



COOK ISLANDS ANTI-CORRUPTION COMMITTEE STATEMENT PRE-ELECTION 2022

A. INTRODUCTION

The Anti-Corruption Committee (ACC) was formalized by Cabinet on 20 September 2011 in accordance with the Cook Islands accession to the United Nations Convention against Corruption.

The ACC is comprised of the following members:

1. Garth Henderson – The Financial Secretary, MFEM
2. Ben Ponia – The Chief of Staff of the Prime Minister's Office
3. Graham Leung – The Solicitor General, Crown Law Office
4. James Keenan – The Commissioner of Police, Ministry of Police
5. Walter Henry – The Head of FIU, Financial Intelligence Unit
6. Niki Rattle – The Ombudsman, Ombudsman's Office
7. Geoff Stoddart – The Head of PERCA, Office of the Public Expenditure Review Committee and Audit
8. Allen Parker – The Director of Audit, Audit Office
9. Carl Hunter – The Public Service Commissioner, Office of the Public Service Commissioner

An important role of the ACC is to promote and strengthen measures to prevent and combat corruption by proposing anti-corruption policies to Cabinet and following up on matters that may be referred to the ACC by Cabinet.

The ACC releases this Public Statement before the Cook Islands General Election 2022 with the intention of informing all officials, campaign organizers, voters, and election candidates of election procedure and processes before, during and after the election.

This statement is released by the ACC in order to inform candidates and the general public of the requirements of lawful conduct during the election, and in particular to clarify the scope of corrupt practices.

B. CORRUPT PRACTICES

A 'corrupt practice' usually refers to the offering, giving, receiving or soliciting, directly or indirectly of anything of value, to improperly influence the actions of another party.

Allegations of corrupt practice have a negative impact on the country and ultimately erode trust in the public sector to act in the best interests of the people of the Cook Islands. Corrupt practices often violate principles of transparency, accountability and the rule of law.

Our Electoral Act 2004 addresses the corruption offences of bribery, treating, undue influence, and personation.

Any person convicted of any of these offences faces a term of imprisonment of up to 5 years.

I. BRIBERY

Bribery is when a person gives, promises or offers money or anything of value to a person, to influence that person's conduct. As we lead up to elections it is important to remember that a person cannot, at any time:

- a. offer any money, employment, or anything of value in order to persuade a person to vote or refrain from voting; or
- b. offer anything to any person, in order to influence that person to procure the return of any candidate; or
- c. offer anything to any person in order to gain the vote of any person; or
- d. receive any gift or offer in exchange for procuring the return of a candidate; or
- e. receive any gift or offer in exchange for gaining the vote of any person; or
- f. receive any gift, money, employment, office, or anything of value, in return for agreeing to vote or refrain from voting; or
- g. give any money to any person that will be used in any of the above

Anyone who does any of the above may be liable for the offence of bribery (see section 88 Electoral Act 2004).

II. TREATING

In accordance with the Constitution of the Cook Islands; Parliament is dissolved by the Queen's Representative on the advice of the Prime Minister before a General Election. The date of the General Election is then published by notice in the Cook Islands Gazette within five days of the day that Parliament is dissolved.

During this period, and up until the closing of the poll on election day, an election candidate cannot:

- a. provide or pay for any food, drink, entertainment, or anything else for any person, in order to influence the vote of that person or any other person; or
- b. have any other person do any of the above on their behalf

It is often a part of local custom and hospitality to provide food, drink, and entertainment. However, no election candidate can provide any of the above if it is to influence a person's vote; even if there is a local custom to do so. They can only do this after the poll has closed.

Treating occurs when a candidate pays for or provides anything to any person in order to influence that person's vote or to procure themselves to be elected. Treating comes in many different forms; just a few examples include:

- a. building anything for any person; or
- b. paying for anything on behalf of any person; or
- c. gifting anything to any person; or
- d. having anyone do any of the above on the candidates' behalf

Any election candidate who does any of the above may be liable for the offence of treating (see section 89 of the Electoral Act 2004).

III. UNDUE INFLUENCE

Undue influence refers to when a person excessively persuades another person's decision or conduct, often by using an advantage to do so. Our Electoral Act states that a person cannot:

- a. use or threaten to use any force or cause any damage to any person, in order to influence that person's vote in any particular way; or
- b. use or threaten to use any force or cause any damage to any person, because of the way that person votes; or
- c. have any other person do any of the above, on their behalf; or
- d. prevent any other person from freely exercising their rights as a voter; or
- e. influence or force any other person to vote or refraining from voting

Anyone who does any of the above may be liable for the offence of undue influence (see section 90 of the Electoral Act 2004).

IV. PERSONATION

Personation refers to when a person assumes the identity of another person in order to deceive. In an election a person cannot:

- a. vote as another person who is not them; whether that person is living, dead, or not real; or
- b. vote more than once; or
- c. vote in more than one constituency

Anyone who does any of the above may be liable for the offence of personation (see section 91 of the Electoral Act 2004).

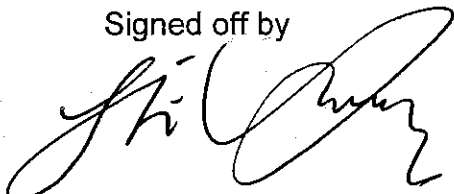
C. QUERIES

Any further queries related to this statement, or the upcoming General Election can be referred to the Chief Electoral Officer; Taggy Tangimetua at taggy.tangimetua@cookislands.gov.ck

This statement is made to provide information to the public of the Cook Islands and paraphrases provisions of the Electoral Act 2004 and the Constitution of the Cook Islands for the purpose of providing clarity and simplicity of the law. It should not be relied upon as a full representation of the Electoral Act 2004 or the Constitution of the Cook Islands, or construed as legal advice on any matter.

14 June 2022

Signed off by

A handwritten signature in black ink, appearing to be 'J. C. ...', written over a faint, illegible background.

Solicitor-General