



# PARLIAMENT OF THE COOK ISLANDS

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## **PARLIAMENT PAPER NO. 66**

Rarotonga.

Madam Speaker,

I have the honour to present the Progress Report of the Family Law Bill Special Select Committee of Parliament for the period ending 9 December 2015.

I have the honour to be,

Sir,

Mr Mona Ioane  
**Chairman of the Family Law Bill**

The **HON. NANDI GLASSIE**, Minister of Justice



## PARLIAMENT OF THE COOK ISLANDS

### **PROGRESS REPORT OF THE FAMILY LAW BILL SPECIAL SELECT COMMITTEE OF PARLIAMENT FOR THE PERIOD ENDING 9 DECEMBER 2015**

#### **1. RECOMMENDATION**

The Family Law Bill Special Select Committee recommends that Parliament take careful note of this report.

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#### **2. INTRODUCTION**

Following the establishment of the Family Law Bill Special Select Committee in Parliament on 11 June 2015, the Committee was tasked to go over the Bill and inquire into how the Bill could be improved in order for its proper administration and to report its findings to Parliament. Subsequently the Special Select Committee is to present its final report to Parliament by the end of February 2016. Based on the spirit of bi-partisan, the composition of the Special Select Committee is as follows;

Chairman	-	Mr. Mona Ioane
Deputy Chairperson	-	Mrs. Selina Napa
Members	-	Mrs. Rose Brown
	-	Mr. Toka Hagai
	-	Mrs. Tetangi Matapo
	-	Mr. George Angene

#### **3. CALENDAR OF EVENTS**

Since its first informal meeting of the 10<sup>th</sup> July 2015 and despite several significant overseas pre-arranged official commitments for several members, the Committee as a whole was cohesively able to formulate a strategic calendar of events. This has developed into a firm direction, enabling the Committee to perform its functions as tasked by Parliament.

From the 7<sup>th</sup> of September 2015 to the 9<sup>th</sup> of December 2015, the Committee was able to undertake face to face consultations with various Stakeholders; first with the HOMs of the core public service agencies who will administer the long in-wait of the anticipated Law once enacted by Parliament.

These core agencies include; the Ministry of Internal Affairs, Ministry of Justice, Cook Islands Police and the Ministry of Health. Meetings with other Stakeholders such as; Non-Government Organisations (NGOs);- Punanga Tauturu, Cook Islands Family Welfare, House of Ariki, Koutu Nui, Cook Islands National Disability Council, Religious Advisory

Council, Cook Islands Child Welfare Association, National Council of Women, Tereora College Counsellor were successfully executed. As Crown Law office was very much a component during the drafting of the Bill, the ever presence of Senior Counsellor Ms. Catherine Evans and that of the Secretary of Internal Affairs Ms. Bredina Drollett and staff member Mr. Edward Browne and the Secretary of Justice Mr. Tingika Elikana during the consultations with other Stakeholders have hugely contributed ample assistance, comfort and confidence to the Committee. Consultations with the above core and supportive Stakeholders were held in the Parliament Chamber where all interactions were recorded on Hansard.

Two Radio talk-back sessions were also executed by the Committee on Cook Islands Radio, the first being on the late afternoon (4pm – 6pm) of Wednesday 14 October 2015 Kave-Korero program and the second session on Thursday 15 October 2015 for one hour from 9am with the Karangaranga weekly community related sponsored program by CITC.

The Vaka consultations on mainland Rarotonga were also engaged by the Committee, beginning with Vaka Puaikura on Monday 23 November 2015 from 5.30pm at the Arurangi CICC Calvary Hall, followed by Vaka Takitumu staged at the newly blessed Matavera CICC Sunday School Hall on Tuesday 24 November 2015, again from 5.30pm. The last of the three Vaka meetings (Vaka Teautonga) was conducted at the Avarua CICC Sinai Hall on Thursday 26 November 2015, starting time 5.30pm. The turnout of Vaka residents to two of the meetings particularly in Vaka Puaikura and Vaka Takitumu were very welcoming and pleasant, where over 40 residents attended the Puaikura meeting and over 50 residents attended the Takitumu meeting, however very sad to note that only 18 people were interested and attended the Teautonga meeting.

#### **Issues raised from the Three Vaka meetings include:**

- Recommends to follow the definition of the New Zealand for *de facto relationship* of three years
- Instant enforcement of the *parenting order* when the father takes off overseas and leaves his wife and children behind instead of waiting for the court order;
- Recommendation to recognise grandparents or extended families under clause 7 (b) (ii);
- Questions around the rights of the child;
- Questions around support from Internal Affairs in the Pa Enea for the grandparents;
- Absence of the Church in the Bill was raised;
- Questions around the 'same sex' marriage wanting to adopt a child
- Strong support proposed for a rehab centre for this sort of children;
- Noted the enormous burden around the Ministry of Internal Affairs;
- No mention on 'incest'
- Mandatory counselling strong proposed;
- Questions around legal aid assistance;
- Issues around foreign spouse with no accessibility to land etc;
- Issues around the bank loans by the divorced couples;

#### **4. COOK ISLANDS NATIONAL YOUTH PARLIAMENT**

As a continuous trend and opportunity for our young people (youths) of our small nation, a Youth Parliament was eventually undertaken by our youth representatives from various youth groups here on mainland Rarotonga including from the Pa Enua who managed to attend the Cook Islands National Youth Council tri-annual Conference, held on the 1<sup>st</sup> December 2015. The Pre-youth Parliament activity at the Pukapuka Hostel, showcase in detail expectations to respect and observe Parliamentary rules and procedures during the Sitting of the Youth Parliament.

The initial purpose of the youth parliament was to expose youth members to experience the role of the members of parliament during Parliamentary sittings especially during Question time and the debates on the principles and merits of the Family Law Bill Part 5 on Care and Protection till the completion of the First, Second and Third Reading of the Bill.

The success of the Youth Parliament prompt future plans for youth parliament and other mock parliament to be implemented to increase the levels of interests from the community especially from the schools and various non-governmental organisations.

## **5. OUTER ISLANDS VISITS**

### **Mangaia**

As a component of the Committee's Calendar of Events, visits to the Pa Enua commenced on Wednesday 2 December 2015, where a six member delegation flew to Mangaia and returned to mainland Rarotonga, on Friday 4 December 2015. Due to the heavy mist hanging over Mangaia on Wednesday morning, the delegation's flight that departed for Mangaia about 8.30am returned Rarotonga. The delegation finally departed at 5pm on the same day for Mangaia.

While on Mangaia, the Committee held one meeting with the Mayor and Island Council Members of Mangaia forenoon Thursday 3<sup>rd</sup> December. This was after the initial presentation of the 'sponsored van' for the disability on Mangaia by the Chairman and Acting Minister for the Ministry of Internal Affairs to the Mangaia Disability. Due to bad weather the van did not arrive as scheduled but the Committee were warmly welcome to celebrate International Disability Day with the Mangaia Disability Association members and people with disabilities and the Mangaia Island Administration. It was a very successful occasion.

During the afternoon the second scheduled island meeting was staged at the Oneroa Community Hall and this was attended by 35 people. A number of issues raised during the public meetings were well received and noted by the Committee to be included in its Final Report to Parliament. However, these are identified concurrently with similar issues raised from the island of Aitutaki.

### **Aitutaki**

The second and final visit to the Pa Enua for the year 2015 was to the island of Aitutaki, where a six member delegation visited the island, on Monday 7 December 2015 and returned on Wednesday 9 December 2015 (being the ending date for the Committee's Progress Report to Parliament). The Committee met with the Aitutaki Mayor and Members of the Islands Councils of the Aitutaki. While in Aitutaki the delegation carried out two island public meetings, the first in Vaipae on Monday 7 December 2015 at 5.30pm (for all residents residing within the "Country" villages of Vaipeka, Vaipae and Tautu). This

meeting took over three hours and the number of issues raised was considerably remarkable.

The second and final meeting was staged in the Ngapuariki Hall in the village of Arutanga, for all residents of the "Town" villages of Amuri, Ureia, Arutanga, Reureu and Nikaupara on the island. Although the attendance to the meeting was very poor, 30 people managed to stay on during the two hours meeting till the end.

### **Generically some of the issues raised from Mangaia and Aitutaki were around:**

- Strong support to amend the interpretation of *child from under 18 years down to 16 years*;
- The effect and coverage for *children who are not legally adopted* to be recognised in the Bill;
- To include coverage for *problem children who are deported from New Zealand* and associated costing by the Ministry of Internal Affairs;
- *Government support* for disability children when their child benefit ceases at 12 years;
- High interest around the coverage for *feeding children after Divorce*;
- High interest to *increase the 12 months separation to 2 years before divorce* can be finalised by the court where children are involved;
- Recognises that *child support for children through welfare benefits is insufficient*, especially for one living in the outer islands where the costs of living is very high;
- Recommends *marriage to be solved by the couple or counselling first before going to court* to solve it;
- Either partner or *parent removing the children overseas without informing the other parent/partner* whether there is support for that parent without the child/children?
- *Children looking after children* in the absence of either parents;
- *Avenues to strengthen the Ministry of Internal Affairs* who is under resourced supported;
- Recommends the *Christian principles* to be recognised in the Bill since there is no provision for counselling based on Christian principles during the divorce process;
- The rights of the parents to discipline their children is not recognised in the Bill;
- While the Bill recognises the CRC and CEDAW, it does however, does not recognise the Bible and Christian principles during divorce, after all most marriages are officiated by church ministers or representatives;
- Issues about *divorcing a disabled partner*;
- Support around the provision for *divorce to be actioned immediately*;
- *Reservations* around the filing for divorce due to associated costs;
- Queries around the role of the Church and Church Pastors when couple divorce or intending to divorce;
- Allocation of child benefits is not enough;
- Strong support and recommendation for a new clause to include *couple to remain together for 10 years before they can divorce – plans to reconcile*;
- Absence of counselling by Church Pastors;
- Questions around the *role of JPs consenting marriages*;

- Inadequate child benefits and what avenues government can offer for those in the Pa Enea;

The rest of the visits to the remaining southern group islands have been scheduled for 2016 as follows;

1. Mauke           delegation departs Rarotonga on Monday 11 January 2016 at 9.30am and returning on Wednesday 13 January 2016, departing Mauke at 9.10am
2. Atiu            delegation departs Rarotonga on Friday 15 January 2016 at 11am and returning on Monday 18 January 2016 at 2.05pm
3. Mitiaro        delegation departs Rarotonga on Monday 25 January 2016 at 1.00pm and returning on Friday 29 January 2016 at 2.50pm

## **6. FUNDING AVAILABILITY**

Madam Speaker and all Honourable Members of this very dignified and honourable House/Parliament, while the activities of the Family Law Bill Special Select Committee are progressing steadily, it is very obvious now that the task charged to the Committee may not achieve its ultimate goal. The Committee does not have a fund allocation to enable it to reach out to our people in the northern group. The hard working secretariat of the Committee have sourced a number of options apart from flying, these include;

- a) Skype
- b) Telephone conference
- c) Shipping

The Committee has been pressured by Honourable Members of Parliament of the northern group islands to be physically present on those islands and meet with the people rather than communicating with them utilising either Skype or Telephone conference.

At the present moment, the funding support of NZ\$24,000.00 from the UNDP Suva office has been planned to carry out the Select Committee public meetings to some of the outer islands and notably this is insufficient to reach out to all of the Pa enua. The Committee is of the understanding that the Legislative Services appropriation for the Fiscal Year 2015/16 has also been utilised to pay a number expenses associated to the activities of the Family Law Bill Special Select Committee. This will no doubt have a huge impact and constraint to the Legislative Services appropriation for the current financial year ending June 2016.

## 7. RECOMMENDATION

Madam Speaker, in order for the Family Law Bill Special Select Committee to successfully complete its responsibilities prescribed for in the terms of reference, the Committee seeks leave and request that the Members of this Honourable House support recommendations to:

1. Extend the duration for the Committee's Final Report ready for presentation to Parliament from the end of February 2016 to the end of March 2016.
2. Government to provide funding support of around \$85,000.00 to enable the completion of the Family Law Bill Select Committee to cover most of the Pa Enea including the Northern Group of the Cook Islands. This funding request is in addition to the financial support of \$24,000.00 from the UNDP Suva office.

Refer to the attached table being annexed as FLBSSC-Annex1

## 8. CONCLUSION

Honourable Madam Speaker, I have the honour to present the Progress Report of the Family Law Bill Special Select Committee for the period ending 9 December 2015. There is much for the Committee to strive for over the next three months and with the untiring assistance of the core government agencies who will administer this Law once enacted, the Committee is looking forward to presenting its final Report to Parliament for its consideration and adoption.

**Mr. Mona Ioane**

**Chairman - Family Law Bill Special Select Committee**