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MADAM SPEAKER TOOK THE CHAIR AT 1.00 p.m.

OPENING PRAYER

MADAM SPEAKER (N. RATTLE): Honourable Members please be seated. I would like to thank our Minister for his message to us this afternoon. I believe it will help us in the House today in serving our people.

Kia Orana and greetings to you all that have entered this Honourable House this afternoon. I, on behalf of all those that serve in this Honourable House, thank you for attending Parliament today. To all our people in the Northern and Southern Group Islands and those on the island of Rarotonga, I extend special greetings to you all. To those that are listening in or watching our livestreaming, I greet you all in the Name of the Lord.

I would also like to extend a special welcome to the Solicitor General and Deputy Solicitor General who are present with us in the House today. It would also be very nice for us to extend our thanks to the Ministries who work in partnership with us as you can see the staff from the Ministry of Culture and also our Interpreters, Sonny is from the Ministry of Infrastructure Cook Islands.

I think it is absolutely wonderful that the Ministries of our country are able to come together and support each other wherever they can and whenever they can. For that, we are most grateful to the people who work in this Parliament and yourselves as Members of Parliament.

In addition, we must not forget our two Chamber Attendants who have been former Policemen who are able to use their talents and their skills in this House. I am also very please this afternoon to see the Honourable William Heather who is back in the House and I hope the family are settling down after a wonderful send off for Mama Niotangi last week.

So Honourable Members we are on to Question time now for half an hour, the Floor is open.

QUESTION TIME

I see the Honourable Nooroa Baker; you have the Floor.

MR N. BAKER: Thank you and Kia Orana to you Madam Speaker, all your staff and all the Members of this Honourable House, greetings to you all.

I notice the Prime Minister is currently not in the House today, my question was going to be to him and it is in two parts. A question and a request.

Firstly, we heard the Prime Minister last Wednesday mention in this House that if we ask, it shall be given to you. That is my reason for standing, to put forward a request. On behalf of the people in my constituency Akaoa, I am placing our request to the Government for our roads in Akaoa to be repaired because of the damages and potholes and to have it tar sealed.

We also submit a request for a tractor for our village. Maybe it is appropriate to make this request to the Minister of Finance because he holds the purse of the Government. That is my request and this time my question is, when will this be done. Thank you very much.

MADAM SPEAKER: Thank you Honourable Member, and I see the Minister of Finance.

HON. M. BROWN: Thank you Madam Speaker. If I might just extend the apologies of our Prime Minister who is currently taking a phone call from the Prime Minister of Australia right now and he will be with us as soon as he has finished that call.

On the request by the Honourable Member, yes it is a good request. Regarding our roads, we can see the good work carried out by the Ministry of Infrastructure managed by their Minister in repairing and sealing our roads on Rarotonga as well as in the Outer Islands. This work will not happen suddenly, they have been planned ahead.

The Government plans to seal all the roads right around the island and from the hills to the beach. Definitely our roads will be sealed, maybe I suggest for you to see the Minister of Infrastructure Cook Islands and speak to him regarding the road sealing programme and he will confirm with you as to when the roads in your constituency will be fixed.

Regarding the tractor for Akaoa, I recall your constituency has already been donated a tractor maybe you can ask the former Member of Parliament as to where the tractor is today. Thank you Madam Speaker.

MADAM SPEAKER: Thank you, and I see the Honourable Tina Browne, you have the Floor.

HON. T. PUPUKE BROWNE: Kia Orana to all of us this afternoon. Greetings to all the Members on the Government side, the Opposition and also to you Madam Speaker and all your staff. Special mention to those staff who are preparing our meal.

In the Cook Islands Newspaper today, is the Kata Cartoon which implies that we Parliamentarians only come to Parliament to eat.

Last Wednesday, I asked a question to the Minister of Transport regarding a Report pertaining to the accident last September that happened on Tapi Taio's ship while out on the ocean. I would like to commend the Minister as he may be the one that spoke to the Ministry of Transport which led the Director of the Ministry to ring me this morning.

However, I am not sure if the Minister has been updated as to what has transpired this morning because I was surprised. Firstly, the Report was delivered to me regarding the incident on 11 September 2019. I read the Report and then, he returned to my office again to pick up the Report. I was unprepared as to what time he would return but I gave him the Report.

This is my understanding about what he told one of my staff. He said that this Report will be given to the Police and then maybe the Police will pass it on to me. I was concerned with this because we may recall maybe not last year, maybe the year before, we discussed about the Report on the Corrective Services relating to the shooting incident in Vaimaanga involving three people, a lady and her partner and her former boyfriend.

We heard the Prime Minister express his great concern because the Government of the Cook Islands ended up paying a lot of money to the families involved. This is what causes problems if we do not know what is contained in Reports of this nature. Please accept our concerns because this incident took place one year ago.

HON. G. ANGENE: Point of Order.

MADAM SPEAKER: What is your Point of Order?

HON. G. ANGENE: It is Question Time, not story time. Thank you.

MADAM SPEAKER: Honourable Member, if you have a question, could you ask the question please.

HON. T. PUPUKE BROWNE: Can I ask the Minister to explain the reason for the delay in providing this Report to the family because this happened to one of our young children. Maybe there are some good reasons but I am not aware of those reasons so please can you explain to us what is the delay.

MADAM SPEAKER: Thank you, and I see the Minister of Transport.

HON. R. TAPAITAU: First of all greetings to all of us in the Mighty Name of our Saviour.

To respond to the Honourable Member for Rakahanga's question, I think that did not need to come here, I do not think it is needed to get here because if she is acting as a Member of Parliament or a concerned family member or a lawyer, then we could have spoken about this earlier and we could have sorted this outside of this House.

Like she explained, this is our family and I recommend with your permission for us to discuss this outside of this House so we do not place this matter in front of the public.

Thank you.

MADAM SPEAKER: I see the Honourable Tina Browne, you have the Floor.

HON. T. PUPUKE BROWNE: Before I ask my question to the Minister of Corrective Services, by way of explanation yes, I did ask the Ministry, and I told them that I was going to ask the Minister to direct them to present the Report and that did not work. Anyway, I do welcome the opportunity to have that meeting.

To the Minister for Corrective Services, you heard me before talking about the Report of the shooting incident at the time when you were not the Minister. I do understand Mr Minister some consultants arrived from New Zealand to scope the status with our Corrective Services.

We in this House have heard you elaborate on the steps and the programmes you have done to improve the situation of the Corrective Services. I am going to ask this question which I first asked two years ago because within that, there were about 64 pages of the Report and about 47 recommendations.

The question is how many of these recommendations you and maybe your CEO were able to achieve and ticked, because when I read the Report some of the recommendations require extra funds and some just needed internal operations.

Secondly, in the Report from the New Zealand scoping they stated they will be able to provide support to improve our Corrective Services including financial support.

Thank you.

MADAM SPEAKER: Thank you, and I see the Minister George Angene, you have the Floor.

HON. G. ANGENE: Thank you Madam Speaker and the question from the Leader of the Opposition.

On the question of these consultants that arrived two years ago, I will respond to your question but I will need time to consult with the Secretary for Corrective Services because he knows what happened in those days. I was not the Minister during that time of the incident, maybe at the next Parliamentary Sitting, I will return with the answers to your question.

On the second issue of these consultants coming in to conduct a review on the Corrective Services and pledging financial assistance, there is an appropriate quote from the Bible for these people and that is, *“their mouths are with us but their hearts are somewhere else”*.

To respond to your question about the financial assistance proposed by these consultants from New Zealand, they were too late because the Cook Islands Government went ahead and improved the facilities as well as increase the remunerations for the staff at the Corrective Services.

I had in the past requested for our Members to visit the Ministry of Corrective Services, I would like to again request for you all to visit the Corrective Services during your free time, so you will see all the changes and improvements there through the requests I made to our Government.

Thank you for the question.

MADAM SPEAKER: Thank you, and I see the Honourable Tina Browne, you have the Floor.

HON. T. PUPUKE BROWNE: I have a question for the Minister of Finance. We can see at this time of preparation for the Cook Island Games, Rakahanga is way ahead because I do believe if the tallying of points started from last Saturday, Rakahanga will be three points ahead and everybody will be on zero.

My question is, if you have any extra funds somewhere to donate to the Outer Islands Teams, maybe Rarotonga as well, to buy them some cartons of chicken during the Cook Islands Games because the games will run for two weeks. I was thinking of proposing \$5,000 per team but if you want to increase it to \$10,000 we will be much obliged and I am sure the Member for Pukapuka will also support this request. Therefore, can you please respond if you have reserves somewhere to help our Outer Islands Teams?

MADAM SPEAKER: Thank you, and I see the Minister of Finance, he's smiling.

HON. M. BROWN: I was only smiling Madam Speaker at the Opposition Leader's confirmation of the win by Rakahanga.

On the notion of the extra funds, we have received requests about a month ago but we can tell by the fund raising by the teams, they are collecting a lot of money. It was confirmed to me that the teams' fund raising activities reached \$10,000 to \$20,000 per island. Rarotonga is the only island with no funds so on Wednesday the Rarotonga float will pass by Parliament so we need all the Members of Parliament from the Outer Islands to donate to Rarotonga's team.

It is not good to give money for food because this is not eating time, this is time for training. We will eat pawpaw and coconut so we can remain fit and run fast. If we eat too much chicken, we can't run.

A very good news for us Madam Speaker is that CISNOC has advised that their Olympic Agency in the Pacific call ONOC is so happy that this Game is going ahead when the rest of the world has been locked down because of COVID-19, They have donated \$US30,000 to be shared out. We do see the fund raising efforts by the teams and a lot of these funds are going out to local businesses, for example the uniform makers, for the t-shirts, the polo's and it is fortunate for our business sector.

Madam Speaker, maybe I will suggest that if we are going to offer some grant we should give it according to the medals won and not before we have even started the competition. On the question of support for the Outer Islands, no we do not have any allocations for the Outer Islands because words have come to confirm they have enough funds.

MADAM SPEAKER: Thank you very much. I see the Honourable Selina Napa. Welcome Prime Minister, we are pleased to see you.

MRS S. NAPA: Greetings to all of us in this House this afternoon.

My question is to the Minister responsible for Te Mato Vai. I have two questions but I will ask that as one question.

My question to the Minister is regarding the old water mains. First of all, when are these going to be disconnected and the water flow directed through the new main water pipes, particularly the backroad area of Vaimaanga to Papaaroa. When will the water run through the new water main pipes?

The second question is, if the old mains are disconnected what is going to happen to these old pipes, are there plans to improve these pipes in the future?

MADAM SPEAKER: Thank you very much. I see the Minister Mark Brown, you have the Floor.

HON. M. BROWN: Thank you Madam Speaker. My understanding is the water flow will not cease, water will keep flowing however, the water will be distributed to your homes via a secondary network from the mains to your homes. My understanding is water is flowing through the new ring mains today.

Regarding the new pipeline that has just been replaced the last few months, I was informed that once the pressure testing is completed, water would be let through this new piping.

What I am happy with is that work has started at our new catchments. Today, our water flow is straight from the streams through the pipes and into your homes without any filtration. This morning, I was at the Ngatoe Catchment and this is the first catchment to start cleaning and filter our water. Up to about forty landowners were present and they were the ones that switched the water on as well as the chemical treatment for the water. They were very happy with the commencement of the water treatment at Ngatoe.

Therefore, we have now started doing the same in Rutaki and we will go around to all the water catchments and begin the process for filtering and cleaning our water.

Regarding the other question from the Member, if there is shortage of water in any areas in Titikaveka, contact the To Tatou Vai Company who is managing our water and they will send their two water engineers, Monty and Tuku to address your problems. The staff in this agency is ready to quickly respond to any water issues such as leakages or water shortage. Thank you Madam Speaker.

MADAM SPEAKER: Our Question Time is over and that completes that for today.

Honourable Members, I call on the Leader of the House to move a Motion.

MR T. ELIKANA: Thank you Madam Speaker. Madam Speaker, I stand to move:

That Standing Order 224 which relates to Notice to be given of an introduction of a Bill for at least one day's notice be suspended to enable the COVID-19 (National Superannuation) Bill 2020 to be introduced and passed through all its stages today

MADAM SPEAKER: Thank you, and I look for a Seconder for the Motion.

Secinded by the Honourable Patrick Arioka

I put the Question:

That the Motion be agreed to?

Motion agreed to

Honourable Members, we will now go to Presentation of Bills and I will call on the Minister Responsible for the First Reading of the Bill.

PRESENTATION OF BILLS

ASSISTANT CLERK AT THE TABLE (J. DANIEL): Short Title reads: COVID-19 (Cook Islands National Superannuation) No. 2 Act 2020.

BILL READ A FIRST TIME

MADAM SPEAKER: Thank you, and I ask the Minister to name the date and time for the Second Reading of the Bill.

HON. M. BROWN: Forthwith, Madam Speaker.

MADAM SPEAKER: Thank you, the COVID-19 (Cook Islands National Superannuation) No. 2 Act 2020 is ordered for the Second Reading forthwith.

We will now go to Presentation of papers.

PRESENTATION OF PAPERS

We will go to the Interim Report of To Tatou Vai Authority Bill 2020 Select Committee September 2020 and I call the Minister responsible, the Honourable Mark Brown.

HON. M. BROWN: Thank you Madam Speaker, I have the honour to present:

Paper Number 61, the Interim Report of the To Tatou Vai Authority Bill Select Committee

I now lay this on the Table.

MADAM SPEAKER: Thank you. You will continue Honourable Minister.

HON. M. BROWN: Thank you Madam Speaker. Pursuant to Standing Order 261, I stand to move:

**That the time allocated to the To Tatou Vai Authority Bill 2020
Select Committee to provide a Report by the 30th September
is extended for three months**

MADAM SPEAKER: I seek a Secunder for the Motion?

Secinded by the Honourable Tingika Elikana

I put the Question:

That Motion be agreed to?

Motion agreed to

We will now go to Paper 62 – the Interim Report of the Crimes Bill 2019 Select Committee September 2020. This is to be presented by the Chairman, the Honourable Tingika Elikana.

MR T. ELIKANA: Thank you Madam Speaker. Madam Speaker it is my pleasure to present:

**Parliament Paper 62, the Interim Report of the Crimes
Bill 2019 Select Committee**

I now lay this on the Table.

MADAM SPEAKER: You may continue.

MR T. ELIKANA: Madam Speaker, Pursuant to Standing Orders 261 I stand to move:

**That the time allocated to the Crimes Bill 2019 Select Committee to provide a
Report by the 30th September 2020 be extend for three months**

MADAM SPEAKER: I see the Honourable Tina Browne.

HON. T. PUPUKE BROWNE: Madam Speaker, just a point of clarification in the Order Paper for today, the Interim Report is for the Crimes Bill 2019. In the Report itself the progress Report refers to a Crimes Bill 2017. The copy of the Crimes Bill that I have is 2019. Can we just get some clarification as to what it is that we are talking about?

MADAM SPEAKER: Thank you and I see the Honourable Tingika Elikana.

MR T. ELIKANA: Thank you Madam Speaker. The Bill was originally submitted to Parliament in 2017 and as we are all aware that the 2018 General Election followed the 2017 session of Parliament. The Bill was recommitted to this House in 2019, hence the name of the Bill being the Crimes Bill 2019.

I understand there is confusions to the Papers available to the Committee. That is the explanation Madam Speaker.

MADAM SPEAKER: Are you satisfied with the explanation, it was my belief because we had the dissolution of Parliament in 2018 that the 2017 fell over.

HON. T. PUPUKE BROWNE: So, would it be safe to refer to it now as the Crimes Bill 2019?

MR T. ELIKANA: I believe so Madam Speaker.

MADAM SPEAKER: Thank you and I call for a Seconder for the Motion that was put. Do you want to speak to the Motion?

Seconded by the Honourable Selina Napa

Thank you and I will put the Question:

That the Motion be agreed to?

Motion agreed to

We will now go to Paper 63, this is the International Labour Organisation (ILO) submissions to Parliament convention 190 and recommendations 206 by the Honourable Vaine Mokoroa.

I see the Honourable Minister Vaine Mokoroa.

HON. V. MOKOROA: Madam Speaker, it is with honour to present:

**Paper 63, the International Labour Organisation submissions to Parliament
convention 190 and recommendation 206**

I now lay this on the Table.

MADAM SPEAKER: We will now go to Paper 64, and this is the final Report for the Immigration Bill 2020 Select Committee, September 2020 by the Honourable Chairman, Minister Vaine Mokoroa.

HON. V. MOKOROA: Madam Speaker it is my pleasure to present:

The final Report of the Immigration Bill 2020 Select Committee

I now lay it on the Table.

MADAM SPEAKER: You may continue Honourable Minister.

HON. V. MOKOROA: Madam Speaker, Pursuant to Standing Order 266, I move:

That the Report from the Immigration Bill 2020

Select Committee be approved

MADAM SPEAKER: I see the Honourable Tina Browne on the Floor.

HON. T. PUPUKE BROWNE: Madam Speaker, Pursuant to Standing Order 268, I propose to add an amendment to the end of the Motion the words:

Subject to the committal of the Bill in respect of Clauses 21, 34, 35 and 36 of the Immigration Bill to the Committee of the Whole House

MADAM SPEAKER: Since this is an amendment on the first Motion that was put on the Floor, the first Motion was put by the Minister Vaine Mokoroa and now there is an amendment by the Honourable Tina Browne to that first Motion.

Therefore, in order for us to be able to add this amendment to the first Motion. I would ask for a Secunder for the amendment.

HON. T. PUPUKE BROWNE: Madam Speaker I stand to correct my Motion. It is not 34, it is 24. It is 21, 24, 35 and 36.

My apologies.

MADAM SPEAKER: Thank you for clarifying that. Therefore, to be clear what we will be dealing with just now is subject to the recommittal of the Bill in respect only to Clauses – it is not two particular Clauses.

May I ask you to repeat your, to be sure that it is – just start from subject, please.

HON. T. PUPUKUE BROWNE: The amendment to the end of the Motion the words:

Subject to the recommittal of the Bill in respect of Clauses 21, 24, and 35, 36 of the Immigration Bill to the Committee of the Whole House

MADAM SPEAKER: Thank you very much, that confirms that. So what we will be dealing with now is just that last amendment that was read by the Honourable Tina Browne that being, when I put the Question I will be putting the Question on this....what would you like to say?

MR T. TUAVERA: I would like to second the amendment Motion, Madam Speaker.

MADAM SPEAKER: Alright, I will ask for a Secunder in a minute please once we have got it sorted. I would like everybody to follow me please on what we are about to do. We are only now dealing with the amendment to the first amendment that was moved by the Honourable Minister. So that reads, ‘subject to the recommittal of the Bill in respect only of Clauses 21, 24, 35 and 36 to the Committee of the Whole House’.

I call a Secunder for that Motion.

Seconded by the Honourable Tamaiva Tuavera

Thank you. I will put the Question:

That this Motion on the amendment be adopted?

Motion agreed to

We will need to put another Motion forward for the complete Motion that came in two halves that was amended. So, Leader of the House, if I may ask you to move a Motion and that Motion is the first Motion with the amendment added to it. May I remind you what that Motion was? The Motion was that the Report from the Immigration Bill 2020 Committee be approved, then we add the amendment which is subject to.

MR T. ELIKANA: Thank you Madam Speaker. Madam Speaker, I move:

That in accordance with Standing Order 266, that the Report from the Immigration Bill 2020 Select Committee be approved and in accordance with Standing Order 268 that subject to the recommittal of the Bill in respect of Clauses 21, 24, 35 and 36 of the Immigration Bill be referred to the Committee of the Whole House

MADAM SPEAKER: Thank you and I look for a Secunder?

Secinded by the Honourable Tamaiva Tuavera

Thank you very much that is our whole Motion now for this Immigration Report. I will ask the Minister Vaine Mokoroa to take the Floor.

HON. V. MOKOROA: Madam Speaker, I rise to request an in-camera session. This is to inform the non-Committee Members of all these points, Clauses 21, 24, 35 and 36 raised in the Crimes Bill 2019 Select Committee Interim Report.

MADAM SPEAKER: That is alright we have just done that. So now you have the Floor to speak to the Report.

HON. V. MOKOROA: First of all, Kia Orana to you Madam Speaker.

HON. T. PUPUKE BROWNE: The Motion by the Chair I think I understood him to be asking for an in-camera session to discuss 21, 24, 35 and 36.

MADAM SPEAKER: I beg your pardon, were you asking for in camera session?

HON. V. MOKOROA: Yes, thank you.

MADAM SPEAKER: Thank you very much, that was my misunderstanding. We will now go into an in-camera session as the Committee of the Immigration Bill would like to go through the Report with you and how much time?

HON. V. MOKOROA: We asked initially for two hours but I suppose we will go with an hour.

MADAM SPEAKER: We will try with an hour. So I will suspend Parliament now and you remain where you are and the Officials will come and you will go through the Bill until you have clarified everything is understandable then Parliament will be called back in again.

Parliament is suspended.

Sitting suspended at 2.10 p.m.

Sitting resumed at 2.26 p.m.

MADAM SPEAKER: Honourable Members, please be seated.

I hope everything have been clarified on the Immigration Bill during your in-camera session. I realise that it is now time for lunch, so we will suspend now until 3.00 p.m.

Sitting suspended at 2.30 p.m.

Sitting resumed at 14.58 p.m.

MADAM SPEAKER: Honourable Members please be seated. Parliament is resumed. May I ask if you are requiring extra in-camera time?

HON. V. MOKOROA: Thank you Madam Speaker. Yes we would require in-camera session again if we can be granted to continue please.

MADAM SPEAKER: Thank you very much Honourable Minister. Due to the importance of the Members of Parliament going over the Report from the Immigration Bill, Parliament will suspend until such time that you confirm that you will cease.

Parliament is now suspended to go into in-camera and we will return at such a time when you are ready.

Sitting suspended at 3.00 p.m.

Sitting resumed at 3.48 p.m.

MADAM SPEAKER: Honourable Members please be seated. Parliament is resumed. I call on the Minister Responsible to continue speaking on the Report for the Immigration Bill Select Committee.

HON. V. MOKOROA: Thank you Madam Speaker. I can now report:

That the discussions “in-camera” session has been very interesting, challenging and hard to translate in the House

The concern here is the definition of a Cook Islander and this affects Article 76 (a) of the Constitution.

The recommendation that has been suggested by the Select Committee has been placed in the Report. This remains many of the Members still unsure as to how we are to progress on it. Furthermore, our recommendation under 7.5 of the Report which talks about medivac which will also resolve in the repealing of Article 76 (a) as one of the recommendations.

Leaves me as the Chairman of the Committee to seek permission from you Madam Speaker if we can suspend the Sitting to allow myself as Chairman to sit with the Select Committee to see how best we can rectify and resolve the two challenging issues that we are talking about.

Thank you Honourable Speaker.

MADAM SPEAKER: Thank you Honourable Minister. So you are requesting a suspension again now, for how long?

HON. V. MOKOROA: Most probably for half an hour.

MADAM SPEAKER: Alright, half an hour it will be. So thank you, it is important that your Committee meets to come with a decision to continue and for us to be able to continue.

So Honourable Members, Parliament will suspend for half an hour.

Sitting suspended at 3.53 p.m.

Sitting resumed at 4.26 p.m.

MADAM SPEAKER: Honourable Members, please be seated. Parliament is resumed. I call on the Minister Vaine Mokoroa to report to Parliament.

HON. V. MOKOROA: Thank you Madam Speaker, and thank you for the opportunity for us to recess so that the Immigration Select Committee can have another session with the relevant Officials to see how best we can proceed with these areas that are a challenge for us in the House today.

As discussed in the Report, 7.2 the definition of a Cook Islander, paragraph 7.2 (5) talks about the adopted child. The Select Committee is of the view that Article 76 (a) which will also assist recommendation 7.5 in the Report should be repealed and replaced with the current draft that we have circulated among us.

These amendments to our understanding will address Clause 21, Clause 24 and Clause 35 and 36 of the Bill. As mentioned to the Members of the House, this is a very complicated and difficult issue to discuss and explain properly in the House but nevertheless, we are required under our mandate to ensure that the changes that we are making is fit for this period of time and for the next forty, fifty years.

Thank you Madam Speaker.

MADAM SPEAKER: Thank you and I will propose the Question?

That the Motion be agreed to?

The Floor is open for anybody to debate on the Motion. I see the Honourable Tina Browne.

HON. T. PUPUKE BROWNE: Kia Orana Madam Speaker and all the Members of this House. As explained by the Chairman of this Select Committee, the Select Committee has agreed that the proposal in the Report 7.2.9 and 7.5.3 will be covered by the draft Constitution Amendment No. 29 Bill.

The Select Committee agreed that Article 76 (a) (1) be repealed and to be replaced by the new 76 (a) (1) as mentioned in the Constitution Amendment No. 29 Bill.

To add to the explanation to our Members in Parliament today, the intention of this Amendment Bill is so that adopted children will be included in this new Article 76 (a) (1). They will be removed from within the Immigration Bill under Section 21.

Secondly, there is no need to define medical evacuation as stipulated under 7.5.3 because of the amendment in Article 76 (a) (1) where the situation of being born in the country have already been addressed.

Therefore, there is no need for a medical evacuation because under the new Article 76 (a) (1) the place of birth is not critical anymore. This is what the Select Committee believe will strengthen this position to address the majority of the concerns of our people regarding adoption as well as the place of birth of a child of a Permanent Residence.

Madam Speaker I have a question, are we debating only on these two Articles or?

MADAM SPEAKER: We are debating on the Motion that was put on 21, 24, 35 and 36 being recommitted to the Committee of the Whole House. But not only that, you can also debate on the rest of the Bill. In this forum in Parliament you can look at any part of your Report.

HON. T. PUPUKE BROWNE: Madam Speaker, I then intend to go to the beginning of Clause 7 within the Report of the Select Committee. First, it is in regards to the definition of the term “continuing rights.” I think it will be appropriate if I speak in English for the definition of continuing rights.

There are two rights under the Immigration Bill. Those that have continuing rights and those that are not continuing rights. However, the Select Committee felt that perhaps those terms should be defined so that it clarifies for everyone what it is meant by those terms. That is the first Recommendation – One.

That it be defined in Clause 4, the definition Clause in the Bill. That definition will also affect other provisions in the Bill, namely 22, 23, 28, 29, 45 and 46. For consistency, it is also recommended that they be included in Clause 55, 105, 225 and 226 of the Bill. The Select Committee believes that that defining those rights will make it much clearer as to what is intended by persons with continuing rights and persons without continuing rights.

The Recommendation Two, under 7.2 that should be a straightforward amendment. That is simply to remove the word “Polynesian” in the definition and replace with the word “Maori”. The reason for that is because the Committee received many submissions and during consultations in Rarotonga and the Pa Enuā, Cook Islanders wanted to be called – Maori.

We are Polynesians but the definition of Polynesians also includes others in the Polynesian area. I will not talk about 2(a) because that is the Part that we went in-camera for discussions.

I will go straight to Endorsements 7.3. There is not much to say about the endorsement. Whilst initially there were some issues from our people as to why their passports should be endorsed, when it was explained to them that it was an operational or administrative matter and that it would make it easier for our people when crossing borders if they had an endorsement on their passport, they accepted that it would be a good idea to have everyone’s passport, most Cook Islanders born in the Cook Islands and those not born in the Cook Islands to be endorsed.

You will see at Recommendation 3, whilst we made mention of it so that people will know that we had considered it, no changes have been made to the Bill. Under 7.4 there was much said about the Ministerial discretion in respect of Permanent Residence. The concern was that the Minister should not have absolute discretion, and if there was going to be some discretion with the Minister then there should be criterias and some boundaries put around it.

The Committee appreciated the fact that if we left it open, no one is responsible for taking or making the decision. In other words, if we were to say that the decision was up to a group of people, it would be difficult for us to point the finger as whose fault it is that all of these Permanent Residence were granted.

It makes sense to the Committee that the discretion and the responsibility be left with the Minister but we also took on board the submissions from many of the public and that is that the Minister in making those decisions, take into account the views of the RAC, the Ariki in the area and in the case of the Pa Enuā, the Pa Enuā was very strong in that the views of the Island Council should also be taken into account.

You will also see there that we recommended that it be publicly notified in the Gazette for at least seven days.

Madam Speaker, I have commented on 7.5. I will go straight to 7.6. There were some submissions against allowing Ministerial discretion under Clauses 57, 64 to 66 and 125 but the Select Committee felt that in Immigration law, an over-arching discretion is properly available to avoid outcomes that may otherwise produce a harsh result and that type of discretion is reflected in Clauses 57, 64 to 66 and 125.

There was also a lot said about the discretion exercised by the Minister in respect of Honorary Permanent Residence. This type of permanent resident is a way for our country to show appreciation for what the recipient has otherwise done for the country and these recipients do not usually reside in the Cook Islands.

We will see that the criteria for these Permanent Residences are set out in Clause 27 (3) of the Bill. It is the view of the Select Committee that the appropriate person who would know who to reward for services rendered is the Minister. We have made no changes but because it was raised, we thought it appropriate to cover it in our Report.

At 7.7 we talked about the number of permanent residents. We covered that very briefly. We understand that it was increased from 500 to 650 in 2009 when we hosted the Mini South Pacific Games. I understand that we wanted to field a stronger team and felt that by awarding Permanent Resident to Papua New Guinea, Fiji, Samoans, our team would be stronger. On reflection, that was probably not a proper consideration for awarding Permanent Residence.

MADAM SPEAKER: Thank you, I see the Honourable Selina Napa.

MRS S. NAPA: Madam Speaker, I stand to put a Motion on the Floor:

To extend the Honourable Tina Browne's time

MADAM SPEAKER: Thank you. There is a Motion on the Floor. Is there a Seconder?

Seconded by the Honourable Tamaiva Tuavera

I put the Question:

That the Motion be agreed to?

Motion agreed to

You may continue and I am looking at the clock you have five minutes.

HON. T. PUPUKE BROWNE: Earlier today, I had indicated that there was some very strong submissions made to the Select Committee about the number of permanent residents. We took those submissions into account coupled with the inappropriateness of the reason for increasing the numbers in 2009.

Recommendation 7 has reduced the number of permanent residents to 500.

The next one at 7.8 is to do with the level of health. We have included that in there. There was a submission made at one of the meetings but no change has been made to the Bill.

Similarly, with 7.9 with visas and permits. We made mention of it because we have considered it but makes no recommendation for any changes to the Bill.

There were many, many other recommendations that was put to the Select Committee, both in written submissions and in consultations but for now, the Select Committee recommends no further changes. Thank you Madam Speaker.

MADAM SPEAKER: Thank you very much. I can see the Honourable Vaitoti Tupa, I can give you a few minutes, please have the Floor.

MR V. TUPA: Thank you Madam Speaker. Madam Speaker, I stand to give my support to all the recommendations presented before the House by the Leader of the Opposition for this House to consider.

I would like to raise an issue before this House regarding those people who have been given permanent resident but now living in New Zealand. Under our existing law, they can live in New Zealand but as long as it is not for more than three years. However, I believe there will be an area in the Regulations that will address the issue about people with permanent residents living in New Zealand. This is one of the issues that we are facing today, some people who are permanent residents live in New Zealand, and when it is close to three years, they return to the Cook Islands to revalidate their permanent resident. I believe Madam Speaker that is one area considered by the Select Committee and it is included in the Report before this House. The Committee is working closely with the Ministry of Immigration and including Crown Law Office.

Therefore, I believe that under the Regulations, we will be guided as to what actions to take regarding those who have lived overseas beyond three years or just before their three years expire. I am standing before this House to present the issues raised by our people to the Select Committee and to ask us to consider this, especially the concerns regarding those who stayed in New Zealand for about three years or just before their three-year term expires.

MADAM SPEAKER: Thank you very much, perfect timing.

Honourable Members, thank you very much to the Committee for your good work today in coming up with some good solutions. We have reached the end of our Sitting for today and we will adjourn and come back tomorrow. Can I please ask the last Member on the Floor to please lead us in a closing prayer?

CLOSING PRAYER

MADAM SPEAKER: Parliament is adjourned until Tuesday, 29 September at 1.00 p.m.

Sitting adjourned at 5.00 p.m.