



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 113

Rarotonga.

Madam Speaker,

I have the honour to present the Family Law Special Select Committee Report

I have the honour to be,

Ma'am

Hon. Mona Ioane
Chairman



PARLIAMENT OF THE COOK ISLANDS

19 June 2017

Honourable Speaker
Office of the Speaker of Parliament
Parliament of the Cook Islands
Nikao, Rarotonga
COOK ISLANDS

Honourable Speaker

In accordance with the Family Law Bill Special Select Committee's Terms of Reference, it is my honour and privilege to present to you this Final Report on the work of the Committee for the period December 2016 to May 2017 for tabling in the House at the upcoming sitting of Parliament.

Madam Speaker, enclosed is the new Bill titled Family Protection and Support Bill 2017 which replaces the original Family Law Bill tabled in Parliament on 11 June 2015. The title change is the result of the consultations and the deliberations by the Committee on the advice of the Cook Islands Crown Law Office and the New Zealand Parliamentary Counsel Office.

I have the honour, Madam Speaker, to remain your obedient servant,

A handwritten signature in black ink, appearing to read 'Mona Ioane'.

Mona Ioane
Chairman
Family Law Bill Special Select Committee



PARLIAMENT OF THE COOK ISLANDS

FAMILY LAW BILL SPECIAL SELECT COMMITTEE

FINAL REPORT - 19 JUNE 2017

Presented by

Mr Mona Ioane, Chairman

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1 BACKGROUND

- 1.1 The Family Law Bill Special Select Committee was established by Parliament on 11 June 2015, to go over the Family Law Bill and inquire into how the Bill could be improved in order for its proper administration and to report its findings to Parliament.
- 1.2 The Committee conducted extensive public consultations on the Bill during the period June 2015 to June 2016 and presented an interim report on the progress to Parliament on 26 August 2016 in which the Committee requested Parliament to:
 - 1.2.1 Consider and approve an extension of six months duration to the Committee's work time-frame to enable the Secretariat to complete the Committee's Final Report for tabling at the next sitting of Parliament.

- 1.2.2 Consider and approve the Committee's recommendations on proposed amendments to the Bill in order that arrangements may be made for the Bill's Reviewer to update the Bill for tabling in Parliament when completed.
- 1.3 The Committee continued its work on the refinement of the Bill through the technical support of Ms Catherine Evans, Deputy Solicitor-General and Ms Catherine Yates of the New Zealand Parliamentary Counsel Office during the period 26 August to 7 December 2016.
- 1.4 The Committee submitted its 2nd report to Parliament on 7 December 2016 with 13 recommended amendments to the original draft referred to the Committee by Parliament on 11 June 2015. The Committee also tabled 2 additional recommendations relating to the implementation of the Bill as follows:
- 1.4.1 Consider and approve an appropriation of \$300,000 to be allocated as POBOC with the Ministry of Finance and Economic Management for the purpose of covering the costs for the first year of the implementation of the Act by the Ministry of Justice and the Ministry of Internal Affairs and other entities that may be involved in the implementation of the Act.
- 1.4.2 Consider the establishment of a Safety Facility for victims during the 24 hour period when the Protection or Safety Order is being served and the perpetrator cannot be located.
- 1.5 All recommendations were approved by Parliament during its sitting on 7 December 2016
- 1.6 The Committee then continued its final refinement of the Bill with the assistance of Ms Catherine Evans, Deputy Solicitor-General, Ms Catherine Yates and Ms Fiona M Leonard of the New Zealand Parliamentary Counsel Office.

The final refinement of the Bill led to the changing of its title from Family Law Bill 2016 to Family Protection and Support Bill 2017. The new title more accurately reflects the Bills intentions and also translates better to the Maori language.

2 ACKNOWLEDGEMENTS

2.1 Committee Members

Chairperson	Mr Mona Ioane	Member for Vaipae-Tautu
Deputy Chairperson	Mrs Selina Napa OBE	Member for Titikaveka
Members	Mr George Angene	Member for Tupapa-Maraerenga
	<i>(terminated under Standing Order 322 due to excessive absences without leave)</i>	
	Mrs Rose Brown	Member for Teenui-Mapumai
	Mr Toka Hagai	Member for Rakahanga
	Mrs Tetangi Matapo	Member for Tamarua

2.2 Technical Support

- 2.2.1 The Bill was initially drafted in 2010 by UNDP-funded Consultant Ms Christine Forster, a senior lecturer at the University of New South Wales' faculty of law and was reviewed by Mr Ian Jamieson of the New Zealand Parliamentary Counsel Office.

2.2.2 Technical support was provided to the Committee by the Crown Law Office through the Senior Crown Counsellor Ms Catherine Evans who provided the legal opinions in response to questions on the Bill.

2.2.3 Senior Government Officials that provided additional advice and guidance during the consultations on the Bill include:

- a) Secretary of Justice Mr Tingika Elikana
- b) Former Secretary of Internal Affairs Ms Bredina Drollett
- c) Acting Secretary of Internal Affairs Mr Paul Allsworth
- d) Senior Adviser of the Child and Family Division of Internal Affairs Mr Edward Browne.

2.2.4 The Office of the Editor of Debates of Parliament led by Mr. Isaac Solomona and all his staff provided the communications and editorial support to the Committee.

2.2.5 The Corporate Services Division under the leadership of Director of Corporate Services Mrs Ina Pierre provided the administrative support and financial services to the Committee.

2.2.6 A number of Parliamentary Staff and other officials who served as the Secretary to the Committee at various times during the report period include:

- a) former Secretary of Committees Mr John Henry
- b) Deputy Clerk of Parliament Mrs Helen Maunga
- c) Clerk of Parliament Mr John Tangi
- d) Executive Director of the Pacific Legislatures for Population and Governance (PLPG) Mr Tangata Vainerere.

3 APPENDICES

1 Committee's Terms of Reference

To go over the Family Law Bill and inquire into how the Bill could be improved in order for its proper administration and to report its findings to Parliament.

2 The Family Protection and Support Bill 2017 - English Version

3 The Family Protection and Support Bill 2017 - Maori Version