mission. Therefore, strategic planning involves setting the objectives which must be met to achieve the mission and vision. Without a strategic plan, Agencies will have difficulty identifying their priorities and delivering on the expectations of government and the people. They will also be unable to provide the necessary linkages in their annual business plans and budget submissions making it difficult to justify requests for increased budget appropriations.

Strategic plans are used to set medium to long term (3-5 years) goals from which action plans can be developed. Whilst the format of strategic plans may vary across Agencies, there are a set of core components which are integral to all strategic plans. These include:

- (a) **Outcomes** - Outcomes are produced through the actions of the people the organisation serves. Outcomes are influenced by an organisation but not controlled by it. Example: The outcome of better roads is fewer road accidents.
- (b) **Strategic Goal** – What the Agency wants to do or achieve. Strategic goals are long-term, broad, continuous statements that holistically address all functions/activities of the Agency – what are we going to do/need to do to accomplish the desired outcome? Example: To have pot-hole free roads on Rarotonga.
- (c) **Outputs** – The actual work or actions, tasks or activities that will be carried out. Outputs are produced by the organisation, controlled by it, delivered to customers, and used to assist in the achievement of the outcomes. They are the actions required to achieve the desired outcomes and strategic goals. Example: Repairing the side road entrances on the back road.
- (d) **Indicators (targets)** - measure the achievement of the outputs or success. Indicators may be the quantity of goods and services produced or the efficiency of production. Example: Five side road entrances on the back road realigned and sealed.

Formulating a strategic plan is just the first stage in operating an effective planning framework within Agencies. Effective strategic planning requires the Agency to have an agreed vision (dream) and mission (purpose); consult widely with a wide range of stakeholders (including staff to ensure those required to implement the plan have ownership of it); and implement a monitoring and evaluation framework to track progress over the specified time period.

An Overview of Planning, Policy & Monitoring and Evaluation



6.3 BUSINESS PLANNING

Agencies must prepare an annual business plan in support of their annual budget submission. The business plan should “fall out” of the strategic plan and thus provide linkages to the national development goals for the forthcoming period.

MFEM manages the annual budget process on behalf of the Minister of Finance through an appointed Budget Support Group (BSG). A Budget Policy Statement (BPS) outlining the government funding priorities for the forthcoming fiscal year is released prior to the business planning process commencing and Agencies should reflect the priorities contained therein in their budget submissions.

It should be noted that the absence of an Agency strategic plan and failure to link Agency goals to the NSDP (or BPS) weakens the quality of the annual business plan and may jeopardise funding requests.

The MFEM-Budget Division is the Budget Secretariat and is responsible for coordinating the budget process and managing all stakeholders involved in the process eg Minister of Finance, Agencies, the BSG and Infrastructure Committee (IC).

A template for completion of business plans and budget submissions is provided to Agencies by Central Agencies (MFEM, OPSC and OPM), the components of which include:

- (a) Background to the Agency:
 - a. Agency Vision;
 - b. Legal mandates and functions;
 - c. Stakeholder analysis;
 - d. Significant achievements from prior year;
 - e. Operating challenges predicted for forthcoming fiscal year; and
 - f. Risk analysis.
- (b) Output planning linked to the NSDP goals. This section includes the actions, indicators and expected deliverables to be achieved over the medium term (ie the next three years) and provides the justification for the budget request.
- (c) Resourcing:
 - (a) Any budget adjustments requested;
 - (b) Payments on behalf of the Crown (POBOCs);
 - (c) Capital expenditure;
 - (d) Development Aid projects/programmes being funded;
 - (e) Trading Revenue; and
 - (f) Revenue received on behalf of the Crown (ROBOCs).

Following the BSG and IC review of Agency's business plans and budget submissions, Heads of Agencies and their Ministers have the opportunity to meet with the BSG and IC (for capital requests only) to discuss their submissions.

The BSG and IC discuss all submissions and provide collective recommendations to the Minister of Finance. The Budget Secretariat then prepares the final budget recommendations for the Minister of Finance to discuss with Cabinet for approval.

The Budget Secretariat also send recommended budget allocations to heads of agencies to discuss with their respective Ministers, particularly if there is disagreement with allocations. Respective Ministers are then responsible for tabling their cases in Cabinet, prior to the final Budget being approved. .

Once the Budget is approved by Cabinet, it is tabled in Parliament by the Minister of Finance for debate by Members of Parliament, and subsequent passage of the Appropriation Bill for the relevant fiscal year.

SECTION 7: FINANCIAL AND ASSET MANAGEMENT

7.1 Government Appropriation

The Constitution of the Cook Islands provides in Article 70(1) that “All expenditure from the Cook Islands Government Account or from any other public fund or account, shall be in accordance with an Appropriation Act...”

Prior to 30 June annually, Parliament sits to pass the Appropriation Bill in compliance with the Ministry of Finance and Economic Management Act (1995-96). The purpose of the Appropriation Bill is to appropriate certain sums of money out of the Cook Islands Government Account to Agencies to provide goods and services for the forthcoming fiscal year.

Upon the passing of the Appropriation Bill by Parliament, MFEM issues three Budget Books for the forthcoming fiscal year:

- (a) **Budget Book 1** – the Appropriation Bill containing the economic and fiscal update and forecasts and summary of approved appropriations with supporting commentary;
- (b) **Budget Book 2** – Agency budget statements providing details of outputs and funding appropriated to support their achievement; and
- (c) **Budget Book 3** – Capital plan for the next fiscal year and outer years.

7.2 Monthly Variance Reporting

Agencies are required to provide MFEM with a financial report each month which details actual versus budgeted expenditure and revenue. Details of the financial reporting requirements, including templates, are contained in the Cook Islands Government Financial Policies and Procedures Manual (CIGFPPM) available for download from the MFEM website (<http://www.mfem.gov.ck>)

The key details regarding the processes and requirements involved in monthly financial reporting include:

- (a) Each month, no later than the fifth (5th) working day of the month, MFEM produces payroll and appropriation details for each Agency and emails them to Agencies in the form of a Solomon’s Report.
- (b) All costs and/or revenue incurred by the Agency must be accrued to the period in which it was incurred and shown in the reports.
- (c) Reports are due to MFEM no later than 10 working days after the end of the previous month.
- (d) Monthly reports must be signed off by the Head of Agency.

7.3 Bulk Funding Suspensions

Failure on the part of Agencies to submit their monthly reports by the due date or the submission of incomplete reports is likely to result in the suspension of their bulk funding for the month in which the reports are due, unless prior arrangements have been made with MFEM.

When late reports are received, the Agency's bulk funding will be released on the first working day of the month following the reporting period. If it is still not received by this date, funding will be suspended until such time as MFEM is satisfied with the required information.

Bulk funding may also be suspended when a Crown Agency fails to provide necessary information requested by MFEM or commits any offences under section 64 of the MFEM Act. This may include failure to respond to or act on external audit recommendations resulting from an audit.

Heads of Agencies are informed by email and letter of the pending suspension of their bulk funding prior to it occurring – a copy of which is also sent to the Public Service Commissioner.

The annual performance management report for Heads of Public Service Agencies will include details of any bulk funding suspensions during the financial year. Such occurrences will be taken into account when the Commissioner is assessing Heads of Public Service Agencies performance rating.

7.4 Procurement

The Government Purchase and Sale of Goods Cook Islands Policy is designed to ensure that the Crown conducts all sales and purchasing activities in a uniform manner which is transparent and obtains value for money for the Crown. This policy is made pursuant to Section 63 of the MFEM Act (1995-96) which empowers MFEM to issue instructions to Agencies to ensure compliance with financial principles and generally accepted accounting practices. The policy applies to all Crown funded agencies which includes Island Administrations and State Owned Enterprises.

The Policy sets out mandatory limits for all sales and purchases. This Policy (The Procurement Policy) is currently under review. Once it is confirmed, it be available on the MFEM website.

Authority Levels for approving purchases and sales require the Head of Agency to authorise operating purchases up to \$5,000 and capital purchases below \$30,000. However, Heads of Agencies must run tenders for capital purchases above \$30,000, and obtain approval from the Tender Committee before proceeding with the purchase.

A copy of the full policy is available from the MFEM website and prior to conducting any sales or purchases of government assets, it is strongly recommended that those conducting these activities familiarise themselves with the policy's requirements and use the templates that accompany the policy.

7.5 Sensitive Expenditure

Sensitive expenditure is expenditure by Agencies which may be deemed by the tax payers and general public as an inefficient use of government's scarce resources. All monies expended by Agencies is public money and not the property of staff, regardless of their position in the Agency. Expenditure should therefore be able to withstand Parliamentary and public scrutiny and be subject to the standards of probity and financial prudence.

Expenditure decisions, regardless of how large or small the expenditure is, should be:

- (a) For a justifiable Agency purpose;
- (b) Made impartially;
- (c) Made with integrity;
- (d) Moderate and conservative;
- (e) Made transparently; and
- (f) Appropriate in all respects.

7.5.1 Travel and Accommodation

It is accepted practice that many Agencies may need to incur travel and accommodation costs while conducting Agency business in the Pa Enua or overseas. Expenditure on travel and accommodation can often be subject to public scrutiny and criticism and therefore should be justifiable, moderate and conservative, and in accordance with the Cook Islands Government Official Duty Travel Policy and Financial Policies and Procedures Manual.

7.5.2 Entertainment and Hospitality Expenditure

Entertainment and hospitality covers a wide range of expenditure items. Some examples may include:

- (a) Tea, coffee and biscuits;
- (b) Morning Teas, lunches and dinners;
- (c) Alcoholic and other non-alcoholic beverages;
- (d) Hosting expenses; and
- (e) Other related expenditure such as entry tickets to a cultural event etc.

Entertainment and hospitality expenditure may be considered sensitive due to the range of purposes it can serve as well as the opportunities for personal benefit and the various opinions on what is deemed appropriate.

Agencies are encouraged to develop their own policies for entertainment and hospitality expenditure, bearing in mind the need for conservatism, prudence and transparency in the use of public monies. All expenditure is subject to audit.

7.5.3 Gifts

Expenditure on farewells and retirements includes spending on functions, gifts and other related items when a staff member is leaving an Agency. Such expenditure should not be extravagant nor inappropriate but rather conservative and moderate.

A gift register should be maintained by each Agency to record any gifts received by employees in the course of their work, whether for themselves personally or for the Agency. It is important to preserve impartiality and integrity in these circumstances or receipt of such gifts could be deemed to be a reward for favours undertaken.

7.5.4 Private Use of Government Assets

Any physical item owned, leased or borrowed by an Agency is considered to be a government asset – this includes but is not limited to motor vehicles, photocopiers, telephones, cell phones, means of accessing the internet and stationery.

Agencies are expected to have their own policies in place for the private use of government assets by employees. Where practicable, personal use of government assets should be discouraged, however, where this is unavoidable, the Agency should recover the costs incurred by the employee.

7.5.5 Staff Support and Welfare Expenditure

On occasions it may be deemed appropriate by the Head of an Agency to make payments to meet “good employer” obligations or to meet costs which fund events or functions which contribute to relationship development and team building amongst staff. It should be remembered that such expenditure could be considered as meeting the personal expenses of employees and therefore be subject to criticism. Again, good judgement, financial prudence and transparency are required.

7.5.6 Communications Technology

It is accepted practice that cell phones, telephones, e-mail and access to the internet will be widely used in Agencies by employees. Although it may be unavoidable to differentiate totally between private and Agency use of technology (for example in the event of a family emergency or similar), private use should be discouraged. Excessive use incurs costs that divert government funds away from the purpose for which they were intended. The use of technology during working hours for personal purposes also impacts negatively on productivity levels within an Agency.

7.6 AUDIT

7.6.1 The Cook Islands Audit Office

The Cook Islands Audit Office exists as a constitutional safeguard to maintain the financial integrity of the country’s parliamentary system of government. The Audit Office is independent of the executive branch of government.

The Audit Office’s role is to assist Parliament to strengthen the effectiveness, efficiency and accountability of the instruments of government. It does this by providing reports on whether governmental activities are carried out and accounted for in the manner consistent with Parliament’s intention.

The objectives of the Audit Office are to:

- (a) Ensure that the Crown consolidated financial statements are audited and tabled in Parliament.
- (b) Complete the financial audits of all Ministries, Crown Funded Agencies, Island Governments and State Owned Enterprises.
- (c) Complete special reviews and investigations and audit donor aid funds and projects.
- (d) Fulfil the duties and responsibilities of the Public Expenditure Review Committee in accordance with the PERCA Act (1995-96).

7.6.2 The Public Expenditure Review Committee (PERC)

The Public Expenditure Review Committee (PERC) operates to ensure adequate public accountability of Crown transactions, interests, and any legitimate issues of public concern that affect the management of public funds, is reported to Parliament. The terms, conditions, functions, responsibilities, powers and reporting functions of PERC are covered in the PERCA Act (1995-96).

PERC comprises a chairperson and two committee members, all of whom are private sector professionals in the areas of law, accounting and commerce.

7.7 Public Accounts Committee

The Public Accounts Committee (PAC) provides financial oversight on behalf of Parliament and reports on the Budget and Public Accounts. It examines reports of the Auditor General, and any other such report, and undertakes any financial matters deemed necessary, reporting all findings to Parliament.

The specific objectives of PAC include:

- (a) To formalise and strengthen the practice of financial oversight in the Parliament of the Cook Islands;
- (b) To examine, review and report on the Public Accounts of the Government of the Cook Islands;
- (c) To examine all reports of the Auditor General of the Cook Islands;
- (d) To ensure the legislative scrutiny of the Annual Budget, Law and External Audit Reports;
- (e) To undertake any financial matters deemed necessary; and
- (f) To report all findings to Parliament.

7.8 Internal Audit – PEFA

International commitments for development effectiveness (Paris Declaration – 2005; Accra - 2008; and Busan - 2011) require countries wanting to move towards a ‘General Budget Support’ aid modality, to strengthen their national planning, macro-economic environment and public financial management (PFM) systems.

PFM strengthening is measured through PEFA (Public Expenditure and Financial Accountability) assessments, coordinated by the International Monetary Fund (IMF) in collaboration with regional agencies such as the Pacific Financial Technical Assistance Centre (PFTAC) and national governments.

The PEFA supports countries to improve their PFM systems and promotes the internal audit function to strengthen PFM performance. The key focus of internal audits is to develop and maintain strong internal controls, risk management (identification and mitigation) and compliance, and ensure that there is competent management capability to manage strong PFM performance across government.

MFEM has created an internal audit function to improve and maintain strong internal controls over government payroll, procurement, expenditure, revenue collection, project management of development aid projects, performance and related risks.

An Internal Audit Committee chaired by the Financial Secretary is responsible for the governance of the internal audit function.

SECTION 8: REPORTING

8.1 REPORTING TO THE PUBLIC SERVICE COMMISSIONER

The Public Service Commissioner, in their role as employer of Heads of Public Service Agencies, requires these Agencies to provide formal six monthly reports on the performance of their Agencies against the agreed key performance indicators outlined in business plans and reported in Budget Book Two. A six-monthly progress report is required each December while the final annual report is required by the Commissioner at the end of the financial year (30 June).

The information contained in these reports is summarised and presented to Cabinet as an indication of the progress being made by Agencies including their achievements and challenges.

OPSC provides advice and support to Agencies that require assistance and also prepares and distributes the required templates which must be used for this reporting function. Although there may be some minor variance in actual content requirements from one year to the next, the general content includes:

- (a) A summary of the Agency's Overall Progress for the reporting period;
- (b) Monitoring - Strategies and Actions to overcome individual output challenges;
- (c) Progress on Heads of Agencies agreed Critical Success Factors (as reflected in their annual Performance Agreement);
- (d) Risk Management Strategies for the Key Deliverables at risk of not being achieved; and
- (e) A summary table indicating progress to date on the achievement of each key deliverable.

8.2 REPORTING TO MINISTERS

As mentioned in Part A of this manual, it is important that Agencies keep their Ministers apprised of all relevant information pertaining to their Agency and that they adopt a "no surprises" approach to information sharing with their Minister. Reporting to Ministers should be confined to the Head of Agency, unless they have delegated this authority to another senior staff member.

As Ministers are ultimately responsible for setting the government's policy priorities and objectives, regular and accurate reporting to Ministers will ensure that policy and goal setting decisions are well informed.

It is important that Heads of Agencies agree with their Minister's formal and informal reporting requirements apart from those reports which are mandatory, such as the Agency annual report to Parliament.

8.3 REPORTING TO MFEM

The Cook Islands Government Financial Policies and Procedures Manual (CIGFPPM) sets out Agencies responsibilities for reporting to MFEM. Refer also to Part B: Section 7 (7.2) of this manual on monthly variance reporting.

8.4 REPORTING TO PARLIAMENT

All Agencies are expected to report annually to Parliament within three months of the end of the financial year. While a report from the Public Service Commissioner summarises the achievements and challenges of the whole Public Service over the fiscal year, individual Agency reports provide Parliament with more detailed information on their Agency including:

- (a) Mandate, responsibility and structure;
- (b) Overall performance against objectives and outputs;
- (c) Key achievements;
- (d) Key challenges;
- (e) Mitigation strategies;
- (f) Financial performance; and
- (g) Future priorities and direction.

8.5 REPORTING TO THE PUBLIC

As recipients of public monies, Agencies are accountable to their stakeholders – particularly the general tax-paying public. Agencies are therefore encouraged to develop and operate a communications strategy which includes the provision of regular updates to stakeholders and the wider community. Strategies for reporting to the Public may include:

- (a) Regular newsletters;
- (b) A current Agency web-site;
- (c) Social media, for example: facebook;
- (d) Talk back programmes on local radio;
- (e) Press releases;
- (f) Vaka meetings;
- (g) Agency open-days; and
- (h) Stakeholder meetings.

It is equally important to seek feedback from the Public to inform planning and future direction. Agencies are therefore encouraged to seek feedback from those who they are empowered to serve.

PART C: HUMAN RESOURCES MANAGEMENT (HOW WE WORK)

SECTION 9: GENERAL INFORMATION

9.1 HOURS OF WORK

Public Servants in the Cook Islands, who are employed in a full time capacity, normally work 70 hours each fortnight (35 hours per week) during the hours of 8:00 am and 4:00 pm, which includes rest and meal breaks. Some Agencies provide continuous (24-7) services, therefore staff working hours will differ from the standard working hours for most public servants. Some Agencies allow their employees to negotiate alternative start and finish times, depending on the needs of the Agency.

9.1.1 Rest and Meal Breaks

In accordance with the Employment Relations Act (2012) employees are entitled to rest and meal breaks as follows:

(a) An employee who works at least 3 hours is entitled to take a rest period (break) of not less than 10 minutes during the 3 hours.

(b) An employee who works more than 5 hours is entitled to a rest and meal period of at least 30 minutes after 5 hours of work (including any rest break taken as in (a) above).

9.1.2 Overtime

If an employee, other than a salaried employee, works more than 40 hours in a week, the employer must pay the employee overtime at the rate of one and a half times the employee's ordinary rate of pay for each hour worked in the week in excess of 40 hours.

It should be noted that an employee may refuse to work more than 40 hours a week if it would be unreasonable to expect them to do so, for example: failure to give the employee sufficient notice of the additional hours required to be worked or health and safety issues.

9.1.3 Time Off in Lieu (TOIL)

TOIL means approved time off from work equivalent to extra or additional hours worked. Rather than remunerate an employee for hours worked in excess of the normal working hours, the employer may provide TOIL.

TOIL is accrued on an hourly basis for each additional hour worked and must be taken within the next two pay periods of it being earned. TOIL must not accumulate to more than five days at any one time unless there are exceptional circumstances and the Head of Agency has given their approval.

9.2 PUBLIC HOLIDAYS

The Holidays Act 1999 provides that if a public holiday falls on a day which would normally be a working day for employees they are entitled to be paid their ordinary rate of pay. Casual employees are entitled to be paid for public holidays if they work on the public holiday (Holidays Act 1999).

The Cook Islands observes the following Public Holidays:

Public Holidays (up to 11 days):	
Christmas Day	25 December
Boxing Day	26 December
New Year's Day	01 January
Day After New Year's Day	02 January
Good Friday	End of March/Early April
Easter Monday	End of March/Early April
ANZAC Day	25 April
Queen's Birthday	June as published
Ui Ariki Day	First Friday in July
Constitution Day	4th August
Gospel Day	26th October

If a public holiday (other than ANZAC day) falls on a weekend, then this holiday will be observed on the following Monday, and if applicable Tuesday.

Section 38(2) of the Employment Relations Act sets out the requirements for entitlements for employees required to work on Public Holidays. Refer also to 9.5.7 of this manual.

9.3 Closing an Agency

There may be occasions when an Agency needs to or is authorised by government to close during normal business hours, for example: natural disaster. In such situations it is important that Agencies notify those stakeholders who "need to know" such as their Minister, Public Service Commissioner, Public Servants and members of the public.

Agencies are encouraged to have a "Continuity of Business" plan for occasions that necessitate the closing of an Agency. Agencies providing essential services to the public must ensure that a contact person(s) is available and that their contact details are accessible.

With the exception of Agencies providing essential public services, employers may close Agencies during the festive period between Christmas Day and New Year's Day. Employees are encouraged to take annual leave during this period.

9.4 EMPLOYMENT PROCEDURES

9.4.1 Recruitment

The Cook Islands Government Recruitment Policy provides full details of the recruitment process that should be followed by Agencies when recruiting staff.

Recruitment is the process of identifying and appointing the best qualified applicant for a role. It can be initiated when a new position is created, or an existing position is vacant (currently or in the future).

All Public Sector jobs must be advertised for a minimum of four days over a 14 day period in local or international media. There must be a current job description available for applicants and the position must be included on the Agency's organisation structure.

A recruitment panel of no less than three members is required for senior roles. The panel's role for these positions is to short-list applicants, conduct interviews, carry out reference checks from at least two nominated referees, and make a recommendation of the most suitable applicant to the employer for consideration.

In the event that the recruitment process fails to identify any suitable applicants for appointment, the Head of Agency may re-start the recruitment process. This may involve changing the format of the advertisement, using different media, or directly approaching an individual who is known to meet the selection criteria.

A streamlined shorter recruitment process may be used to fill vacancies or Agency requirements from existing public servants already employed in the Public Sector to fill secondments.

9.4.2 Employment Offers

All appointments and promotions to the Public Service must be made in accordance with the Public Service Act (2009). Any offers of employment must be provided in writing and may include an employment contract covering terms and conditions of employment which must be consistent with Public Service policies and legislation.

Employment offers must specify:

- (a) the job offered;
- (b) appointment duration; and
- (c) remuneration and benefits offered.

Employment offers can be conditional upon acceptance of the terms and conditions contained in the employment contract, including other specific conditions such as providing a police clearance, obtaining a work permit, or requiring an applicant for employment to submit to a medical examination by a registered medical practitioner at the employee's own expense for the purpose of determining the employee's fitness to perform duties in the Public Service.

9.4.3 Employing Authority

The Public Service Commissioner has the authority to appoint and employ Heads of Agencies, while Heads of Agencies act as the employing authority for staff of the Agencies to which they have been appointed.

It is expected that Heads of Agencies will act independently in matters such as appointment, promotion, or disciplining of individual employees. They are not responsible to their Minister in such matters, however, in certain circumstances, Heads of Agencies may need to provide their Minister with a briefing on a staffing issue.

A Head of Agency may, in consultation with the Public Service Commissioner, employ persons from outside the Cook Islands (ex-patriate) to a position.

9.4.4 Confirmation and Notice of Appointment

Any appointment to an office or position in the Public Service must be made, confirmed, or approved in writing.

Once the successful applicant has accepted the formal offer of employment, the Head of Agency must prepare a notice of appointment to establish the employee on the government centralised human resources management and information system (HRMIS).

The notice of appointment must:

- (a) be authorised by the employer;
- (b) confirm the effective date of the appointment;
- (c) specify the employee details and employment type (eg full time, part time, casual);
- (d) specify remuneration and benefits offered;
- (e) be sent to the Office of the Public Service Commissioner (OPSC) for processing. OPSC will process the Notice of Appointment and forward this to MFEM for payroll processing.

9.4.5 Probationary Periods

An employer has the option to impose an initial probationary period of employment for new employees, however, this must be recorded in writing in the employment agreement and must state the length of the probationary period.

A probationary period of employment allows the new employee to demonstrate their skills as well as providing the Head of Agency the opportunity to confirm that the employee possesses the essential skills required for the Agency.

Employers are required to act in good faith with regard to imposing probationary periods and must uphold good employer principles in accordance with the Public Service Act, 2009.

9.4.6 Induction and Orientation

Induction is the first opportunity for a new employee to be introduced to their work environment and the team with whom they will be working. When someone joins a Public Sector Agency for the first time, it is also an opportunity to acquaint them with the core values and competencies generic to the Public Sector, as well as to give them a wider understanding of their place in the Public Service and what it means to be a public servant, especially the Code of Conduct.

Some Agencies already have comprehensive induction programmes in place but it is important that all Agencies, large or small, provide orientation opportunities for new employees. Leaving new employees to find out information for themselves, is not the best way to introduce them to their new working environment. However, it is important not to overwhelm them and it is recommended that the initial induction programme is restricted to what they need to know initially with other core components rolled out over a longer time period.

The length and nature of the induction process will depend on the complexity of the job and the background of the new employee. One size does not fit all and while a standardised induction course with a check list is a good place to start, there needs to be sufficient flexibility for this to be adapted according to the needs of the new employee.

9.4.7 Employee Categories

Heads of Agencies may employ staff on the following basis to fill positions on their approved Agency Structure:

Employee Type	Explanation
Full time	Employees who work a minimum of 35 hours per week and have regular hours of work. Full time employees have a reasonable expectation to be employed for at least 35 hours per week and are entitled to employee benefits.
Part time	Employees who work less than 35 hours per week, with regular hours of work each week and have a reasonable expectation of working these hours each week. They are entitled to employee benefits on a pro rata basis.
Casual	Employees who work irregular or intermittent hours, or are employed for short term work. They are not entitled to most employee benefits, but are still entitled to remuneration on public holidays when they work or are rostered to work on these days.

Other categories which may apply to the employment of staff include:

- (a) temporary salaried employees; and
- (b) wage workers.

Independent contractors are not employees and should not be entitled to employee benefits such as paid leave and training. They are service providers engaged to provide services for the Agency, but are responsible for paying their own taxes, superannuation and expenses.

9.4.8 Employee Records

All documentation relating to the recruitment process for successful applicants, including hand written notes made by panel members, must be placed on the employee's personnel file. These documents must be kept for at least seven years and could be the subject of an official information request. They must only be accessible by the employer and/or authorised staff. After the required seven year period, the Agency may destroy the documentation in adherence with government official information management policies.

The employee's file should be updated regularly and may also contain other current information including:

- (a) qualifications gained;
- (b) training undertaken;
- (c) workshops attended;
- (d) salary adjustments;
- (e) performance management reports;
- (f) complaints and investigations; and
- (g) other relevant documentation.

9.4.9 Appointment of Heads of Agencies

The Public Service Act (2009) stipulates that each Public Service Agency must have a Head of Agency appointed by the Public Service Commissioner. It sets out full details of the procedures to be followed and the provisions governing their term of office and terms and conditions of employment. (Public Service Act, 2009, Schedules 2 & 3)

9.4.9.1 Recruitment of Heads of Agencies

The recruitment and appointment process for Heads of Agencies requires:

- (a) the vacant or end of contract positions to be advertised;
- (b) the establishment of a four member panel comprising stipulated representation;
- (c) the panel to recommend to Cabinet three ranked recommendations for appointment;
- (d) Cabinet to approve at least one of the recommended persons for appointment (although they may request a reconsideration by the panel of any recommended appointee(s));
- (e) the Public Service Commissioner to appoint one of the persons recommended and accepted by Cabinet as soon as possible after that acceptance; and
- (f) public announcement by the Commissioner of the successful appointee.

Appointments must be made on the basis that the successful applicant can discharge the responsibilities of the position effectively, efficiently and independently of political influence and other political considerations.

9.4.9.2 Terms and Conditions of Employment of Heads of Agencies

Once the appointment of the new Head of Agency has been confirmed, the Public Service Commissioner negotiates with the successful candidate(s) a contract of employment for approval by Cabinet. The contract must specify the term of appointment which must not be for more than three years.

9.4.9.3 Heads of Agencies Responsibilities

The Head of an Agency is responsible to the portfolio Minister for:

- (a) carrying out the functions and duties of the Agency, including the implementation of Government policies; and
- (b) tendering advice to the responsible Minister and other Ministers of the Crown; and
- (c) complying with the obligations under the MFEM Act (1995-96); and
- (d) complying with the obligations pursuant to their employment contract and performance agreement; and
- (e) the efficient, effective and economic management of the activities of the Agency.

9.5 REMUNERATION

9.5.1 Principles

The Cook Islands Government aims to ensure its remuneration is appropriate to attract and retain skilled employees to enable delivery of excellent public services. Underlying this is the intention to encourage and motivate staff to perform and enable Agencies to efficiently manage employees within fiscal constraints.

The principles underlying the remuneration framework operated by Government include:

- (a) Fairness – setting remuneration levels that reflect both the scope and knowledge requirements for positions;
- (b) Flexibility – allowing opportunities to accommodate the changing nature of the fiscal and labour market environment;
- (c) Transparency – pay structure that provides open information for all; and
- (d) Effectiveness – subject to regular review to ensure relevance.

9.5.2 Job Descriptions

A job description is the document used to summarise the job content, responsibilities, organisational context and specific competencies required to do a particular job. A well written job description should clarify the overall job purpose and work to be performed, linked to the broader division and agency purpose, vision, and outputs. It should communicate:

- (a) Why the job exists (its purpose);
- (b) Where the job fits in the organisational staffing structure;
- (c) What the job holder is expected to achieve with key results and indicators;
- (d) Who the job holder will work with or relate to internally and externally (inter-personal skills); and
- (e) What combination of knowledge, experience, personal attributes and competencies the job holder needs to bring to the position.

Heads of Agencies are responsible for ensuring that:

- (a) all job descriptions are written on the Cook Islands Government standard job description template;
- (b) evaluated in accordance with the Cook Islands Government Job Evaluation Policy (using the SP10 system);
- (c) approved by the Head of Agency prior to being evaluated; and
- (d) included on the Agency's approved organisational staffing structure.

9.5.3 Job Evaluation

Job evaluation is a systematic process for rationally assessing the 'size' of a job based on job content and context. Job evaluations enable internal relativities to be determined for each job.

The Cook Islands Government uses a standardised and uniform job evaluation system for all public sector jobs. Endorsed by Cabinet, this system is based on the Strategic Pay (NZ) SP10 job evaluation system where only accredited SP10 job evaluators may undertake this responsibility to ensure the system's integrity.

The SP10 job evaluation system uses a systematic process for assessing jobs based on 10 job factors broadly covering the skill, scope and complexity of the job. Each unique job evaluated produces weighted points for the job, which are used to determine the job band and salary range within the pay structure.

The Cook Islands Government Job Evaluation Policy provides full details of the job evaluation process, the role of job evaluators, Heads of Agencies and the Office of the Public Service Commissioner.

9.5.4 Government Pay Structure

All jobs (wage and salaried) must be paid within the government approved pay structure. Paying employees outside the salary range of their job band requires consultation with the Public Service Commissioner.

9.5.5 Payment of Salaries and Wages

Employers are required to pay salaried employees and wage workers in the form of money and not in any other form. This can be by way of cash or electronic funds transfer through a financial institution registered to operate in the Cook Islands. Cash payments are discouraged. Wages must be paid as soon as they are due and a written statement (pay slip) provided of:

- (a) days and hours worked;
- (b) the gross amount of wages earned;
- (c) any deductions made, including the reasons for those deductions; and
- (d) the net amount of wages due and payable.

The Cook Islands Government pays Public Sector employees fortnightly on Wednesdays. All salaries and wages are directly credited to designated Cook Islands bank accounts and can be drawn on straight away. Hours of work are calculated on a fortnightly basis up to and including the Friday preceding the actual pay day.

The administration and management of the payroll is undertaken by MFEM, however, all queries regarding wages and salaries, in the first instance, should be directed to the person designated with this responsibility within Agencies.

A pay slip is available for all employees through the electronic payroll system – Pay Global Exolvo Employee Self-Service (ESS) - using the allocated government password for staff employed in Agencies on the government network. Staff in Agencies who are not using the centralised ICT system, need to source passwords from MFEM’s payroll division. This should be done by the person delegated this responsibility from within the Agency, for example the payroll officer, rather than each individual employee.

Using ESS, Public Servants may also check their leave balances, see their total earnings, tax paid and superannuation contributions to date for the financial year as well as apply for leave online.

9.5.6 Salary and Wage Deductions including Over-Payments

As well as the compulsory automatic deductions from salaries for taxation and superannuation, Public Servants may also arrange for other deductions to be made from their salaries. Payroll staff within Agencies can assist employees to arrange for these deductions which will be processed by MFEM upon completion of the appropriate deduction form.

An employer must not deduct money from an employee's wages except:

- (a) In accordance with the Employment Relations Act (2012); or
- (b) As required by the Income Tax Act (1997); or
- (c) As required by the CINSF Act (2000) and for GSF purposes; or
- (d) With the prior agreement of the employee; or
- (e) As required by a court order.

If an employer has overpaid an employee:

- (a) The employer must, as soon as practicable, notify the employee and make arrangements with the employee for repayment of the overpayment; and
- (b) The employee must repay the overpayment as soon as practicable.

9.5.6.1 PAYE (Pay as You Earn) Taxation

All employees are required to pay income tax on their earnings and this will be deducted automatically from their gross pay. Employees are also required to submit an income tax return by 1 March annually. Taxation on employees' wages and salaries is calculated at the following rates effective 1 January 2016:

Income pa	% of Tax Payable
0-\$11,000	Exempt – no tax payable
\$11,001 - \$30,000	17.5%
\$30,001 - \$80,000	27.5%
\$80,000 and above	30.0%

These taxation rates are based on the assumption that an employee will work for a full year. If the employee works for only part of the year, the taxation will be apportioned appropriately. Employees should contact the Revenue Management Division of MFEM for more information.

9.5.6.2 Superannuation

It is generally compulsory for all employees in the Cook Islands to contribute to the Cook Islands National Superannuation Fund (CINSF). Employees are exempted from joining if they are:

- (a) aged 60 years and over;
- (b) under the age of 18 years;
- (c) 55 years old at the time they are required to join and elect in writing not to join;
- (d) A contributing New Zealand Government Superannuation Fund (GSF) member or belong to another approved superannuation scheme.

Contributions by employees to CINSF are matched by equivalent contributions by employers. These are currently set at 5% of an employee's gross earnings (before tax). Superannuation deductions are taken out automatically from employee's fortnightly gross pay.

Employees who belong to GSF must contribute 6.5% of their gross earnings while their employers' contribution is 14.0%.

All enquiries about GSF should be directed to OPSC while queries about CINSF should be directed to the fund's Rarotonga office.

9.5.6.3 Bank Accounts

Wage and salary payments will automatically be credited to employees' Cook Islands bank accounts fortnightly on a Wednesday. MFEM will only process payments into the three Cook Islands banks:

- (a) Bank of the Cook Islands;
- (b) Bank of the South Pacific; or
- (c) ANZ Bank.

Employees may apportion their wages across several bank accounts for convenience by making the necessary arrangements with the payroll division of MFEM through the designated payroll person at the employee's Agency.

When the actual pay day falls on a public holiday, as far as possible, deposits will be made into designated bank accounts by the last business day prior to the public holiday occurring.

9.5.6.4 Other Deductions

Upon completion of the appropriate deduction form, it may be possible to have other deductions made from employees' pay. These deductions may include, but are not limited to:

- (a) Payments for utilities such as electricity or telephone;
- (b) Loan rent or mortgage payments;
- (c) Social Club Fees;
- (d) Workers' Association fees; or
- (e) Court fines.

Employees wishing to have deductions made from their wages should, in the first instance, speak to the designated payroll person within their Agency.

9.5.7 Overtime

If an employee, other than a salaried employee, works more than 40 hours in a week, the employer must pay the employee overtime at the rate of one and a half times the employee's ordinary rate of pay for each hour worked in the week in excess of 40 hours.

An employee may refuse to work more than 40 hours a week if it would be unreasonable to require the employee to do so (eg the employee was not given reasonable notice of the extra hours, or there are health and safety reasons that would make it unreasonable).

If an employee, including a casual employee, is required by their employer to work on a public holiday, the employee is entitled to be paid an hourly rate for work on the public holiday, as agreed between the employer and employee but not less than:

- (a) For casual employees – double the hourly rate the employee was paid on the working day (other than a public holiday) preceding the public holiday; or
- (b) For full time and part time employees – double the employee's ordinary rate of pay; or
- (c) Have an extra day added to their annual leave entitlement; or
- (d) Receive time off in lieu for the time worked on the public holiday; or
- (e) Another reasonable arrangement that is not less favourable to the employee than the arrangements mentioned above as agreed between the employer and employee.

9.5.8 Allowances

On occasions, with the approval of the Head of Agency, employees may be entitled to receive additional allowances. These may include, but are not restricted to, accommodation, transportation and/or communications.

9.5.8.1 Higher Duties Allowances

Employees who are delegated or assigned additional responsibilities by their employers or managers, may receive a higher duties allowance if they perform this work for more than 10 working days. The allowance payable is based on the difference between their salary and the base salary of the individual they are covering for, multiplied by the days in excess of 10 working days.

9.5.8.2 Vehicle Allowances

Employees are responsible for providing their own transportation to and from their place of work, unless specified otherwise in an employment agreement. If however, employees are required to use their own privately owned vehicle to deliver government services, any such use and claims for reimbursement must be authorised by the Head of Agency.

When calculating the reimbursement to the employee for the use of their private vehicle for Agency business, the Head of Agency may use either of the following options:

- (a) Reimbursement based on a standard rate:
 - (i) Apply a standard rate per kilometre irrespective of engine size or whether the vehicle

- is powered by a petrol or diesel engine.
- (ii) Travel destination and kilometres must be recorded.
- (iii) Does not apply to vehicles with faulty or no odometers.

(b) Reimbursement based on a fixed standard rate based on travel zones:

- (i) Apply fixed rates irrespective of vehicle type, engine size and fuel.
- (ii) Fixed rates are based on travel within designated zones with the normal place of work being the point of origin – the rate increases with the further the distance from the point of origin.

With the permission of the Public Service Commissioner, Heads of Agencies may negotiate as part of their contract, a vehicle allowance for using their personal vehicle for Agency business and forego the use of a government vehicle.

9.5.8.3 Per Diem Allowances

When employees are required to undertake official duty travel, they are entitled to receive per diem allowances which generally cover accommodation, meals and incidental expenses which they might incur.

- (a) International Travel: Heads of Agencies should use the current Pacific Island Forum Secretariat (PIFS) per diem rates as a guide in determining per diems. The rates are shown in Fiji Dollars on the schedule and must be converted into New Zealand dollars using relevant exchange rates from local banks on the date of exchange.

Where the accommodation is paid for by the sponsor or the Agency, the per diem payable must be reduced accordingly. Where actual accommodation costs are below PIFS accommodation rates, the government agency will pay the lower rate or a lower per diem.

- (b) Domestic Travel: Heads of Agencies are responsible for setting per diem rates for their Agency. These must reflect the most economical accommodation, meals and incidental costs, while ensuring officials are not disadvantaged as a result of the travel.

Officials are not entitled to per diems from their Agency if travel allowances are donor funded, unless the donor funding is insufficient to cover travel related expenses e.g. transit costs.

9.6 LEAVE

The Cook Islands Government Leave Policy applies to employers and employees of Public Service Agencies, Island Governments, Crown Agencies and Ministerial Support Offices. The only exclusions are:

- (a) Annual leave for primary and secondary school employees; and
- (b) Casual employees who are only entitled to minimum terms and conditions provided in the Employment Relations Act (2012).

9.6.1 Heads of Agencies Authority and Responsibilities

With regard to administering leave, Heads of Agencies:

- (a) must approve all leave taken and can approve leave taken retrospectively;
- (b) must ensure leave is taken according to an employee's entitlement and accrued benefits;
- (c) must decide on leave applications and notify employees as soon as practicable;
- (d) may put an employee on leave without pay if they are absent without notice or reason;
- (e) must ensure employee absences do not negatively impact on the Agency's work;
- (f) must maintain effective workforce planning and rostering;
- (g) must maintain an anticipated employee leave calendar;
- (h) must provide opportunities for employees to access their leave balances;
- (i) must ensure supporting documentation for approved leave is retained for audit purposes;
- (j) should actively encourage and allow employees to take accrued annual leave periodically; and
- (k) must be aware of their obligations under the Employment Relations Act (2012).

9.6.2 Employees' Rights and Responsibilities

Employees are:

- (a) encouraged to take leave for their own well-being;
- (b) required to take responsibility for monitoring their leave balances;
- (c) required to ensure that leave taken has been correctly recorded;
- (d) entitled to payment of accrued annual leave upon termination of their employment; and
- (e) eligible to apply to take annual leave which has accrued after three months of continuous service during the first year of employment.

9.6.3 Applications and Approvals

Leave applications should be lodged by the employee on the ESS electronic payroll system. Once the leave has been entered, the electronic application will be forwarded to their manager or director for approval and finally to the Head of Agency or their delegate who has the final authority to grant leave. Applications for leave must:

- (a) state the type of leave being requested;
- (b) include the amount of leave (days) required;
- (c) specify the dates of the leave, inclusive of when leave commences and ends; and
- (d) include any required scanned documentation, for example: medical certificates for sick leave in excess of two days.

Applications for annual leave must be submitted for approval as soon as practical or at least

two weeks before the planned annual leave commencement date, particularly for continuous periods of leave of three or more working days. Shorter approval periods may be permitted for leave of less than three days.

9.6.4 Annual Leave

The Employment Relations Act (2012) stipulates the minimum requirements regarding annual leave. Section 37(3) of the ERA allows employers to require a minimum period of employment of no more than six months before annual leave may be taken. However, in some instances, the Cook Islands Government Leave Policy provides more favourable annual leave provisions for Public Sector employees:

- (a) Full time employees are entitled to a maximum of 20 days per annum accrued (accumulated) annual leave on the basis of hours worked. For example: an employee who has worked full time (7 hours per day) for six months, will have accrued 10 full days annual leave.
- (b) Part time employees are entitled to a number of annual leave days proportional to 20 working days for the number of hours worked accrued on a pro-rata basis. For example: a part-time employee who has worked 3.5 hours per day for six months will have accrued 10 half days annual leave.

Key points to note with regard to annual leave:

- (a) Employees should not commit to holiday plans until annual leave has been approved.
- (b) Annual leave may be accrued up to 30 days.
- (c) Heads of Agencies may deny an application for annual leave with good cause. For example: if the period of leave requested is at a very busy time for the Agency or there are already a number of staff on leave at that time and work will be interrupted.
- (d) When leave is denied, the Head of Agency and the employee must agree on an appropriate alternative time when the leave may be taken.
- (e) Heads of Agencies are discouraged from granting annual leave to employees in advance of it being accrued as this can create a financial risk and liability to the Agency and the Government.
- (f) Accrued annual leave can only be paid out if the employee ceases their employment with an Agency.
- (g) All annual leave must be used before compassionate leave can be applied.

9.6.5 Sick Leave

Sick leave is provided for employees who, through illness or injury, either of themselves or a member of their immediate family, are unable to attend work. The ERA (section 39(4)) allows employers to impose a minimum period of employment of no more than six months before employees may take sick leave.

In the Public Service, full time employees accrue up to 10 working days' paid sick leave per annum. Part time employees accrue their sick leave on a pro rata basis according to the proportion of a full time position they hold.

Key points to note with regard to sick leave:

- (a) When an employee is unable to attend work due to illness or injury, they must notify their employer as early as possible and file their sick leave application as soon as practicable.

- This will prevent them from being placed on annual leave or leave without pay.
- (b) Employees must provide an appropriate medical certificate when applying for sick leave exceeding two consecutive days.
 - (c) Employers may request a medical certificate and medical examination (at their cost) if they require a second opinion when considering an employee's sick leave application.
 - (d) If there is a regular pattern of illness by an employee, the Head of Agency may request a medical examination (at the employer's cost).
 - (e) All sick leave must be used before compassionate leave can be granted.
 - (f) Employees may accrue sick leave up to 40 days.
 - (g) Unused sick leave is not paid out when an employee ceases their employment with an Agency. However, if the employee transfers to another government Agency, the sick leave balance can be transferred to the new Agency.

9.6.6 Maternity Leave

The Employment Relations Act (2012), Section 41, sets out the minimum requirements for Maternity Leave entitlements for employees. The Public Service provides for additional benefits and procedures for Public Servants as set out below.

The Maternity leave of six weeks on full pay is payable to female employees having a baby or legally adopting a new-born baby. With the agreement of the Head of Agency, maternity leave may be taken as 12 weeks on half pay instead of the full time option. Maternity leave may commence two weeks prior to the expected delivery date but no later than the actual delivery date.

Applications for maternity leave must be accompanied by confirmation of the expected delivery date from a registered medical practitioner and should be made as soon as practicable but at least one month before the expected date of delivery. If maternity leave is sought due to a legal adoption, an application verifying the employee's intention to adopt should be lodged with the Head of Agency as soon as possible

During the period of maternity leave the employee's position will be covered on a temporary basis so that the incumbent can return to their normal position or to an equivalent position, on conditions equivalent to those which would have applied to the employee prior to taking maternity leave.

If the employee wishes to extend their maternity leave beyond the allowable period, they must apply for compassionate leave consideration.

9.6.6.1 Still Birth and/or Miscarriage

An employee who experiences a miscarriage or still birth during the second trimester may apply for up to four weeks maternity leave on full pay.

An employee who experiences a miscarriage or still birth during the third trimester may apply for up to six weeks maternity leave on full pay.

9.6.7 Paternity Leave

Minimum provisions for Paternity Leave are set out in the Employment Relations Act (2012) Section 42. Paternity leave provides fathers the opportunity to bond with the new born baby and support the mother of the new born or adopted baby.

Male employees may apply for up to five days paternity leave on full pay. If an employee has used all his paternity leave and wishes to take extended leave, he can apply for compassionate leave.

9.6.8 Leave Without Pay (LWOP) or Unpaid Leave

Leave without pay (LWOP) is not an entitlement that employees can take at their will. Heads of Agencies may decline applications for LWOP or may place employees on leave without pay if they have justifiable reasons to do so, such as employees:

- (a) failing to turn up to work without notice;
- (b) failure to apply for leave as soon as practicable; or
- (c) departing work earlier than required.

Before approving LWOP, Heads of Agencies will consider the:

- (a) reason for the leave or absence;
- (b) ability of the Agency to cover the position in the employee's absence;
- (c) employee's work performance;
- (d) previous amount of time taken off;
- (e) length of service; and
- (f) other employees on leave at the requested time.

When an employee returns from a period of LWOP they should be returned back to their previous position, unless the LWOP was due to a suspension pending the outcome of an investigation which resulted in disciplinary action or dismissal.

Annual leave or sick leave is not accrued while an employee is on leave without pay for a continuous period in excess of five days.

9.6.9 Special Leave

Special Leave is a non-statutory category of leave. It is not an entitlement. An employer may approve special leave for:

Type of Leave	Capped	Uncapped
Bereavement	✓	
Constitution celebrations	✓	
Inter-islands sports	✓	
National representation	✓	
Civil duty		✓
Island government employees stranded on Rarotonga		✓

*Capped special leave is up to a cumulative total of 10 days per annum

When considering granting special leave, the Head of Agency will consider:

- (a) the type of leave applied for;
- (b) the employee's work programme and performance;
- (c) previous absences from work and length of service;
- (d) ability to cover the position with existing resources (employees and budget); and
- (e) the overall impact of the absence on the delivery of the Agency's services.

9.6.9.1 Bereavement Leave

Heads of Agencies may approve bereavement leave to enable employees to fulfil obligations and/or pay respects to a deceased person of close association including:

When considering granting special leave, the Head of Agency will consider:

- (a) a spouse or partner;
- (b) a son or daughter;
- (c) a brother or sister including in-laws;
- (d) a parent including parents-in-law;
- (e) grandparent; and
- (f) grandchild.

9.6.9.2 National Representation Leave

Special leave may be approved and granted by a Head of Agency to an employee selected to represent the Cook Islands in events such as sports, cultural, or religious events.

9.6.9.3 Compassionate Leave

An employee can apply for paid compassionate leave when they have exhausted all their annual and sick leave entitlements and they require additional leave for compassionate reasons. Employees also have the option to apply for LWOP in such circumstances.

Heads of Agencies may approve leave on compassionate grounds up to a maximum of 30 working days per year.

Employers may consider compassionate leave for:

- (a) additional sick leave beyond accrued benefits;
- (b) additional maternity/paternity leave beyond accrued benefits;
- (c) additional bereavement leave; or
- (d) disaster response.

9.6.9.4 Study Leave

Employees may be granted study leave for work related studies.

In-country Study Leave:

If an employee is required to sit a work related final examination in-country during their normal working hours, Heads of Agencies may approve up to one day of study and examination leave.

One half day's leave is for study immediately prior to the examination (either the morning of the examination or the previous afternoon) and the second half day's leave is to complete the examination.

Overseas Study Leave:

Heads of Agencies can approve overseas study leave (paid or unpaid) for work related studies linked to the employee's professional development plan. Employees should be bonded to return and work in the Cook Islands for a period equal to the time they were away on study.

Upon return from their studies, Heads of Agencies must provide employees with an equivalent or higher level position to return to at the completion of their study.

Employers must consider the following before approving overseas study leave:

- (a) The costs and benefits of the training to both the employee and the Agency.
- (b) The employee's work performance.
- (c) The Agency's ability and/or requirement to pay.
- (d) Impact of the employee's absence on the Agency's service delivery.

9.6.9.5 Constitution Celebrations

Heads of Agencies may approve special leave to allow employees to participate in the Constitutional Celebrations and the Constitutional Float Parade. Pa Enuia employees required to travel to participate in the celebrations can be given special consideration for travelling times to/from their respective island.

9.6.9.6 Inter-Islands Sports

Heads of Agencies may approve special leave to enable an employee to participate in inter-islands sports events such as the Manea and Purapura Games. Spectators do not qualify for paid special leave.

9.6.9.7 Civil Duty

Employers may approve leave for employees to perform civic duties such as jury service, court witness, Justice of the Peace, member on court tribunals, and attendance at Parliamentary Committee sittings or Commissions of Inquiry.

Employees should advise their employer as soon as possible if they are summoned for civil duty.

Section 9 of the Juries Act allows an employer on behalf of the employee to seek exemption from jury duty, where an employee is providing an essential service and cannot be absent from work.

Employees must return to work when they are no longer required to perform their civil duty.

9.6.9.8 Island Government Employees Stranded on Rarotonga

Island Government employees stranded on Rarotonga as a result of transportation (shipping/airline) delays to the Pa Enea which are outside their control, should contact their CEO to apply for special leave or arrange to report to work on Rarotonga.

9.6.9.9 Official Duty Travel Leave

Heads of Agencies may approve official duty travel leave for employees required to travel in their official capacity to meetings or conferences as a Cook Islands Government representative.

One day of leave is permitted for recuperation for travellers returning home after more than 24 hours of continuous travel, without a minimum layover of one day in transit. A half day of leave may be taken if arriving home on a very early morning or very late night flight. In both instances this leave is only applicable if arrival is on a working day and must be taken on the morning of arrival, otherwise it is foregone.

Recuperation leave does not apply if the travel was interrupted with a stopover in transit for personal reasons when returning home.

Time off in lieu or annual leave is accrued if an employee is required to work on a Cook Islands Public Holiday which falls within the official duty travel period. Time off should be taken soon after returning from travel.

9.6.9.10 Professional Development Leave

Heads of Agencies can approve professional development leave for employees to attend job related workshops, conferences, or work attachments designed to develop employee capability. Professional development can take place in-country or overseas and should be identified in the employee's professional development/training plan.

Pa Enea employees may have up to six months leave at any one time approved on a bi-annual basis. This leave is to enable these employees to gain overseas work experience and improve the future livelihood of their families.

In considering this leave, employers will consider:

- (a) the employee's position and performance;
- (b) confirmation from the overseas employer(s) or recruiting department of the terms and conditions of employment, including duration and return travel arrangements;
- (c) impact on the services delivered by the Island Administration in the employee's absence;
- (d) alternative arrangements to maintain normal daily operations on the island if work commitments require the employment of additional labour; and
- (e) a contingency plan in the event that the employee does not return to work on the island.

9.6.10 Summary of Leave

The Cook Islands Government Leave Policy provides full details of all leave provisions, conditions and procedures. In summary, the following provisions and conditions apply:

Statutory Leave: The Employment Relations Act (2012) provides minimum statutory leave entitlements for employees. The Public Service Leave Policy, however, offers additional statutory leave entitlements which allow Heads of Agencies to approve:

Leave Type	No. of days	Conditions
Annual	20 day pa	Cannot be taken in advance. Paid out upon employment termination. Up to a maximum of 30 days may be accrued at any time.
Sick	10 days pa	Can be advanced. Can accrue up to 40 days at any one time.
Maternity	Up to 12 weeks	Including adoption, 6 weeks full pay or 12 weeks partial pay. Provisions for live birth/miscarriage/stillbirth.
Paternity	Up to 5 days	To bond with child and/or support mother

Non Statutory Leave: Non Statutory Leave is not an entitlement, as employers are not required by law to provide this. Heads of Agencies may approve:

Leave Type	Conditions
Capped Special Leave	10 cumulative days per annum for: (a) Bereavement; (b) Constitution Celebrations; (c) Inter-Island Sports (Manea/Purapura Games); (d) National Representation
Uncapped Special Leave	(a) Civil Duty (b) Island Government Employees stranded on Rarotonga
Compassionate Leave	Up to 30 days per annum. At the employer's discretion with guidance for consideration.
Professional Development	To attend work related professional development workshops or attachments in-country or overseas. Up to one day exam leave per course for work-related exams completed in-country.
Official Duty Travel	To attend meetings and conferences as an official Cook Islands Government representative. Up to one day leave upon return for recuperation – conditions apply.
Time off in Lieu (TOIL)	For agreed upon and approved extra hours of additional work outside normal working hours of the employee. Calculated on an hourly basis. Rostered work hours which fall on a public holiday must be paid or be approved TOIL.
Leave without Pay (LWOP)	Employees may be placed on LWOP for failing to turn up to work or for failure to notify a Manager in a timely manner. Use of LWOP is not an automatic right.

9.7 HUMAN RESOURCES MANAGEMENT INFORMATION SYSTEM (HRMIS)

HRMIS is the centralised system for administering human resources management (HRM) information across government. Managed by the three central Agencies, the responsibilities of each are:

- (a) OPSC - adding, amending or deleting HRM personal information.
- (b) MFEM - administering payroll information.
- (c) OPM – providing Information Technology (IT) administration support.

ESS (Employee Self Service) is the front end module of HRMIS where employees and employers can view their own personal details and apply for and approve leave.

9.7.1 Access to HRMIS

All Public Servants have been allocated a unique password which gives them access to the basic functions on ESS. Holders of more senior positions may have access to other parts of the programme as well, for example: approval of subordinates' leave applications or reporting functions

9.7.2 Information Available

A range of information is available on ESS which employees have access to. This includes:

- (a) Personal Details – name, date of birth, qualifications etc.
- (b) Copies of payslips.
- (c) Taxation certificates.
- (d) Leave balances and records of leave taken.
- (e) Remuneration details, including any salary adjustments.
- (f) Agency's organisational structure and the employee's position on it.

9.7.3 Delegations

When employers and staff members with authority to approve leave applications for their subordinates are on leave, they should delegate the responsibility for approving leave on ESS to another senior member of staff to avoid delays in processing applications. To enable the delegation function, choose the "Manager" option from the side menu bar and then select "Delegations". Follow the prompts. All leave applications from subordinates will now go automatically to the person delegated this responsibility in the absence of the person who normally carries out this function.

9.7.4 Leave Applications - Instructions

After accessing the ESS website (as above), employees enter their User Name and Password to gain access to the leave functions.

Public Servants on the centralised ICT network, will use the user name and password used to log into the government network. Other Public Servants should have been allocated passwords and will need to contact the OPM ICT division if they have problems logging in.

- (a) Select “My Leave” from the side menu on the home screen.
- (b) Select the “New Request” tab from the top menu and fill in all the sections including:
 - (i) Length of leave (choose from the drop down menu);
 - (ii) Type of leave (choose from the drop down menu);
 - (iii) Select the start and end date on the calendar – it will now show the number of hours leave being requested;
 - (iv) Enter any additional information that might support the leave application – for example: details of why this leave is required at that particular time or similar;
 - (v) Scan any documents required for supporting evidence, for example: medical certificates. Add them at the “Add Docs” function.
 - (vi) Check the application and either edit it or press Submit. The application will be sent to the person authorised to approve the employee’s leave for approval.
 - (vii) When final approval for the leave has been granted, the applicant should receive an automatic email notification.
- (c) The top tabs on the “home” screen provide access to other personal leave information including:
 - (i) View requests – this will show leave already approved or awaiting approval.
 - (ii) Projected balance – this allows employees to calculate how much leave they will have by a certain date. This might be helpful if staff are planning a holiday.
 - (iii) Calendar – shows all the leave the employee has taken and requested for the year to date.

9.7.5 Heads of Agencies HRMIS Responsibilities

The information contained on HRMIS will only be current and accurate if the Central Agencies responsible for its administration are furnished with current and accurate information from Agencies.

Heads of Agencies are therefore responsible for ensuring that the required procedures are adhered to and have the following responsibilities:

- (a) Authorise new, amendments or deletions to employee HRM and Payroll information (except changes to bank details and deductions made by the employee).
- (b) Use relevant forms for changes and attach relevant supporting documentation for each form.
- (c) Ensure all employee positions are job sized using the Cook Islands Government approved system - SP10.
- (d) Ensure all employee positions are included on the approved organisational staffing structure.
- (e) Maintain and retain their own employee personnel files which include all changes made to employee details.

Key Activities for Heads of Agencies:

Key Activity	Actions	Forms
Creating a new position in HRMIS	<ul style="list-style-type: none"> New position evaluated and included on Agency staffing structure Complete forms and annexes correctly 	NOA (Notice of Appointment)
Notification of adjustments to employee details	<ul style="list-style-type: none"> Complete Notification of Employee Adjustment (NEA) form for changes to employee HRM and Payroll information 	NEA
Notification of employee termination	<ul style="list-style-type: none"> Complete Notification of Employee Termination (NET) form 	NET

9.8 HEALTH AND SAFETY

Agencies are required to establish and maintain a safe and healthy work environment for employees, contractors and visitors. This means that Agencies must eliminate (or where this is not practicable they must reduce) health and safety risks. Heads of Agencies, employees and contractors must also take responsibility for their own safety and the safety of others in the work environment.

Full details, including specific responsibilities of Heads of Agencies, employees and contractors, are covered in the Cook Islands Government Occupational Health and Safety Policy and a range of legislation including the:

- (a) Public Service Act (2009);
- (b) Employment Relations Act (2012);
- (c) Employers' Liability Ordinance (1964);
- (d) Workers' Compensation Ordinance (1964);
- (e) Disaster Risk Management Act (2007);
- (f) Public Health Act (2004); and the
- (g) Dangerous Goods Act (1984).

The legislation outlines employers' (Heads of Agencies) duty of care to provide and supervise a safe system of work. Heads of Agencies are required to provide appropriate training, information and instruction on health and safety at work to the extent required to protect employees and other people. They are required to ensure that work premises, systems of work, the working environment, substances and plant used at work, are safe and without risks to health. Agencies must take all reasonable practical steps to identify and eliminate risks to health and safety.

9.8.1 Employee Welfare

Heads of Agencies are also obliged to provide adequate facilities for the welfare of employees while they are at work. Ultimate responsibility for those in an Agency (either employed or visiting) rests with the Head of Agency who is required to exercise due diligence in relation to health and safety matters, including the implementation, monitoring and review of all related policies and procedures.

The Public Service aims to be a “good employer”. Under the Public Service Act (2009), every Head of Agency is required to operate human resources policies that comply with the principle of being a good employer and must therefore promote fair and proper treatment of employees in all aspects of their employment. This includes providing good and safe working conditions.

9.8.2 Health and Safety Practices and Responsibilities

To ensure the health and safety of employees in the work place, Heads of Agencies, managers or supervisors as well as the employees themselves, all have responsibilities.

9.8.2.1 Heads of Agencies Responsibilities

Heads of Agencies must:

- (a) maintain a safe working environment and assets for employee use including: buildings, vehicles, furniture and fixtures, tools and equipment;
- (b) establish and maintain relevant Occupational Safety and Health (OSH) procedures and processes for the Agency;
- (c) commit to providing sufficient financial and physical resources to ensure effective implementation of OSH processes, including induction and regular training for employees;
- (d) monitor the effectiveness of the OSH processes and amend these where appropriate;
- (e) support investigations into breaches of OSH processes and continuously improve these;
- (f) ensure employee job descriptions contain compliance with OSH processes;
- (g) integrate measurable targets to mitigate injuries into performance management systems;
- (h) ensure Employer Liability Insurance premiums and requirements are met;
- (i) provide appropriate safety equipment and working conditions to reduce injury e.g. hard hats, ear muffs, gloves, high visibility jackets, ergonomic desks and chairs;
- (j) comply with reasonable inspector requests made in accordance with the Employment Relations Act (2012); and
- (k) ensure that contractors and visitors are aware of health and safety procedures and processes within the Agency and adhere to these.

9.8.2.2 Managers/Supervisors Responsibilities

Managers and/or Supervisors must:

- (a) ensure employees use personal protective equipment and adhere to safe work processes;
- (b) ensure new employees receive safety training and instructions as part of their induction;
- (c) identify workplace hazards regularly and implement plans to mitigate risks;
- (d) conduct regular inspections for unsafe work practices and promptly take corrective action;
- (e) disseminate information, for example: signage and warnings of where hazards may exist;
- (f) maintain records of OSH-related training provided to employees;
- (g) investigate all accidents fully and advise management of preventative measures;

- (h) maintain an accidents/injuries register and report all accidents in adherence with the Employment Relations Act (2012);
- (i) support external investigations of accidents in adherence with the Employment Relations Act (2012);
- (j) arrange for medical treatment or transportation to a doctor or hospital as necessary;
- (k) assist staff in understanding their obligations in relation to workers' compensation requests;
- (l) hold regular safety staff meetings to communicate safety processes and practice;
- (m) ensure compliance with the agency safe processes and practices;
- (n) adhere to safety processes approved by the employer and required by law;
- (o) raise and enquire on health and safety risks to employees;
- (p) record information and report to senior management on injuries, illness, damage and productivity loss, including risk mitigation and the prevention of recurrence;
- (q) resolve OSH issues concerning employees;
- (r) coordinate or implement health and safety seminars or training;
- (s) report workplace accidents to the Head of Agency and ensure an employer's report of accident is filed promptly with the Ministry of Internal Affairs (IntAff); and
- (t) assist with all workplace accidents reported by employees.

9.8.2.3 Employees' Responsibilities

Employees have a responsibility to take all reasonable steps to ensure their safety while at work and ensure that their actions or inaction do not cause harm to any other person. Employees must:

- (a) work in a manner that does not create a hazard to their own safety or the safety of others, particularly temporary or new employees;
- (b) identify and report hazards and ways to eliminate or mitigate risks in the workplace;
- (c) use the correct tools and equipment in the manner prescribed for the job;
- (d) use the required safety equipment and protective clothing (where required);
- (e) report defects in vehicles, furniture, fixtures, tools and equipment;
- (f) read, understand and comply with the OSH work processes and practices;
- (g) comply with reasonable instructions from managers/supervisors on OSH work processes and practices; and
- (h) report OSH-related incidents, accidents, or illnesses to managers, supervisors and/or Heads of Agencies.

9.8.3 Hazards

There are four key types of occupational safety and health hazards – physical, ergonomic, chemical and biological. Heads of Agencies are responsible for ensuring the elimination of unsafe work practices which create these hazards.

9.8.3.1 Physical Hazards

The most common physical hazards are present in most workplaces at some time. Examples include: frayed electrical cords, unguarded machinery, exposed moving parts, constant loud noise, vibrations, working from ladders, scaffolding or heights, spills and tripping hazards.

Examples of work place practices which can contribute to physical hazards include:

- (a) the unauthorised use of machinery or tools;
- (b) operating at unsafe speeds or in violation of safe work practices;
- (c) removing or disabling guards or other safety devices on machinery or equipment;
- (d) using defective tools or equipment or using tools or equipment in unsafe ways;
- (e) using hands or body instead of tools or push sticks;
- (f) overloading, crowding or balancing or handling materials in unsafe or improper ways;
- (g) repairing or adjusting equipment that is in motion, under pressure, or electrically charged;
- (h) failing to use and/or maintain or improperly using personal protective equipment or devices;
- (i) creating unsafe, unsanitary or unhealthy conditions by improper personal hygiene, poor workplace maintenance, or by smoking in unauthorised areas; and
- (j) standing or working under suspended loads, scaffolds, shafts, or open hatches.

9.8.3.2 Ergonomic Hazards

Ergonomic hazards occur when the type of work an employee does, their body position, and/or working conditions put a strain on the body. They are difficult to identify because the harm they are doing to an employee's health is not always immediately recognisable. Examples include: poor lighting, improperly adjusted workstations and chairs, frequent lifting, repetitive or awkward movements.

Examples of work place practices which can contribute to ergonomic hazards include:

- (a) sitting with poor posture for extended periods of time;
- (b) poor lighting in the workplace; and
- (c) improper lifting of heavy material or substances.

9.8.3.3 Chemical Hazards

Chemical hazards are present when people are exposed to any chemical preparation (solid, liquid or gas) in the workplace. Examples include: cleaning products and solvents, vapours and fumes, carbon monoxide or other gases, gasoline or other flammable materials.

Examples of work place practices which can contribute to chemical hazards include:

- (a) using dangerous chemicals or products without safety gear (gloves, masks etc);
- (b) storing flammable materials in dangerous or exposed areas; and
- (c) poor controls over access to dangerous chemicals or materials.

9.8.3.3 Biological Hazards

Biological hazards come from working with people, animals or infectious plant material. Examples include: blood or other bodily fluids, bacteria and viruses, insect bites, animal and bird droppings.

Examples of work place practices which can contribute to biological hazards include:

- (a) allowing employees with viral infections to work and expose others to the virus; and
- (b) being exposed to biological hazards without proper safety gear (masks/gloves etc).

9.8.3.4 Risk Management

Risk management is a four step process which includes identifying workplace hazards, assessing the risk of those hazards and implementing risk control measures to eliminate or minimise the risk of injury from the hazards identified.

Step 1 – Identify hazards through work place inspections, incident reporting, accident/injury register, or consultation with and feedback from employees.

Step 2 – Risk assessment to gauge the likelihood and potential impact of workplace hazards.

Step 3 – Risk control to consider what must be done to eliminate or control risks.

Step 4 – Review control measures and risk assessments periodically through safety audits, regular workplace inspections, consultation with employees and a review of incident investigations.

9.8.4 Accidents and Injuries

Work place accidents occur when an employee is involved in an unfortunate incident that happens unexpectedly and unintentionally results in damage or injury to him/herself, others or property.

When a workplace injury occurs, the Head of Agency must ensure that the injured worker is provided with first aid and/or transport to medical treatment in the first instance. Next of kin should be notified as appropriate.

The accident should be fully investigated and preventative measures recommended to avoid future occurrences. Accidents and injuries must be entered in an accidents register in compliance with the Employment Relations Act (2012).

Where a workplace accident or injury results in death or serious bodily injury to an employee, the Head of Agency must provide a written statement to the Ministry of Internal Affairs outlining:

- (a) the nature of the accident;
- (b) the name, residential address and age of the employee; and
- (c) the measures (if any) taken by the Head of Agency as a result of the accident.

As soon as practicable after receiving this notification, the Ministry of Internal Affairs will initiate a full enquiry into the accident by a certified Inspector.

Drivers of government vehicles are required to immediately report any government vehicle accident or incident to their Head of Agency and the Police Department on the Motor Vehicle Accident Report Form (Appendix IV). If the event involves a Head of Agency, the Public Service Commissioner or relevant authority must be notified.

Employees must report OSH related accidents to managers/supervisors and/or their Head of Agency.

9.8.5 Workers' Compensation Insurance

Workers' compensation insurance provides protection to public servants and their employers in the event that an employee suffers a work related injury. Any employee who is injured from an accident arising from (or in the course of) their employment, may be eligible to receive compensation.

Any employee who is injured as a result of a work related accident may qualify for compensation if the worker is incapacitated for four days or more from earning full wages, and is not personally responsible for the injury.

The funding for the workers' compensation scheme comes from the annual premiums paid by each Agency. These funds are managed by MFEM, however, all applications for compensation must be lodged with the Ministry of Internal Affairs (IntAff) through its Labour and Employment Division. Applications must state the nature of the injury (or disease) and be accompanied by a medical certificate outlining the details of the injury or disease and state the expected period of time before the employee can return to work. Upon receiving an application for compensation, IntAff may conduct an investigation and request further information.

The amount of compensation an employee receives will depend on:

- (a) the type of work related injury;
- (b) the amount of income lost as a result of the work related injury;
- (c) the degree of incapacity to the worker as a result of the work related injury; and
- (d) the workers' compensation schedule.

Employees may also be eligible for compensation if, after a period of 12 months of employment, they contract an occupational disease.

9.8.6 Alcohol and Drugs

An employee is in breach of the Cook Islands Government Code of Conduct Policy if they are found to:

- (a) be in the possession of or have consumed illicit drugs on work premises; and/or
- (b) consumed alcohol on work premises without the authority of management; and/or
- (c) have arrived at work or is present at work whilst under the influence of alcohol or illicit drugs.

Any of these offences constitutes serious misconduct and can lead to dismissal.

9.8.7 Smoking

Smoking is prohibited in all Cook Islands government buildings and motor vehicles. Heads of Agencies are responsible for creating safe, sanitary or healthy conditions for all and thus ensuring that there is no smoking in unauthorised areas. Smoking in restricted areas and/or failing to abide with the Agency's no-smoking policy is deemed to be misconduct and should be treated accordingly.

9.8.8 Disaster Risk Management

Each Agency is required to have its own disaster risk management plan. It is important that this is on display throughout the premises and that staff are familiar with it and have practised its implementation, including fire and tsunami evacuations.

Emergency Management Cook Islands (EMCI) is the designated government division charged with ensuring:

- (a) The maintenance of the Disaster Risk Management (DRM) plan and all necessary sub-plans.
- (b) All Government and private organisations in the Cook Islands have in place written plans and operational procedures for all phases of Disaster Risk Management for all known hazards and report to the National Disaster Risk Management Council (NDRMC).
- (c) The Cook Islands DRM plan is prepared, reviewed and tested regularly to ensure that it properly protects life, property and essential infrastructure from all known emergencies and disasters.
- (d) The implementation of DRM Education and Awareness programmes in the Cook Islands.

The Disaster Risk Management Act (2007) outlines in detail and provides a mandate for the functions of EMCI in the Cook Islands.

EMCI provides DRM training programmes to assist with the development and design of DRM plans and operating procedures with the assistance of Government organisations and the Cook Islands Red Cross Society.

9.8.9 Security

Public servants are provided with a range of resources to carry out their work. These might include the use of government vehicles, computers, access to the internet, office space, stationery, furniture and/or other equipment.

In some Agencies, staff are also allocated keys to buildings and secure areas, and are permitted to have access to work facilities after hours.

Some staff may also be entrusted with the responsibility of handling cash and all employees, at some time or another, will be privy to confidential and sometimes sensitive information.

As custodians of government property, public servants are expected to treat this trusting relationship with the utmost respect and demonstrate good stewardship. That means maintaining high standards of care and security at all times. This includes:

- (a) Using government vehicles only for their intended purpose and ensuring that when parked or left unattended, keys are not left in the ignition. When appropriate, vehicles must be securely locked.

- (b) When allocated passwords, for example for computer access or access to secure storage rooms or buildings, these must not be shared with other employees, members of the employee's family, nor the general public.
- (c) Ensuring that government assets, such as computers or laptops, are not used by family members nor friends.
- (d) Making sure that family members and members of the public are not left unattended at desks or workstation where they might have access to confidential information. In the event that this may be necessary, all such documentation must be put securely away.
- (e) All waste paper containing any material that may be confidential or sensitive, is disposed of in the proper manner and not accessible by others.
- (f) Not lending or taking furniture and equipment for personal use without proper permission.
- (g) Ensuring that keys are not lent to other staff nor members of the public and that no duplicate keys are cut without proper permission.
- (h) Ensuring that all cash received is receipted promptly and securely locked away until it can be deposited in the bank.
- (i) Ensuring that all government buildings are securely locked at the end of the day.

9.8.10 Travel Insurance

Public servants required to travel overseas on official duties may be eligible for government's travel insurance cover. MFEM manages the public sector travel insurance and is the point of contact for enquiries.

Key points to note regarding the Travel Insurance Policy are as follows:

- (a) The Insurance Company is ACE Insurance Travel, Phone: 0064-9-374-1775.
- (b) The Policy Number is: AGRG386632
- (c) Ace Insurance will not cover the following:
 - (i) Any person travelling to Cuba.
 - (ii) Any losses resulting from war, civil war, act of foreign enemy, rebellion, revolution, insurrection of military or usurped power in New Zealand or the insured's country of residence, or any of the following countries: Afghanistan, Chad, Chechnya, Ivory Coast, Democratic Republic of Congo, Iraq, Israel, Somalia or Sudan. (Additional countries may be added from time to time so it is advisable to check with MFEM prior to travelling.)
 - (iii) Pre-existing conditions if:
 - a. the person is travelling against the advice of a doctor; or
 - b. when the person is unfit to travel; or
 - c. if the purpose of the travel is to seek medical attention for a pre-existing condition.
 - (iv) Any claim incurred as a result of a terminal condition.
- (d) The policy recommends that when arranging rental vehicles, the insured person must take all compulsory motor vehicle insurance provided by the rental organisation, against loss or damage to the rental vehicle during the rental period.

MFEM may be able to provide Public Servants traveling abroad with a card which has the relevant contact details and policy details. It is crucial that all employees travelling overseas know who to contact in the event of an emergency.

In the event of a medical emergency, employees should telephone ACE Assistance collect at any time, day or night, and quote their name, Policy Number (AGRG386632) and Company Name (Government of the Cook Islands).

SUMMARY OF COVER (Refer to Policy for Full Details)

Coverage	Cover Limits (per person)	Coverage	Cover Limits (per person)
Personal Accident	\$250,000	Medical & Additional Expenses	Unlimited
Kidnap & Extortion	\$500,000	Cancellation & Curtailment	Unlimited
Hijack & Detention (\$1,000 per day, maximum of 15 days)	\$15,000	Resumption of Travel/Alternative Employee	\$20,000
Loss of Deposits	\$30,000	Baggage/business property (limit any 1 item \$5,000)	\$25,000
Deprivation of Baggage	\$5,000	Money & Travel Documents	\$5,000
Electronic Equipment	\$10,000	Search & Rescue Expenses	\$20,000
Personal Liability	\$5,000,000	Collision Damage Theft Waiver	\$5,000
Political & Natural Disaster Evacuation (Aggregate \$100,000)	\$20,000	Missed Transport Connection	\$10,000

9.9 PERFORMANCE MANAGEMENT

9.9.1 Purpose

The overall purpose of performance management is to support the achievement of Agency Strategic and Business goals through consistent measurement of performance. Performance Management improves Agency performance by strategically managing employees' productivity and performance. It empowers employees to perform through role clarity and clear expectations for performance and conduct.

9.9.2 Principles

The principles upon which the Cook Islands Government's performance management system is based reflect the values of the Public Service:

- (a) Honesty - acting honestly, being truthful, and abiding by the laws of the Cook Islands.
- (b) Impartiality - providing impartial advice, acting without fear or favour, and making decisions on their merits.

- (c) Service - serving the people well through faithful service to the Government of the Cook Islands.
- (d) Respect - treating the people, the Government of the Cook Islands, and colleagues with courtesy and respect.
- (e) Transparency - taking actions and making decisions in an open and transparent way.
- (f) Accountability - being able to explain the reason for actions taken, and taking responsibility for those actions.
- (g) Efficiency and Effectiveness – achieving good results for the Cook Islands in an economical way.

Performance management policies and procedures must align with relevant legislation which includes The Public Service Act (2009) and The Employment Relations Act (2012). The Cook Islands Government Performance Management Policy provides full details of policy requirements for managing performance within the Public Service.

9.9.3 Responsibilities

9.9.3.1 Responsibilities of the Office of the Public Service Commission (OPSC)

OPSC is responsible for providing awareness and guidance on performance management. It must monitor Agency compliance with the Performance Management policy and investigate unresolved employment disputes that may arise.

9.9.3.2 Responsibilities of Heads of Agencies and Managers

Heads of Agencies must ensure that all staff understand how their performance is assessed and how performance is linked to pay and training. They have a responsibility to make employees accountable for their own performance and should provide regular balanced and objective feedback to them for this purpose. Heads of Agencies must ensure that job descriptions are current and accurately reflected in the employee's performance agreement. In the first instance, Heads of Agencies are responsible for managing and resolving disputes that may arise with regard to performance management in their Agency.

9.9.3.3 Responsibilities of Employees

It is important that employees understand how performance management is applied in their Agency and are able to understand how their own performance contributes to the Agency's business plan targets. All employees are required to participate fully in the performance management process and are accountable for meeting the performance targets agreed to in their performance agreement. Employees must take responsibility for their own learning and development although they can expect to receive some support from their employer.

9.9.4 Benefits of Performance Management

Some employees may initially feel nervous or a little suspicious about performance management, especially when they have not previously had their performance managed in the workplace. Some may even see performance management as checking up on their performance or even "trying to catch them out". However, this is seldom true and there are many benefits both to the individual and the organisation from a properly managed performance management system that links to Agency and National goals.

9.9.4.1 Benefits to Agencies

- (a) Produces a highly motivated and productive workforce
- (b) Supports achievement of the Agency goals and outputs
- (c) Facilitates a team work environment that promotes employee engagement and retention
- (d) Provides a systematic way of assessing and improving Agency performance
- (e) Supports performance recognition and informs succession, training and development plans

9.9.4.2 Benefits to Employers (Heads of Agencies) and Managers/Supervisors

- (a) Facilitates transparent and consistent performance management practices
- (b) Provides a systematic way of assessing and managing employee performance
- (c) Enables professional development of employees for career progression

9.9.4.3 Benefits to Employees

- (a) Clarifies job and performance expectations linked to the Agency's goals
- (b) Promotes job satisfaction and engagement in the performance of the Agency
- (c) Provides clear linkages between performance, pay and training progression
- (d) Enables feedback, recognition and career planning

9.9.5 Procedures

The performance management system comprises three key stages which occur in sequence:

- (i) Planning – Employers and employees jointly agree on performance targets, measures and tasks employees are expected to achieve in their jobs and any development they may require to support their performance. A Performance Development Plan (PDP) is prepared comprising a Performance Agreement (PA) and Development Plan (DP).
- (ii) Monitoring Performance – informal reviews conducted throughout the year provide opportunities for coaching and discussing progress and/or resolve any issues, culminating in a formal progress review at mid-year and final performance appraisal at the end of year.
- (iii) Managing Performance – recognising good performance and developing employees for career progression; or addressing poor performance through training, transfer or release.

9.9.6 Performance Appraisal

Employers and/or managers must formally assess the performance of employees every year. Annual performance appraisals consolidate formal and informal reviews conducted during the year.

The employer and employee must:

- (a) Separately rate the achievement of performance targets (KPIs) with numeric performance ratings (1-5)
- (b) Support the rating with evidence, comments and examples
- (c) Separately rate employee conduct demonstrated with alphabetical ratings (A, B, C)
- (d) Discuss and agree on an overall performance rating (e.g. 3A)
- (e) Discuss any future development (for career progression or performance improvement)

9.9.6.1 Performance Numeric Ratings

The following numeric ratings scale is used to measure and rate employee performance. Descriptors for each of the ratings are included in the Cook Islands Government Performance Management Policy:

5	4	3	2	1
Exceptional Performance	Above average performance	Performance meets expectations	In development or needs improvement	Unsatisfactory, poor performance

9.6.6.2 Behaviour and Conduct Alphabetical Ratings

Alphabetical ratings reflect how well the job holder adheres to the Public Service and Agency specific values:

A	B	C
You are a role model and living the values	You demonstrate the values	You do not demonstrate all the values

9.6.6.3 Recognition and Rewards for Exceptional Performance

Employees with exceptionally high standards of performance may receive formal and/or information recognition from their employer, and/or financial or non-financial rewards. Agency fiscal constraints will impact on the level of any financial rewards that may be offered. The performance management system will highlight those employees who have the potential to move into high level positions of management or leadership and they should be considered for leadership development programmes or more senior positions as they become available.

9.6.6.4 Performance Ratings Matrix

Once employees have had their performance and behaviour/conduct appraised, they will receive a rating from the matrix below:

Numeric/Alphabetical	A	B	C
5	5A	5B	5C
4	4A	4B	4C
3	3A	3B	3C
2	2A	2B	2C
1	1A	1B	1C

These ratings are explained in the table below along with suggested management strategies to recognise high performance and address performance requiring improvement.

Ratings	Interpretation	Management Strategies
5A	Exceptional performance and a role model with exemplary behaviour	Recognition and performance rewards. Public Service Leadership Award. Contract extension highly recommended.
5B	Exceptional performance, meets and at times exceeds integrity and conduct standards	
4A	Exceptional performance and a role model with exemplary behaviour	Recognition and performance rewards. Public Service Talent. Contract extension recommended.
4B	Exceptional performance, skills may need development, at times living the values	
3A, 3B	Performance meeting expectations and role models with exemplary behaviour, or living the values at most times	Recognition for work well done. Contract extension supported.
2A, 2B,	Performance improvement required and role models with exemplary behaviour, or living the values at most times.	Performance Improvement Plan to improve performance and/or conduct.
1A, 1B,	Poor performance but a role model in living the values	Manage poor performance (train, transfer, terminate).
3C, 4C, 5C	Performing, but needs to improve integrity and conduct – not displaying role model behaviour	On probation to improve integrity and conduct, or possible termination.
1C, 2C	Poor performance and needs development to meet integrity and conduct standards – not displaying role model behaviour	On probation to improve performance and conduct, or termination.

9.6.6.5 Performance Improvement Plans

When an employee's performance is identified as being below the expected standard for the position they hold, a Performance Improvement Plan (PIP) should be implemented.

The PIP has three key focus areas:

- (i) Training – to address gaps in performance by providing opportunities for job rotation, secondment, counselling, monitoring, coaching and/or feedback.
- (ii) Transfer – changing jobs or functions to better suit the employee's competencies.
- (iii) Terminate – removal of the employee when all additional support and training fails to improve performance.

A PIP should be implemented for a period of 1-6 months depending on the required needs of the employee to raise their performance to the expected level. At the conclusion of this period, the Head of Agency may:

- (a) Discontinue the PIP if performance now meets the required standard.
- (b) Extend the PIP if some improvement is noted but more time is required to embed changed behaviours.

- (c) Termination – where there is no real evidence of improvement nor is it considered likely in the future.

9.9.7 Heads of Agencies Performance Management

Heads of Agencies performance is assessed according to their overall management and the performance of their Agency against government priorities. This assessment of performance also includes leadership and management of employees and resources, as well as their own conduct.

Heads of Agencies are expected to successfully deliver results that meet the government priorities reflected in the NSDP and the Agency's mandated functions as stated in the annual business plan. In managing their Agency they are expected to provide effective leadership, both of the Agency and the people employed by it; engage appropriately with stakeholders; provide development opportunities for employees; and use government's financial resources prudently and transparently in accordance with Cook Islands Government legislation and policies.

It is acknowledged that Heads of Agencies are the public figure for their Agency and as such, must be exemplary role models. As part of their performance appraisal, Heads of Agencies are also rated on their conduct and behaviours in a similar way to that of other Public Servants.

9.10 TRAINING AND DEVELOPMENT

9.10.1 Purpose

In order to produce a competent and motivated workforce, and build a culture of “excellence” across the Public Sector, targeted and structured training and development of Public Servants is encouraged. When considering training and development opportunities, Heads of Agencies should give preference to training Cook Islanders to ensure the long term retention of skills and knowledge. Similarly, to gain the full benefit from training and development, the likely length of future service to the Agency by the employee should also be considered.

Training activities must support the achievement of Agency strategic and business plan goals. There is no expectation that employees who participate in training and development activities will receive additional remuneration.

9.10.2 Roles and Responsibilities

9.10.2.1 OPSC Responsibilities

OPSC can support Heads of Agencies with the provision of training and development through:

- (i) Assisting Agencies develop links between goals, performance and employee development;
- (ii) Coordinating Public Service wide training initiatives including Public Service Induction and Leadership Development programmes;
- (iii) Monitoring Agency compliance with the Cook Islands Government Training and Development Policy; and
- (iv) Investigating unresolved employment disputes that may arise.

9.10.2.2 Heads of Agencies Responsibilities

Heads of Agencies are expected to encourage training and development as an ongoing part of human resources management to support Agency goals and targets. In doing so they must ensure that:

- (i) An Agency Strategic Plan and Business Plan exists;
- (ii) An Agency Training and Development Plan is in place;
- (iii) All employees complete the Agency induction programme;
- (iv) All new employees complete the Public Service Induction programme;
- (v) Performance Management is implemented within the Agency;
- (vi) Managers are held accountable for providing development opportunities for employees;
- (vii) Agency budgets accommodate employee training and development;
- (viii) Prior to approving any training, consideration has been given to:
 - a. The employee's position and performance
 - b. How the study commitments may impact on employee performance - positive or negative
 - c. Overseas employment conditions, duration and travel arrangements
 - d. Impact on service delivery and ability of the Agency to maintain business continuity
 - e. Contingency plans in the event that the employee does not return to work on the island

9.10.2.3 Managers' and Supervisors' Responsibilities

In larger Agencies, where managers and supervisors may be delegated responsibility for co-ordinating training and development, their responsibilities could include:

- (i) Ensuring JDs are current and that they clearly outline the KRAs and required skills and knowledge needed.
- (ii) Discussing and co-ordinating individual training requirements of staff to ensure relevance and assess impact
- (iii) Co-ordinating and overseeing the implementation of PDPs
- (iv) Planning Agency resourcing to ensure employees can participate in training
- (v) Identifying training providers and costing agreed training options

9.10.2.4 Employees' Responsibilities

Employees are responsible for their own personal and career development and should:

- (i) Seek feedback on performance in order to identify skill gaps and future development needs
- (ii) Discuss how to address their training needs with their manager/supervisor
- (iii) Actively search for training opportunities
- (iv) Commit to attending agreed training and development activities and apply this to performance

9.10.3 Training and Development Options and Types

Three types of training options should be considered when assessing an Agency's training and development needs:

- (i) Competency Training: to enable employees to gain skills and knowledge to perform their jobs effectively
- (ii) Proficiency Training: to address performance/behavioural gaps identified during the performance appraisal process
- (iii) Developmental Training: to acquire knowledge or skills to enhance specialist or professional capabilities, career progression or leadership prospects

Employee training may be provided:

- **Internally** - in country or within the Agency. This could include on-line courses, e-learning or through classroom settings with CITTI/USP etc.,
- **Externally** – outside the country

Types of Training could include:

- (i) Agency and the Public Service Induction Programme
- (ii) On the job training/work attachments including job rotation, special projects or coaching and mentoring
- (iii) Secondments
- (iv) Seminars and Conferences
- (v) Leadership and Talent Development
- (vi) Pa Enea Development

9.10.4 Scholarships

The Cook Islands government, through the Ministry of Education, funds a range of scholarship opportunities for Cook Islanders. These include subsidising both in-country and external training opportunities, generally for undergraduate, graduate or post-graduate study. These scholarship opportunities are advertised both on the Ministry of Education website and in the local newspapers.

For many years the New Zealand and Australian governments also provided scholarships, particularly for those commencing their first degree studies in New Zealand or the region. Many of these scholarships were provided to school leavers, however, more recently, this scheme was extended to include those wanting to advance their knowledge at a post-graduate level. This scholarship scheme was strictly controlled by New Zealand, however, since 2016, the Cook Islands government receives budget support (a bulk fund of money) which it can apportion to scholarships as it sees fit. Obviously, it must be accountable for how these funds are used.

Employees wishing to find out more about the current scholarship schemes should contact the Ministry of Education's Human Resources Management Division.

9.11 LEAVING THE SERVICE

9.11.1 Retirement

Retirement is where an employee permanently withdraws from regular paid work. Retirement is optional and a matter of individual choice. In recognition of service, employees who retire from the age of pension eligibility are entitled to receive a gratuity based on the Voluntary Retirement Policy outlined below. This is a one-off payment that can only be received once in a lifetime, in addition to any accrued benefits available to the retiree.

9.11.1.1 Voluntary Retirement Policy

During the 2015-2016 financial year, the government introduced the Cook Islands Government Voluntary Retirement Policy. This policy was intended to provide an incentive in excess of the former two week gratuity for employees aged 60 years and over to retire from the public service. Maximum pay-outs were set for those aged 65 years who had completed 30 or more years of service to government. For the 2015-2016 financial year higher payments were guaranteed in excess of that guaranteed for subsequent years.

To be eligible to take voluntary retirement and receive this additional pay-out, employees must:

- (a) be aged 60 years and over;
- (b) be Cook Islanders or approved permanent residents;
- (c) be current public servants;
- (d) have worked a minimum of one year's total service or complete a full year's service working for government.

Only in exceptional circumstances, such as serious ill health, are public servants aged 55-59 years eligible but they must meet all other requirements. Each such case is considered on its individual circumstances supported by relevant documentation.

Employees who are NOT eligible for a voluntary retirement pay-out include:

1. people who are not Cook Islanders nor approved permanent residents;
2. people who have not completed a minimum of one years' service with government;
3. Ministers and Members of Parliament;
4. House of Ariki;
5. Mayors and Island Councillors;
6. Teachers in Private Schools;
7. Staff employed by State Owned Enterprises (SOEs)

The voluntary retirement pay-out package is based on age and years of service in the public service, and includes any other entitlements owing such as annual leave. The amount of the pay-out is calculated on the employee's gross salary (excluding overtime), times a 'multiplier' based on age and total years of service, on the date of retirement. It should be noted that:

- (a) employees are eligible for the voluntary retirement pay-out only once in their lifetime;
- (b) multipliers used to calculate pay-outs are subject to an annual review;
- (c) no pay-outs are made until employees have actually retired;
- (d) once an application has been accepted and approved by OPSC – employees must retire;
- (e) only five percent of the total pay-out amount is taxable at the employee's ordinary tax rate in the same way that their salary or wages are taxed;
- (f) if a retired employee returns to work for the public service at a later stage they must be employed in a very different role to what they were doing at the time of retirement, otherwise they may have to pay tax on the full retirement pay-out received

All applications for voluntary retirement should be lodged with OPSC who can also provide further information. A copy of the Cook Islands Government Voluntary Retirement Policy is available on the OPSC website.

9.11.2 Resignations and Notice Period

Employees intending to resign from the public service must provide fair and reasonable notice. Employees other than casual employees should give four weeks' notice before the date of their last day of duty unless otherwise provided for in a contract of employment. Casual employees must give one week's notice unless their contract of employment contains other requirements.

Resignations must be submitted in writing to the Head of Agency (employer) and must state the last day of work for the employee. Heads of Agencies may negotiate an alternative finish date with the employee and the agreed end date will be the official finishing date for administrative purposes. On or before this date, employees must return all records and property belonging to the Agency, for example: equipment, keys, laptops, computers, cell phones and motor vehicles etc.

9.11.3 Completion of Fixed Term Contracts

Fixed term employment contracts should have a start and end date. The employment relationship between the Head of Agency and the employee ends or terminates at the end of the contract, unless amendments or variations to the contract are agreed in writing between the parties.

Heads of Agencies do not have a legal responsibility to keep an employee employed after the end of a fixed term contract. The obligations of both the Head of Agency and the employee at the completion or termination of a fixed term contract should be included in the terms and conditions of the contract.

9.11.4 Superannuation

When an employee changes jobs from one Public Sector Agency to another, employees are encouraged to supply their new Head of Agency (employer) with their superannuation membership number so that their contributions will continue. It is the responsibility of the Head of Agency to ensure that MFEM and OPSC is advised of this change so that superannuation contributions are not interrupted.

Upon leaving the Public Service altogether, employees who have contributed to the Cook Islands National Superannuation Fund (CINSF) are advised to contact the Superannuation Office to discuss their entitlements.

Members of the New Zealand Government Superannuation Fund (GSF) should contact the Office of the Public Service Commissioner who can assist them regarding their GSF superannuation enquiries.

9.11.5 Redundancy

The Public Service Act (2009) allows for Heads of Agencies to advise the Public Service Commissioner if, at any time, they find that there are more employees in their Agency than are considered necessary for the efficient working of the Agency. With the concurrence of the Commissioner, those employees who are surplus to Agency requirements, and therefore redundant, may be transferred by the Head of Agency to another location or division of the same Agency, or to any other Agency with the consent of that Head of Agency. The Head of Agency may dismiss or demote the redundant person if they refuse to comply with the request to transfer, unless there are justifiable reasons why the employee is unable to comply.

If it is not possible to transfer a redundant person, the Head of Agency must advise the Public Service Commissioner and terminate that person's employment.

The Employment Relations Act (2012) allows for redundancy of jobs for genuine reasons based on changes to the Agency business environment, resulting in a restructuring of the Agency. In doing so, however, Heads of Agencies must ensure that they provide training, support and counselling opportunities for any employees deemed surplus.

9.11.5.1 Managing Redundancies

The Cook Islands Government Redundancy Policy outlines the process for managing redundancies using a phased approach:

- (i) Identification of surplus employees – based on Agency requirements and approved structure;
- (ii) Notification and communication to all staff including surplus employees;
- (iii) Redeployment – placing surplus employees in other positions suitable for their skills and competencies;
- (iv) Retrenchment – for employees who cannot be redeployed.

9.11.5.2 Voluntary and Compulsory Redundancy

Voluntary redundancy involves a surplus employee electing not to be redeployed while compulsory redundancy applies when a surplus employee is unable to be redeployed or retrenched as a result of their job becoming redundant. Redundancy benefits vary according to whether the redundancy is voluntary or compulsory.

9.11.5.3 Notice Periods

Employees who are not redeployed within two weeks of being advised that their position is redundant, will be retrenched and must be given four weeks' notice of termination.

9.11.5.4 Redundancy Payments

To qualify for redundancy payments, employees cannot be re-employed within the public sector within 12 months of their termination date or they will be required to repay the redundancy payment on a pro-rata basis.

Heads of Agencies are required to provide the following redundancy payments to surplus employees:

Length of service	Redundancy Payment
Tenure - less than 3 years	Two weeks' pay
Tenure ≥ 3 years but less than 5 years	Four weeks' pay (1 month)
Tenure ≥ 5 years but less than 10 years	Six weeks' pay
Tenure ≥ 10 years but less than 15 years	Eight weeks' pay (2 months)
Tenure ≥ 15 years but less than 20 years	Ten weeks' pay
Tenure ≥ 20 years	Twelve weeks' pay (3months)

Where a surplus employee has chosen the voluntary redundancy option, they are entitled to receive the above redundancy payments plus an additional 5%.

9.11.6 Termination

Every employee who is not a temporary salaried employee or a wage worker is deemed to be a four-weekly employee (Public Service Act, 2009, section 48) and as such, may have their employment terminated at any time after four weeks' notice in writing has been given by the Head of Agency to the employee or by the employee to the Head of Agency. A Head of Agency may immediately terminate the employment of any employee who gives less than four weeks' notice.

Whilst the Employment Relations Act (2012) section 48 sets out the minimum requirements for employers regarding notice periods and benefits, Heads of Agencies are required to follow the Public Service Act (2009) and Cook Islands Government Redundancy Policy which provide for more generous notice periods, benefits and employee support.

A Head of Agency wishing to terminate the employment of an employee may only do so for reasons relating to one or more of the following:

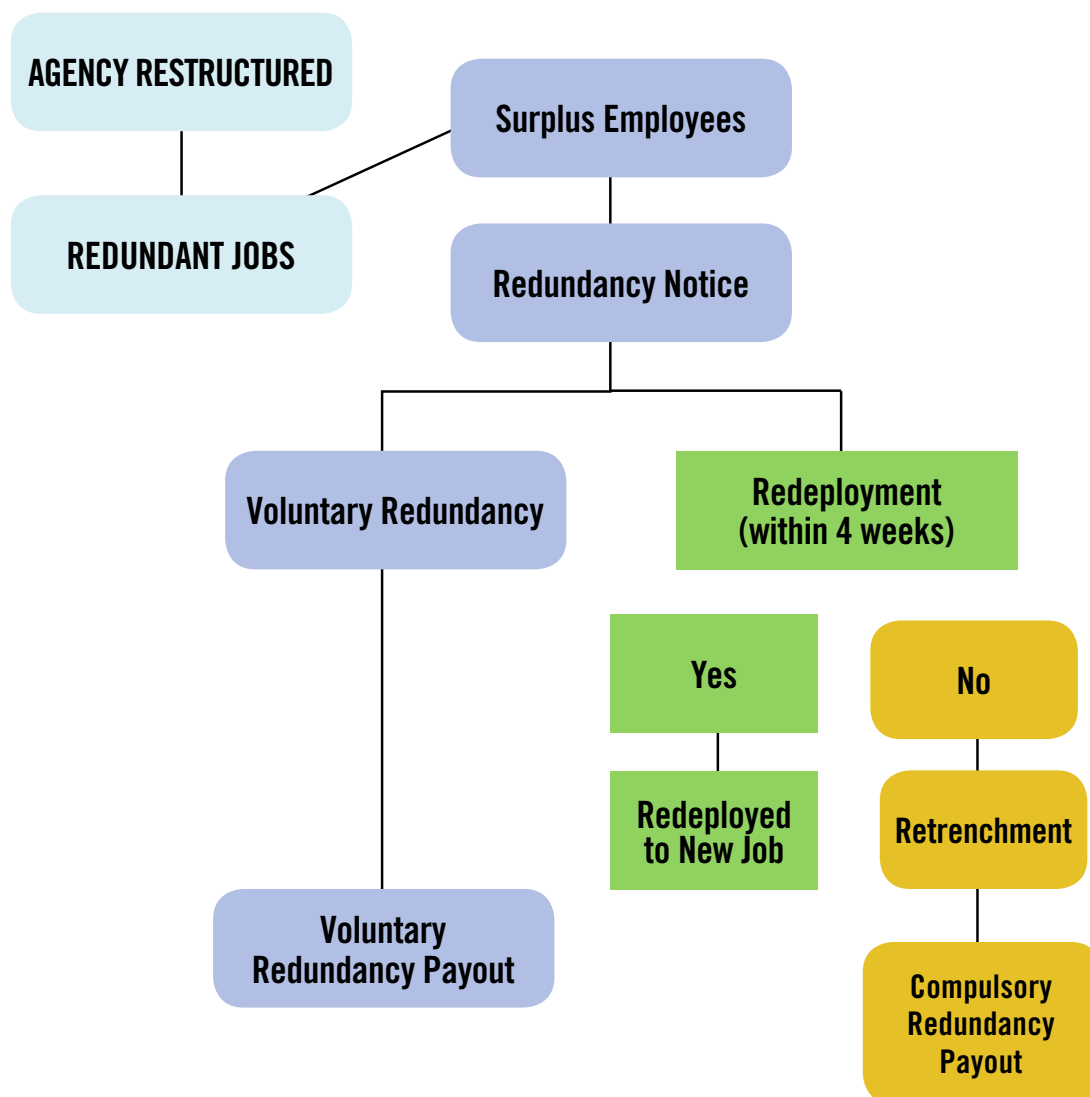
- (a) the employee's capacity to carry out the duties required by the employment agreement;
- (b) the employee's conduct; and/or
- (c) a restructure of the Agency that creates a redundant job(s).

9.11.7 Entitlements upon Termination of Employment

Heads of Agencies are responsible for finalising any appropriate administrative processes in collaboration with OPSC and MFEM. The employee is entitled to have any unused annual leave and any financial benefits or allowances due to them, paid out in full with their final pay. MFEM is responsible for processing the final remuneration payment to the exiting employee.

Heads of Agencies may exercise their right to withhold an employee's final pay pending the return of all agency assets entrusted to the employee.

REDUNDANCY PROCESS FLOW



9.12 INTEGRITY AND CONDUCT

9.12.6 Code of Conduct

In order to encourage staff to uphold the values of the Public Service, the Public Service Act (2009) contains details of the expected conduct for all public servants. The Cook Islands Government Code of Conduct Policy further expands on the legislated requirements concerning conduct in the Public Service.

The principles that underpin the code of conduct for the Public Service require employers and employees to commit to:

- (a) acting as good ambassadors of the Cook Islands Government and Public Sector;
- (b) being honest and politically neutral;

- (c) maintaining high standards of ethical behaviour which support the Agency's ethical standards;
- (d) not allowing conflicts of interest to influence decisions made in an official capacity and professional behaviour; and
- (e) promoting equal employment opportunities and prohibiting all forms of discrimination in recruitment practices, employment relations and Agency opportunities.

Every employee and every Head of Agency must, in the course of their employment:

- (a) behave with integrity and honesty;
- (b) exercise care and diligence;
- (c) be professional, courteous, and treat everyone with respect and without coercion or harassment;
- (d) comply with all applicable laws relating to their employment;
- (e) comply with all lawful and reasonable instructions;
- (f) take reasonable steps to disclose and avoid any real or apparent conflicts of interest in connection with their employment;
- (g) ensure the proper and prudent use of government resources;
- (h) use official information only for official purposes;
- (i) not improperly use their status or authority to seek or obtain a benefit for themselves or any other person or body;
- (j) at all times act and behave in a manner that upholds and promotes the integrity, values, and good reputation of the Cook Islands Public Service; and
- (k) comply with any other conduct requirements as may be prescribed by regulations.

The duty to act as a good employer requires Heads of Agencies to develop and implement human resources management policies which ensure the fair and proper treatment of employees during employment, including the impartial recruitment of employees, employee capability development opportunities and good and safe working conditions.

Heads of Agencies are also responsible for managing the process for receiving, investigating and dealing with misconduct and serious misconduct in accordance with the principles of the Code of Conduct Policy.

9.12.7 Standards of Personal Presentation

As representatives of the government, public servants should recognise that the manner in which they present themselves for work reflects on their Agency. In this regard Heads of Agencies are expected to set and maintain standards of presentation for all employees. The basic tenet should be one of clean, neat and tidy appearance with dress appropriate for the role the employee holds within the Agency or the occasion they are participating in.

Some Agencies provide or encourage their employees to wear a uniform but this decision is at the discretion of the Head of Agency, unless the nature of the work or health and safety requirements necessitate the wearing of specialised clothing.

9.12.8 Knowledge and Information Sharing

Knowledge sharing may include private conversations (oral or written) with others or public comment by employees, including public speaking engagements, comments on radio and tele-

vision or in letters to newspapers, and expressing views in books, journals or notices if it is expected that the comments will spread to the community at large.

Employees, as individual members of the community, have the right to make public comment and enter into public debate on political and social issues. However, there are some circumstances in which this is inappropriate. For example, situations when the public comment, although made in a private capacity, may appear to be an official comment on behalf of the employee's Agency.

Employees should follow the procedures outlined in the Cook Islands Government's Communication Policy for making public comment on the work of their Agency or government. As a general rule, employees can disclose official information that is normally given to members of the public seeking that information, but should only disclose other official information or documents:

- (a) during the course of their duties;
- (b) when proper authority has been given;
- (c) when required to, or authorised, do so by law; or
- (d) when called to give evidence in court.

Only Ministers, Heads of Agencies and 'authorised' staff are permitted to speak to the media. Any employees invited to participate in various fora as speakers or panellists (domestically and abroad) must be duly authorised and trained to do so effectively, as government representatives.

Official information must only be used for the work-related purpose intended and not for personal benefit. Employees must ensure that they do not share information or use any confidential information without official approval. Employees must also make sure that confidential information, in any form (such as computer files) cannot be accessed by unauthorised people and that sensitive information is only discussed with people, either within or outside the Agency, who are authorised to have access to it.

9.12.9 Confidentiality

In the course of their employment, Public Servants are often privy to sensitive information which, if released, could cause undue harm to others, particularly their Agency or the government. The Cook Islands Government's Communication Policy requires all privileged or confidential information to be treated sensitively and disseminated carefully.

All Agencies are required to have procedures in place to protect confidential information, in accordance with the Cook Islands Government Official Information Management Policy. When destroying confidential paper records, Agencies should ensure that they are either shredded or incinerated. Paper records must not be placed in rubbish or landfill sites.

Improper use or unauthorised disclosure of official or confidential information constitutes serious misconduct under the Cook Islands Government Code of Conduct and is likely to result in disciplinary action which could jeopardise the employee's tenure as a Public Servant.

9.12.10 Political Neutrality

Political neutrality is unique to the Public Sector. Public servants must ensure not only that they maintain the confidence of their current Minister, but that the same relationship can be established with future Ministers. In order to do this, public servants must be politically neutral. This means that they must perform their jobs professionally and without bias towards one political party or another. This is particularly important at election time as behaviour, relationships and expectations between public servants, Ministers and other Members of Parliament that would otherwise be normal, may be seen to have a particular significance.

It is the job of the Public Service Commissioner to act as a facilitator between politicians and the Public Service and to be the steward of values and standards. The Public Service Act (2009) requires the Public Service Commissioner to:

- (a) ensure that Heads of Agencies are not subjected to unlawful or improper pressure from Ministers of the Crown or members of parliament, particularly with regard to public expenditure; and
- (b) act as an intermediary between Ministers of the Crown and Heads of Agencies in relation to their functions.

Put simply, public servants must not do anything (in either their personal or professional capacity) that could compromise, or that could be seen to compromise, their Agency's ability to retain the government's confidence or which could jeopardise a sound working relationship with other Ministers (from whatever political party) in the future. This means that Public Servants:

- (a) must do their job professionally and loyally, without letting their personal interests or views influence their advice or behaviour, and without bias towards one political party or another.
- (b) must ensure that their work does not advantage particular individuals or groups in the community simply on the basis of their political affiliation.
- (c) should not be involved in party-political activities if this could be seen as compromising the neutrality principle or undermining the public's trust in their Agency.

Similarly, in any public or private contact with a Member of Parliament or political party, public servants must be scrupulous to avoid prejudicing, or appearing to prejudice, the political neutrality of the Public Service;

Article 64 (1) (e) of the Constitution provides for freedom of speech and expression for all Cook Islanders, including public servants. However, public servants must exercise good judgment as to whether, when and how to express their political and personal views, so as not to compromise a politically neutral public service. Public servants should not:

- (a) express their personal views in a way that could be taken as a comment in their official capacity rather than as a private citizen;
- (b) indulge in personal attacks on individual Members of Parliament (MPs);
- (c) criticise government policy with which they have been professionally involved or which they are required to implement;
- (d) reveal advice given to Ministers, or use or reveal information they are not authorised to disclose and/or which is not readily available to the general public.

Public servants, like all private citizens, are free to belong to any lawful organisation including

political parties, however, it is strongly advised that good judgment be exercised. The more senior the public servant, the better it is to refrain from active membership of any political party or similar active capacity.

Every effort should be made to ensure that no government resources are used for party-political purposes, particularly during elections.

The most common targets for abuse are:

- (a) Premises, for example: offices, school halls, meeting rooms, etc
- (b) Computers and printers, email, internet, telephones, fax machines, etc.
- (c) Motor vehicles (at campaign sites etc).
- (d) Informational resources, for example: any information not officially made public through normal government procedures.
- (e) Stationery and supplies, chairs, fans, etc.

9.12.11 Conflicts of Interest

Public servants have lives outside of work, so conflicts of interest are likely to exist. Conflicts of interest exist when it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their public duty.

In fulfilling the lawful obligations to the government of the day with professionalism and integrity, one of the responsibilities of Heads of Agencies and employees is to deal with any conflicts of interest. Public Servants are expected to perform their duties honestly and impartially and avoid situations that might compromise not only their own integrity, but also the integrity of their Agency and of the Public Service.

Some related interests that may give rise to a conflict of interest include:

- (a) financial interests in a matter the Agency deals with or having friends or relatives with such an interest that the employee is aware of;
- (b) personal beliefs or attitudes that influence the impartiality of advice given;
- (c) personal relationships with the people the Agency is dealing with or investigating that go beyond the level of a professional working relationship;
- (d) secondary employment that compromises the integrity of the employee and the Agency; and
- (e) party political activities or making adverse political comments that relate to the Agency's work.

An individual employee may often be the only person aware of the potential for conflict. It is therefore their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflicts of interest to their manager or Head of Agency. If employees are uncertain whether a conflict exists, they should discuss the related interest matter with their manager or Head of Agency.

To resolve any conflicts of interest that occur, or could occur, a range of options is available depending on the significance of the conflict. These options include:

- (a) recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;

- (b) the employee relinquishing the personal interest; and
- (c) the employee transferring (at no disadvantage in their terms and conditions of employment) from the area of work or particular task where the conflict arises.

It should be noted that:

- (a) The perception of a conflict of interest is as important to manage as an actual conflict.
- (b) While conflicts of interest are usually personal and therefore must be managed by the individual involved, each Agency has the responsibility to put in place policies, processes and systems to mitigate potential negative fallout from such conflicts.
- (c) Heads of Agencies must ensure that their staff understand when a conflict of interest arises and the required procedures for revealing conflicts of interest and/or deciding whether or not an actual conflict of interest exists.

SECTION 10: RESOLVING WORKPLACE DISPUTES

10.1 EMPLOYMENT DISPUTES

Disputes in the workplace pose a potential risk to an Agency. As such, they should be dealt with promptly and not left to fester until they become unresolvable. It is the responsibility of all Heads of Agencies to ensure that they have procedures and processes for handling workplace disputes effectively and efficiently.

“The employment disputes provisions in Part 6 of the Employment Relations Act (2012) do not apply to dispute resolution in the public service.”

The Public Service Act (2009) sets out the requirements for handling employment disputes and the right of appeal for the Public Service. All Agencies should, however, have their own policies and procedures which align with the legislated requirements and good employer principles.

An employment dispute exists when there is:

- (a) A dispute between an employer and employee, or a former employee and former employer, about:
 - (i) the interpretation, application or operation of an employment agreement; or
 - (ii) an alleged breach of an employment agreement: or
- (b) a failure by the employer to provide at least the minimum terms and conditions; or
- (c) personal grievance.

The Public Service Act (2009) sets out procedures and requirements where an employee has a complaint or dispute with their Head of Agency. The employee must first refer the complaint or dispute to the Head of Agency within 14 days of the circumstances occurring that gave rise to the complaint or dispute. The Head of Agency must then advise the Public Service Commissioner and attempt to resolve the complaint or dispute.

If the complaint or dispute is resolved, the Head of Agency must advise the Commissioner, or if it is not resolved, the Head of Agency must refer it to the Commissioner within 14 days after the matter is brought to the attention of the Head of Agency. Any such referral or complaint must be in writing. The Commissioner must investigate the complaint or dispute and make a recommendation to the Head of Agency as to how the complaint or dispute should be determined.

10.2 INVESTIGATING DISPUTES

As the result of a dispute, it may be necessary for Agencies (or the Public Service Commissioner) to conduct a full investigation to determine the substance of a dispute. When conducting an investigation, Heads of Agencies or the Public Service Commissioner should ensure that all parties are advised that an investigation is to be conducted to determine the nature of the

dispute and determine whether or not there have been any breaches of the Cook Islands Government Code of Conduct Policy.

The Public Service Act (2009) and the investigation procedures provided in the Cook Islands Government Code of Conduct Policy and Investigations Guide provide details of how to undertake an investigation and address its outcomes.

10.3 DISCLOSURES (WHISTLE BLOWING)

Protected disclosures or whistle blowing supports employees to speak up about misconduct or serious wrongdoing in the workplace to mitigate risks to other individuals, the agency and government. Making a disclosure (whistle blowing) takes courage and must be made in good faith to call to attention misconduct or serious wrongdoing.

All disclosures must be made in good faith and with the utmost confidentiality to appropriate people within the agency or an appropriate authority. Employees do not need to disclose their identity. However, if it is proven that an employee has made a malicious disclosure they know is untrue, their identity may not be protected and they may be subject to disciplinary action.

Any employee is free to report to an appropriate senior person within the Agency misconduct or serious wrongdoing by another employee. Reports about misconduct or wrongdoing by Heads of Agencies should be made to the Public Service Commissioner or other appropriate persons as stated in the Cook Islands Government Disclosure (Whistle Blower) Policy (<http://www.psc.gov.ck>)

Examples of disclosures which an employee should report may include, but are not limited to:

- (a) Fraud or mismanagement of public money or resources.
- (b) Misuse or abuse of government resources or assets.
- (c) Leaking official information to unauthorised persons or the media.
- (d) Creating danger or hazards in the workplace.
- (e) Offering, taking or soliciting bribes or gifts.
- (f) Giving misleading information or misreporting performance.
- (g) Dumping damaging material in the environment.
- (h) Medical negligence in public health services.
- (i) Intentional cruel and violent behaviour or neglect of people in care or prisons.

As a result of a disclosure by an employee, the Head of Agency is required to:

- (a) Receive and investigate the disclosure.
- (b) Follow Agency established procedures for receiving and investigating disclosures.
- (c) Ensure employee disclosures are treated with the utmost confidentiality by all parties concerned.
- (d) Safeguard employees who make a disclosure from:
 - (ii) victimisation or coercion;
 - (iii) harassment or threats;
 - (iv) being put at risk or disadvantaged; or

- (v) being subjected to salary reduction or a reduction in responsibilities.
- (e) Act on the outcomes of the investigation.
- (f) Notify the whistle blower of the outcome of the inquiry or investigation.

10.4 APPEALS

Each Agency should have its own policies and procedures for handling appeals and only when an employee is dissatisfied with the decision of the Head of Agency, should an appeal be lodged with the Public Service Commissioner who must investigate the issues and decide whether or not to uphold the appeal.

An employee or Head of Agency has the right of appeal against decisions made by their employer to the Cook Islands Public Service Board of Appeal if:

- (a) either the employee or Head of Agency is not satisfied with a recommendation by the Public Service Commissioner; or
- (b) a Head of Agency refuses to follow the Commissioner's recommendation.

An appeal against a decision by the Public Service Commissioner must be lodged with the Board of Appeal in writing, setting out the grounds of the appeal, within 21 days after the date of the Commissioner's recommendation.

In the event that an employee has been instructed by the Head of Agency to transfer to another location, the only grounds on which an appeal against this decision may be upheld is on the grounds of undue personal hardship to the employee. In this instance, the employee may lodge a notice of appeal which will be determined by the Cook Islands Public Service Board of Appeal.

APPENDICES

APPENDIX I – COOK ISLANDS GOVERNMENT OPERATING POLICIES

Cook Islands Government Policies are available for access and downloading from the OPSC Website.

The following policies are available:

HUMAN RESOURCE MANAGEMENT		
RECRUITMENT	RETENTION	RELEASE
Recruitment	Code of Conduct	Leaving the Service
Internships	Leave	Voluntary Retirement
Secondments	Job Evaluation	Redundancy
Contracts for Services	Performance Management	
	Training and Development	
	Remuneration	
	Occupational Safety & Health	
	Disclosure (Whistle Blower)	
	Private Employment and Enterprise	
Employment Disputes		
GENERAL ADMINISTRATION		
Communications, Official Duty Travel, Official Information Management, Motor Vehicle, Risk Management, Agency Restructuring		

In addition to these policies, abbreviated pamphlets in the form of question and answer guides are also available for each policy on the OPSC website. These pamphlets provide a summary of the key points contained in each policy in simplified language.

APPENDIX II – PREPARING AN INFORMATION PAPER FOR CABINET

- 1 Information Papers are used to provide information to Cabinet in response to a direct request, or where a minister wishes to formally inform colleagues of portfolio matters, or to alert Cabinet to emerging issues that do not yet require a decision.
- 2 Information Papers must only recommend that Cabinet NOTE information, and must not be used to seek the Cabinet's agreement to a course of action or endorsement of actions taken. It is appropriate, however, for an Information Paper to propose that Cabinet note action taken by a Minister within the scope of their portfolio responsibilities.
- 3 The Minister may wish to circulate the Information Paper for consideration by Cabinet out of session. This would most often occur in circumstances where the material canvassed is uncontroversial and responds to a request by Cabinet. Information Papers for out of session consideration must first be lodged with the Secretary to Cabinet in accordance with the usual timeframes and processes. Out of session Information Papers are provided to Ministers by the Secretary to Cabinet.
- 4 The Information paper is referred to the following for comment and their comments and observations incorporated into the proposal:
 - (a) Financial Secretary of MFEM;
 - (b) The Chief of Staff of the Office of the Prime Minister;
 - (c) The Public Service Commissioner;
 - (d) The Solicitor General.
- 5 The Information paper is approved by the relevant Minister and submitted to Cabinet Services.
- 6 In the event that the preparation of an Information paper is incomplete, this will not be presented to Cabinet and will be returned to the sponsoring Ministry with instructions on what is required for completion.

APPENDIX II (A) – FORMAT OF AN INFORMATION PAPER FOR CABINET

TITLE

Express the title of the paper.

EXECUTIVE SUMMARY

A summary of the paper which succinctly explains the main issues.

BACKGROUND

A brief explanation of the reasons for the paper.

COMMENT

This is the body of the paper. This should provide the details required for Ministers to understand the issues presented. Confine comments to essential information. Make sure that the key issues stand out. Break this section up with subheadings if required.

FINANCIAL IMPLICATIONS

The Financial Secretary will comment on possible fiscal implications.

LEGAL IMPLICATIONS

The Solicitor General will provide comment on possible legislative implications.

CONSISTENCY WITH NATIONAL PRIORITIES

The Chief of Staff of the Office of the Prime Minister will comment on consistency/compatibility with national priorities.

PUBLIC SERVICE IMPLICATIONS

The Public Service Commissioner will provide comment on possible implications on the machinery of the public service.

RECOMMENDATION

Since this is an information paper, Cabinet will only be recommended to NOTE the paper.

SIGNATURE OF MINISTER RESPONSIBLE

This should be done after the submission has incorporated the comments from the Central Agencies.

APPENDIX III – PREPARING A MEMORANDUM FOR CABINET

- 1 Before a policy initiative can be presented to Cabinet, the sponsoring Ministry must ensure that the Minister responsible is familiar with the policy initiative.
- 2 The sponsoring Ministry must ensure that the policy initiative is consistent or compatible with the priorities set out in the National Sustainable Development Plan (NSDP) and any relevant sector plans. The sponsoring Ministry may consult with the Central Policy and Planning Office of the Office of the Prime Minister to establish consistency/compatibility.
- 3 Once consistency/compatibility of the policy initiative to the national planning framework is established, the sponsoring Ministry must consult with all relevant stakeholders.
- 4 Preceding the drafting of a Memorandum, the sponsoring Ministry must ascertain the costs associated with implementing a policy proposal for each of the following:
 - (a) In the current financial year:
 - (i) the agreed costs of implementing the proposed policy in the current financial year;
 - (ii) the rationale for why the policy must be implemented in the current fiscal year;
 - (iii) the proposed source of any current or future year funding for proposed policy, specifically whether from:
 - a. Existing annual appropriations through reprioritizing of and/or funding in existing programs or activities;
 - b. Additional and/or new appropriations – a supplementary appropriation;
 - c. Drawing upon existing contingency appropriations;
 - d. Additional revenue raising measures; or
 - e. Some combination of the above.
 - (b) In the forthcoming budget year; and
 - (c) In the following two fiscal years.
- 5 Where necessary, the sponsoring Ministry may seek the assistance of the Treasury Division of the MFEM to ascertain costs.
- 6 The sponsoring Ministry drafts the Memorandum.
- 7 The relevant stakeholders are further consulted and should a stakeholder's position differ from that of the sponsoring Ministry, Cabinet must be informed and the stakeholder's comments must be attached as an annex to the Memorandum. Should any stakeholder wish to provide comment on the matter at hand, this comment must also be attached as an annex to the Memorandum.
- 8 The Memorandum is circulated to the following for comment:
 - (a) The Financial Secretary of the Ministry of Finance and Economic Management
 - (b) The Chief of Staff of the Office of the Prime Minister
 - (c) The Public Service Commissioner
 - (d) The Solicitor General

- 9 Should the views expressed in the Comments section differ from that of the sponsoring Ministry, the sponsoring Ministry should also present comments.
- 10 The Memorandum is approved by the relevant Minister and submitted to Cabinet Services.

NOTE:

- (i) All Memoranda must be presented to Cabinet Services no later than midday Wednesday, if it is to be considered at the next Cabinet sitting.
- (ii) In the event that the preparation of a Memorandum is incomplete, this will not be presented to Cabinet and will be returned to the sponsoring Ministry with instructions on what is required for completion.

APPENDIX III (A) – CABINET SUBMISSION TEMPLATE GUIDELINES

TITLE

Express the title of the paper in as few words as possible, that is, no more than one line. Insert key words to identify the subject of the paper first.

PREAMBLE

If the paper is more than four pages long, or particularly complex, a preamble must be provided highlighting specific areas including annexes that must be read to understand the issues. A preamble should be no more than a few paragraphs in length and succinctly explain the main issues.

PROPOSAL

State the proposal at the beginning of the paper in one or two sentences. Succinctly state what the Ministers are being asked to consider or decide. Do not list recommendations.

POLICY DESCRIPTION

Describe precisely the problem that the proposal contained in the Cabinet Memorandum is intended to address. The description must include:

- (a) Identification of the intended outcomes¹ (societal changes/impacts) that are to be the result of implementing the policy proposal;
- (b) Identification of what outputs are to be delivered by or through the Ministry or Minister and the timeframe for delivery that will contribute to achieving the desired outcome;
- (c) Rationalization, where appropriate, why the proposal is to be implemented through a new or supplemented POBOC rather than through the appropriation for Ministry outputs.

NOTE:

Outcomes are the results, and measure of the impact or consequences of actions of the Government on the economy and community.

Outputs are the goods and services produced by government agencies for stakeholders, including private organisations or individuals, but also the Government and its agencies other than the producing agency.

CONSISTENCY WITH NATIONAL PRIORITIES

Provide a concise assessment of the consistency/compatibility of the proposed policy initiative with priorities that are set out in the National Sustainable Development Plan and any relevant Sector Plan. Where appropriate, in the event that the proposed policy initiative is inconsistent or incompatible with national priorities, provide an assessment of the changes in circumstances that would now warrant the adoption at this time of this policy proposal.

LEGISLATIVE IMPLICATIONS

Identify the legislative implications of the proposal (whether a Bill or regulation is required to implement the proposal or whether it impacts on any current legislation).

AGREED COSTING

This section should describe all costing associated with the policy proposal. These include:

- (a) Current Year Funding – where appropriate:
 - (i) the agreed cost of implementing the proposed policy in the current fiscal year;
 - (ii) the rationale for why the policy needs to be implemented in the current fiscal year rather than being implemented in the forthcoming budget year;
 - (iii) the proposed source of any current and future year funding for the proposed initiative, specifically whether from:
 - a. Existing annual appropriations through reprioritizing of and/or funding in existing programmes or activities;
 - b. Additional and/or new appropriations – a supplementary appropriation;
 - c. Drawing upon existing contingency appropriations;
 - d. Additional revenue raising measures; or
 - e. Some combinations of the above.
- (b) Fiscal impact on the forthcoming budget year; and
- (c) Fiscal impact on the estimated budget balance for the following two fiscal years.

SOCIAL/ENVIRONMENTAL IMPACTS

This section should include differential or adverse social or environmental impacts. Social impacts are those that have negative implications on particular elements of the community and human rights. Relevant groups include women, people with disability, children and young people. Should there be adverse or differential impacts to the environment they should be covered in this section.

CONSULTATION

This section should list all the key stakeholders that have been consulted and state whether they concur with the contents of the paper. If a stakeholder does not concur, include a clear statement of their views. If a stakeholder wishes to provide comment regarding the paper, then this shall be attached to the paper. If a stakeholder does not wish to comment, state that.

PUBLIC RELATIONS

This section should state any publicity planned. It may be helpful to attach to the submission a draft press statement if the issue is controversial or urgent. If the proposal is likely to create controversy, the paper should draw Cabinet's attention to the implications.

COMMENTS

Comments be sought from the:

- (1) **Chief of Staff** of the Office of the Prime Minister on the impacts of the proposed policy on national development.
- (2) **Financial Secretary** of MFEM on the financial implications of the proposed policy.

- (3) **Solicitor General** on legislative implications of the proposed.
- (4) **Public Service Commissioner** on the impacts of the proposed policy on the machinery of the public service.

Should the implementing Head of Ministry or Agency not agree with the comments submitted by the Heads of the Central Agencies and the Solicitor General above, they should submit comments to ensure that they have been provided an opportunity to express their views.

RECOMMENDATIONS

Discussions in Cabinet will usually focus on the recommendations. Therefore it is important to set the recommendations out in a logical order and to set out clearly and unambiguously all the decisions needed.

All recommendations, including alternatives, must be drawn together at the end of the submission, not scattered throughout the text.

Recommendations must be written so that they can be converted into a Minute recording Cabinet's decision, if Cabinet agrees with them. They must provide guidance to Ministers and to agencies that have to implement the decision.

It may be useful to draft the recommendations first and then go back and write the rest of the paper in a way that supports the recommendations. Do not omit important issues on which decisions are required.

In summary, good recommendations should:

- ✓ Identify all decisions needed;
- ✓ Contain a minimum of noting recommendations;
- ✓ Be accurate in every detail;
- ✓ Not leave any room for doubt about what is being decided;
- ✓ Make sense independently of the paper;
- ✓ Set out clear options for Ministers to decide between, if necessary;
- ✓ Give clear instructions on the next steps or work required, identifying who is to do the work and by when; and
- ✓ Rescind earlier decisions, where appropriate.

Example formats for recommendations are:

It is recommended that Cabinet:

- (i) Note...
- (ii) Agree ...
- (iii) Direct/Invite the Minister of...
- (iv) Approve...
- (v) Authorize...
- (vi) Defer...
- (vii) Decline...

(viii) Rescind the decision referred to in [reference to previous decision]; and instead ...

SIGNATURE OF MINISTER

This should ONLY be done after the submission has incorporated the comments from the Central Agencies.

All submissions must be presented to cabinet services with all the information required no less than seven (7) days prior to the regular Cabinet meeting.

APPENDIX III (A) – CABINET SUBMISSION TEMPLATE GUIDELINES

(To assist Cabinet Services in processing a memorandum for Cabinet please tick all relevant actions in the tick box provided and attach checklist to the memorandum)

Section	Tasks	✓ X
TITLE	Have you clearly articulated the subject of the paper?	
PROPOSAL	Have you clearly articulated the proposal of the paper?	
EXECUTIVE SUMMARY	Is the paper too long or complex?	
	Have you summarized the main issues?	
	Have you clearly and briefly explained the appendices?	
POLICY DESCRIPTION	What is the problem that the proposal of the paper intends to address?	
	What are the intended outcomes (impacts, societal change)?	
	What are the outputs to be delivered?	
	What is the timeframe for delivery?	
	Is the proposal to be funded through existing appropriations or is new funding required? Why?	
CONSISTENCY WITH NATIONAL PRIORITIES	Is the proposal aligned with NSDP or any other relevant sector plan?	
	If not consistent what circumstances warrant the adoption of this policy proposal?	
LEGISLATIVE IMPLICATIONS	Will the proposal impact on current legislation?	
	Will new legislation or regulations be required to implement this proposal?	
AGREED COSTING	What is the funding required in the current fiscal year?	
	What is the source of funding?	
	What is the fiscal impact on the next budget year?	
	What is the estimated fiscal impact on the following two fiscal years?	
SOCIAL/ ENVIRONMENTAL IMPACTS	Will the proposal have social impacts? (Impacts on gender relations, people with disabilities, children, elderly, young people, human rights, etc)	
CONSULTATION	Have you consulted all relevant stakeholders? Do they concur with the contents of the paper? If not, have you stated the reasons?	
	If a stakeholder does not concur, have you included a statement from them?	
PUBLIC RELATIONS	Is publicity about this proposal planned?	
	If the proposal is likely to create controversy, have you drawn Cabinet's attention to the implications?	
COMMENTS	Have you sought comments from the Chief of Staff of the Office of the Prime Minister?	
	Have you sought comments from the Financial Secretary?	
	Have you sought comments from the Solicitor General?	
	Have you sought comments from the Public Service Commissioner?	
	As sponsoring HOM does your view differ from comments above? If so have you presented your comments?	
RECOMMENDATIONS	Are the recommendations in logical order and clear?	
	Can the recommendations be converted to a Cabinet minute providing clear guidance to Ministers and implementing agencies?	
SIGNATURE OF MINISTER	Have you sufficiently briefed the Minister concerned on the proposal?	
	Has the Minister concerned signed the memorandum?	

APPENDIX IV – MOTOR VEHICLE ACCIDENT FORM

Purpose		This form is to be completed by Drivers of Government motor vehicles involved in an accident. All accidents must be reported to the employer and the Police Department	
Driver Details:			
Full name (Mr/Mrs/Ms)		Date of birth	
Name of Agency and role within agency		Phone (day time)	
Driver's license expiry date		Driver's license class	
Vehicle Details:			
Description of Vehicle (Make, Model, Year)		Vehicle Registration No:	
WOF Expiry Date		Annual Licence	
Please circle/highlight your response to questions 1-5, where 'Yes' has been circled please provide details:			
a. 1. Was the vehicle being driven with the employer's approval?	Yes	No	
a. 2. Did you take any medication in the 24 hours prior to the accident?	Yes	No	
a. 3. Did you consume alcohol and/or drugs in the 24 hours prior to the accident?	Yes	No	
a. 4. Was a breathalyser, or blood test, or other test conducted?	Yes	No	
a. 5. During the last 5 years have you:			
a. (a) Had any insurance cancelled or refused?	Yes	No	
a. (b) Had a driving license suspended or cancelled?	Yes	No	
a. (c) Committed, been charged with or convicted of any criminal or traffic offence?	Yes	No	
a. (d) Been convicted of driving while under the influence of drugs or alcohol?	Yes	No	
a. (e) Had any previous accidents or made a claim on a motor vehicle insurance policy?	Yes	No	
Accident Details:			
Where did the accident happen? (Provide full details)			
Who was involved in the accident?			
What caused the accident – How did it happen?			
Were there any casualties? (if yes, provide details)			
Who was at fault?			
Has the accident been reported to the Police?	YES/NO	If Yes: Date of Report:	
Other relevant details:			

Note: It is an offence not to report an accident which involves injury to any person to Police within 24 hours of it occurring unless the driver is incapable of doing so by reason of injuries sustained by him in the accident (section 37(3)) Transport Act, 1966; or if damage to a vehicle or property has been incurred – this must be reported to Police within 48 hours (section 51), Transport Act, 1966.

