



FORTY-NINTH SESSION

Hansard Report

49th Session

Eleventh Meeting

Volume 11

TUESDAY 23RD MARCH 2021

MR SPEAKER TOOK THE CHAIR AT 10.00 a.m.

OPENING PRAYER

MR SPEAKER (T. TURA): Please be seated Honourable Members. Greetings to all of us this morning. Firstly, I would like to commend our Chaplain for his beautiful message this morning. His message is that we are all one and we should retain the same spirit through our deliberations today.

Greetings to all our people listening or watching our sitting on livestream in the Northern Group and the Southern Group and all our people here in Rarotonga. I also extend my appreciation to all the staff of Parliament.

I have a few announcements to make before we proceed with our business today. First, we have a new staff as the Sub-Editor of Debates, Mr Papaterai Williams. I would like to acknowledge the former Sub-Editor of Debates, Miss Kimiora Vogel who is undergoing medical treatment in New Zealand and we pray that the Good Lord take care of her and heal her medical condition.

Our second new staff in Parliament, I introduce our new Interpreter. Welcome on behalf of Parliament to the service Mr Teuira Ka, and I wish you well in your interpretation responsibilities.

At this point, I wish to touch on a few bereavements that have recently happened in our country. Firstly, to the late Tararo Temaeva Arii e te Pou Ae Karati Ariki our words of condolences and sincere words of encouragements to the families for the passing away of Papa Karati.

Secondly, I would like to acknowledge the passing away of the late Ngaitara Tupa, known as Mama Ngai Tupa who was a former Member of Parliament of this Honourable House. I also acknowledge one of her sons, Honourable Vaitoti Tupa who is currently a Member of this House of Parliament. I am sure that we have all visited Mama Ngai's shop to buy doughnuts.

Thirdly, we acknowledge the passing away of the late Metuakore Teremoana Ngametua Tutakiao Kora, known as Papa Motu Kora. He was a former staff member of this Parliament and also the father-in-law of the Member of Parliament, Vaitoti Tupa. Our words of condolence to you and to the rest of the family for the passing away of Papa Motu Kora.

Fourth, our acknowledgement to the late Mehau Karaponga Johnson, a young woman who returned home from medical treatment in New Zealand. She returned to Manihiki recently and passed away. She is related to some of us in the House of Parliament and in particular to the former Speaker of the House, Nikki Rattle. On behalf of all the Members of Parliament, we convey our words of condolences to the family.

Lastly, we acknowledge the passing away last night of Mr Moore Tangatataia in the village of Rangiuira, Nikao and who resides in the constituency of the Minister Vaine Mokoroa. Our words of condolences and encouragements to his wife Tuoru and his daughter MamaIna and the rest of the family.

We will put that aside and move to the Orders of the Day. We will now start with Question Time for half an hour.

QUESTION TIME

Firstly, before we ended the Question Time yesterday, there was a question raised by the Member of Parliament for Ngatangia, Honourable Tamaiva Tuavera to the Prime Minister. Honourable Prime Minister, you have the Floor.

HON. M. BROWN: Thank you very much Mr Speaker. In responding to the question raised by the Member for Ngatangia, let me refresh our minds as to what his concern was. He asked if we are going to play Russian roulette with our people. Russian roulette is when you put a gun to your head and pull the trigger.

I think the Member tends to exaggerate and be a bit dramatic. There is no need to be a drama queen in these situations. The question on opening our borders to allow tourism to occur and linking it to be like Russian roulette, I think is in correct. It is just another case of needlessly scaring and providing scare mongering among our people. Purely for political gains. However, we are all above that Mr Speaker and we are here to look at the welfare of our people and the welfare of our economy.

We only have to look at the past year Mr Speaker when we closed our borders, not one case of COVID-19 has entered our country. This is because we took a very measured and a very deliberate response into how we will deal with COVID-19. We did not run around like that little chicken that says, the sky is falling down, the sky is falling down.

We relied on specialist medical advice both from our people and also from New Zealand. Like New Zealand, we learned about this virus from one year ago, we learned how its outbreaks occurred, and we learned how it has been contained. We learned Mr Speaker what we need to improve, we learned what areas of our health we need to invest in to ensure our health preparedness.

Therefore, when a Member says that we only have two machines in the hospital and we are not ready, that is totally incorrect because he is looking at the end of the problem and not at the beginning. Our experience has shown us Mr Speaker that the most important part of protecting ourselves is preventing COVID-19 from coming in and having in place measures to contain it, if it does.

This is exactly the approach that New Zealand has taken which has resulted in them eliminating COVID-19 from within their community. We have been able to Mr Speaker work closely with our authorities in New Zealand to be included in their protective bubble, and we have been very successful in the first stage of our strategy and that is to prevent COVID-19. As I said, one year later we still managed to do that. Hand in hand with the prevention, Mr Speaker is the measures that we have put in place to contain COVID in the event it does occur.

In the study of epidemiology, Mr Speaker you look at probabilities. These are statistics or numbers that help guide your decision making. We do not base our decision making on hysteria or claims of scaremongering but we base it on science, evidence, facts, and the probabilities. That shows Mr Speaker that before the case would occur in the Cook Islands, it would show up first in New Zealand and when a case show up in New Zealand as we saw over the last couple of months Mr Speaker, we responded appropriately to ensure our people are protected.

Therefore, when I say that our health readiness is at a stage where we are ready to commence business again, that is based on solid evidence and solid facts. We have a number of factors in our favour Mr Speaker that are to our advantage as opposed to a country like New Zealand. One is our country is fragmented and has natural isolations because of our communities that live on different islands. That allows us, Mr Speaker to put in place isolation and containment measures very, very quickly and very, very effectively if and when we choose to do so.

Secondly, Mr Speaker we only have one port of entry into our country and that port of entry comes from one single destination. Therefore, anybody who comes into our country must come through Auckland and as we know New Zealand's own measures mean that anyone in Auckland or anyone in New Zealand at this stage is in an environment where it is COVID free.

We do not intend Mr Speaker to open up our tourism to any other countries at this stage. Therefore, New Zealand's ability to eliminate COVID within its community provides us an opportunity now to step up the two-way quarantine that in effect we are already using right now. Right now, our people can fly to New Zealand without the need for quarantine and return to our country without the need for quarantine.

The next logical step Mr Speaker is to extend those same travel provisions to the wider New Zealand tourist public, and as I mentioned previously, it does not need to be a fast track opening of our tourism borders. We can continue with the same level of travel now and gradually increase the number of flights as we gain more assurance and more comfort in what we are doing.

In closing, Mr Speaker I believe that some of the initiatives that we have undertaken over the last year have added to our health readiness. These include the investments that we have made in our hospital with the installation of a CT scanner, with the opening of our PCR lab, the establishment of a dedicated ward for any in the event of any COVID cases, the establishment of negative pressure rooms which help contain any sort of contagious disease. The huge public awareness that has resulted from the revival of our Puna Health teams, the growing awareness of the vaccination that is available to our people that we hope to roll out very, very shortly. All of these Mr Speaker have

added to our preparedness in response to any COVID and has built the ability of our country to move forward with confidence.

So far from playing Russian roulette or gambling with our people's lives, Mr Speaker we have taken a very measured response to ensure the protection of our people first and foremost whilst we try to save our economy. Thank you Mr Speaker.

MR SPEAKER: Thank you Honourable Prime Minister. I see the Member of Parliament for RAPPa, you have the Floor.

MR A. NICHOLAS: Thank you Mr Speaker and good morning to all colleagues within the House. I just have a question for the Honourable Member from Ngatangia, Mr Speaker.

I am just curious, Honourable Member for Ngatangia, are you aware of any individual or any citizen in your community or in this wonderful country of ours that has contracted COVID-19 virus? A yes or no would suffice.

MR SPEAKER: Thank you Honourable Member. I see the Honourable Member Tamaiva Tuavera.

MR T. TUAVERA: It looks like he asked the question and he wants me to answer it. How he wants me to answer it, because I have a supplementary question for the Prime Minister. Now he had asked me a question and said he wants a yes or no answer. I want everybody to know there are two ports of entry into this country, this is by plane and by ship.

MR A. NICHOLAS: Point of Order Mr Speaker.

MR SPEAKER: What is your Point of Order?

MR A. NICHOLAS: My question is quite simple and I am only asking for a yes or no answer and not a history lesson.

MR SPEAKER: You may answer the question.

MR T. TUAVERA: The Member's question, yes or no? Well before I say yes or no, I would like him to know what my opinion is on that question. If we go back Mr Speaker when there was a case in Auckland and there was a panic down there...

MR SPEAKER: Excuse me Honourable Member, there is a Point of Order on the Floor. What is your Point of Order?

MR A. NICHOLAS: My Point of Order Mr Speaker is, I consider the Honourable Member from Ngatangia a very intelligent individual and I am a bit confused whether he understood my question that I put to the Floor, Mr Speaker.

MR SPEAKER: Thank you. Can the Honourable Member answer the question yes or no so we can have more questions later?

MR T. TUAVERA: The answer is no, Mr Speaker but I must point out that there was panic down here when there was a case in Auckland because two of our people were found to have been in a spot where the people that contracted COVID was. There was a big panic down here. They were running around looking where these are and that panic pointed out that we were short of 72 health workers.

MR SPEAKER: What is your Point of Order?

MR A. NICHOLAS: My Point of Order is he has answered the question and I have a Supplementary Question as well, Mr Speaker.

MR SPEAKER: Before I allow you to add your Supplementary Question, I will deal with your Point of Order first. I think the question has been answered and we will leave it there. We will continue with your Supplementary Question.

MR A. NICHOLAS: Mr Speaker, my Supplementary Question to the Honourable Member, since he wholeheartedly agrees that there is no COVID case in the country, for over a year since the outbreak, would the Honourable Member agree that the Government of the Day

MR T. TAMAIVA: Point of Order

MR SPEAKER: What is your Point of Order?

MR T. TAMAIVA: The Honourable Member would not let me elaborate on my yes and no answer, now he had got up again to ask me more questions on the same thing.

MR SPEAKER: Honourable Member, he has not finished his question yet.

MR A. NICHOLAS: Mr Speaker, I am entitled to ask a Supplementary Question, under the Standing Orders.

MR SPEAKER: You may continue Honourable Member.

MR A. NICHOLAS: Since the Honourable Member wholeheartedly believes that there has not been any case of COVID infection here in his community and in this country, would he agree that the Government with the Officials responsible to protect all the citizens of this country against the COVID-19 pandemic since the outbreak a year ago, thus far, that these Officials and the Government had done an extremely excellent job in protecting this nation and its citizens.

MR SPEAKER: What is your question?

MR A. NICHOLAS: Simple yes or no.

MR SPEAKER: I can see the Leader of the Opposition, you have the Floor.

HON. T. PUPUKE BROWNE: I may be able to answer the question raised by the Honourable Member for RAPP.

I want to make some comments to the reply made by the Honourable Prime Minister. When I listened to the way he explained his views, it felt as if they are on a different planet and we are on a different planet.

It is important if everything is explained properly with every events since the beginning of COVID-19, to ensure it is recorded correctly in the Hansard Report in this Parliament. I have to answer this question; it is not a simple yes or no. We will recall that when the COVID-19 Bill was introduced, it was explained by MFEM through workshops. The Opposition supported the Bill because we saw the importance of the Bill to our people. When we returned to Parliament, the Opposition raised their concern to close the border due to issues with COVID-19.

HON. G. ANGENE: Point of Order

MR SPEAKER: Honourable Minister, what is your Point of Order?

HON. G. ANGENE: My Point of Order Mr Speaker, concerning this issue, the Honourable Member should leave her story when we debate the principles and merits of the Bill because this is now Question Time and she should just answer the question. Do not bring these matters during Question Time, leave your story during the principles and merits of the Bill.

MR SPEAKER: Thank you Honourable Minister

HON. T. PUPUKE BROWNE: This is the response from the Government during that time. You don't understand Honourable Member because I was the one who made the request. The Lawyers explained to us at the Dome that we have no jurisdiction in closing our borders because our people have the right currently residing overseas to return to our country. We all know that the advice given to us by Crown Law at the Dome was that this is not to stop them from entering our country but rather to delay their entry. Less than two weeks after this consultation, Parliament was called and it was recommended for us to amend the Covid-19 Act and to close our border.

MR SPEAKER: Point of Order

MR A. NICHOLAS: Point of Order Mr Speaker. I feel neglected Mr Speaker because I asked a simple question. The question Mr Speaker is, whether the Honourable Member agrees or not that the Officials tasked to protect this country had done a wonderful job or not. Thank you Mr Speaker.

MR SPEAKER: Thank you Honourable Member, I think you are right. To the Honourable Leader of the Opposition, can I please take us back to the teachings delivered by our Chaplin this morning, he said, let us be together. Can you please answer the question and make it short.

HON. T. PUPUKE BROWNE: The answer is no because, and I was trying to explain the "because" part, the decision was made by New Zealand first. We have been fortunate that New Zealand had made decisions that is favourable to us.

MR SPEAKER: May I disrupt you Honourable Leader of the Opposition, I will give you more time afterwards. We have exhausted our Question Time.

PRESENTATION OF PAPERS

Report by the Privileges Committee. I call the Chairman of the Privileges Select Committee.

HON. R. TOKI-BROWN: Mr Speaker, I am privileged to present:

The following Report Paper No. 94 before the House

I lay this on the Table.

MR SPEAKER: Can I call for a Seconder?

Seconded by the Honourable Minister, Patrick Arioka

The Question is:

That the Motion be agreed to?

Motion agreed to

MR T. ELIKANA: I think it is my turn to move the Motion before a Motion is put to Parliament.

MR SPEAKER: Sorry Honourable Members, I am too fast at this.

MR T. ELIKANA: Mr Speaker, in accordance with Standing Order 266, I move:

That the Report of the Privilege Committee tabled be approved by this House

MR SPEAKER: I ask for a Seconder.

Seconded by the Honourable Leader of the Opposition, Tina Pupuke-Browne

The Question is:

That the Motion be agreed to?

Motion agreed to

Thank you.

Honourable Members, I will have to suspend Parliament for 10 minutes, to allow the Government side and the Opposition side time with the Crown Law Officials to do some negotiations.

Parliament is suspended for 10 minutes.

Sitting suspended at 10.43 a.m.

Sitting resumed at 11.16 a.m.

MR SPEAKER: Please be seated.

ORDERS OF THE DAY

I call upon the Leader of the House.

MS T. BROWN: Mr Speaker, I seek leave pursuant to Standing Order 64 (p) relating to the order of business set out in the Order Paper may be altered on any particular day.

MR SPEAKER: Thank you Leader of the House. Leave is sought for that purpose. Is there any objections? There is no objections.

I call for a Seconder? Carry on Leader of the House.

MS T. BROWN: I further move:

That the Constitution amendment is postponed until the three Bills namely, the Police Amendment Bill, the Seabed Minerals Amendment Bill and the COVID-19 Superannuation Bill before the House are dealt with

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

I see the Honourable Vaitoti Tupa, you have the Floor.

MR V. TUPA: Thank you Mr Speaker, I rise to lend support to this Motion before the House to progress the work of the House.

Seconded by the Honourable Vaitoti Tupa

The Question is:

That the Motion be agreed to?

Motion agreed to

ORDERS OF THE DAY

Second Reading of the Police Amendment Bill. I call upon the Minister Responsible to speak on the Bill.

HON. M. BROWN: Thank you very much Mr Speaker. Since assuming the Portfolio as the Minister of Police, there had been a number of inconsistencies in the Regulations and now in the Act that has been brought to my attention.

MR SPEAKER: Can I interrupt you Honourable Prime Minister. Can the Minister move for the Second Reading of the Bill?

HON. M. BROWN: Thank you Mr Speaker and before I move on to those inconsistencies. I now move:

That the Police Amendment Bill be read a Second time

MR SPEAKER: You may continue Honourable Prime Minister

HON. M. BROWN: Thank you Mr Speaker. The public were recently made aware of requirements for renewing driver's licenses once you hit the age of 60 that you need a medical test and an eye test. This of course caused a great concern amongst those young pensioners in our population who are still fit and active and do not require a medical report to prove their suitability to be able to drive a vehicle.

And of course we are looking to maintain consistency in these particular provisions with countries like Australia and New Zealand to ensure that there is no undue burden being placed on our people who need to undergo these costly medical exams when they are perfectly fit and capable. Under those Regulations today Mr Speaker, I see the majority of the Opposition would require to undergo medical and eye test to continue driving their vehicles.

But this Amendment Bill Mr Speaker is to, in our view, correct another inconsistency that needs to be done and it is a very straight forward amendment Mr Speaker. It seeks to repeal Section 35 of the Police Act which relates to the compulsory retirement of Police at the age of 60. The effect of this amendment is that members of the Police will no longer be required to retire at the age of 60.

One of the reasons for this Mr Speaker is that if we look at our Constitution, in particular Article 64 and 65, this deal with the fundamental human rights and freedom of our people. Putting an age requirement on a person's ability to do a job Mr Speaker in our view is discriminatory and it denies the rights and security of a person or deprives them of an opportunity to earn for their living.

The reality is a number of our current serving Police would be forced to resign from their positions because they have hit the age of 60. Our incoming Police Commissioner would not be eligible because he is a youthful early 60s. It is our view Mr Speaker that person's ability to do their job should be based on the merits and not on their age.

If one looks at the Police Force in Australia and New Zealand, Mr Speaker there is no compulsory retirement age in these Police Forces. That is because their view is that if a person is capable of doing their job then it does not matter what their age is.

However, this amendment Mr Speaker does not deny Members of the Police from taking up their options to take early retirement or resign. Every public servant is a member of the Cook Islands National Superannuation Fund, and Police who are members of this Fund can if they choose take early retirement under the provisions of the Superannuation Act which can be at the age of 55.

MR SPEAKER: I will have to interrupt you Honourable Prime Minister. Our meeting will take a break for the second time. We will return into the House at exactly 12.00 noon. We shall see you all back in the House at that time.

Sitting suspended at 11.29 a.m.

Sitting resumed at 12.00 p.m.

MR SPEAKER: Parliament is now resumed. Before we took a break, the Prime Minister had the Floor speaking to the Bill. You may continue Honourable Prime Minister.

HON. M. BROWN: Thank you Mr Speaker. Referring back to the Bill at hand, the Police Amendment Bill, I was referring to the Police Departments in both New Zealand and Australia and in both these Police Forces there is no mandatory retirement age. Police can work into their sixties and in some cases into their seventies in these Police Departments as long as a person is able to do their job effectively. So their employment is based on their performance, not on their age and that is one of the fundamental reasons Mr Speaker we want to make sure that our Police Force legislation is consistent with the other countries that we have strong relationships with.

From the outset, I believe that by removing this discriminatory criteria of retiring at the age of 60, we are complying with the Articles of our Constitution which protect our fundamental rights and freedoms.

I know there may be some concerns that by removing the compulsory retirement age that younger Police may feel that they have limited avenues to be promoted in the Police Force. However, since becoming the Minister of Police Mr Speaker, I am aware that we have far greater issues that we need to address within our Police Force, the least of these being the retirement age.

I believe our Police Force needs to have clear career paths for those who are newly appointed Constables into our Police Force. There must be opportunities for them to be able to develop their skills as Police Officers and there must be due consideration given to the remuneration of our Police Officers.

We have some work to do within our Police Force but as I stated to our Police Force in my first parade as the Minister of Police, that I will be behind our Police Force every step of the way to ensure that we have a Police Force that is the envy of those in the Pacific.

I welcome the comments from the Members of the House in regards to this Amendment Bill but as I reiterate, this is a very simple and straightforward amendment to the Police Act and it deals with one issue and that is the removal of Section 35 which relates to the compulsory retirement age of Police at the age of 60. This is just one of the very small steps that we are taking Mr Speaker to start building up our Police Force again.

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

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

Secunderd by the Honourable Tamaiva Tuavera

MR SPEAKER: You may speak Honourable Member.

MR T. TUAVERA: Firstly, Mr Speaker I would like to extend our warm condolence to our family member who passed on in New Zealand, Robert Brown. I can see there are five Members in this House directly related to Robert Brown and they are the Prime Minister, Honourable George Angene, Honourable Rose Toki Brown, Honourable Tehani Brown and myself. We also have Members in the House very close to this family. His body will be returned on Friday and his body will be taken to the morgue at the hospital. On Saturday morning, he will be brought to the Church in Avarua and at 10 a.m. the Church Service will commence and afterwards he will be laid to rest next to his mother in Tupapa.

I believe the Prime Minister will meet up with the family in Auckland when he gets to Auckland. I thought the Prime Minister will take myself and my friend here along with him but he will confirm that to us.

I come back to the Police Amendment Bill 2021. The Police have a Cook Islands Police Association and this is what they have forwarded to me, from their President and it relates to Section 35 of the Police Act 2012. When this is repealed, when you reach the age of 60 you will not be required to retire. There are other areas in this Section 35 but the problem is there are only 147 officers in the Force but when it comes to the time for promoting the officers, it is already filled by the older officers.

We know that the Honourable Vaine Mokoroa has been a Police Officer, Tingika Elikana was a Police Officer and also the Secretary of Health. This is the message, you cannot go up, you can only go sideways. There are 147 officers and when we compare the 147 to the thousands in New Zealand and also in Australia, there are openings to go up and not sideways. This is the request from the Police Association that they be consulted on the amendment to Section 35 of the Police Act. I do not think this is an unreasonable request from the Police Association because they are saying that they have not been consulted of this change to the Act. That is their main concern.

The Performance Appraisal Report has also been looked at. The Report will define whether an officer is hard working or a person that does not do his job properly. When you work for a particular department you will be appraised according to your performance. I am mindful of the fundamental human rights and freedom in our Constitution.

I am one of those against the introduction of the driver's licence renewal Regulation once you attain the age of 60 years. The first thing I did was to go into the Constitution and looked at the section for human rights because we are discriminating against our plus 60 year olds. This is what this association from the Police is asking, if they can meet with the Prime Minister who is also the Minister of Police to air their views about this Regulations.

When we look further, there are positions in the Police that are not filled and I am not sure whether there are sufficient budget for those positions. I cannot believe there is no one in the Police today that can fill those positions. When we look at the work experiences the officers have that are leaving the Police, the lucky departments are the Customs and Immigration. Therefore, if we want an effective Police Service then I believe it is better for us to listen to their views.

When we look at the budget for Police, it is not enough because we want to attract the youth to join the Police but they would not because the pay is not enough. When we look at Police Officers holding high ranks today, they really have the patience to stay longer in the Police even if the pay is low. What did they do? They took courses at the USP and I am sure that is what the Honourable Tingika Elikana did during his time, as well as the Minister Makiroa. This is to improve their academic standard so if they leave the Police, it will be easy to look for another employment. This is my request on behalf of the Police Association to look at whether the Minister of Police can meet with them for discussions.

Thank you Mr Speaker.

MR SPEAKER: Thank you Honourable Member.

I also noticed there are a few of the Browns on this side without the 'e'. I am surprised what you are doing on that side.

(laughter)

I now see the Honourable Vaitoti Tupa, you have the Floor.

MR V. TUPA: Thank you very much Mr Speaker for allowing me this opportunity to speak. I would like to thank you Mr Speaker and the Honourable House for offering your condolences on the passing away of my mother Ngai Tupa and my father in law Motu Kora.

Mr Speaker. I would like to congratulate you for taking this high position in this Honourable House. Even though your Deputy Speaker is the Member for Pukapuka, I know for sure Mr Speaker that you are always looking towards me and not at him. My congratulations to you for taking this very high post.

I will now come back to the Amendment Bill requiring Police Officers to retire from the Police once they attain the age of 60. What we are looking at today, I have also looked at the Constitution. The Minister of Police and Member for Ngatangia have both given their thoughts on the Constitution. We are all aware of Article 64 and Article 65 of the Constitution and also the suggestion that has been raised by the Member for Ngatangia concerning the Police Association.

In his explanation, there are some members in the association who are not happy about what is currently happening in the Police. To me Mr Speaker, I would like to consider the importance of this because some of the officers who are not 60 years yet are striving to get promoted. The question that I have for them is that, do they really have the experience or the qualifications to pursue these high positions? There are two classic examples in the House today, the Minister and Member of Parliament for Nikao/Panama and the Member for Pukapuka/Nassau. Mr Speaker, I am glad they resigned that time because they had enough wisdom and education before they resigned.

Following their resignation, the Member for Pukapuka/Nassau ended up taking the post of Solicitor General and the Member of Parliament for Nikao/Panama took up the post of Secretary for ICI during those times. As you can see the level of intelligence Mr

Speaker, they knew they could not go any higher so they took the opportunity to move aside. I know there are some weaknesses in how our Police Service is operating and even up to today there are still some weaknesses in our Police Service.

We need to strengthen the operation in our Police however, we should not do it by haste but to carefully consider the level that we need for these officers to be put into these positions. Do not ask me why my views have gone that way because I have had an experience in being a Head of Ministry. What I did Mr Speaker was I did a lot of planning in analysing the staff under my supervision. Just like what the Member for Ngatangiia previously mentioned about the requirement for a Performance Appraisal.

Mr Speaker, I would like to confirm that if you do not have a progressive report for your Ministry, you will not progress upward but will go down. This is a necessity that I am considering in regards to the amendment of the retirement age. I have no issues about amending the Act however I encourage the Minister of Police to consider the request by the Member for Ngatangiia to meet with the members of the Police Association and discuss a way forward. I know we agreed in our last budget that the new recruits should get an increase incentive in their wages. Mr Speaker, I want to confirm with you that this has been done. Although this area has been completed there are other areas that need to be addressed as well.

Some of the members of the Police Force have been in contact with me. This is one of the comments that they have raised with me and I would like to bring it into this Honourable House. I apologise in advance to the Minister of Police. They said, if only our Minister is the Minister for Corrective Services then he would be able to understand our situation and provide a better procedure for the Police.

I know that this is one of the avenues that the Minister should consider for the appropriation for our wages and maybe hopefully for this year, it will get better. That is why I said earlier on that I do not have any problem with this Bill at the moment. I hope there will be consultations between the Police and the Minister to come to terms with the needs and requirement of the force so that the position of the Police will be strengthened.

In our budget last year, I know there were some weak areas that we have not addressed. I know they only had three output areas in their budget, output one, two and three.

There is one area that I wanted to be included in the budget and that is to do with traffic. There was no allocation in the budget last year for traffic. That is the reason we see the problems we have today on our roads. If we were able to allocate money for this area of policing for our police to chase these offenders, we will have fewer problems on our roads. I remember former policemen like Papa Archer Hosking, you will never know where they are stationed on the roads. When they chase after you, you better watch out when they catch you.

During those days, the drivers on our roads were very careful and they were vigilant to drive carefully. As we can see today, there are people speeding around the island three or four times a day and not being stopped because there are no traffic officers to control the area. In our national budget this year, I hope the Government will include some

funds to support the traffic section in the Police to help reduce all the problems we have on our roads.

Mr Speaker before I take my seat, I have a request to the Minister of Police. I would like to ask the Minister to consider the age of our police officers whether they are new in the force or long in the service. I would encourage the Minister also to include the performance appraisal for the Police Force. I have met with the Deputy Commissioner of Police, Aka Matapo a couple of weeks ago, I offered my recommendations to him to improve the Police Force and my proposal for their Police budget for next year to increase the wages for the Police Service. I believe this will strengthen the performances of our Police Force.

Mr Speaker I do not have any problem with this amendment, I fully support it. Thank you.

MR SPEAKER: Thank you Honourable Member. Before we proceed, I will get myself in line with the process of our sitting. Before I allow another Member to speak, I propose the Question:

The Question is:

That the Bill be now read a Second time?

Honourable Minister you have the Floor.

HON. G. ANGENE: Thank you Mr Speaker and greetings to all of us.

I rise to give my support to the Amendment Bill before the House. The reason being Mr Speaker and this is the truth. I have been in this Police Department for 34 years, because if you commit a crime, you will proceed through the Police Department. This means for 34 years I have been through the Police Department.

Through this Department, I ended up in prison serving 34 years and also dealing with the lawyer office for 34 years. I also served 34 years with the office of the Probation Services. I have gone through all these different offices and I know the many wise people during those past years. I only hoped that they were alive today to see me and what I have achieved because of what they have taught me.

These were the wise saying that my Mama Maggie taught me, "*the older you are, the wiser you get.*" Through the many years I have come until today and the arrival of this Amendment Bill into this House, I fully support this extension of time to over the age of 60 years until his mind is ready to give up. When we consider the expatriate Commissioners, some of them were over 70 years and their minds were fully alert. Therefore, I think it is appropriate that this age be extended.

There is a view that those who are new and below should rise through the ranks. The intention here is not just for anyone to be moved up but to progress with definite hard work. It is not for anyone to automatically move up but to prove your worth. This will impact on all of us Members of Parliament. Your voters in your constituencies are looking at our performance as to what we are doing for them. This same principle also

applies to the agencies of Government. If you don't perform well then you will not get an increment. I uphold this principle because I worked hard to get me to where I am today.

Therefore, Mr Speaker I encourage us all to consider this rightly as the Scriptures says, *"So teach to number our days so that we may apply our hearts with wisdom."* The Scripture also taught us to walk in the ways of wisdom not in the foolish ways as we consider the hard times of COVID-19. Thank you to the Prime Minister for bringing this Bill into the House not only for the Police but for the other Government Agencies as well. Some agencies are serving to influence others to lower their performance.

I do believe the Leader of the Opposition will understand because as a lawyer she will have full grasp on this area. I take note of the comments by the Member of Parliament for Matavera that maybe I should be the Minister of Police. Mr Speaker, during my past official travel overseas, I visited five prisons in New Zealand, Tonga, Australia and Korea. I visited three prisons in New Zealand and observed the way they managed it and I hope to bring this system to the Cook Islands in that the Prison Services work closely with the Police.

Maybe in the future I will ask the Prime Minister who is the Minister of Police, maybe to accord me the opportunity to review the operations of the Ministry of Police. In terms of budget expenditure that remains with him.

I am only sharing my thoughts in what I have seen and experienced about the Police and Corrective Services and the plans for the future.

In terms of the 60 year limit, I do fully support the extension of the years and as presented by the Minister of Police into the House. Thank you.

MR SPEAKER: Thank you Honourable Minister. Now I would like to put the Question:

That the Bill be now read a Second time?

Motion agreed to

ACTING CLERK AT THE TABLE (J. DANIEL): Long Title: An Act to amend the Police Act 2012 to remove compulsory retirement at the age of 60 for Members of the Police.

BILL READ A SECOND TIME

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

COMMITTEE OF THE WHOLE HOUSE

MR CHAIRMAN: Clause 1: Short Title. I put the Question:

That Clause 1 stands part of the Bill and continue

through all Clauses 2, 3 and 4?

Motion agreed to

Long Title: An Act to Amend the Police Act 2012 to remove compulsory retirement at the age of sixty for Members of the Police.

I put the Question:

That the Long Title stands part of the Bill?

Motion agreed to

I put the Question:

That the Bill be reported to Parliament without amendments?

Motion agreed to

Parliament is now resumed.

MR SPEAKER: I call upon the Minister to report to Parliament the progress of the Amendment.

HON. M. BROWN: Thank you Mr Speaker. I am pleased to report:

That the Police Amendment Bill 2021 has progressed through the Committee with no amendments

Motion agreed to

The Question is:

That the Report be adopted?

Motion agreed to

MR SPEAKER: I call upon the Minister to move for the Third Reading of the Bill.

HON. M. BROWN: Thank you Mr Speaker. I now move:

That the Police Amendment Bill be now read a Third time

MR SPEAKER: Is there a Seconder?

Seconded by the Honourable Member, Tingika Elikana

I put the Question:

That the Bill be now read a Third time?

Motion agreed to

ACTING CLERK AT THE TABLE: Long Title: An Act to Amend the Police Act 2012 to remove compulsory retirement at the age of sixty for Members of the Police.

BILL READ A THIRD TIME

MR SPEAKER: Honourable Members, that completes the First, Second and Third Reading of the Police Amendment Act 2021.

We have now come to the Orders of the Day.

ORDERS OF THE DAY

Second Reading of the Seabed Minerals Amendment Bill. Can I ask the Minister to move for the Second Reading of the Bill?

HON. M. BROWN: Thank you Mr Speaker. I now move:

That the Seabed Minerals Amendment Bill be read a Second time

MR SPEAKER: You may speak Honourable Prime Minister.

HON. M. BROWN: Kia Orana again and before I start, Mr Speaker just let me extend a warm welcome to everybody here today in Parliament and also to our people listening in. To our people on Rarotonga, our people in the Pa Enea and our people in New Zealand, Australia, wherever you may be listening in, Kia Orana.

It is my privilege today to present to this House the Seabed Minerals Amendment Bill 2021.

From the outset, Mr Speaker let me say that as an ocean nation, we take our role as Ocean Stewards very seriously. We are living in unprecedented times and face multiple challenges as a country from our COVID-19 pandemic to the prevailing threat of climate change and these are challenges, Mr Speaker not just for today but for our future generations.

Our 15 stars make up our 15 islands, Mr Speaker with a total land area of 240 square kilometres but we are blessed with an EEZ of some two million square kilometres. That means Mr Speaker that 0.01 percent of our country is land while 99.99 percent is ocean. We are a large ocean State so it is inevitable that we will turn to the ocean for solutions and for our survival.

In order to continue enjoying the support of our ocean, we must be good ocean stewards and protect it from serious harm and this is when ocean governance becomes important. By striking the right balance we can show that there does not need to be conflict between marine protection and seabed minerals harvesting. It does not have to be one or the other – it certainly can be both and this is consistent with the principles of sustainable use.

Our strong relationship with our Marae Moana will maintain that balance. It is what sets us apart. We have a Marae Moana Act which is a world leading piece of legislation. I guess you can say the best of the best.

This is a piece of legislation that provides a system of ocean governance aimed at protecting our ocean. We also have a Seabed Minerals Regime that when complete is shaping up to also be world leading and I will come to that later.

Mr Speaker, 2021 will be a historic year in our country's seabed minerals journey, an exciting time. The start of a new voyage of discovery for our people, a voyage not across our ocean but rather into the depth of our ocean. We are finally entering the Exploration Phase under our Seabed Minerals Regime.

Exploration will allow for the collection of essential environment data and information to allow the Government to make informed decisions about whether to permit future commercial harvesting.

Explorations activities will lead to more knowledge and information on our Marae Moana, more training opportunities for our people, and the use of our local businesses to supply goods and services connected to the exploration activities. Let me be clear Mr Speaker we are only entering the Exploration Phase, we are not contemplating the Harvesting Phase at this stage, that decision is sometime away. As I have said repeatedly, we will not allow the commercial recovery of our nodules without sufficient research on how to address and minimise potential environmental impacts.

Mr Speaker, I want to touch on the fact that there is bipartisan political support for exploration activities. It is rare but not unheard of for both parties to agree on something. Therefore, I want to commend the Leader of the Opposition for recognising the need to see the bigger picture. We may have different views on how to run the country but on this, we can agree exploration activities are a good thing for our country.

Mr Speaker, we did not get to this stage overnight, it has taken us many years of careful planning and preparation to reach this Exploration Phase. We are building a world leading seabed mineral based best principles and practices with an effective robust legal framework to benefit the Cook Islands and all of our people. We passed our Seabed Mineral Act in 2019 and made the necessary amendments to ensure that it is fit for purpose.

We passed our Exploration Regulations last year to set out the rules and procedures for exploration activities. We released our draft Mining Regulations and Environment Regulations for consultation. The Regulations received inputs from the likes of the Commonwealth Secretariat and experts who has worked at the International Seabed Authority, the New Zealand Environment Protection and the New Zealand Petroleum and Minerals Department, these people have the relevant experience in this area.

When those Regulations are passed Mr Speaker, the Cook Islands will be the only country in the world with a comprehensive Seabed Minerals legal regime. Then there are the processes through standards and guidelines underpinning that legal framework. Our Government officials are currently working on these as well and this is well before we even expect any exploratory vessels to enter our waters. As we entered the

Exploratory Phase Mr Speaker, the Government will continue to proceed with caution taking actions based on the best available science to manage our seabed mineral resources while ensuring that the marine environment is protected.

The Cook Islands will control all aspects of activities in our EEZ Mr Speaker including the data and samples taken through exploration in our water. It is our intention Mr Speaker to continue to engage with our community and stakeholders which I believe will lead to a sustainable long term beneficial national seabed minerals sector.

Mr Speaker, I now move to discussing the Seabed Minerals Amendment Bill. This is a simple straight forward Bill, it has one specific purpose to make clear that only Cook Islands registered companies can operate in our water as has always been the Government's intent. During the development of the Seabed Minerals Act 2019, one significant change made by the Government was to ensure that only Cook Islands companies could apply for licences in our waters.

The reason for this was to allow the Government more control and oversight over the activities of these companies as they would not only be subjected to our Seabed laws but also our Tax and Company laws. The intent of the Seabed Minerals Act and Regulations is very clear on this, however, there is some ambiguity in the language of certain provisions of the Act which might allow a limited liability company or an LLC to apply for a licence.

An LLC has special rules and exemptions which means that some tax and reporting requirements do not apply to it compared to the requirements that a limited company would have to abide by. If we allow this, we create an uneven playing field which potentially allows a company to apply as an LLC and therefore not have to comply with certain tax and reporting requirements.

We cannot allow that Mr Speaker and this is why this Seabed Minerals Amendment Bill is necessary. It sends a message to companies wanting to operate in our waters that they have to play by the rules and that we will not hesitate to take actions if we perceive that any company is trying to take advantage of possible loop holes. It sends a message Mr Speaker to our people in the wider community that again we take our role as ocean stewards very seriously.

In terms of the next step Mr Speaker, it is anticipated that should this Bill meet with the approval of this House and be passed, it would apply to the four applications currently being processed. Any application that does not comply with this requirement will have a small grace period by which to change their application so that they are in compliance.

The Seabed Minerals Authority manages the exploration licensing process and is currently processing the four applications received. I am pleased to advise the House that we have secured assistance from the Australian Government in our due diligence process with our Government Officials exploring further avenues of support and technical assistance.

On that note, we are continuing to build our institutional capacity through our relationships with Australian and New Zealand agencies and other stakeholders with a view to further capacity building and training of our government Officials.

On the licensing process, I understand the authority will provide further updates to the public shortly. In making decisions on these applications we are clear that only those who have the financial and technical capacity will get through our due diligence process and then only the best applicants will be offered a license to explore in our waters.

Mr Speaker, we have put in place systems to ensure that the contractors this Government allows into the Cook Islands waters are reputable and the best and with a long term vision to work with the Cook Islands and its people to build a responsible and beneficial mineral sector.

In summary Mr Speaker, this Seabed Minerals Amendment Bill is another step in our journey towards setting up a transformational future for the Cook Islands. This has been a long and careful process for us and this year 2021 in particular is going to be defining time for our country.

To my fellow Members of Parliament across the Floor and all of us in this House, I invite you to show your support for this Seabed Minerals Amendment which is the next step in our journey towards realising a long held aspiration of our country.

I now commend this Bill before the House. Thank you Mr Speaker.

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

Seconded by the Honourable Member, Tingika Elikana

I propose the Question:

That the Bill be now read a Second time?

The Bill is now open for debate.

HON. T. PUPUKE BROWNE: Greetings to you Mr Speaker and everyone present in the House today. I rise to share our comments on this Bill.

I first want to talk about the purpose of this Bill and then I want to talk secondary about the process of this Bill, and then finally make some comments with regard to the Opposition's approach to the exploratory stage.

The purpose of the Bill is very clear. We know from the workshop and the explanation and the presentations that we have had way back in 2019. It was explained as I recall very clear by the MFEM, that the intention of the Bill is to ensure that every applicant for any of the licenses is subject to our tax regime. That certainly was the understanding of the Opposition Members and we had to admit that when the Bill came through Parliament the ambiguity in the language was not detected.

This is of course notwithstanding there are three lawyers in this Parliament. This Bill now is to address that concern because it seems that the 2019 Act, there is a little loophole in there. Some clever lawyer has picked up the fact that the applicant need not be restricted to companies registered under the 2017 Cook Islands Companies Act

which makes the playing field a little uneven for the applicants. Therefore, this legislation as I understand it is to go back and fix that loophole.

Now, I want to explain or I want to share the process with regards to this Bill. I see the head of the Seabed Authority is here in this Parliament House. I want to commend her for the steps that she took to ensure that the Opposition had seen this amendment as early as possible. In our first meeting to discuss this amendment, I indicated to her to send us the draft so that I have an early indication of what is in the draft so that I can then discuss this with my Members.

I am aware that she had asked Cabinet if this could be done and as a result, I received the draft even though it is in the draft form. This enabled me to have discussions with the Members of Parliament in the Opposition. The end result is that we understand what the amendment is about and we understand that it is to ensure that what the initial intension of the Act was is complied with.

I talk about this process because I believe we should adopt this process going forward. The earlier that the Opposition is aware of what is happening the better it is. Why, because if we have any queries we have an opportunity to come back through the Head of the Ministry to the Minister to Cabinet to query those concerns. I am pleased to say that after discussions with my Members of Parliament, and the Head of the Ministry made herself available to come and explain if they needed to but that was not necessary.

We understood what the Bill is all about and you are not going to get any opposition from us on this Bill. The only part of the Ministers statement that I am not sure that I agree with. It is not going forward; we are already forward it is going back to fix something that should have been detected earlier.

I should however mention that in the discussions that I had, I did put forward an option. Well if they do not comply or they are not a registered company in the Cook Islands, just turn their application down because we understand that there is discretion within the Minister to approve or decline applications.

However, rethinking about it, I did not think that was a good suggestion because we are trying to collect data so the more Companies that apply to collect data, the more data that we will have. So making this amendment is the better option and the better answer to our problem.

I want to briefly mention, although not directly related to the Bill, but I think the Minister has made a statement on it and I think I should comment on it.

The Opposition's approach to exploration is consistent with the Policy that Government has adopted. It makes sense to the Opposition that if we are going to collect data to enable us at some later stage determine as to whether we enter into the Second Phase, then we need to do that very carefully and be very sensitive about our environment and to make sure that the technology that we at the end of the day will approve is one that is able to extract these nodules with minimum damage to our environment. And of course we do not know, both sides of the House how long this exploration stage is going to take and if it is going to be a few years or many years, we do not know. We are supportive of collecting that data so long as we cause no damage to our environment.

On the Marae Moana, with regard to the Marae Moana Act, I just want to make the point that I do not think that the Marae Moana has had a meeting for the last three years. I mention this only because we rely heavily on that legislation to assist us with protecting our environment and yet the Board or the Committee or the Body there, is non-functional and maybe it is time that we run the two together as we are talking they need to run parallel. On that note, and I am the only speaker from this side, we support this Bill. Thank you.

MR SPEAKER: Thank you Honourable Leader of the Opposition. I now put the Question:

That the Bill be now read a Second time?

Motion agreed to

ACTING CLERK AT THE TABLE: Long Title: An Act to amend the Seabed Minerals Act 2019 (a) Clarify that only Companies incorporated in the Cook Islands and that are registered under the Companies Act 2017 may apply for a Prospecting Permit and exploration or Mining Licence or a Sponsorship Certificate and (b) include transitional provisions for Licence Applications that have not yet been determined.

BILL READ A SECOND TIME

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

COMMITTEE OF THE WHOLE HOUSE

MR CHAIRMAN: Clause 1: Short Title.

I put the Question:

That Clause 1 stands part of the Bill?

Motion agreed to

Clauses 2, 3, 4 and 5: I put the Question:

That these Clauses stands part of the Bill?

Motion agreed to

Clauses 6, 7, 8 and 9: I put the Question:

That these Clauses stands part of the Bill?

Motion agreed to

Clauses 10, 11, 12 and 13, I put the Question:

That these Clauses stands part of the Bill?

Motion agreed to

MR CHAIRMAN: Long Title: An Act to Amend the Seabed Minerals Act 2019 to
(a) Clarify that only companies incorporated in the Cook Islands and that are registered under the Companies Act 2017 may apply for a Prospecting Permit and Exploration or Mining Licence or a Sponsorship Certificate.
(b) Include transitional provisions for Licence Applications that have not yet been determined.

I put the Question:

That the Long Title stands part of the Bill?**Motion agreed to**

I put the Question:

That the Bill be reported to Parliament without amendment?

I now declare Parliament resumed.

I call upon the Minister.

HON. M. BROWN: Thank you Mr Speaker. I now move:

That the Seabed Minerals Amendment Bill has passed through the Committee Stage with no amendments

MR SPEAKER: I put the Question:

That the Report be adopted?**Motion agreed to**

Third Reading, I call the Minister to move for the Third Reading of the Bill.

HON. M. BROWN: Thank you Mr Speaker. I now move:

That the Seabed Minerals Amendment Bill be now read a Third time

MR SPEAKER: Thank you Honourable Prime Minister. Is there a Seconder?

Seconded by the Honourable Tingika Elikana

I put the Question:

That the Bill be now read a Third time?**Motion agreed to**

ACTING CLERK AT THE TABLE: Long Title: An Act to Amend the Seabed Minerals Act 2019 (a) Clarify that only Companies incorporated in the Cook Islands and that are registered under the Companies Act 2017 may apply for a Prospecting Permit and Exploration or Mining Licence or a Sponsorship Certificate and (b) include transitional provisions for Licence Applications that have not yet been determined.

BILL READ A THIRD TIME

MR SPEAKER: Honourable Members, this completes the First, Second and Third Reading of the Seabed Minerals Amendment Act 2021. Thank you Honourable Members.

ORDERS OF THE DAY

Second Reading of the COVID-19 Cook Islands National Superannuation Bill. I call the Minister to move for the Second Reading of the Bill.

HON. M. BROWN: Thank you Mr Speaker. I now move:

That the COVID-19 Cook Islands National Superannuation Bill be read a Second time

MR SPEAKER: You may speak Honourable Prime Minister.

HON. M. BROWN: Thank you Mr Speaker. The Members will be aware of the Government's Economic Response Plan in trying to support businesses and also employees who are seriously affected by the closure of our borders since March. One of the measures that were put into effect Mr Speaker was to reduce the Superannuation contributions from both employees and employers in those businesses that were affected by the down-turn of tourism.

Initially, those reductions applied across the board to all employees in the Cook Islands including Government workers and public servants, subsequently those reductions were amended to only apply to those people who were eligible to collect the Government Economic Response Plan.

The last COVID-19 Superannuation Act that we passed Mr Speaker made these reductions in contributions valid up until 31st March this year. This amendment that is before us Mr Speaker seeks to extend the time for those reductions to still take place to the end of June with an additional provision that through the Executive Order, it can be extended again into September.

The Bill Mr Speaker does not do away with contributions to Superannuation entirely, it does reduce those contributions from five percent down to one percent and this is to ensure there is continuity of this fund during this period even though we are going through difficult times that there is still some contributions by those who are receiving the Government Support package.

There is provision in this Bill Mr Speaker that with the consent of both the employer and the employee, both can still make higher contributions than the one percent up to

five percent but it must be at the agreement of both parties. Again, this is a Bill Mr Speaker that is quite specific and related to a single issue aimed alleviating a burden on both employers and employees during this time. Those who are not collecting the Government Support package will not be eligible for this reduction in contributions.

Mr Speaker those are about the only words that I have in regards to this particular Bill. I would like to commend this Bill before the House.

MR SPEAKER: Thank you Honourable Prime Minister. I call for a Secunder.

MR T. ELIKANA: Mr Speaker I rise to second the Motion and I do not wish to speak on the Bill as the Prime Minister has already explained the necessity for this Bill.

Seconded by the Honourable Tingika Elikana

MR SPEAKER: I propose:

That the Bill be now read a Second time?

Is there any Member who wants to speak on the Bill? I can see the Honourable Tina Browne? You have the Floor.

HON T. PUPUKE BROWNE: Greetings Mr Speaker. I rise in support of this Bill. This Bill is part of our Economic Response to COVID-19. From the short history of both sides of the House in dealing with COVID-19 is to be supportive.

Prime Minister, I am the only speaker from this side of the House. Thank you.

MR SPEAKER: Thank you Honourable Member.

I put the Question:

The Bill be now read a Second time?

Motion agreed to

ACTING CLERK AT THE TABLE: Long Title: An Act to mitigate the economic hardship resulting from measures taken to protect the Cook Islands from COVID-19 (Coronavirus Disease 2019) by temporary lowering the rate for contributions to the National Superannuation Fund for employers who receive a business grant or wage subsidy under the COVID-19 Economic Response Plan after 31st March 2020 and their employees.

BILL READ A SECOND TIME

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

Clause 1: Short Title

I put the Question:

That Clause 1 stands part of the Bill?

Motion agreed to

Clauses 2, 3, 4 and 5: I put the Question:

That these Clauses stands part of the Bill?

Motion agreed to

Clauses 6, 7, 8 and 9, I put the Question:

That these Clauses stands part of the Bill?

Motion agreed to

Long Title: An Act to mitigate the economic hardship resulting from measures taken to protect the Cook Islands from COVID-19 by temporary lowering the rate for contributions to the National Superannuation Fund for employers who receive a business grant or wage subsidy under the COVID-19 Economic Response Plan after 31st March 2020 and their employees.

I put the Question:

That the Long Title stands part of the Bill?

Motion agreed to

I put the Question:

That the Bill be reported to Parliament without amendments?

Motion agreed to

I now declare Parliament resumed.

I ask the Prime Minister to report the progress of the Bill?

HON M. BROWN: Thank you Mr Speaker. I am happy to report:

That the COVID-19 Cook Islands National Superannuation Bill has progressed through the Committee Stage with no amendments

MR SPEAKER: I put the Question:

That the Report be adopted?

Motion agreed to

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

HON. M. BROWN: Thank you Mr Speaker I move:

**That the COVID-19 Cook Islands National Superannuation Bill
be now read a Third time**

MR SPEAKER: Can I have a Secunder please?

Secinded by the Honourable Tingika Elikana

I put the Question:

That the Bill be now read a Third time?

Motion agreed to

ACTING CLERK AT THE TABLE: Long Title: An Act to mitigate the economic hardship resulting from measures taken to protect the Cook Islands from COVID-19 (Coronavirus Disease 2019) by temporary lowering rate for contributions to the National Superannuation Fund for employers who receive a business grant or wage subsidy under the COVID-19 Economic Response Plan after 31 March 2020 and their employees.

BILL READ A THIRD TIME

MR SPEAKER: Honourable Members that completes the First, Second and Third Reading of the Seabed Minerals Amendment Act 2021.

Thank you Honourable Members for doing a very good job on the three Bills. I now call upon the Leader of the House.

MS T. BROWN: Mr Speaker, I move:

**To suspend Standing Order 54 (2) to allow Parliament
to take a break now and resume at 3.00 p.m.**

MR SPEAKER: Thank you Honourable Leader of the House.

Motion agreed to

Parliament will now be suspended until 3.00 p.m.

Sitting suspended at 2.05 p.m.

Sitting resumed at 3.01 p.m.

MR SPEAKER: Please be seated.

ORDERS OF THE DAY

Constitution Amendment No.29 2021. I now resolve Parliament into the Committee of the Whole House to go through the Bill.

COMMITTEE OF THE WHOLE HOUSE

MR CHAIRMAN: Clause 1: Short Title

I put the Question:

That Clause 1 stands part of the Bill?

I can see the Honourable Leader of the Opposition.

HON. T. PUPUKE BROWNE: Mr Chairman, I thought I might rise early to indicate the Opposition's views with regards to the process of the Constitution Amendment Bill. Our view has been discussed with all as we do not believe that the process which we are embarking on right now is the correct process and for that reason when you have finished going through the Clauses and the Question is put to the House, we have indicated that we will not support the Report and that has been communicated to Government and also to Parliament.

MR CHAIRMAN: Again, I will put the Question:

That Clause 1 stands part of the Bill?

There is some confusion, I can't hear properly. I think we will go for a division. So let me put it again.

Short Title: I put the Question:

That Clause 1 stands part of the Bill?

Those in favour please can you stand, and I will ask the Acting Clerk to do her part.

ACTING CLERK AT THE TABLE: For the Motion:

1. Honourable Vaine Mokoroa
2. Honourable George Angene
3. Honourable Robert Tapaitau
4. Honourable Mark Brown
5. Honourable Rose Toki Brown
6. Honourable Patrick Arioka
7. Mr Tingika Elikana
8. Ms Tehani Brown
9. Mr Albert Nicholas
10. Mr Tereapii Maki Kavana
11. Mr Henry Puna
12. Mr Tuakeu Tangatapoto
13. Mr Speaker, Honourable Tai Tura

MR CHAIRMAN: Those against can you please stand.

ACTING CLERK AT THE TABLE: Against the Motion:

1. Mr Wesley Kareroa
2. Mrs Tetangi Matapo
3. Mr Terepai Maoate
4. Mrs Selina Napa
5. Honourable Tina Pupuke Browne
6. Mr William Heather
7. Mr Vaitoti Tupa
8. Mr Tamaiva Tuavera
9. Mr Nooroa Baker
10. Mrs Agnes Armstrong
11. Mr Manuela Kitai

MR CHAIRMAN: Here is the result. Those in favour of the Motion 13 and those against 11. The ayes have it.

Motion agreed to

Clause 2:

HON. T. PUPUKE BROWNE: Mr Chairman, I wanted clarification while the Crown Law Officials are in Parliament. I refer to Article 34 (3). My interpretation of that Article is, Mr Chairman you do not have a vote, not a deliberative vote. That is what 34 (3) says. The person presiding over any sitting of Parliament shall not have a deliberative vote but in case of an equality of votes have a casting vote.

MR CHAIRMAN: Honourable Tingika Elikana.

MR T. ELIKANA: Mr Chairman, I was wondering whether the Leader of the Opposition is aware of the Amendment in 2001 inserted No.24 which according to my copy reads, “*A person presiding over a Sitting of Parliament shall if the person is a Member has a deliberate vote and in case of equality of votes have a casting vote*”.

I think the Acting Clerk is bringing a copy across.

HON. T. PUPUKE BROWNE: I concede that, that is correct.

MR CHAIRMAN: Clause 2: Commencement. I will put the Question – Prime Minister we are on Clause 2.

HON. M. BROWN: Thank you Mr Chairman. Pursuant to Standing Order 243, Amendment to or comment on Clauses, I move:

That Clause 2 the Commencement is amended to read “this Act comes into force on the day after the date it is assented to by the Queen’s Representative”

MR CHAIRMAN: Can I call for a Seconder?

Seconded by the Honourable Member, Tingika Elikana

I put the Question:

That the amendment be agreed to?

(Opposition opposed)

Motion agreed to

I put the Question:

That Clause 2 as amended stands part of the Bill?

(Opposition opposed)

Motion agreed to

Clause 3: Constitution amended.

I put the Question:

That Clause 3 stands part of the Bill?

(Opposition opposed)

Motion agreed to

Clause 4: Article 76 (a) amended.

I see Mr Prime Minister on the Floor.

HON. M. BROWN: I move:

That Clause 4 (1A) will be removed and replaced with the below;

(1A) Subclause (1B) applies to a person –

(a) born before the commencement of the Constitution

Amendment (No. 29) Act 2021 (the 2021 Amendment Act); and

(b) who was entitled to permanent residence under subclause (1) as it read

immediately before the commencement of the 2021 Amendment Act

“(1B) A person described in subclause (1A) continues to be entitled to
permanent residence”

MR CHAIRMAN: Can I call for a Seconder please?

Seconded by the Honourable Member, Tingika Eklikana

I put the Question:

That the amendment be agreed to?

(Opposition opposed)

Motion agreed to

I put the Question:

That Clause 4 as amended stands part of the Bill?

(Opposition opposed)

Motion agreed to

Parliament is now resumed.

I call upon the Minister in Charge of the Report of the Bill.

HON. M. BROWN: Thank you Mr Speaker. Before I report on the progress of the Bill through the Committee, I note the comments made by the Leader of the Opposition in questioning due process on the progress of this Bill. I note that we do have a different sort of opinion on a point of law that in no way affects the progress of this Bill to its current stages other than to apply the constitutionally required 90 days sitting to commence at its correct commencement date.

A mistaken belief that two third majority was required in the vote of the Second Reading of the Bill in September instead of a simple majority does not in any way negate the voting outcome but rather strengthens it. The requirement for the two third majority is after the amendments that all Members did support previously through this stage of Committee and that is when the Bill will then require to sit for 90 days.

I urge the Members of the Opposition to consider very carefully the lengthy process this Bill has taken in terms of consultations with all of our people, the trips that we have taken to all of the Outer Islands which will now be put in jeopardy without the support of the Members of the Opposition because of a difference of opinion on how the process of this Bill has progressed through Parliament.

The amendments we seek in this House Mr Speaker firstly, the commencement date was due because of the time taken for the Bill to progress this far and the second amendment Mr Speaker is something that the Whole House agreed to back in September. Therefore, the fate of this particular Bill Mr Speaker rest squarely and entirely in the hands of the Opposition whose numbers this House requires for it to progress to its next stage.

I therefore, am pleased to report Mr Speaker:

That the Bill has passed through the Committee Stage with amendments

Thank you.

MR SPEAKER: Thank you Honourable Prime Minister, I see the Leader of the Opposition, the Honourable Tina Browne.

HON. T. PUPUKE BROWNE: Mr Speaker, yes there is a difference of opinion and I want to explain what that difference of opinion is. That came out on Tuesday the 29th of September 2020. We all know if we had read the Hansard that when the Motion was moved for the Second Reading, that Motion was not seconded. Under 113, 111 sorry...I'm sorry, I am relating here to the Immigration Bill.

When the Second Reading was moved by the Honourable Henry Puna, it was seconded by the Honourable Vaine Mokoroa. The Speaker then referred to Standing Orders 149 for the authority for conducting a division. The votes were taken, and that was the first problem because Article 41 (1) (a), that vote was not the preceding vote under Article 41 (1) (a). It was an incorrect procedure to have been adopted. The Bill then went to sit for 90 days. We know from an interpretation of 41 (1) (a) that that was not correct.

We have made it very clear to Government that we are as keen as them to have the Constitution Amendment put through but put through the correct way and that is where we differ in our opinion. We do not want to be part of a process where you start and then an error is committed and then you try to fix it by voting again, it just doesn't work like that and there is nothing in the Standing Orders that support that.

Our keenness to see the Constitution go through Parliament is such that we made a suggestion of an alternative approach. We thought that the approach that we suggested will actually then ensure that from the start to the end, there is nothing wrong with the process. That is something obviously Government is not prepared to do and so we are locker heads because we do not want to participate in a process, which we think it was incorrect at one stage during that process.

We made it quite clear and we made that statement and I make that statement again that we are more than willing to support the passage of the Constitution Amendment Bill so long as we do it correct from the start to the end. That is where we are today.

MR SPEAKER: Thank you Honourable Tina Browne. May I advise the Honourable Members that there is no more debate on this Bill as it has already been debated but I will give the Floor to the Honourable Member from Manihiki.

MR H. PUNA: Thank you Mr Speaker. Before I make the comment that I want to make in response to the comments by the Leader of the Opposition, let me associate myself with the messages of bereavement and sympathy that you expressed before at the beginning of our sitting. We have indeed come through a time when a lot of our 'Metua' just passed away, and I notice the difference especially in Manihiki where we have only one *Metua* left. Our condolences to all the families that have gone through those bereavements.

Mr Speaker, I am very interested in the comments from the Leader of the Opposition but I have a question to pose. What if she is wrong? Because she raised an objection to the comments from the Prime Minister immediately before she spoke again and in fact she was shown to be incorrect according to the Constitution. We have had legal advice from the Crown Law office; legal advices to Government and to this Parliament. That in fact the course of actions suggested by the Prime Minister is in fact the correct one.

We are obliged to listen to that advice not to the advice from the Leader of the Opposition and yet it has become a major issue in this House this afternoon because it is capable of leading to a substantial delay in the passing of the amendment that we have already have before this House since September last year.

This is not an issue that is worth arguing and fighting over. This is a procedural issue and I wonder what the Solicitor General or indeed the Leader of the Opposition have to say about Article 36.1 of the Constitution. Where it appears in my view to give this House the authority to correct any mistakes or irregularities that might arise in the course of proceedings in this House. I stand to be guided on this issue. Thank you.

MR SPEAKER: Thank you Honourable Member. For now, I would advise you that I will not agree on anymore debate on this Bill, and I thank you for your comments on the bereavement hence the reason why I agreed for you to speak.

Right, I put the Question:

That the Report on the Bill be adopted?

For this I will require a division.

Those in favour, please stand.

ACTING CLERK AT THE TABLE: For the Motion:

1. Honourable Vaine Mokoroa
2. Honourable George Angene,
3. Honourable Robert Tapaitau
4. Honourable Mark Brown
5. Honourable Rose Toki-Brown
6. Honourable Patrick Arioka
7. Mr Tingika Elikana
8. Ms Tehani Brown
9. Mr Albert Nicholas
10. Mr Tereapii Maki Kavana
11. Mr Henry Puna
12. Mr Tuakeu Tangatapoto
13. Mr Speaker, Honourable Tai Tura

MR SPEAKER: Those against please stand.

ACTING CLERK AT THE TABLE: Against the Motion:

1. Mr Wesley Kareroa
2. Mrs Tetangi Matapo
3. Mr Terepai Maoate
4. Mrs Selina Napa,
5. Honourable Tina Pupuke Browne
6. Mr William Heather
7. Mr Vaitoti Tupa
8. Mr Tamaiva Tuavera
9. Mr Nooroa Baker

10. Mrs Agnes Armstrong

11. Mr Manuela Kitai

MR SPEAKER: Here is the result. Those who said, Aye = 13 and those who said, No = 11. That means the Ayes have it.

Motion agreed to

Honourable Members, that concludes the Committee of the Whole House and the adoption of the Report, on the Constitution Amendment Bill No. 29, 2021.

HON. T. PUPUKE BROWNE: Mr Speaker I was hoping to get some clarification on this and perhaps we can ask the Crown Law Officials. This is the vote that requires two third majority.

MR SPEAKER: My apologies Leader of the Opposition. Actually, for two third majority, we have to have 16 ayes. So the Motion is defeated.

Motion defeated

Thank you and now I repeat what I have said before. I did not finish what I was reading and the Leader of the Opposition stood up. In the correct words, I have to retract.

That concludes the Committee of the Whole Stage and Parliaments adoption of the Report on the Constitution Amendment Bill No. 29, 2021. Which will now sit for the...

Apologies when I say retract, it means it is ended.

ORDERS OF THE DAY

Let us give some smiles. Orders of the Day, Agriculture Bill 2020.

HON. M. BROWN: Thank you Mr Speaker. Before we continue on Mr Speaker, I seek clarification also now that the Constitution Amendment has been defeated by the Opposition that the Bill itself is now defeated and no longer in the House. If that is the case Mr Speaker, then I would leave it up to the Members of the Opposition to explain to the public of this country why the months and tens of thousands of dollars that you enjoyed travelling up to the Northern Group and all of the Outer Islands was wasted on a mere technicality as advised by the Leader of the Opposition.

As I quote, the Leader of the Opposition agreed that this was a difference on a point of law that they think affected the process of this Bill through the House despite the advice that we have received from the likes of Crown Law and from our advisers in the New Zealand Parliament that the process that we have adopted was lawful.

I know there was a total agreement in this House on the content of the Bill, total agreement in the House in September on the amendments that we have proposed. If there was a true spirit of trying to get this Bill through the House today, the process outlined was quite correct and proper.

Therefore, we will leave it in the hands of the Opposition to explain to our people why this Bill has been defeated and why it needs to go back through its process again for nothing more than what appears to be political posturing. Thank you very much Mr Speaker.

MR SPEAKER: Thank you Honourable Prime Minister.

ORDERS OF THE DAY

HON. T. PUPUKE BROWNE: Mr Speaker, could I just respond because he has asked me to answer his question and I think I owe it to our listeners to respond to the question.

MR SPEAKER: Are we going to allow you and you can stand again later?

HON. T. PUPUKE BROWNE: No, no.

MR SPEAKER: Anyway you may speak.

HON. T. PUPUKE BROWNE: The Immigration Bill will sit where it is. The Constitution Amendment Bill can be re-introduced in this House tomorrow or the next day or as soon as and we could run that process without having to go back and do consultation and that process can be done in about half an hour or one hour and once the Constitution Amendment is validly made, then we revisit the Immigration and have that legislation passed which was the initial intention anyway.

I thought I made it very clear and the former Prime Minister could be right, I could be wrong. We have seen from history that every lawyer can be wrong at any time including them.

Mr Prime Minister there is a way forward and if we are able to go down that track as I indicated earlier, you have the full support of the Opposition if the process is done properly and Parliament can be called as soon as you are back just so we can deal with this issue.

I am happy to communicate with Parliament as to the steps as you say that since we are the ones that asked for it to be done this way, I am happy to communicate as to the process going forward and of course if we are right with our views of the legal position, then doing it this way can never be questioned by anyone.

MR SPEAKER: Thank you Honourable Member.

ORDERS OF THE DAY

Agriculture Bill 2020 Consideration of Bill reported. Leader of the House.

MS T. BROWN: Mr Speaker, I seek leave pursuant to Standing Order 64 (p) relating to the order of business set out in the Order Paper maybe altered on any particular day.

MR SPEAKER: Thank you Leader of the House. Leave is sought for this purpose, are there any objections? There seems to be no objection.

(Leave is granted)

Leader of the House.

MS T. BROWN: I further move:

That the Agriculture Bill 2020 consideration of Bill reported is dealt with immediately after the Constitution Amendment No.29 Bill

MR SPEAKER: Can I call for a Secunder please?

Secunderd by the Honourable Vaitoti Tupa

I put the Question:

That the Motion be agreed to?

Motion agreed to

HON. P. ARIOKA: Mr Speaker, pursuant to Standing Order 266, I move:

That the Report from the Agriculture Select Committee be adopted

MR SPEAKER: Thank you Honourable Minister, can I have a Secunder please?

Secunderd by the Honourable Vaitoti Tupa

I put the Question:

That the Motion be agreed to?

Motion agreed to

MR SPEAKER: Third Reading, I call the Minister to move for the Third Reading of the Bill.

HON. R. TOKI BROWN: Mr Speaker, I move:

That we go through the Third reading of this Bill, Agriculture Amendment 2020

MR SPEAKER: Thank you Honourable Minister. Can I have a Secunder please?

Secunderd by the Honourable Vaitoti Tupa

I put the Question:

That the Bill be now read a Third time

Motion agreed to

ACTING CLERK AT THE TABLE: Long Title: An Act to repeal the Ministry of Agriculture and Fisheries Act 1978 and provide for the responsible Ministry to have adequate powers to obtain information and prevent adverse effects of Agriculture.

BILL READ A THIRD TIME

MR SPEAKER: That completes the Third reading of the Agriculture Bill. Thank you so much for that.

(Applause)

For the Hansard, I would like to say that it's the Agriculture Amendment Bill. That comes to the completion of the Agriculture Amendment Bill. Thank you everyone.

Can I call upon the former Prime Minister of the Cook Islands, the Honourable Henry Puna.

MR H. PUNA: Thank you Mr Speaker. To you, all the Honourable Members of the House, our people listening in this afternoon, Kia Orana.

Mr Speaker, I rise to present some words of farewell to our Nation because I am retiring from this Honourable House today.

I have just returned from Manihiki with my beloved wife to bid them farewell as well as to prepare them for the days ahead. I have already expressed my words of farewell to this Nation on the 30th September last year when I resigned as the Prime Minister of this country and I felt that it was only proper that before I resign from this Honourable House, to express words of farewell to our Nation.

First of all, to all of us in this Honourable House, I am grateful and happy in the last 10 years I have sat in this House to see all the faces, some have left, some have come in and this has served to educate me and encourage me in considering that time waits for no man and we have to chase time. I feel that it is appropriate that we change with the times and make changes appropriate for the time. Therefore, it was not difficult for me to step down from the position of Prime Minister and to promote our new leaders.

However, it has been a privilege serving in this House and while we might have had some disagreements today, I can honestly say that the atmosphere and the conduct of proceedings in this House now is so much more relaxed and so much better than when I first entered the House. My request is, let us continue like that. Let us show respect to one another. The truth is we are all very special in our own ways. Our people, your people have placed their confidence in you, each of us and therefore that deserves respect.

I have already given my valedictory speech Mr Speaker, so I will be brief. I just want to acknowledge at this point in time the many friends that we have made over the 10 years that I was Prime Minister of this country. These friends have readily come to our assistance in our times of difficulties. New Zealand has always been there. Australia

is now here with us, I want to acknowledge the Australian High Commissioner, and I know he has done a dutiful job since his arrival in our country.

However, there are many others. You would not believe that we are very close to Iceland. I had the privilege of leading a Pacific Delegation to Iceland, that can teach us some very important lessons in economic development, particularly to do with fisheries.

Therefore, Mr Speaker and Honourable Members, there are many friends out there who are standing ready to help us, and let us not hesitate to go out and make friends throughout the world community.

I had accepted the challenge to be in Suva to lead out the Forum Secretariat and I believe it is a high honour particularly for our country. While the circumstances of my appointment might have been controversial, I believe we can get down to business soon and address all the many urgent and pressing issues confronting the Pacific. With our many friends by my side, I am sure that we can do a good job. However, I first love will always be our country and that is where my heart will always be.

Right now, I would like to thank the people of our country. I thank you for your prayers, for your thoughts and for your assistance during all these times. I do realise that there are those that do not like me but that is how it is. You just have to take the good with the bad.

Therefore Mr Speaker, there are so many people to acknowledge, our Religious Sector, the Traditional leaders of our Nation, I ask us not to leave the foundation of our country, which is our Parliamentary system, our Religious side and our Traditional system. Our country has always been strong and will continue to be strong always because of that and that is our solid foundation.

I also want to thank all the public servants of this country. I am sure we will all agree that there are some really hard working public servants out there serving this country and they make a lot of difference for our little paradise. However, I will urge Honourable Members to never forget that we are public servants too. We are not here for ourselves, we are here for our people. Time march is on and so it should and the challenge for us is to adapt and keep up with the changing times. I am sure we have leadership in this House to do that for our beautiful country.

The Daily Bread for the Seventh Day Adventist says; *“Life is what?”* There is a blank there and we complete that blank ourselves. The Daily Bread also says in John 14:6, *“I am the way the truth and the life”*. This is a Christian response, that Jesus is life. However, our people depend on us in this House for their life and it is up to us to nurture that and to make sure that we do look after that life the best possible way.

I want to conclude by sighting this verse from the Book of Mathew 5:5, *“Blessed are the meek for they shall inherit the earth”*. I tried to be meek in the last 10 years, I tried to be humble, and I tried to be strong too. If I have succeeded, I certainly have not inherited the earth but I can sleep at night trying.

This is my request to us, for those of us that will take this country forward, let us be humble. Let us carry out our duties with humbleness and humility and being respectful with everybody that we deal with. I wish you all wee and God bless our little country.

Thank you.

(Applause)

MR SPEAKER: Thank you Honourable Member. Let us all be seated.

Thank you so much for your speech which was very emotional. We wish you all the best in the future.

I am pleased to acknowledge the presence of His Excellency, the High Commissioner of Australia in the Chamber today and also the lady boss of the former Prime Minister, Mrs Akaiti Puna. You must remember that she is boss, not you. Thank you very much.

I call on the Leader of the House.

MS T. BROWN: Mr Speaker, I move:

To suspend Standing Order 54 (2) to allow Parliament to adjourn *Sine Die*

MR SPEAKER: Thank you Honourable Member, can I have a Seconder please.

I see the Honourable Vaitoti Tupa.

MR V. TUPA: Mr Speaker, before I give my support, I thought this is the perfect moment for me to say a few encouraging words to the Member for Manihiki, for the new post he will be taking in the Pacific. I also extend our regards and support from the Opposition side and also from all the Members of Parliament to you Honourable Member, Henry Puna.

Also, remember us the Members of the Opposition on occasions when we travel to Fiji, do prepare a place to accommodate us. We would also like to show our full support for Mr Henry Puna, I believe he is the first Cook Islander to take over on this new post in the Pacific. Regardless of the news we have heard, we are grateful that a Cook Islander had taken this new role. When I used to attend forum meetings, I know the people who have held these positions.

Therefore Mr Speaker, it is only right that we show our support to Mr Henry Puna for taking this post. I am so proud and I believe the entire Cook Islands is proud of him as well. May God give you the wisdom and blessings upon you and may God help you.

Lastly, I give my full support to the Bill.

Seconded by the Honourable Vaitoti Tupa

MR SPEAKER: I put the Question:

That the Motion be agreed to?

Motion agreed to

Can I ask someone to close us with a prayer, I think the last speaker, Honourable Vaitoti Tupa.

CLOSING PRAYER

MR SPEAKER: Parliament is now adjourned *Sine Die*.

Sitting adjourned *Sine Die* at 16.18 p.m.