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MR SPEAKER TOOK THE CHAIR AT 10.00 A.M.

OPENING PRAYER

MR SPEAKER (T. TURA): Parliament is now in Session.

First of all, greetings to all of us in the Name of our Lord and Saviour, good morning.

Secondly, thank you to our Chaplain for the good service this morning and his beautiful message to us. If you want your name to be included in the Book of Life, seek our Lord.

Good morning to you, Mr Prime Minister and your Cabinet and all the Members of Government, good morning. To the Leader of the Opposition, your Deputy and all your Members on the Opposition, good morning to you. To our people of the Cook Islands listening on radio or watching on livestream on Rarotonga, in the Outer Islands and overseas, New Zealand and Australia, greetings to you all.

I would also like to commend our Members of Parliament this morning; it looks like we are very lively this morning.

I would like to convey our condolences to the family of the late Papa Joe Matua, also known as Nooroa Matua as mentioned by the Leader of the Opposition yesterday from Tauae State. During those days, our parental was Papa Tupa. So we offer our condolences to Kopu Matua who work for the Ministry of Justice, your family here on Rarotonga and overseas our deepest condolences. May the Lord keep you all.

Now we will proceed with Question Time for 30 minutes.

QUESTION TIME

MR SPEAKER: Yesterday, before we rested the last speaker on the Floor was the Associate Minister for Infrastructure, Albert Nicholas and he has some statements and clarifications to make.

MR A. NICHOLAS: Thank you very much Mr Speaker, and good morning to you. A beautiful morning also to you Mr Clerk, Deputy Clerk, Clerk at the Table and your staff, good morning to you all. To all of us Honourable Members of Parliament who have been elected to serve our people and our country, a beautiful good morning to all of us.

Greetings to our people listening in to our meeting this morning, the length and the breadth of our country, a beautiful morning to all of you as well.

Mr Speaker, I would like to bring answers of clarifications to the issues raised by the Member of Parliament for Akaoa. I provided clarifications to this colleague outside of the House and he was happy with the explanation, and because he was satisfied with the clarifications, I would say this matter is now rested before us in the House. Thank you Mr Speaker.

MR SPEAKER: Thank you Associate Minister. I see the Member for Ngatangia, Tamaiva Tuavera.

MR T. TUAVERA: Thank you Mr Speaker. Good morning to all of you on that side and good morning to us on this side. To the Clerk and your staff, I know you worked hard until this morning so a good morning to you.

Mr Speaker, I departed this House last night downhearted and very disappointed because when the Leader of the Opposition made her statements last night, the Point of Order by the Minister Robert Tapaitau was right but the outburst that came with it is not okay. If only he responded to the Honourable Leader in her role as Leader of the Opposition, that is okay but when he said you and she that is personal. This is my question, will he rise and apologise to the Leader of the Opposition for that outburst?

MR SPEAKER: Thank you Honourable Member. I see the Minister Robert Tapaitau; you have the Floor.

HON. R. TAPAITAU: Kia Orana Mr Speaker. The Member of Parliament from Ngatangia, thank you for the question. I do not see what outburst he was talking about, it was a Point of Order I raised like everyone else does in this House so that was what I did, Point of Order. Thank you.

MR SPEAKER: Thank you, I see the Minister George Angene; you have the Floor.

HON. G. ANGENE: Thank you Mr Speaker and to all of the Members. Greetings to all our people listening in, watching on livestream throughout the world.

Before I ask my question, I would like to clarify my thoughts. My question is directed to the Leader of the Opposition. Yesterday when she made her statement, she referred to the Ministry of Justice and the Justices of the Peace.

This created a thought in my head to ask her this question. She mentioned that these Justices of the Peace could be Judges for our country. This is then the question to you Leader of the Opposition.

Why did you consider that these JPs will be suited for the Judge position and yet you are the lawyer among these people and this post better suits you? My question then is this; are you willing to

accept to be the first person to be a Judge for our people? Yes, or No. That must be the answer, you are not to tell another story. Thank you very much.

MR SPEAKER: Thank you Honourable Minister. I see the Honourable Leader of the Opposition; you have the Floor.

HON. T. PUPUKE BROWNE: Thank you Mr Speaker, and Kia Orana to all of us this morning. Kia Orana to our friends in green and yellow; and to all of us on this side in blue. Kia Orana to our neutral Speaker in green and yellow.

On this question, which follows the directive, the answer must be either yes, or no. The answer is yes, or no. You see Mr Minister, if I accept this position I doubt if the Prime Minister would accept me. For two reasons, one if he does appoint me then he will have no lawyer in the court. Secondly, if I become the Judge, after the general election and there are many petitions from the CIP camp, I will dismiss all of them (*as a joke*).

So, please Minister accept my answer, yes/no. Thank you.

MR SPEAKER: Thank you Honourable Member. I see the Leader of the Opposition and I give you the Floor.

HON. T. PUPUKE BROWN: Mr Speaker, in the Cook Islands new on Tuesday, I read an article by Petero Okotai. In that article, he expressed his thoughts on the Members of Parliament. To me this was a very interesting article. He was identifying the work we do as Members of Parliament, especially our work in this House of Parliament and including the work we do for our constituencies.

One of his views is the calling for Parliament sitting. He says that we do not deserve our salary because we are not sitting regularly. The only disagreement that I have with his writing is because he included us the Opposition in that point. We all know that the Opposition have no say in the sitting schedule of Parliament. Performance appraisal

However, he gave some recommendation as to maybe the Members of Parliament be paid according to the number of days that Parliament sits. Then maybe the number of sitting days will increase. For example, if we sit for 50 days we are entitled to be paid our full salary and if we sit for less than 50 days then we should take a cut.

I had to say that, that idea attracted me, that way maybe there is some control over our sittings. So, here is the question, what are your thoughts. If we sit for only 10 days we get a quarter of our salary only and when we sit for 50 days and over, we get our full salary. It is my belief that we should be considering that suggestion.

MR SPEAKER: Thank you Honourable Leader of the Opposition, and I see the Honourable Prime Minister; you have the Floor.

HON. M. BROWN: What a great question to ask because really that question should be directed to the Opposition Members because on this side of the Parliament Mr Speaker, more than half of our team work in the Executive seven days a week.

In fact, our Members of Parliament here do more work outside of Parliament than inside where we are just sitting and talking and debating. I think if you look at the Members of the Opposition, they should really question about collecting their Parliamentary salary while they also work in their main job. The question should be asked whether their pay should be cut.

Our Cabinet Ministers here Mr Speaker work full time even while we are sitting here we are working giving time to Members of the Opposition to have their say. So, I am not sure whether the Leader of the Opposition would support that motion that proposal I should say, that if you are earning and working in a second job and holding a position as a Member of Parliament whether your pay should be cut.

We are all in favour of enabling more sittings of Parliament and we spent more than a year going through the Standing Orders to find out how we can actually make that happen. We have identified that some of the constraints had been the requirement to maintain a quorum in Parliament has always been challenged.

In our Parliament, you must have half of the Members in the House to maintain a quorum. In the New Zealand Parliament, 120 seats there is no minimum number required for a quorum only that a minister must be present in Parliament. So, it is not unusual in the New Zealand Parliament to find it in Session with less than 20 people sitting in the whole Parliament and our suggestions to enable that to happen here were rejected by the Opposition when we proposed to allow proxy attendance in Parliament to enable more Sittings. This would enable government Members in particular Ministers who are part of the Executive to be able to do their duties whilst at the same time enabling Parliament to sit.

Even though that proposal was rejected, we are happy Mr Speaker that the attendance by the virtual attendance has been supported the Members of the Opposition. This will enable more Sittings of Parliament. I am sure Mr Speaker in the future that if Members who are on travel duty from the government side will still be able to attend Parliament virtually. I see that as removing one of the barriers to having increased Sittings in the Parliament and we would of course have to increase the operating cost for enabling the Sittings of Parliament so that our Pa Enea Members would be able to fly more frequently to Rarotonga to attend Parliament. Thank you Mr Speaker.

MR SPEAKER: Thank you Prime Minister. I see the Honourable Vaitoti Tupa; you have the Floor.

MR V. TUPA: Thank you Mr Speaker. I want to make a comment to the reply from the Prime Minister because he was talking about the proxy. We all know that we are elected by our people, it is not right for me to appoint the Member from RAPPa to talk on my behalf from Matavera or maybe I will appoint the Minister Mokoroa from Nikao to talk on my behalf for Matavera. That is the main reason we in the Opposition opposed this proxy proposal.

However, we do agree with the suggestion proposed by government to go on virtual. We in the Opposition supported this proposal and we know we had discussed about virtual under our Standing Orders. The reason why we supported this Mr Speaker is because when you are stranded on Mauke and there is no flight available, then we support the idea of you going on live stream so we can continue with our discussions. Even if the Prime Minister travels to Fiji, he can live stream back from Fiji virtually. So, Mr Speaker I stand to show our support from the Opposition on the virtual discussions.

While I have the Floor, I have a question Mr Speaker. My question is directed to the Leader of the Opposition. I would like to make it known to you Mr Speaker that under our Standing Orders, there is no provision that provides you cannot ask questions to Members from your own side. I believe this an important question because the question touches on an article in the Cook Islands Newspaper on page 2.

In the article, we will see the Leader of the Opposition's comments supporting cannabis as a medicine. In this article, the Leader of the Opposition suggested that a Referendum be given to our people for their opinions. Since she agreed to give it to the community, afterwards there was a comment by the Prime Minister agreeing to half of the article. When we look at the cartoon in here, we will see that the Leader of the Opposition has the bigger carrot.

The question is, can you clarify what you meant in the newspaper? Thank you.

HON. T. PUPUKE BROWNE: Mr Speaker, before I respond to the question, I have forgotten one of my thought when I spoke before. I also forgot to raise this yesterday. I want to thank the Prime Minister for what we have agreed upon yesterday on our request to go through the whole debate on the Appropriation Bill. I understood that you did not have to but anyway, thank you very much from the Opposition side to you and your Cabinet Ministers and the Members of Parliament on the government side. To me that is the spirit of true unity and it is unfortunate that right towards the end of our Sitting we decided to unite.

To respond to the question from the Member for Matavera. Yes, I did support it when I was interviewed by CINEWS on my views on a Referendum. In response to CINEWS, I did say yes I will support that but I told them that is my own view and not that of the Democratic Party because I did not have any discussions with the Party on this. To be frank, the last say has to come from our people. If our people agrees for cannabis to be legalised, then why not. Thank you.

MR SPEAKER: Thank you Honourable Member. I see we have come to the end of Question Time.

ORDERS OF THE DAY

Second Reading of the Ombudsman Amendment Bill 2022. I call the Honourable Minister, Vaine Mokoroa on the Floor.

HON. V. MOKOROA: Thank you Mr Speaker. Mr Speaker I move:

That the Ombudsman Amendment Bill 2022 be read a Second time

MR SPEAKER: Thank you Minister. You may speak if you wish to.

HON. V. MOKOROA: Thank you Mr Speaker. I will just speak briefly on this Amendment but before doing so, I would like to say a very warm good morning to you and the staff of Parliament this morning. To our colleagues in blue on the other side, a very good morning to all of you and to the men and ladies in green and gold, good morning.

Mr Speaker, this morning we were at the Auditorium to open and congratulate the first 20 cohort of nurses. I would like to congratulate the Minister of Health as well as the Secretary of Health, the staff of Health and all the lecturers and the teachers that will be teaching our next lot of 20 nurses. This is a very good indication of the development programme that is working in coincide with our USP and the Whitireia Polytech of New Zealand. What is also interesting with this programme is that it is an 8-year programme and there will be a minimum of about 60 nurses that will be developed in the next 8 years. So, congratulations Minister of Health and your good staff.

Mr Speaker, the amendment before us is to remove the age restriction in the existing legislation. Last year, we have done the same for the Police Act. This is to enable our country to employ those with the experience and not to allow age as a restriction in our selective process. So, in this House we all know our new Ombudswoman, Niki Rattle has taken office and would like to welcome her into her new position. Mr Speaker, she has already been nominated to take over as the President of the International Ambassadors Federation. This a very good indication about the caliber of people that we bring onboard.

On the same token. I would like to thank Papa Nono Tearea who have taken a quiet retirement from this position. I would like to say thank you Papa Nono for taking the role in the short tenure that you had. Papa Nono has been a public servant within the Ministry of Justice for 42 years and the position of Ombudsman will be the pinnacle of his career.

On those few words, I would like to ask the support of this House in this small amendment that we are attending to. Thank you.

MR SPEAKER: Thank you Honourable Minister. I call for a Seconder?

Seconded by the Honourable Member Rose Toki-Brown

You can speak if you wish to.

HON. R. TOKI-BROWN: Thank you Mr Speaker. Greetings to you, the staff of this House, the Clerk, Deputy Clerk, the Interpreters and those who are providing support in this Sitting. Greetings to our families and friends who are listening over the radio or watching the live stream.

May I have the opportunity Mr Speaker to address my people on Enuamanu. To the three sectors on the island, I give you greetings and Kia Orana to you all. To the different leaders on our island, the Church, the community and to our children, greetings to you all.

A special greetings to the staff of Te Marae Ora on the island of Atiu, the Island Council and I give you my big thank you for supporting us through this time of the pandemic. As we stand now we know that our people who are infected by the virus have decreased and according to our data there are 169 people who have had the virus and fortunately, none of our people have passed away.

I would like to again greet and say Kia Orana to our people of Atiu here on Rarotonga, overseas in Australia, New Zealand and other countries in the world.

I come to the matter that is before this House. I rise to give my support to this amendment. We know this person who is holding this position today has served Te Marae Ora for many years in our country and even in this House.

As mentioned by the Minister for Education, the milestone that have taken place this morning for our children in honour of the opening of this School of Nursing that will be starting next Monday. Mama Niki was there to witness this milestone. I would like to say a very big thank you to all the Ministers and to those who came to witness this event this morning.

I would like to say thank the Secretary of Te Marae Ora for your hard work to make this possible because we have been through some difficult times during the pandemic and today we have seen the fruit of your hard work. Therefore, I give my support to this Amendment before the House because it will allow our people not to be limited by age to serve our people. We know her health, she is strong and she is able from her wisdom, intelligence, and understanding, she is able to provide that for our people.

I would like to say thank you to the Minister of Culture, to you and your daughter for making these garland of leis that we are wearing. God Bless you all, thank you.

MR SPEAKER: Thank you Honourable Minister. I now open the Floor to Honourable Members to speak on the principles and merits of this Bill. I see the Honourable Vaitoti Tupa; you have the Floor.

MR V. TUPA: Thank you Mr Speaker and to the two Ministers who have given their support and for us for our consideration.

Mr Speaker, we have looked at the amendment that was brought by the Police because during that time we know that when you reach the age of 60, you cannot apply for a position at the Police. However, during that time we the Opposition agreed to make an amendment concerning the age of a person. Today, we see that this is another request.

I have a friend Tearoa Tini, he retired because he followed the law. We know that he has been holding this position in the past. So what I will propose to the government today is that if there are other laws restricting the age of our people to work, look into that and discuss it before you bring it to Parliament.

We all know about the present Ombudsman, she was a Speaker of this House. I did enjoy the way she controlled the Sittings in the House. During our past Sittings, she was able to express there were some difficult areas for her. We all know that one of those areas that she had problems with was about our Standing Orders. As we are aware that we did not deliberate on our Standing Orders before but when the new Members of Parliament came into this House, we discovered some issues.

I know one of the Members of Parliament who discovered these issues was the Member for Pukapuka. We know that he is a former Solicitor General for this country so I know that he is fully aware about the administration of this. It has been proposed to this House to make the amendment to increase the age over 72. I have no issue when we reach the age of 72 and our mind is still intact. However, I do know for sure that there are some of us when we reach this age, it is more appropriate to retire.

In 2019, we discussed this issue about people working after the age of 65 especially public servants. It was part of our consideration for people when they reach the age of 65 then we need to investigate whether they still have the mental capacity to continue. This is one of the considerations but it was given to all of us to think about. I know people who have come to the age of 65 but their minds are still intact and alert. That included the Deputy Leader of the Opposition; I know his mind is still active until today. So, it is a challenge for the Member for Pukapuka to reach the age of 60.

I sympathise Mr Speaker for this request but to me we should consider this properly. That is the reason I am standing we need to look at other regulations and other areas where there is a requirement such as this. That is the reason why I am standing to give my support and to share my thoughts to this House.

Even if we the Opposition are going to oppose, the government will stand to vote on it and it will become law. We are not relying on the requirement for the two third majority. So, if the government is strong in their vote then it will be passed. Those are my thoughts and I stand to give my support and I really sympathise with this woman because I believe her mind is still strong and intact. Thank you.

MR SPEAKER: Thank you Honourable Member. I see the Honourable Leader of the Opposition; you have the Floor.

HON. T. PUPUKE BROWNE: Mr Speaker with regards to this Amendment Bill, it is right that last year, the Minister for Police introduced an Amendment Bill to amend the Police Act to enable the Minister to appoint the applicant Mr James Keenan on to the position of the Commissioner of Police. At the time, we in the Opposition reviewed the application for candidates and looked at the qualification for James and the fact that he is a Cook Islander. In our consideration of that Amendment Bill, we decided it is only proper for us to support the Bill.

Even though in our policy and the same with everyone's policy, we should support our young applicants to advance into these higher position because if we the older folks remain in these positions, then our young people do not get the opportunity for them to advance to these higher positions. If we consider amendments to legislation such as this one, this is what is called,

‘exceptions to the rule’. All of us that have been in these higher positions and those who have managed these positions properly, they would train and mentored younger staff to assume these positions when they retire.

When I look at this amendment Bill I am disturbed because we are looking at an age of 72 years and we are amending the law because as it is, when you reach the age of 72 you have to resign. I do not support this Amendment Bill. I do not support this Bill because this is denying the opportunity for a younger person to advance.

If we continue this practice of amending legislations to suit certain people, then there is something wrong with the system. So, my apologies Minister we do not support this Bill because we see this as preventing a younger person to assume and advance to these higher positions. Thank you.

MR SPEAKER: Thank you Leader of the Opposition. I see the Honourable Tingika Elikana; you have the Floor.

MR T. ELIKANA: Thank you Mr Speaker. Greetings to all of us in the Name of our Lord. To the Leader of the Nation, your Cabinet and all of us Members on this side of the House, greetings to you all. To the Leader of the Opposition and all the Members on your side of the House, greetings to you all.

I rise Mr Speaker to give my support to the Bill because Mr Speaker we are aligning this legislation with the Constitution of the country. In Clause 64 of the Constitution, we should not prevent the opportunity if they are of age. The current legislation as it is states, if you reach the age of 72 years then you are finished. It does not specify as to the reason why when you reach the age of 72, it just states reach the age of 72 you must retire. I do not believe that this aligns well with the Constitution of the nation where it states in article 60 to the fact, let not age be an impediment to somebody advancing in life.

That is why I rise to support this Amendment Bill because some of our elders even though they have reached this age of 72 years, their mind is still intact and active and their performance is still good. I do believe that it is really up to their performance to confirm whether they should carry on or whether they should retire. This also brings it in align with the Public Service Act where there is no limit on age, it all depends on your performance whether you remain working or you retire.

The main issue here Mr Speaker is to align this legislation with the Constitution of the country. Thank you.

MR SPEAKER: Thank you Honourable Member, I see the Honourable Selina Napa; you have the Floor.

MRS S. NAPA: First, to you Mr Speaker, the Clerk, Parliament staff and all of us Honourable Members in this House, greeting to you all in the mighty Name of our Lord and Saviour. To our people listening in by radio and those of our people watching on live stream from all over the

world, greetings to you. This being our Kia Orana Day, the House is looking beautiful with all our uniforms.

I hear the Member for Pukapuka and Nassau giving his thoughts and those are just his thoughts. For me, when I read the Bill I was very discouraged like our Leader and the Member Toti. We see this as a barrier for our young upcoming qualified Cook Islanders from assuming high positions.

When the Member from Pukapuka mentioned the issue of Fundamental Human Rights in our Constitution is not to be biased against people because of their age. I had a look in the Constitution and age limitation was not mentioned under Article 64. I will read Fundamental Human Rights and Freedom Article 64(1) and it says – *“It is hereby recognised and declared that in the Cook Islands there exist and shall continue to exist without discrimination by reason of race, national origin, colour, religion, opinion, belief or sex”*. There is no mention of age and also the government side had forgotten that they introduced a Bill into the House regarding the retirement age of Justices of Peace to be at 70 years. So, what is the difference that our Justices of the Peace retires at 70 years and the Ombudsman continue working till death.

Another Bill that came into the House was to increase the Ombudsman’s salary from \$75,000 to \$90,000 and as well as the increment to other areas like allowance, perks, transportation and yet at that age she is collecting a pension of \$700 a month. I want to know whether she is paying her pension taxes on top of her salary.

HON. M. BROWN: Point of Order.

MR SPEAKER: What is your Point of Order?

HON. M. BROWN: Personal attacks on members of the public. Querying whether they are paying their rightful tax is totally inappropriate and the Member should be ashamed of herself for her conduct in this House.

MR SPEAKER: Thank you Honourable Prime Minister. I would like to ask the Member to refrain from those personal attacks.

MRS S. NAPA: Thank you Mr Speaker. Now coming back to the Bill and not forgetting previous Bills passed in the House involving this individual now holding the Office of the Ombudsman position. For this position, we have so many qualified upcoming Cook Islanders so why don’t we return them back to assume this position. I join with my colleagues in not supporting this Bill and it should be reconsidered.

MR SPEAKER: Thank you Honourable Member. I see the Deputy Leader of the Opposition; you have the Floor.

MR W. HEATHER: Thank you Mr Speaker. I would like to present my thoughts on our discussions in the House. My comment is to question whether a younger able qualified Cook Islander from within the Cook Islands or a Cook Islander from abroad has been considered for this

position. The spirit here is if this has been done and someone was identified, then why not give them the first opportunity as our Leader previously mentioned.

My comment is not against this mama, we all know how capable she is but the spirit here is replacing the aged. Mr Prime Minister, there are young and upcoming qualified Cook Islander to assume this position.

MR SPEAKER: Thank you Honourable Member. I see the Honourable Prime Minister; you have the Floor.

HON. M. BROWN: Thank you Mr Speaker. I see we are nearly coming to the break if I can do my speech after the break because I do not want my speech to be interrupted.

MR SPEAKER: Honourable Members, it is now time for our break. Parliament will suspend until 12.00 p.m.

Sitting suspended at 11.26 a.m.

Sitting resumed at 12.02 p.m.

MR SPEAKER: Before we suspended Parliament, the Honourable Prime Minister had the Floor and now you can continue Honourable Prime Minister.

HON. M. BROWN: Thank you Mr Speaker. I rise simply to suggest that you call the other Members so that I could speak afterwards but I will take my time to speak on this Bill after the other Members have spoken.

MR SPEAKER: I see the Honourable Associate Minister, Albert Nicholas you have the Floor.

MR A. NICHOLAS: Thank you Mr Speaker. I will keep my comments very brief so the others may have an opportunity to speak. My views Mr Speaker, the original Act seems to be discriminatory. The original Act seems to discriminate against an individual simply because of one's age. The fact that the Honourable Minister has brought this to the House in my view is probably the best thing to do.

I simply believe Mr Speaker that one should not be judged by one's age but rather by one's ability, wisdom and experience and I don't think anyone can dispute the fact that the current Ombudswoman fit the Bill.

So to hear the views of the Opposition in my view was discriminating against this individual particularly because of her age. As I alluded to earlier, Mr Speaker one should not be deprived of any opportunity simply because of one's age but rather on one's ability, one's experience and one's wisdom. So the fact that we are removing this Clause from the Act, it is in my view the right thing to do. Thank you.

MR SPEAKER: Thank you Honourable Member. I see the Minister Patrick Arioka; you have the Floor.

HON. P. ARIOKA: Thank you Mr Speaker. Kia Orana to everyone in this House. The Leader of the Opposition and your team, Kia Orana to you all, we on the government side, Cabinet Ministers and all Members, Kia Orana in the Name of our Lord.

Kia Orana to you Mr Speaker and the staff of Parliament under your management for the hard work that you are doing through the days that we have come through. Kia Orana to our people who are listening in from the Pa Enuā, in New Zealand and Australia as well as here on Rarotonga.

I think it is a good thing that they are listening to our debate on this particular Bill because I think just listening to the comments raised by our Opposition, it concerns me in a very, very big way. Maybe the spirit is in the right place but I don't think the heart is in the right place because sometimes we continue to talk about draconian laws that needs to be reformed and this Amendment Bill, Mr Speaker allows us to give opportunities for our people to continue on in that service. I think if they were in Government this Bill would have been brought to this House, and if they say no, that is because they do not know exactly what is happening in our labour force today.

Mr Speaker, I wholeheartedly agree with the point that was raised by the Honourable Albert Nicholas. I think they are confusing themselves with the position or the person who is holding it. It is not about the person who is holding the position but the integrity of the position that needs to be held. Regardless of what it is, Mr Speaker our policy is always clear, we are for our young people growing up into the ranks but we need to make sure that those people who climbs up those ranks increases experience and credibility to their career.

I think Mr Speaker our people are feeling sad out there hearing from the Opposition discriminating by age. The point Mr Speaker is, this kind of position need people that have good standing and capability to uphold the integrity of the Organisation and I think if this is not in our Constitution then it needs to be.

The current Ombudswoman has a very strong standing in our community and our civil society and I have to say in this Honourable House when that position was made vacant we had a list of people who wanted to take up that responsibility. I can confirm that I had other preferred person that I wanted to take that position. So the merits and the quality of the person was debated quite strongly in Cabinet to see who has the strongest integrity to hold this Office.

So I ask the Opposition please don't attack the person but focus our issues and concerns on how this Office needs to uphold the integrity of its operations in the work it does. I think maybe we should restrict the age for Members of Parliament in this House and if we are going to apply this then let us apply it here first. Again, the point Mr Speaker is we are discriminating age as if it is a barrier, it is a disease that we are going to be caught in.

I can hear the comments and grandstanding but let me make the point very clear. Mr Speaker, recently we have a young expert that left us at a very young age. He was one of the most inspiring expert of our biodiversity here in the Cook Islands that has a long future ahead of him to hold the

good work of Natural Heritage Biodiversity Cook Islands. So immediately, Mr Speaker he was to become the future of the Cook Islands in terms of knowing our natural fauna and flora of the Cook Islands. So he had years ahead of himself and he was absorbed in all the knowledge and experience from our good expert botanist, Gerrald McCormick and it is those kind of people Mr Speaker that we cannot disregard but to have value to continue contributing to our economy and our country.

You know my good friend Dr. Matairangi Purea is also part of this group, he has been called the encyclopedia of food crops and production here in the Cook Islands and the Pacific and around the world. Again, these are people who has immense knowledge and experience of agriculture and horticulture science here in the Cook Islands. I think it is the duty of this Honourable House to ensure the continuation of that knowledge and experience has blended well with the young ones coming up into their generation.

It's not about qualification and experience but more the ability to uphold the integrity of the office that they hold. That is the great responsibility and sacrifice that they have to continue before they retire gracefully into our society.

So, Mr Speaker I stand to support this Bill, the Honourable Members of this House would also support this great Bill that allows our people to reach beyond their time before they gracefully retire into society. Thank you very much.

MR SPEAKER: Thank you Honourable Minister, I see the Honourable Prime Minister; you have the Floor.

HON. M. BROWN: Thank you Mr Speaker. This morning I was grateful listening to the Leader of the Opposition commending the unity that we showed in our work yesterday. On top of that I was even more encouraged when I read in the Cook Islands newspaper her thoughts on the issue of referendum for cannabis in the Cook Islands. However, this morning when we debated this Bill my heart was very disappointed listening to their comments of this Amendment Bill.

Mr Speaker, if we look at this, this is an anachronism in all legislation where we discriminate against the person. Our Public Service removed these discriminatory clauses within the public service in terms of employing people and removed any reference to compulsory retirement when you reach 60 years old.

These were words that were passed last century at a time when greater awareness of removing discrimination within our society was not really apparent. It was not that many years ago Mr Speaker that the average life expectancy of Cook Islanders were less than 50 years old. Of course, today the life expectancy of people has increased significantly with men I believe at 70 years of age and women at 74 years of age, which means we are living longer, and more productive lives.

I find it curious Mr Speaker that last year the Opposition supported the removal of the age restriction from the Police Act but this year they do not support the removal from the Ombudsman Act. I can only surmise Mr Speaker that from what I hear from comments of certain Members of the Opposition this seems to be more of a personal issue rather than a policy issue. Disagreeing

with the salary that the Ombudsman is paid, querying whether they are being taxed properly. These are personal issues.

To me Mr Speaker we are so good being bias against our own people. It was not that long ago Mr Speaker all senior positions in the public service were held by expatriates and we spent considerable efforts over the years Mr Speaker to localise as many of our positions as we can. This position of Ombudsman Mr Speaker has always been filled by a local and the Ombudsman's position is a very important one as part of our governance.

It requires a person to exercise a level of judgment because they are almost acting like a Judge. Judgment and ability to provide good care for judgment Mr Speaker comes with experience. So, while the Opposition wants to impose an age restriction on anybody who holds the Ombudsman position at the other end of the spectrum they want to put a young person in the job.

It sounds like the qualifying criteria for this job if the Opposition was to appoint is, you have to be young. Fortunately, the governments' application of the qualifications for a person for this job is you have to be able, we have demonstrated that in the appointment of senior public service positions within the government, and these people are not only able, some of them are young and some of them are mature.

So, it will be the job of this Parliament and certainly it will be part of the work of this government that if we do find clauses within existing legislation that apply discrimination on the basis of age they will be removed. I do not believe there is an age restriction on High Court Judges, for example, but I believe there is one age restriction on Justices of the Peace. This Mr Speaker I would find to be a piece of legislation that offends our policy of non-discrimination against age. So, nobody should be discriminated now because of their age, if anything a person's ability to be able to do the job should be the main overriding consideration.

There is no doubt our current Ombudsman is doing a fantastic job in just a short time she has been in the office. The Cook Islands is a member of the International Ombudsman's Institute; this is an international organisation of Ombudsman from around the world. Just last week, I signed off a letter for our Ombudsman to support an application by the International Ombudsman's Institute to be granted observers status at the United Nation.

Already, our current Ombudsman has reached out to establish this strong network required to build our Ombudsman Office with the likes of the New Zealand Ombudsman. However, lending our voice to the International Ombudsman Institute Mr Speaker in this application for Permanent Observers status of the UN just further adds status to our own Ombudsman Office.

This current Ombudsman Act was enacted in 1984 Mr Speaker. Nearly 40 years ago, and I know the current Ombudsman is now actively looking to review this dated to modernise our Ombudsman Office. So I stand before the House Mr Speaker to commend this Amendment to the Ombudsman Act to remove this offending discriminatory clause. It is disappointing that the Members of the Opposition supports the discrimination of people being employed based on their age. We are not a big country Mr Speaker with millions of people that we can choose from to do certain work. We

must look to what we have and removing these barriers to entry Mr Speaker is a big part of expanding our pool of available qualified Cook Islanders to hold senior posts.

With those words Mr Speaker, I commend the Bill before the House.

MR SPEAKER: Thank you Honourable Prime Minister.

I put the Question:

That the Bill be now read a Second time?

Motion agreed to

CLERK AT THE TABLE: Long Title: An Act to amend the Ombudsman Act 1984.

MR SPEAKER: I now resolve Parliament into Committee of the Whole House to go through the Clauses of the Bill.

COMMITTEE OF THE WHOLE

Clause 1: Title

I put the Question:

That Clause 1 stands part of the Bill?

(Opposition opposed)

Motion agreed to

Clause 2: Commencement

I put the Question:

That Clause 2 stands part of the Bill?

(Opposition opposed)

Motion agreed to

Clause 3: Principal Act amended

I put the Question:

That Clause 3 stands part of the Bill?

(Opposition opposed)

Motion agreed

Clause 4: Section 5 amended (Term of Office of Ombudsman)

I put the Question:

That Clause 4 stands part of the Bill?

(Opposition opposed)

Motion agreed to

Long Title: An Act to amend the Ombudsman Act 1984.

I put the Question:

That the Long Title stands part of the Bill?

(Opposition opposed)

Motion agreed to

I put the Question:

That the Bill be reported to Parliament?

(Opposition opposed)

Motion agreed to

MR SPEAKER: Parliament is now resumed. I call the Honourable Minister, Vaine Mokoroa to report the progress of the Bill to Parliament.

HON. V. MOKOROA: Thank you Mr Speaker. I am happy to report:

That the Ombudsman Amendment Bill 2022 has progressed through the Committee Stage with no amendments and a lot of support

(Much laughter)

MR SPEAKER: Thank you Honourable Minister.

I put the Question:

That the Report be adopted?

(Opposition opposed)

Motion agreed to

I call upon the Honourable Minister, Vaine Mokoroa to move for the Third Reading of the Bill.

HON. V. MOKOROA: Thank you Mr Speaker. I move:

That the Ombudsman Amendment Bill 2022 be now read a Third time

MR SPEAKER: I call for a Seconder to the Motion?

Seconded by the Honourable Tingika Elikana

The Question is:

That the Motion be agreed to?

(Opposition opposed)

Motion agreed to

CLERK AT THE TABLE: An Act to amend the Ombudsman Act 1984

BILL READ A THIRD TIME

MR SPEAKER: Thank you Honourable Members, that completes the First, Second and Third Reading of the Ombudsman Amendment Bill 2022.

We will now move to our next Bill. Criminal Justice (Validation of Parole Reappointments) Bill 2022. I call the Minister in charge, Honourable George Angene to move for the Second Reading of the Bill.

HON. G. ANGENE: Thank you Mr Speaker. I move:

**That the Criminal Justice (Validation of Parole Reappointments) Bill 2022
be read a Second time**

MR SPEAKER: Thank Honourable Minister. You may speak if you wish to.

HON. G. ANGENE: Thank you Mr Speaker. In regards to this Bill, it is the reappointment of some people to these position. For us in the House to be aware we have had some difficulties the reason we are here. We wanted to bring an amendment to this Act in 2017 but it never happened

until today. As you may be aware, I was not the Minister Responsible during that time and the Corrective Services was not a stand-alone Ministry. The Correctives Services came under its own administration in 2018.

I would like to thank my Secretary, Teokotai Joseph who reviewed our Act and came across the difficulties in the Act. But we know we can't stop there we need to validate this and to move forward because the people who had previously been on this Board have now returned. For example, for Teau-o-tonga, Ngata Urirau is the Member on the Board for this district. When we go to Puaikura, David Akanoa is the Member and for Takitumu Willie Kauvai is the Board Member. They are the Members currently on the Parole Board Committee and reappointed.

Mr Speaker this not an easy task to carry because it is this Board who will consider whether prisoners can be released from prison. This Board are required to follow certain rules and they need to investigate whether these prisoners are fit to be released. Therefore, I am asking my Head of this Ministry to look carefully into the system of payment.

I believe when this Bill is enacted, and maybe during this time I will ask the Secretary, Teokotai Joseph and the Members of this Board for them to accept my suggestion for a Parole Board Member to be appointed, one from the Northern Group and one from the Southern Group. This is because the inmates are not just from Rarotonga but when these inmates go before the Parole Board, the matter is deliberated and decided by the Board Members from the island of Rarotonga. That is the reason why I am making this proposal before this House to appoint a representative from the North and one from the Southern Group to be part of this Board in making decisions for cases that will appear before them.

Those are my thoughts and contribution and in support of the Bill before this House. Thank you.

MR SPEAKER: Thank you Honourable Minister. I call for a Secunder to the Motion?

Secundered by the Honourable Vaitoti Tupa

I propose the Question:

That the Bill be read a Second time?

You, as the Secunder Honourable Member may speak.

MR V. TUPA: Thank you Mr Speaker and greetings to the Secretary of the Ministry of Corrective Services who is in this House, Tai Joseph. I believe that he is doing his job well because there is a big change in the Ministry of Corrective Services today. He has made new changes for the wellbeing of inmates and the staff of the Probation Service. Mr Speaker, these are the sort of employees I want to work in the Ministry, people with new ideas and ready to put it into action.

In regard to this Bill, this is the type of Bill that I want to be brought to this House. If this Bill had come before the House in 2017, I would have supported it already but I was only elected to be a Member of this House in 2018. I strongly support the recommendations that have been made.

I enjoyed listening to what the Minister has said because he is not playing political because when you look at the Members of this Board, I see a supporter of the Democratic Party and I see a supporter of the Cook Islands Party and I also see a supporter of the United Party. So I have no doubt in supporting this recommendation. Even if their age is beyond 70, I will support it.

This is good governance that we see today for bringing this Bill before the House and I also support what the Minister Responsible for this Ministry have suggested for a Board Member to be elected from the North and one from the Southern Group. I have observed these Board Members since their appointment in 2017 up to today. That is why I am saying politics has not been involved in this. Even though the appointment from the person in Te-Au-o-Tonga, I know he is living in Matavera and I know they strongly support me. The important point is that I strongly support the recommendations given by the Ministry Responsible for this Board.

I know these people being reappointed to the Board have a wide knowledge and therefore they are the right people to consider those who will be released from prison. I know all these persons have been Deacons in the Church and even this son of ours David, he is an Elder in the Latter Day Saints Church. He has the ability to apply his knowledge from the Bible. To make my contribution short, I strongly support this Bill before the House.

MR SPEAKER: Thank you Honourable Member. I now open the Floor to Honourable Members to speak on the principles and merits of the Bill.

I see the Honourable Tina Browne; you have the Floor.

HON. T. PUPUKE BROWNE: Thank you Mr Speaker. I rise to give the comments from the Opposition side on this Bill. Yes, we will support this Bill. This Bill is to correct the appointment of persons to the Parole Board.

I heard the Minister say that the functions of the Parole Board is to watch over inmates and when they are eligible for parole this Board will consider if a person can be released or not. Those are the functions of this Board.

What they will consider is whether the inmate accept that he has done wrong and when he is released, he will be good and not re-offend. We are looking at this Bill and it is just to re-appoint these Members.

My only concern is the use of the word 're-appoint' because my interpretation is they have already been appointed and they are being re-appointed. My understanding of this Bill is to appoint the Board Members because they were not appointed in 2017. Nevertheless, Minister there is nothing we can do but to follow the advice of the Crown Law Office so the Opposition support this Bill.

MR SPEAKER: Thank you Honourable Leader of the Opposition. I now see the Honourable Minister.

HON. G. ANGENE: Thank you Mr Speaker and thank you to everyone in the House.

I stand to thank the Opposition side for supporting this Bill. I thank your Leader, Honourable Tina Browne for your explanations on the name. That is what happens when you do not listen to your parents when they say go to school and that is why I did not understand the word 're-appoint'. My voice will be heard at the Tauranga Vananga and I could have corrected this in our language.

I want to thank the Secretary, Tai Joseph for his presence in this House to listen to our debate on this Bill. I believe we will not bring this Bill back to this House as we are making the correction now and thank you for your support.

MR SPEAKER: Thank you Honourable Minister.

I put the Question:

That the Bill be now read a Second time?

Motion agreed to

CLERK AT THE TABLE: Long Title: An Act to correct a failure to reappoint persons as members of the Parole Board during the period 1 December 2017 to 28 February 2022.

BILL READ A SECOND TIME

MR SPEAKER: I now resolve Parliament into the Committee of the Whole House to go through the Clauses of the Bill.

COMMITTEE OF THE WHOLE HOUSE

MR CHAIRMAN: Clause 1: Title

I put the Question:

That Clause 1 stands part of the Bill?

Motion agreed to

Clause 2: Commencement

I put the Question:

That Clause 2 stands part of the Bill?

Motion agreed to

Clause 3: Interpretation

I put the Question:

That Clause 3 stands part of the Bill?

Motion agreed to

Clause 4: Acts binds the Crown

I put the Question:

That Clause 4 stands part of the Bill?

Motion agreed to

Clause 5: Validation of Parole Board reappointment

I put the Question:

That Clause 5 stands part of the Bill?

Motion agreed to

Long Title: An Act to correct a failure to reappoint persons as members of the Parole Board during the period 1 December 2017 to 28 February 2022.

I put the Question:

That the Long Title stands part of the Bill?

Motion agreed to

Parliament is now resumed.

I call the Honourable Minister George Angene to report the progress of the Bill to Parliament.

HON. G. ANGENE: Thank you Mr Speaker. I am happy to report:

That the Bill has gone through the Committee Stage with no amendments

MR SPEAKER: Thank you Honourable Minister. I will put the Question:

That the Report be adopted?

Motion agreed to

I call upon the Honourable Minister Angene to move for the Third Reading of the Bill.

HON. G. ANGENE: Thank you Mr Speaker. I move:

**That the Criminal Justice (Validation of the Parole Board Reappointments)
Bill 2022 be now read a Third time**

MR SPEAKER: Thank you, I call for a Secunder to the Motion?

Secunded by the Honourable Vaitoti Tupa

The Question is:

That the Motion be agreed to?

Motion agreed to

CLERK AT THE TABLE: Long Title: An Act to correct a failure to reappoint persons as members of the Parole Board Justice during the period 1 December 2017 to 28 February 2022.

BILL READ A THIRD TIME

MR SPEAKER: Thank you Honourable Members, that completes the First, Second and Third Reading of the Criminal Justice (Validation of Parole Board Reappointments) Bill 2022.

Thank you Honourable Members, Orders of the Day.

ORDERS OF THE DAY

CONSIDERATION OF PAPERS

I recognise the Leader of the House on the Floor.

MS T. BROWN: Mr Speaker I move:

**That Standing Orders 65 (3) (c) be suspended to allow the House
to proceed with Consideration of Papers**

MR SPEAKER: Thank you Leader of the House. I call for a Secunder?

Secunded by the Honourable Tingika Elikana

The Question is:

That the Motion be agreed to?

Motion agreed to

Honourable Members we will now go to Consideration of Papers. I will call the number of each Paper and the title and any Member who wishes to debate any Paper move that the Paper be received and speak to the Paper. If no motion with respect to any Paper is called on, it shall be dropped from the Order Paper.

We will now start.

Paper No. 115 – Ministerial Statement by the Prime Minister.

Paper No. 111 – Report on a review of the Standing Orders.

I recognise the Honourable Tingika Elikana, Deputy Chairman of the Standing Orders Select Committee; you have the Floor.

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

That Paper No. 111 be received

MR SPEAKER: You may speak Honourable Member.

MR T. ELIKANA: We in this House know that this Paper is the Report of the Standing Orders Committee elected by this Honourable House to review the Standing Orders, the rules of running Parliament.

Before I go through the statements in this Report, I would like to thank the Members of this Standing Orders Committee. It is appropriate for me to remind us all who are the hard working Members of this Committee.

The Chairman of this Committee is the current Speaker of Parliament and assisting him as Deputy Chairman is the Member for Pukapuka/Nassau. On this Committee also is the Prime Minister, Mark Brown, the Leader of the Opposition, Tina Browne, Minister Vainetutai Rose Toki-Brown and the Deputy Leader of the Opposition, William Heather.

I would also like Mr Speaker to offer my thanks to those who were involved in the review of the Standing Orders of this time however, they are no longer here. My thanks to Nikki Rattle, our former Speaker of Parliament and our former Prime Minister, the Honourable Henry Puna as well as the Deputy Prime Minister, Honourable Robert Tapaitau and also the Member of Parliament from Aitutaki, Honourable Terepai Maoate.

It is only appropriate for me to offer words of thanks to all the staff of Parliament Services because it was them that provided the support to this Committee to carry out its task. From the Clerk, Tangata Vainerere, Deputy Clerk, Tai Manavaroa, Secretary of the Committee, Margaret Numanga, Technical Operations, Unuia Unuia and the Executive Assistance to the Speaker, Janet Browne.

On top of that Mr Speaker a big thank you to those from outside of our country that assisted this project, the adviser to this Committee, Mrs Debra Angus from New Zealand. We all know the significant amount of input to carry out the progress of this big work. Together with this is the funding support from the ADB through Mr Jean-Raphael. That Mr Speaker are the people fitting to be thanked for the work and the production of this Report to be placed before Parliament.

Before I go further into the Report, it is also appropriate for me to offer my thanks to the staff in the Hansard unit for recording all the terminologies that ended up in this Report. To our friend Papaterai Williams and your colleagues, I cannot understand how you are able to capture our discussions and produce it in this Report. I would also like to correct a statement I made before, sorry, the assistance for funding the project was not by the ADB but it was provided by UNDP.

Mr Speaker, in the Report there are so many areas that were looked at by the Committee. Some sections were deleted that we were used to and sections were amended to be appropriated to today. I will not elaborate on the whole of the Report maybe some colleagues will rise and offer some comments on the Report. I would just like to focus on three main important parts.

Firstly, the inclusion and participation through virtual discussions. We see this as being included in number 53 and towards the end. This is a new stepping-stone within Parliament Mr Speaker, and through this stepping-stone as mentioned by others before, we will then be able to increase the Sittings of Parliament. Although a Member is stranded on your own island or you have travelled overseas to represent the Nation, in this new rules and the running of our Parliament, you are able to participate through virtual discussions to be in line with the new rules of Parliament to state that your presence is here in Parliament.

Like what I have said before, we will be able to increase our Sittings of Parliament into the future because we all know one of the difficulties for us to participate in Parliament is making quorum in Parliament. What we then have created is the opportunity to still participate so there are no excuses that we are not able to participate in Parliament. This fits with the comments made by the Member of Parliament for Titikaveka yesterday that the time has come we will be able to establish a calendar of Sittings for our Parliament.

The second part I would like to elaborate on Mr Speaker, and we will see this in number 28 on the Report regarding the Code of Conduct. We can see this is a new addition to our Standing Orders because the previous Standing Orders did not have this provision. Therefore, through the inclusion of this Code of Conduct, we are on par with the expectations of our people in knowing that conduct in this House will be respectable. A request to all of us to please take the time to read the Code of Conduct so it will not affect you negatively.

The third part I would like to talk upon regarding the Report Mr Speaker is the submissions to Parliament or Petitions to Parliament. As we have known that we have received some Petitions from the public to Parliament and in particular the case to do with water. We saw the difficulties in the deliberations in this House regarding what is actually the procedures for this. As we know, the process was through the debating of the Members of Parliament and regardless of your Petition, if government does not accept it, it would not proceed further.

We will see the new rules that this area has been changed. If a Petition is lodged in Parliament, it will not go through voting and if the Clerk reviews that it is appropriate then this Petition will go straight to the Committee and the Committee will review the Petition.

As we have seen in one of the last Petitions, it will require voting and support by government to proceed but this new arrangement it will not go through this channel. It depends on the consideration of the Clerk and then it may go to a Committee.

Those are the three main points I would like to discuss. There are others and we all know and these will come to light.

I place the Report of the Committee before Parliament.

MR SPEAKER: Thank you Honourable Member. I call for a Seconder to the Motion?

Seconded by the Honourable Minister, Rose Brown

I propose the Question:

That the Motion be agreed to?

I now open the Floor to speakers. I see the Honourable Prime Minister; you have the Floor.

HON. M. BROWN: Thank you Mr Speaker. I rise in support of the Report that is tabled before the House.

The Standing Orders of Parliament have not been reviewed for a number of years and in fact, the review of the Report commenced before COVID hit our country and the Standing Orders are essentially the rules of how Parliament conducts its business.

As I mentioned earlier, Mr Speaker one of the major areas that we wanted to improve was to enable more sittings of Parliament but the rules around maintaining a quorum within Parliament, coupled with a fact that we have a small Parliament in comparison to many other countries, meant that regular Sittings of Parliament were difficult to achieve.

One only need to go back to 1965 when this Parliament was first conceived and to see that the number of Parliamentary Sittings over the last 55 years, Mr Speaker were very modest every year. During the Democratic time, it was the same thing so it is very timely that we took time out to review the Standing Orders to come up with something that would suit our unique Parliament.

By the very nature of the number of seats, 24 with 12 being the split or 13 being a clear majority. On our side of the House, more than half our Members are engaged in the Executive running of our government as Ministers or Associate Ministers. Alternatively, in your case Mr Speaker, as a Speaker within Parliament, your number is not even counted in our quorum which adds to the difficulty of one of the aspects of the rules of Parliament which is maintaining a quorum.

So right now, Mr Speaker with you sitting in the Speaker's Chair the numbers of the government side here are twelve. Certainly, still a majority over the eleven on the Opposition side but more importantly the minimum quorum required for Parliament. So when a Minister or an Associate Minister is called to duty and is not here in the country, it can at times be very difficult to convene a Parliament Sitting with confidence knowing that you have sufficient numbers for a quorum or for a majority.

We know that the nature of our Parliaments, not just today but going back in the past years, our Parliaments are very competitive and can be very combative. It is not unknown to us for the Members of the Opposition to vacate their seats and leave Parliament and if our numbers are below the quorum, it renders the Parliament then invalid.

Our suggestion to introduce proxies into the Standing Orders is to allow us to meet the quorum numbers and allow Parliament to conduct its business was one proposal that we put through. However, to have that in place, Mr Speaker would have required a Constitutional amendment in recognising or amending what would be regarded as a presence of a Member in Parliament but of course without the support of our cross bench Members, that proposal would never move ahead.

With the advent of COVID, Mr Speaker everybody suddenly became an expert on zoom meetings and attendance through virtual means and we have seen Parliaments now throughout the Pacific and also New Zealand allow the use of virtual participation in Official Parliament Sittings. Therefore, I am very happy that we have reached agreement that virtual Sittings will be recognised by this Parliament in the new rules of the Standing Orders that we will look to adopt today. I would say, Mr Speaker that this will go a long way to allow Parliament to enable more sittings of the House. So when any Member of Parliament or Cabinet Ministers in particular maybe off the islands they would still be able to attend Parliament through a virtual Sitting.

Of course there are technical issues that need to be addressed in making this happen but I have no doubt Mr Speaker that those can be overcome and we would expect to see some of our Members with a screen showing their presence where they may be on the other side of the world.

Therefore, this is certainly a step in the right direction and one that I know the Members of the government side certainly welcome.

The establishment of a Business Committee to determine the business of Parliament also, Mr Speaker is a move to modernise the operations of Parliament.

With those words, Mr Speaker I stand in support of this Report.

MR SPEAKER: Thank you Honourable Prime Minister.

The Question is:

That the Motion be agreed to?

Sorry, my apologies, I see the Honourable Tina Browne; you have the Floor.

HON. T. PUPUKE BROWNE: Thank you Mr Speaker.

Firstly, I must say that I am very pleased with the result or the outcome of the review of the Standing Orders. For new Members like us, coming into Parliament and trying to navigate the old Standing Orders, that was a real challenge. One of the driving forces behind the review was to try to have them in particular categories so that it makes it easier for Members of Parliament to navigate.

Secondly, the language that was used was made simpler so that Members of Parliament could understand what the Standing Orders are all about.

Third, it was to reduce unnecessary detail that was in the old Standing Orders. It was also to re-organise the Committees so that everything, the establishment and what the Committees do are placed in one chapter. It was quite interesting being a Member of the Select Committee with the assistance of the consultant Debra Angus. I came to realise that some of the process that we were adopting in Parliament were actually not correct and maybe some of our interpretation of the Standing Orders were also not correct.

For example, every Bill that came into the House and we wanted to refer it to a Select Committee, immediately the House appointments a Select Committee for that Bill. Under the new rules they all go to a Bills Committee and the Bills Committee decides whether a Select Committee should be appointed or not.

And of course, we did not know any better, we just move a motion and everybody supported it and the Committee is selected and off we go. Both the Prime Minister and the Deputy Chairman of the Select Committee have covered some areas in the new Standing Orders. I too want to deal only with some aspects.

Many of the suggestions by the consultant I think we all agreed. There were however a few areas that there was much debate about. One of the areas there was much discussion on was the suspension of the Standing Order and we know that almost every Parliament there is a motion to suspend the Standing Orders but really because Bills are tabled late.

So, in the discussions we had in the Select Committee, we found the answer in the actual calling of Parliament and when Bills should be tabled. The agreement was that the Bills should be tabled much earlier so that there is no need to suspend the Standing Orders. There was much discussion on that because that also was linked with trying to get a calendar for Parliament Sitting.

In the new Standing Orders, we see that as Standing Order 38, and this is another area where it was agreed that a Business Committee must be established made up of Members of both sides whose role is to discuss and agree on a calendar. We see in Standing Orders 38, and of course, the Sitting Calendar will sling to the virtual sitting and the suggestion by government for proxy votes

Now, the Opposition had no problem with virtual sittings that was agreed right at the start. We did however have a problem with proxy votes and our concern was adequately explained by the Member of Parliament from Matavera earlier on this morning.

Secondly, we were of the view that appointment of proxies was unconstitutional. We had also indicated that early in the piece in our deliberations in the Select Committee.

Eventually, Crown Law was asked for an opinion as to whether or not it was Constitutional or not. They gave two opinions, one, on proxies and also on virtual sittings. The legal opinion said, yes being present in Parliament virtually is Constitutional. However, they also opined that being present in Parliament by proxy was unconstitutional and that is why appointments of proxies is not in the Standing Orders, the new ones.

As the Member for Matavera has mentioned, our voters could have anticipated that they vote for you and then you go and appoint someone else to speak for them. However, I think I should also mention that the opinion from the Crown Law office with regard to virtual participation, I think the Crown Law also sent out a little wording signal that maybe in their opinion could be wrong. If tested in court that court may put a different interpretation on it.

It maybe something that government would consider because the Opposition had indicated also at our Select Committee meetings that a Constitutional change put it beyond doubt would be supported by the Opposition. I also want to make a very brief comment on the Code of Conduct. I just wanted to let people know that the Standing Orders Committee worked really hard. I think we only had three meetings and it was all done.

I think you heard our Chairman report on the Code of Conduct last year. Therefore, the Opposition supports the new Standing Orders and given that it will be much, much easier to navigate. It will be very helpful for all the new Members in the new Parliament. Thank you Mr Speaker.

MR SPEAKER: Thank you Honourable Leader of the Opposition. I see the Honourable Tingika Elikana.

MR T. ELIKANA: Thank you Mr Speaker. I stand to correct an error I made on the commencement of the new Standing Order. They will come into force on the 1st of July 2022. Meaning the next Parliament or whenever that might be, will be governed by these Standing Orders. So I urged the Members to familiarise yourselves with the new Standing Orders. Thank you.

MR SPEAKER: Thank you Honourable Member.

The Question is:

That the Motion be agreed to?

Motion agreed to

I recognise the Leader of the House, the Honourable Tehani Brown; you have the Floor.

MS T. BROWN: Thank you Mr Speaker. I move:

That Parliament adopt the revised Standing Orders together with the accompanying Appendices as set out in Part 2 of the Report of the Standing Orders Committee on the Review of the Standing Orders with effect from 1 July 2022

MR SPEAKER: Thank you Leader of the House.

I call for a Seconder?

Seconded by the Honourable Tingika Elikana

The Question is:

That the Motion be agreed to?

Motion agreed to

We will now move to our next Paper.

Paper No. 116 – Cook Islands National Superannuation Fund (Contribution Rate) Amendment Order 2021, Serial No. 2021/11

Paper No. 117 – Environment (Montreal Protocol) Regulations 2021, Serial No. 2021/12

Paper No. 118 – Transport (Motor Driver Licensing) Amendments Regulations 2021, Serial No. 2021/13

Paper No. 119 – COVID-19 (Public Health Measures) Regulations 2021, Serial No. 2021/14

Paper No. 120 – COVID-19 (Air Border Entry Requirements) Regulations 2021, Serial No. 2021/15

Paper No. 121 – Public Expenditure Review Committee (Appointment of Other Committee Members) Order 2021, Serial No. 2021/16

Paper No. 122 – Justices of the Peace (Remuneration) Regulations 2021, Serial No. 2021/17

Paper No. 123 – Te Mato Akamoeau Office of the Ombudsman Annual Report 2020-21

Paper No. 124 – COVID-19 (Public Health Measures) Amendment Regulations 2022, Serial No. 2022/01

Paper No. 125 – COVID-19 (Public Health Measures) Amendment Regulations (No. 2) 2022, Serial No. 2022/02

Paper No. 126 – Ombudsman (Terms and Conditions of Appointment) Order 2022, Aerial No. 2022/03

Paper No. 127 – COVID-19 (Air Border Entry Requirements) Amendment Regulations 2022, Serial No. 2022/04

Paper No. 128 – COVID-19 (Air Border Entry Requirements) Amendment Regulations (No. 2) 2022, Serial No. 2022/05

Paper No. 129 – COVID-19 (Air Border) Regulations 2022, Serial No. 2022/06

Paper No. 130 – COVID-19 (Public Health Measures) Amendment Regulations (No. 3) 2022, Serial No. 2022/07

Paper No. 131 – International Relationship Property Trusts Regulations 2022, Serial 2022/08

Paper No. 132 – Cook Islands Immigration Act Commencement Order 2022, Serial No. 2022/09

Paper No. 133 – Cook Islands Immigration Regulations 2022, Serial No. 2022/10

Paper No. 134 – COVID-19 (Public Health Measures) Regulations 2022, Serial No. 2022/11

Paper No. 135 – COVID-19 (Border Entry Requirements) Regulations 2022, Serial 2022/12

Paper No. 137 – PERC Report on Complaint regarding Integrity of Information produce by Revenue Management Division (RMD)

I recognise the Honourable Leader of the Opposition, Tina Browne. You have the Floor.

HON. T. BROWNE: Thank you Mr Speaker.

Mr Speaker, pursuant to Standing Order 74 (1), I move:

**That Paper No. 137 be referred to the Public Accounts Committee
for consideration in the next Parliament**

MR SPEAKER: Thank you Leader of the Opposition.

I call for a Secunder?

Seconded by the Honourable Selina Napa

The Question is:

That the Motion be agreed to?

Motion agreed to

Paper No. 138 – PERC Report on Complaint received regarding Revenue Management Division at the Ministry of Finance.

I recognise the Honourable Leader of the Opposition, Tina Browne you have the Floor.

HON. T. PUPUKE BROWNE: Thank Mr Speaker.

Mr Speaker, pursuant to Standing Order 74(1), I move:

That Paper No. 138 be referred to the Public Accounts Committee for consideration in the next Parliament

MR SPEAKER: Thank you Leader of the Opposition.

I call for a Seconder?

Seconded by the Honourable Vaitoti Tupa

The Question is:

That the Motion be agreed to?

Motion agreed to

Paper No. 139 – Public Account Committee Report on the Review of the Appropriation 2022-23.

I see the Honourable Elikana; you have the Floor.

MR SPEAKER: Paper No.139 Public Accounts Committee Report on the Review of the Appropriation 2022/23. I see the Honourable Tingika Elikana ; you have the Floor.

MR T. ELIKANA: Thank you Mr Speaker.

I rise to move:

That the Report of the Public Accounts Committee Report on the Review of the Appropriation 2022/23 be adopted

MR SPEAKER: Honourable Member, you may continue with your speech if you want to.

MR T. ELIKANA: Before I offer my comments, I would like to give my thanks to this hard working Committee that carried out their responsibility resulting in what we see their Report before Parliament. I would like to offer my thanks to the Secretary of this Committee, Mrs Margret Numanga, as well as the Clerk, Tangata Vainerere and to the staff of the Parliament Services for their input to this Report.

Maybe, Mr Speaker we might wonder why I rose to move this Report to be accepted because we have just completed the enactment of the Appropriation Act 2022/23. Mr Speaker, those thoughts are okay, however, there are parts in this Report that we on this Committee felt we should highlight to Parliament.

We will see when we read the Report, the Committee have no issues with our Appropriation. On the allocations, the Committee have no issues as it is appropriate under the law. However, there are areas the Committee were a little bit concerned and asked me to present this to Parliament. The Committee would like to offer some recommendations for the future. This is regarding the presentation of the Bill to the House as well as the other information, the Regulations and the Schedules.

We will see this in Part 8 of the Report. We see there when we read the little bit of concern by the Committee, the concern was that in past years, the complete Appropriation for the Ministries were not presented to the Committee pursuant to 8.4 of the Public Service Manual as well as according to the Sections 26 and 28 of the Public Expenditure Act of 95/96.

Another concern of the Committee is about the reporting by the State Owned Enterprises. The Committee would like to highlight to the SOEs to follow Section 16 of the Cook Islands Investment Corporation Act 1998 because according to the Committee through this they will work very hard into the future to ensure that the total expenditure by the Agencies of government will be made known to the public.

That is all I have to say but I am sure other Members will speak to this Report.

MR SPEAKER: Thank you Honourable Member. I call for a Secunder to the Motion?

Secinded by the Honourable Vaitoti Tupa

The Floor is open for you but I have to interrupt you as it is now time for afternoon break and once we come back, we will let you to continue.

Sorry Honourable Members, there is a slight change to our programme for this time.

I will call the Honourable Leader of the House.

MS T. BROWN: Mr Speaker, I move:

That Parliament is extended until all business of the House is disposed of

MR SPEAKER: Thank you Leader of the House. I see the Honourable Tingika Elikana.

Seconded by the Honourable Tingika Elikana

The Question is:

That the Motion be agreed to?

Motion agreed to

I am sorry, Honourable Members there's no break for us. I call the Honourable Vaitoti Tupa, you have the Floor.

MR V. TUPA: Thank you Mr Speaker for granting me the time to speak.

First, I would like to give my appreciation to the Chairman of this Committee because he worked hard to go through the proposals and the recommendations for this. He was fortunate he had very good support. We helped him, supported him to move this work forward.

I would also like to talk about the difficulties he mentioned in this process. I do believe, Mr Speaker that this can be rectified. He mentioned the difficulty of the Reports reaching Parliament because Mr Speaker before me is the Annual Report for the Public Service Commission from the year 2020.

Within this Report is the Summary for all the Ministries. It did not detail what is happening in the Ministries. That is why I support the notion that if all these agencies of government submit their report to the Public Service, they should also submit it to Parliament.

As mentioned, I would like to elaborate also that this should include also our Island Administrations. A significant amount of funds has been placed in their controls in the EOs on all the Islands. I do know they are submitting their Report to the Division of the Outer Islands at the Office of the Prime Minister. If they submit their Report to the Prime Minister's Office, they should also submit Reports to Parliament to give us an idea what is happening in the Outer Islands. We also know over the last four years we have come, there were some difficulties relating to the financial management of the Outer Islands.

The problem with us is that it is only afterwards that we learnt about these difficulties. If only their Report that is submitted to the Division of the Outer Islands at the Prime Minister's Office is also copied to us, then we will have ample notice of all the problems in the Outer Islands.

To the same extent, Mr Speaker for us to receive Reports from the State Owned Enterprises. As explained by the Chairman and Member of Parliament for Pukapuka especially regarding our Appropriation managed by the Ministry of Finance and this will serve to give us more in-depth knowledge into the financial management of these State Owned Enterprises.

The Chairman also commented on the operation of Cook Islands Investment Corporation. Under their Legislation, they are obliged to produce a Report to Parliament. So this is a word of encouragement to the Ministers, those who are looking after the management of these departments.

When you look at this Public Service Report from 2020, Mr Speaker you just look at the introduction and there is a yes. There is no 'no' or if. However, if we receive the Reports from the various departments, then we can see there is a no or maybe an if and so forth.

However, Mr Speaker I do lend my full support to this Report to assist us all in our work.

MR SPEAKER: Thank you Honourable Member.

The Question is:

That the Motion be agreed to?

Motion agreed to

Paper No.140 – Financial Statement Appropriation Bill 2022/23.

Honourable Members that brings us to end of Papers for Consideration. We have now come to the end of our business today. I call the Leader of the House.

MS T. BROWN: Thank you Mr Speaker. I move:

That Parliament do now adjourn *Sine Die*

MR SPEAKER: Thank you Leader of the House. I will call for a Seconder to the Motion?

Seconded by the Honourable Tingika Elikana

The Question is:

That the Motion be agreed to?

Motion agreed to

Parliament is now adjourned *Sine Die*. May I ask the last Honourable Member into the House to say our Closing Prayer?

CLOSING PRAYER

MR SPEAKER: Honourable Members, please do not disperse and take your seat as there is a short Session with the Seabed Mineral Authority. Please do not pack your belongings, just sit down. This is a good opportunity for us to see how we can mine our seabed and see how we can cooperate.

Thank you Honourable Members.

Sitting adjourned *Sine die* at 2.36 p.m.