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Mike Henry's disgraceful treatment of Fijian to become a Diplomatic incident

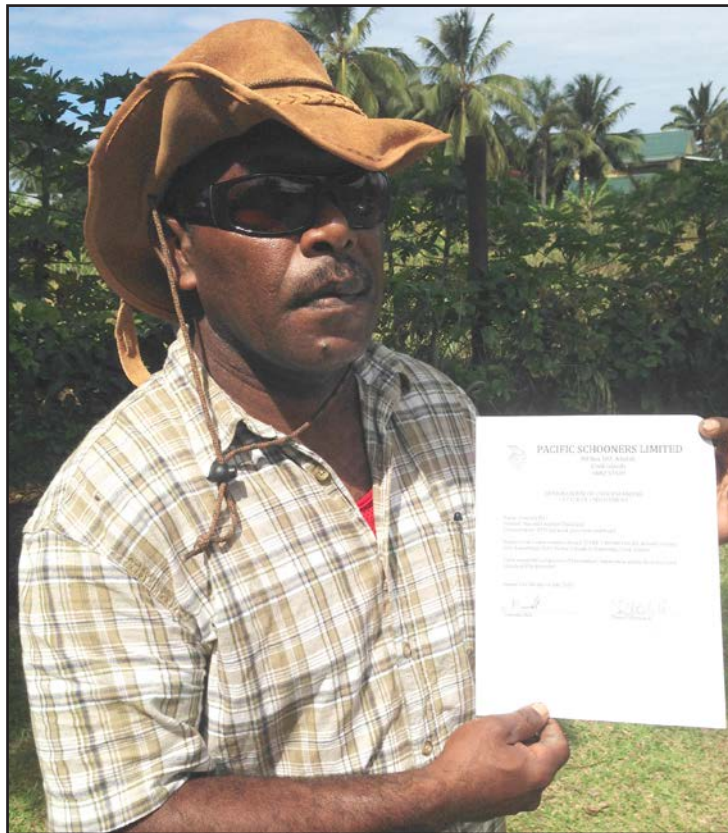
Not content to rip off Aitutakian land owners, unscrupulous shipping entrepreneur Mike Henry has set in motion another rip off scam, this time his victim is 47 year old Josevata Buli a Canadian resident Fijian who crewed on the delivery voyage of the Tiare Taporo (TT).

Not only has Mike Henry arrogantly over indulged his long time friendship with the Minister of Finance Mark Brown to the point of putting Brown's once promising political career into serious jeopardy and the possibility of criminal charges but he now has created a potential diplomatic incident that could escalate out of control and seriously embarrass and tarnish the regional reputation of an already under seige Cook Islands Party government.

If someone with the authority in government does not take immediate remedial action a formal complaint of the mistreatment of a Fijian citizen will be sent to the Fiji Government. Mike Henry is a high level government official who has abused his position and delivered a series of politically damaging incidents not only for the Puna administration but also for the Cook Islands Party.

Too afraid to say anything for the fear of retribution Buli has had to depend on the good will of other resident Fijians for his daily existence, as Fijians have learnt of Buli's predicament many have become angry and want a formal complaint sent to the Fiji Prime Minister Frank Bainimarama.

Buli a qualified carpenter had completed an extensive



Josevata Buli another vulnerable victim of Mike Henry

Despite not being paid the full amount owing to him Buli was not allowed to remain on the vessel.

global trip as maintenance crew on the Picton Castle, on his return to Canada where he resides with his partner he was recruited by Pacific Schooners Limited director American Daniel Moreland to join the Tiare Taporo on its delivery trip to Rarotonga.

Not only was Buli contracted on 3 June 2015 for the 7 June departure as a second engineer,

he also was to carry out the refitting of the 12 cabins and required to perform deck hand duties. When questioned about Rarotonga based director Garth Broadhead's claims in the CI News the Tiare Taporo had a three year refit in Canada Buli said that claim didn't stack up. During the four months voyage it took to arrive in Rarotonga Buli said he had refitted out eight of

the 12 cabins.

Buli said the Tiare Taporo journey had many challenges to overcome, some crew walked off the vessel in Panama where it was held up due to engine problems because of not being paid. New leading crew had to be recruited before the TT was sea worthy to depart Panama.

Buli's contract expired two days after arriving on the 12 November 2015. He received some of his wages but with still 13 weeks of his pay owing to him. His contract stated he was to be paid \$US250 plus accommodation, food and medical insurance.

Despite not being paid the full amount owing to him Buli was not allowed to remain on the vessel. PSL reneged on his return fare to Canada and despite persistent efforts is still owed approximately \$NZ3,000. Buli has had to find his own way with the difficulty of no finances. PSL are still in possession of his passport.

Buli said in Broadhead's absence Mike Henry offered no assistance to be accommodated or given work to earn money while waiting for his wages. In a letter he received from company secretary Alana Short, she writes that all his wages owing (13 weeks) to 19 November 2015 will be paid on the return of "our company director Garth Broadhead, he is due back in the Cook Islands on 25 November 2015"

Buli said every time he went to the PSL office behind the Tahitian Cafe he was told to come back tomorrow. Without transport Buli said much effort is required to go to the office.

continued bottom of next page

Pacific Schooners Stakeholders

The re-registering of Mike Henry's company Pacific Schooners Ltd on the 24 June 2015 listed the following Directors with their share percentages split 87.5% foreign owned and the local ownership of 12.5% owner by Mike Henry. According to the PERC report, Daniel Moreland (Canada) 31.25%, McLaughlin Holdings Ltd (Canada) 25%, Garth Broadhead (Rarotonga) 31.25% and Mike Henry (Aitutaki) 12.5%. Sources say in reality Moreland also more shares because he has an invested interest in McLaughlin Holdings Ltd.

Prior to the re-registration the side table lists details regarding the original stakeholders.

With the changes in the shareholding PSL are expected to re apply to the BTIB for a variation to their Foreign Investment Licence before conducting any business.

- George Pitt

Pacific Schooners Limited

Name	Nationality	Shares (00's)	Percentage (%)	
Garth Broadhead	CI	2625	19.9	D
Dan Moreland	USA	1900	14.4	D
Mike Henry	CI	1000	7.6	D
William Campbell	USA	1273	9.7	I
Patrick Elliot	Australia	1000	7.6	I
Franco Sartori	Italy	550	4.2	I
Nan Hauser	USA	500	3.8	I
John & Catherine Gemmell	NZ	500	3.8	I
Andrew Lawford	NZ	500	3.8	I
Christopher Leushke	NZ	500	3.8	I
John A Gareri Trust	USA	410	3.1	I
Anne Beaumont	USA	300	2.3	I
Helen Henry	CI	250	1.9	I
Jeffrey McDowall & Colleen O'Brien	NZ	250	1.9	I
Stuart and Jennifer Henry	CI	250	1.9	I
Michael Pearce	NZ	250	1.9	I
Damon Enoke	CI	250	1.9	I
Stephen Anderson	CI	250	1.9	I
Garry Smith	CI	250	1.9	I
Thomas Maasland	NZ	125	0.9	I
Emily Pearce	NZ	125	0.9	I
Jennie Mandeno	NZ	125	0.9	I

I: Investor Only

D: Director

Therefore: Foreign owned shares : 63% Local Owned Shares: 37%

From page 2

It is two months since he received that payment advice letter and he has been given repeated excuses for the non payment.

Buli has had to embarrassingly rely on the sympathy of fellow Fijians and wants to work to support himself. "I am very embarrassed being unable to support myself and have to depend on other Fijian workers who themselves are struggling," said Buli.

A Fijian who accompanied Buli said if the government or PSL don't rectify this problem a group of Fijian workers are going to contribute the funds to engage a lawyer then there will be no turning back. Buli's situation along with other imported Fijian worker's grievances will be taken up as a formal complaint with the Fiji government to intervene on their behalf.

No doubt it is water off a duck's back for Mike Henry who has no regard for the likes of Buli while he hob knobs with Rarotonga's high society and lives the high

life with the protection of his political connections in the CIP government.

Buli said other senior crew members including the Captain, Chief Engineer and First Mate had returned overseas unpaid, fortunately they had resources to pay their own airfares

The group that contacted the Herald said they have had enough of the treatment dished out by local employers, with over 1,200 imported Fijians employed in the Cook Islands they are considering forming a Foreign Workers Union.

For some it has got beyond the fear of being deported, it is to the peril of government if Fiji citizen workers are mistreated and intimidated with being sacked. This time Mike Henry has misjudged a subordinate, Buli is a hard working individual that has political connections in Fiji, has travelled extensively and resides in Canada, he isn't an isolated island villager with limited conceptions of his fundamental human rights.

- George Pitt



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Neves' Police interview - finger points Brown and Mike Henry as scam architects

In defence of politically damaging revelations that began surfacing in July 2015 in connection with the now notorious Schoonergate scandal the Prime Minister Henry Puna and his supporting act the Minister of Finance Mark Brown both denied any wrong doing. While Brown said in Parliament the Cook Islands Party government had nothing to hide Puna echoed those sentiments by saying his government had no secrets.

As it turns out and as stated in the Herald in August last year both Brown and Puna have had plenty to hide and persistently regurgitated rehearsed media responses which have now come home to roost. The blatant lies they configured to protect themselves and their favoured friend Mike Henry are being confirmed by the former Finance Secretary Richard Neves.

The day after Neves had completed his contract with government on Tuesday the 15 December 2015 he was requested by Bob Williams from the Financial Investigation Unit (FIU) to present himself for questioning at Police Headquarters. Accompanying him during the Police interview at 3.30pm on 16 December was lawyer Brian Mason.

Williams conducted the interview in the presence of the Police at his request. Neves was very nervous and appeared rattled throughout the interview and was facing the possibility of being prevented from leaving the country on Friday 18 December.

The interview was related to a complaint received by FIU in relation to the financial transaction between Government and Mike Henry's company Pacific Schooners Limited (PSL)

Neves decided to fully cooperate and supplied sufficient information to FIU so as not to be prevented from travelling as planned. Neves was strongly instructed not to speak to his former boss



Richard Neves, preserves himself by informing

Minister Brown as he was likely to be interviewed at some stage later. Neves has not responded to any of Brown's attempts to communicate with him.

Information provided to FIU claims Neves was acting under instructions from Puna, Brown and later Mike Henry. In due course information provided to FIU puts Puna and Brown in collaboration with Mike Henry in a very incriminating position that will be difficult to defend in Court.

Evidence will reveal the advancing of \$200,000 in the guise of a shipping service contract to Mike Henry was an orchestrated scam to help the husband of Puna's niece and Brown's long time friend the self proclaiming CIP royalty Mike Henry who was suffocating from increasing financial pressures and difficulties brought about by his extravagant life style of excessives.

Brown had already bent over backwards to help his close friend Mike Henry by replacing Julian Dashwood from the lucrative Cook Islands Investment Corporation Chairmanship for him. This was done despite Mike Henry a convicted tax dodger having no professional qualification and no proven business acumen as required for the position. Henry was also on three other Boards and despite collecting \$37,000 in Board director fees Henry was

provided a \$75,000 salary that included numerous overseas travel to pick up extra money.

Not only is Henry on established boards he's also on the Infrastructure Committee earning a nice little pay packet and simultaneously getting to view infrastructure projects that he can broker or tender for. It's like being Police, Judge and Jury an insider trader.

As Puna and Brown's advisor and go to man with his foot well entrenched in the door the no shame greedy self serving Henry a convicted tax dodger has set about creaming opportunities from the public trough.

The evidence will be presented to reveal the contract for shipping services was tailor made to bail out Mike Henry who was facing disgruntled investors and threats of liquidation.

When media practitioners raised the question about a contract signed by Neves and Mike Henry without witnesses in early May 2015 and that Neves included an advanced a substantial deposit, the Financial secretary had no hesitation in lying on National Radio Cook Islands vigorously denying Mike Henry had received any advanced finance.

When it surfaced the unregistered company PSL had received \$200,000 four months in advance of the contract start

date, this was denied, then when Neves in a media interview said a deposit had been made he refused to disclose the \$200,000 amount. Brown knowing full well the exact amount paid to Mike Henry because he authorised it lied when he against advice persistently publically denied knowing what the amount was.

The evidence and information provided for the investigation paints a picture of the unauthorised use of public funds to alleviate Mike Henry's personal financial crises. Information presented reveals Mike Henry was never going to honour the contract, his real deal with the Prime Minister was PSL was to the recipient of the \$1.5 million inter island shipping subsidy tailor made for him.

The \$200,000 plus an additional a very questionable \$200,000 overdraft facility from the Bank of the Cook Islands were for his personal use and to position himself for the shipping subsidy.

This was the reason the BNZ loan to repay the government was lent to members of the Henry family and not to PSL or the other directors.

Information will reveal the four months advance was unprecedented and unjustified practise giving Mike Henry the personal free use of tax payer's money for that period. Information PSL intended to renege on the service contract is confirmed by the fact all the contracted delivery crew had contracts that expired within days of the delivery date of the Tiare Taporo.

Evidence will be presented that reveals the Neves instigated PERC investigation was intended to soften any wrong doing by government.

New Zealand lawyer for hire Dr Alex Frame who provided FIU with a legal opinion has made it clear government has acted unlawfully in relation to public expenditure and stated Williams should get on with his job.

- George Pitt

TE KAVE KORERO

Host: Tony Hakaoro, WED 6 JAN 2016

One on one with Tereapii Pita

Tereapii Pita, music and video producer, singer, musician and owner of Onu recording studio originally based in Auckland, now in Rarotonga, was the guest speaker on the first Te Kave Kōrero programme of 2016, on Wednesday 6th January.

Pita, who is Aitutakian, moved back with his family to reside in the Cook Islands and has been resident in Rarotonga for eight years.

Since returning to the Cook Islands he has been entertaining as a one man band and in the past two years has been the resident band at the Roadhouse in Arorangi.

Over the past few months he has been entertaining at the Crown Beach and Edgewater resorts along with his daughters, 16 year old Elizabeth and 10 year old Ngametua.

Pita said that during the past three months he has been encouraging and training his daughters to sing with him on a regular basis.

Last week, daughter Elizabeth, released her first ever CD album of classic Cook Islands songs.

As a first for Onu studio a karaoke version of the album is also released and comes on a separate disk.

Te Kave Kōrero believes that Elizabeth's album is the first ever CD of favourite Cook Islands tunes released together with a karaoke version.

In Māori Pita says that the karaoke version of the album displays the words like those produced by papa`ās in mainstream music.

"Ae e taku taeake, ka karanga au e, i roto i teia nei ao katoatoa no te mea, kua kite koe i te karaoke a te papa'a, kua remake akaouia te music e te aronga i amaniia ai te karaoke. Ka karanga au i reira i teia, mei te original mai, taau rai ia ka oko koe, teia oki a tatou e akarongo nei i reira, kua ere ra oki i reira te words ki roto, mei ta te papa'a tikai, ka tuku koe ki runga".

He added that the karaoke disk can be played back on a media player, (and with softwares such as) virtual DJ and Karafun and that songs on it can be transposed just like those produced in mainstream.

"Te ngai meitaki i teia, ka rauka ua i a koe i te play, media player, DJ, Karafun, ka rauka i a koe i te transpose meu ea, meu, mei ta te papa`ā tikai".

Pita states that the songs on his daughter's karaoke disk can be transposed to suit one's voice or vocal range.

"Ka rauka i a koe i te transpose tano ki toou reo, teia karaoke nei a teia tamaine".

He explains that at times, the key may be low but one can transpose it to suit one's vocal range. And if the key is high, likewise, one can change it to a lower key.

"Tetai taime oki, akaaka, ka rauka i a koe i te apai mai ki toou ki. Tetai taime, e teitei, ka rauka i a koe i te apai ki raro, i te akatopa i te ki, te akapera nei rai mei ta te papa`ā rai".

Pita says that the CD is being sold at \$20.00 each and the karaoke version of it is for sale at \$100.00 and can be purchased at the Onu stall at the Punanga Nui Market every Saturday.

The classic Cook Islands songs on Elizabeth's album are:

1. Fifteen stars
2. Fish and chips
3. I raro i te tumu nu
4. Kia orana
5. Kua iti te marama
6. Lovely frangipani
7. People of Rarotonga
8. Purotu oki koe no Ivanui
9. Ruketekete

10. Te oki nei au
11. Vaine Rarotonga

Pita set up and started the Onu Studio in Auckland in 1986 and has been in the recording and music industries since.

He has recorded many albums over the years and has over 200 in his catalogue.

Using his mobile recording studio and if contracted or commissioned to undertake a recording project, Pita is able to record and produce a CD for an individual, a choir, a group or band, at his home in Arorangi, or at a client's home, or choice of venue.

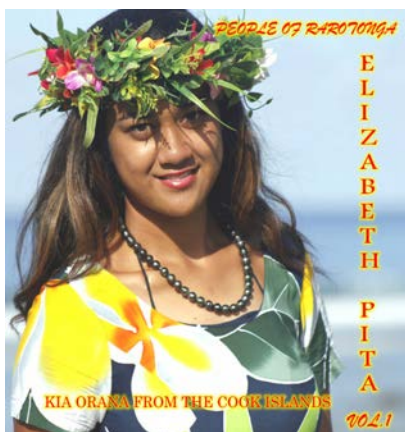
He is also able to film or video a family function or event and produce a DVD for clients.

And with his new venture now, he is skillfully able to produce a karaoke disk, of papa`ā or Cook Islands songs, accompanied with music and words displayed on a monitor, but without the singer's voice, enabling one to sing along to what would be the karaoke music on the disk.

Tereapii Pita, known to many as Apii, can be contacted on telephone 20-294 or on mobile 80-838.

Te Kave Kōrero congratulates him for venturing into a new line of entertainment product, producing karaoke disks to accompany a new CD album.

Te Kave Kōrero also congratulates his daughter, Elizabeth, for her first CD album and karaoke disk released with it.



Sixteen year old Elizabeth Pita pictured here on her CD cover.



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TE KAVE KORERO

Host: Tony Hakaoro, FRI 8 Jan 2016

“We could all be rich” - your opinion

The recent statement, reportedly made by the Prime Minister, that, ‘we will be rich’, in reference to our fishery and seabed minerals, was the subject of discussion on Te Kave Kōrero on Friday 8th January 2016.

In opening the programme, presenter Tony Hakaoro, invited listeners to call in and talk about positive issues that may be of benefit to Cook Islanders this year.

The following is a transcript in Māori of his introduction and one caller’s contribution to the discussion.

“I te mea oki e, ko te akamataanga rai teia o teia mataiti ou, e mea tau rai e, kia koperepere, kia pukapuka tatou no runga i te au manakonakoanga te ka riro ei tauturu i a tatou i teia mataiti. Karanga to matou reo Marike e, let us talk positively”.

“Kia riro ta tatou akairiiranga manako i teia aia, me kare, ta tatou karangaranga i teia aia, ei uriuranga manako i te au mea puapinga, me kare ra, i te au mea te ka riro ei tauturu i to tatou oraanga, te ka riro ei meitaki no tatou”.

“Let us talk positively na to matou reo Marike ei”.

“Ina, teia tetai manako, te akakite ra te Prime Minister i teia epetoma i topa ake nei e, me manuia te tautai e te okoanga i ta tatou ika e te au mekameka i roto i to tatou moana, ka moni tatou na te Prime Minister ai. Te karanga nei te Prime Minister e, ‘we will be rich’. Eaa toou manako i te reira no te mea, me paunu atu taua, me ioio meitaki atu taua, me e tika oki e, ka puapinga ia tatou, ka moniia tatou, e manako meitaki te reira, kare ainei? E manako positive te reira na to matou reo Marike ei. Eaa ra toou manako no runga i teia karere a te Prime Minister?

“Me manuia, me meitaki te okoanga i to tatou au mekameka i roto i to tatou moana, te au mekameka katoatoa, tena te ika, te manganese, e te vai atu ra, te karanga nei te Prime Minister, ka moniia tatou, ‘we will be rich’. Well, i tetai tua, me paunu taua, that is a positive, kare ai nei? E manako puapinga te reira, karanga to matou reo Pamate e, that’s not necessarily a bad thing, kare ainei?”

“Papa Tony, kia orana koe i teia mataiti ou. E manako ua noku no runga oki i teia ika oki na tatou e tautaiia nei. Te karanga nei oki te Prime Minister e, ka moni tatou. Kare oki tatou i pute puta na. Te moni ua nei tatou. Me aere koe ki Avarua, kare e old bomb i runga i te matara,

e au flash car pouroa. Ko ia ai te motoka, kare e motoka old bomb, flash pouroa, eaa ia, kua moni takere tatou”.

“Te manga manamanata, ko te iti tangata oki. Kare te iti tangata e inangaro i te moni, ka inangaro ratou i te ika. E ika ta ratou ka inangaro. Kare ratou e inangaro kia apainaia ta tatou ika, ka inangaro ratou kia vao rai ta tatou ika na tatou”.

“Inara, te rave ua nei oki tetai aronga i to ratou mana, te maataanga o te iti tangata, kua patoi ratou, kare ratou e inangaro kia apainaia ta tatou ika, e vao rai ta tatou ika na tatou rai. No reira, me te manako nei te Prime Minister ka moni tatou, kua moni takere tatou, ko ia ua paa te tangata kare a na moni, te katoatoaanga o te iti tangata, e moni ta ratou”.

“Kare ratou e inangaro i te moni, inangaro ratou i te ika. Ae, ko te manamanata o te iti tangata, kare te iti tangata e ariki i tera mea, ka inangaro rai te iti tangata i ta ratou ika i roto i te tai”.

“Te ra manganese i roto i te tai, kare e manamanata na te reira. Aere ratou tari i te reira mea, kare oki te iti tangata e kai na i te reira apinga. Aere ratou i reira tari i te reira mea. Ka akatika au i te Kavamani kia aere tari i te reira no tetai moni na tatou, ko tera ika ra, kare te iti tangata e akatika”.

“Kare e ngai taravake, tera ua nei ra oki, ko te

manganese, kia aere te Kavamani i te tari i tera apinga oko i tetai moni na tatou, ko te ika ua ta te iti tangata i protest ana last time ra, kare te iti tangata, e 4 tauatini paa signature i patoi oki i tera mea. Tera ika na tatou, kare ratou e akatika kia apainaia te ika e tetai aronga ke”.

“Ka ariki au i to te iti tangata manako, kare a ia e aru i tona uaorai manako, no te mea, ka apai a ia i te manako o te iti tangata, na te iti tangata a ia e apai ki runga i te reira ngai. Kare nana i apply i teia angaanga i riro mai a ia ei Prime Minister, no reira, ka apai a ia i te manako o te iti tangata, kare a ia e apai i tona uaorai manako”.

“Toku manako kia ariki mai ratou i te manako o te iti tangata, ei aa ratou e apai i to ratou uaorai manako no te mea kua iki tatou i a ratou ki roto i te ra ngai, ina, ka akarongo ratou i te tuatua a te iti tangata, ei aa te iti tangata kia akarongo i to ratou manako. Te manako o te iti tangata, ta ratou tera ka ariki mai ratou, toku manako tera”.

“Kare oki e tano e, kia apai ua ratou i ta ratou i manako, kare ratou e ariki mai na i te manako o te iti tangata no te mea na te iti tangata ratou i apai ki runga i tera ngai teitei, and then, kare takiri ratou e akarongo mai na i te tuatua a te iti tangata”.

Te Kave Kōrero thanks the caller for his views and contribution to the programme.

Meitaki maata

Fisheries deal to be vetted

The Prime Minister has upped the level of oversight of the proposed fisheries deal with the European Union by tasking a core committee to apply a thorough assessment of the draft agreement and be involved in dealing with arising issues.

In addition to Marine Resources, Cabinet also directed key officials from Foreign Affairs, Crown Law, and the Finance Ministry to review the draft, last Friday. The Prime Minister says Government wants the fullest assessment of all aspects of the draft agreement and a concerted approach with its implications, in preparation for consultation with stakeholders and the public.

He said the process must be robust in consideration of sustaining the country’s fisheries.

Cook Islands observer at Vanuatu election

With other member countries. Taggy has participated on other observer missions such as the UK Elections in May 2015. That mission was aimed to provide a snap-shot assessment of the UK elections with the report provided to the Commonwealth Parliamentary Association (CPA) UK. The request from the Pacific Islands Forum for Taggy to be part of the mission is a reflection of her esteem across the region and we are very proud of her.

- MFEM media release 8 January 2016

Letter to the Editor

Dr Frame's response raises more questions and comments

Dr Alex Frame's response to criticism of his legal opinion regarding unauthorised expenditure by government, has raised further questions and comments.

12.01.16

The Editor

Cook Islands Herald

Dear Sir

There was much in Dr Frame's response to the criticism of his legal opinion that invites further comment so I appreciate the space you are giving me to make mine.

Before embarking on what to many people may be mysterious and foreign territory I would like to make this very serious proposition to the educational authorities. Too many people know too little about the workings of government. It is evident in all walks of life. You would be astounded at the number of people who stop to talk to me and ask questions about matters I have written and I get a strong sense that they want to understand these issues but see no opportunity to learn. I have long advocated to those who will listen that what we need here in our schools is something equivalent to what I understand they teach in high schools in the United States and that is a subject called Civics or, more simply, the workings of government. Our politicians, the Speaker, the Clerk, many of our lawyers, public servants and the general public know pitifully little on this subject yet it touches all their lives, more so I suspect than in larger, more greatly populated countries. At university level this would be called political science so I am speaking

here of something akin to an introductory course. I am unaware whether there is an equivalent in the NZ school curricula and that might pose a problem if it is not standard stuff for the accepted secondary school examination regimes. But I do urge that it be given some thought for how else will our people become better informed and more effective participants in the management of their own country?

Now to Dr Frame's response. We can agree that his finding that MFEM got the whole unauthorised expenditure interpretation wrong was correct. This is not disputed but the criticisms remain -

a) that if he and the acting Solicitor-General considered that it was proper in the interests of the highly principled inclusive approach of 'audi alteram partem' or giving MFEM an opportunity to explain itself, how did they expect to get an appropriate response when large tracts of the draft opinion and especially those which were central to MFEM's questionable actions were removed unless, as suspected, the missing components were privately revealed to the Financial Secretary because without that access he would not have possessed the same cause for alarm?

b) That while Dr Frame has accepted, quoted and endorsed the over-riding authority of parliamentary control of the public revenue he has not addressed the

criticism that in his opinion POBOCs somehow can escape the same controls and that invoking Article 70(3)(b) could ('probably') provide the requisite authority,

c) that by his silence on this question he has avoided and contradicted his own understanding of the law, and,

d) that he compounded that by accepting the novel proposition that one Head of Department can authorise another to expend money from its Vote and did not opine on the legality of the Financial Secretary's usurpation of the role of another head of department nor the restrictions in the Public Service Act

e) that he has failed to address the entire Executive Council procedure which was employed by government to circumvent parliamentary control and that his treatment of 'enactments' and 'orders in Executive Council' was inadequate and if, as he explains, an opinion is an attempt to predict how a Court would adjudicate on a given set of facts, his brief treatment in these two areas would not have been helpful.

Culpability-Dr Frame asks me how I would distinguish culpability amongst the various parties to the illegal Executive Council approvals namely the QR, the Ministers, the Clerk and all those who handled payments. My answer very simply is I would excuse the QR on the grounds of sovereign immunity and on



Dr Alex Frame

the further grounds that the procedure being followed was ultra vires and that he could not participate in an unlawful act although his advisers had attempted to include him in partnering their illegal activities. I would place the responsibility squarely upon the Minister of Finance and all his Cabinet colleagues who, while not required to, took the expenditure proposals to Executive Council in what they now claim to be a 'mistaken' interpretation of the law but which on closer examination, and in addition to all the other criticisms and motives of it, would appear to be just an attempt to give their actions the imprimatur of legal authority where none existed.

Ignorance of the law is no excuse- is preached to us
continued next page

all the time but Dr Frame by dwelling upon 'mistake', 'not wilful,' 'misinterpretation', 'reasonable excuse', 'good faith' 'honest view with an arguable basis' strongly suggest to this writer at least, that Dr Frame had moved beyond the role of constitutional adviser and very clearly into the role of defence attorney and I will tell you why I say that.

Mens rea- You do not have to be a lawyer to know what this means. In most criminal cases the prosecution has to prove *mens rea*, a guilty mind or guilty intention. As the MFEM Act refers to offences against it so one needs to look at the language used there. The reader would find that to be convicted one would need to have wilful intent and no reasonable excuse but if it could be shown that there was no wilful intent and there was reasonable excuse then a prosecution would likely fail. You can see therefore why it became crucially important that the guilty parties (Financial Secretary, Minister of Finance and Cabinet Ministers) needed to establish that they were labouring under an honest, albeit mistaken interpretation of the law and how they might thereby escape the clutches of *mens rea* and avoid conviction. I have already written why I totally reject that argument and cannot believe a Court would accept it either but there is an added dimension to this issue which needs to be mentioned and that is 'strict liability'. As I understand it *strict liability* trumps *mens rea* so when we look to the constitutional requirement to annually present audited accounts and unauthorised statements we do not find that the Constitution declares a failure to comply as an offence. One then needs to look elsewhere. Section 118 of the Crimes Act would be one applicable provision. Contravention of a Statute carries a penalty on

conviction to imprisonment not exceeding one year, enough to vacate the seats of all the Cabinet Ministers. However, wilful and lawful excuse feature here also so one might ask how can Ministers be brought to justice for their disobedience to the Constitution when these defensive opportunities keep cropping up. I believe that is where strict liability comes into play and the pronouncements of Lord Hutton in *B (a minor) v DPP* (2000) 1 AER 833, states the current position at p855:

the test is not whether it is a reasonable implication that

The reader would find that to be convicted one would need to have wilful intent and no reasonable excuse but if it could be shown that there was no wilful intent and there was reasonable excuse then a prosecution would likely fail.

the statute rules out mens rea as a constituent part of the crime – the test is whether it is a necessary implication.

As to the meaning of "necessary implication", Lord Nicholls said: *Necessary implication connotes an implication that is compellingly clear. Such an implication can be found in the language used, the nature of the offence, the mischief sought to be prevented and any other circumstances which may assist in determining what intention is properly to be attributed to Parliament when creating the offence. Necessary implication may arise from not only the statutory provision under review but also from the rules governing that provision to be deduced*

from other provisions. Thus, the court must examine the overall purpose of the statute. If the intention is to introduce quasi-criminal offences, strict liability will be acceptable to give quick penalties to encourage future compliance, e.g. fixed-penalty parking offences. But, if the policy issues involved are sufficiently significant and the punishments more severe, the test must be whether reading in a mens rea requirement will defeat Parliament's intention in creating the particular offence, i.e. if defendants might escape liability too easily by pleading ignorance,

this would not address the "mischief" that Parliament was attempting to remedy.

It is my contention that the Constitution is compellingly clear, that there has been a breach of statutory duty and that *mens rea* should and could not be mounted as a defence in these circumstances.

Validation-Dr Frame questions my interpretation of the validating mechanism contemplated by Article 70 (3A) which I contend requires the Article 41 treatment (2/3rds support and 90 days wait) and which he contends does not, maintaining that a simple majority would satisfy the requirement of the Article. There are multiple issues involved here.

Firstly Article 70(3A) was

never part of the original Constitution. It was inserted by the same Democratic Party Government that was busy looking after its pension qualifying time by extending its life to five years and did so through the same disputed Constitution Amendment Bill (N0.9) of 1980-81 about which, through the power of its office, it was able to stop any further public discussion on both the government and private radio stations and the print media when Parliament was just debating Clause 7 of this 23 Clause long Bill. The change to Article 70 was part of Clause 9. One can but wonder in view of the later Court of Appeal challenge to its validity whether this Bill ever had the benefit of any oversight from any constitutional experts. If it did one would have expected it to be tighter and clearer. Dr Frame would have just been commencing his association with the Cook Islands back then so maybe he would know.

There was precious little reference during the second reading debate to this provision mostly I suspect because Members did not fully comprehend its import and possibly also because the previous CIP government had had its own problems with the administration of unauthorised expenditure. The only reference of note that I have found was this contribution from Premier (as he then was), Sir Thomas Davis 'In a matter of finance, Mr Speaker, we have straightened out an area which got the previous Government into trouble- and will now get them out of trouble- concerning the definition of unauthorised expenditure and concerning the fact that we may authorise unauthorised expenditure by a simple majority instead of a two thirds majority'(p. 1298) The only other reference I found was by Vincent Ingram

continued next page

who pretty much echoed the Premier and referred to two previous instances when the CIP Government failed to ratify its unauthorised expenditure (p.1346). If there were any other references to it I have not found them. Interestingly this Clause 9 passed through its Committee stage with no comment or scrutiny whatsoever and so passed into law with just those apparently two meager contributions and, because of the censorship, no contribution from the public and until 2010, and again now, there were never any issues with it.

Despite what the Government of the day might have thought would be achieved by the Clause or how it should be interpreted, the fact of the matter is that belief and fact are often distant cousins. I have sat through many a parliamentary sitting hearing politicians go on about what a particular provision in a Bill means when they have been completely wrong and that is why Courts are cautious about going to Hansard to discover the intention of the Legislature.

Dr Frame however subscribes to this same belief that Article 70(3A) is every corrupt government's dream get out of jail card and of course Dr Frame is a constitutional lawyer. So should we accept that?

Firstly Article 70(3A) is very specific and only has application when-

i) there is an Audit Report forwarded to the Speaker specifying any excess unauthorised expenditure in any year, and

ii) which has not been previously reported, and

iii) Parliament is in its last Session before a required general election

If these preconditions are met the Article provides that Parliament may by Act validate the whole or any part of that expenditure but



Finance Minister Mark Brown. To paraphrase his position- If we got the arithmetic wrong we will validate it

one must remember that Article 70(4) has already required the annual reporting of unauthorised expenditure (both within the 1.5% limit and in excess) and presumably dealt with appropriately and there should therefore be no unreported excess expenditure 'lingering' as Dr Frame suggests. If one could then assume that government accounting systems were reasonably efficient the application of these provisions would be narrowed down to any excess since that last reported but even then there is a potential danger lurking here (see below).

It is worth noting at this juncture that Wilkie Rasmussen, the then Minister of Finance, found himself in a somewhat similar situation

back in 2010 when his Government was engaged in some rather doubtful manoeuvres to amend a lapsed Appropriation Act as well as to validate excess unauthorised expenditure. In a series of letters I challenged these actions and although the Government adjusted its position it still pressed on enacting an altered Bill which I still claimed was unconstitutional. The authority cited was this same Article 70 (3A) and no less than two constitutional lawyers (Dr Frame was one) supported the Government's action despite item i) of the preconditions not having been satisfied.

Now we have a situation where Dr Frame is claiming that the right of validation by ordinary majority passage is

again available, yet items i) and iii) above have not, and cannot, be complied with and any validation I again contend is subject to the procedure of Article 41 and the escape route our wayward Ministers thought was available is not.

While in 2010 I was prepared to concede that if all the prerequisites listed above were complied with a simple majority passage would be possible I am now having serious second thoughts about that for a number of reasons and these will become vividly clearer especially when the reader recalls how comfortable Minister of Finance, Mark Brown has appeared in the media. To paraphrase his position- *If we got the arithmetic wrong we will validate it* he tells us confidently seizing upon Dr Frame's answer to the wrongdoing and opening the door to all sorts of extra parliamentary shenanigans..

There may have been a place in our Constitution for Article 70(3A) and a simple majority validation process if everything else were functioning and conforming well but when Government fails to keep Parliament informed on its management of the public revenues, deceives the Queen's Representative into participating in a fictitious procedure to circumvent parliamentary control of expenditure and conceals from public scrutiny all evidence of its unlawful spending, meanwhile ignoring constitutional reporting requirements, then Article 70(3A) could become a beacon for malfeasance on a grand scale.

Imagine this. In the financial year ended 30 June 2015 Government under-spent parliamentary appropriations by some 40 or so million dollars. It has already demonstrated that it believed that these 'savings' could be plundered to finance excess

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unauthorised expenditure of several millions more than the 1.5% limit so why would they stop there if they saw a greater opportunity. So let's further imagine that there was to be a general election in say September of 2015 and there was \$40million likely to be unspent at year's end. The Government identifies its weakest constituencies and goes on a spending spree before 30 June to buy up support in those constituencies and electoral victory looks assured. There has been no appropriation for any of this expenditure so it is all classified as excess unauthorised expenditure. Government reconvenes Parliament in the new financial year, arranges the required Audit report and a validation Bill and with its simple majority validates the lot! Does this sound right to you? Dr Frame would say 'Yep. All good.'

The potential in this scenario I have just described for wholesale corruption of the democratic process and the opportunity it presented to deliberately under-spend the Budget prior to a general election would not be lost on those that currently govern us. What is alarming however is that with compliant advisers what may have started out as a procedure that possessed some merit could quickly succumb to a greater evil.

All of which makes me now very wary of according Article 70(3A) the generous interpretation others still attribute to it. Does it in fact allow the scope of abuse and manipulation I am suggesting here? And if it does should we not move now to protect the institution of Parliament because otherwise representative and responsible government has all the hallmarks of becoming a sham here in the Cook Islands. With just ten sitting days last year, frustration of two significant petitions, guillotining the budget debates and abuse of parliamentary procedures



Former Financial Secretary Richard Neves and Finance Minister Mark Brown

and a Speaker aligned with the Government, some would say we are already well on the way.

Although Dr Frame has said he would not enter the fray again he should nonetheless be invited to comment on this argument against the present liberal interpretation of Article 70(3A) which, given his bias towards it might be difficult for him. I remain hopeful that he, foremost, but others out there, might be encouraged to accept that there are manifest dangers in giving this Article the current liberal interpretation that exposes us to potential abuse of significant proportions. If they can be moved enough to recognise these dangers and this challenge below is faulty then at least come up with a new formula because the present Cook Islands Party has shown an alarmingly arrogant predilection for breaking the law in the obscene quest of its own political ends.

Article 34 (2) of the Constitution provides-

Subject to Article 41 hereof and subclause (3) of this Article (Speaker's vote), every question before Parliament shall be decided by a majority of the votes of the members present.

Article 41 provides-

Subject to the provisions of

subclause (2) of this Article, no Bill repealing, amending or modifying or extending this Constitution or any provision thereof or making any provision inconsistent with any provision of this Constitution shall be deemed to have been passed by Parliament, unless (thereafter follows the two thirds and 90 days requirements)

If the Constitution allows the Executive to spend say \$3m over or beyond what was appropriated but spends \$4m then the excess of \$1m needs to come back to Parliament. Parliament can say it approves the excess or it can say that it does not. Dr Frame and the Government are saying that by a simple majority vote this excess can be validated. I am now saying it cannot, or should not. If one accepts that the expenditure of that additional \$1m is okay then it is saying that the 1.5% which set the limit at \$3m is modified for that year to a higher percentage as obviously if \$3m equalled 1.5% then \$4m would be higher. In my earlier article in the Herald I said that the additional \$1m spending would be inconsistent with the constitutional limitation of 1.5% and Dr Frame seized upon that term 'inconsistent' and claimed such additional

expenditure would, quite the contrary, be 'consistent' with Article 70(3A). How then does he feel about the Constitution being 'modified' for that particular year?

It is my argument that notwithstanding the language of Article 70(3A) no special status has been accorded a validating Act pursuant to it and consequently such a validating measure is still required to be read subject to the Constitution and in this case with Article 41. If it were indeed intended that Article 70(3A) were to be effective with a simple majority the good Doctor would know that for the removal of doubt there would have been any number of ways to have expressed that. And if that is not compelling enough consider the consequences of the corrupt opportunity I have described above and come up with a better formula.

And just one last thing. The offences and penalties provisions of the MFEM Act are ridiculously inadequate and I notice this has been recognised to some extent in the revision currently circulating but in light of all the dodgy behaviour we have seen this past year I would recommend that they be given another hard look.

John M Scott

Traditional costumes to be on display

By *Poko utia*

The Rakei art exhibition opening on Wednesday the 13 of January at the National Museum in Tupapa will showcase traditional wearable art, the exceptional traditional costumes which featured in the 2015 Miss Cook Island Pageant, the local designers and their teams. The Herald spoke with exhibit organiser Susan Love de Miguel.

A selection of the traditional costumes are on display and supported by photographs of all ten costumes, profiles of the designers along with concept and construction details. The quality of design and detailed work on the costumes has led to the opportunity for the public to

view these unique costumes for a second time.

The talented local designers include John Taulu, Eliza Charlie, Jane Rubena, Tanya Savage, Larry Tumai, Beverly Akaiti, Uirangi Bishop, Mama Tuaputa, Liz and Daniel Sosene, Nane Mateariki, and Tupe Tamatoa among others who worked alongside the designers. In developing their costume expertise over numerous years and events, the designers have retained ancient knowledge about the preparation and use of traditional materials still widely used in the Cook Islands today.

This is an exhibition not to be missed as opportunities to view such work do not come often. All are welcome to attend.



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Muri lagoon water clean, perfectly safe



Photo by Courtney Matai

By Norma Ngatamariki

Visitors to Muri Beach can swim anywhere in the lagoon they choose without any risk to their health, says Halatoa Fua, the Chief Executive Officer of Cook Islands Tourism Corporation.

He said recent news reports about algae in the lagoon were disappointing and sensational. "There is no way this is a national disaster or that anyone is in danger of getting sick".

"There is a small patch of algae, but it's completely non-toxic and perfectly safe for swimming and snorkelling, says Mr Fua, noting that Muri's water is frequently analysed by WaterCare NZ and is consistently good. Mr Fua said the seasonal algae patch was slightly bigger than usual which could be due to a calm winter. "It's actually a very small area which is just offshore. Some people are enjoying it because it's attracting fish."

The Ministry of Marine Resources analysed the algae sample from the Muri lagoon. Mr Ben Ponia, Secretary for the Ministry of Marine Resources quoted 'generally the water quality data suggests that the bacteria levels are acceptable and should not pose a problem to humans swimming in the vicinity. Chlorophyll (phytoplankton) levels have been trending upwards, suggesting increased levels of nutrients such as nitrogen, but these are also within acceptable environmental standards'.

The Ministry of Marine Resources has recently upgraded its water quality laboratory and is now equipped with an auto-analyzer which means that water quality tests previously conducted in New Zealand laboratories can now be analysed in Rarotonga.

Being able to analyse multiple water samples with a rapid turnaround will be significant

boost to the Ministry's water quality monitoring program says Mr Ponia.

An initial assessment by the SOPAC (GeoScience Division of the SPC) suggest that the short to medium term mitigation to further improve the water quality in the Muri lagoon should primarily focus on improving lagoon flushing. The option recommended was to dredge a distance of about 500m from the passage to the big fish trap. The dredge should be about 8m wide and 1m deep. The mouth of the fish trap will be opened to allow more flow and improve lagoon flushing. The National Environment Service is working with the Muri community to develop an environmental impact assessment for the proposed dredging work, says National Environment Service Director Joe Bridger. 2

Mr Fua said Cook Islands Tourism Corporation fully supported measures by the

Government and community to improve water and sanitation, including upgrading sewerage systems in the Muri area. Elizabeth Iro, Secretary of the Ministry of Health advised that 'the Public Health Division has been working with the Infrastructure Cook Islands WATSAN unit regarding sewage and sanitation systems compliance by commercial accommodators in Muri'.

"Tourism is the lifeblood of our economy and Muri lagoon is a key natural asset highly prized by locals and tourists. We'll do all we can to protect its reputation as a beautiful tropical paradise. Whilst the short term solution of improving lagoon flushing and removing the algae is being assessed, a permanent long term solution such as a sanitation reticulation system is also being considered by Government."

*Cook Islands Tourism Corp
media release*



Photo by Courtney Matai

Exciting developments for Handball in 2016

By Norma Ngatamariki

Handball has a promising outlook for 2016, according to Makiroa Mitchell-John, President of the Cook Islands Handball Federation (CIHF) and Secretary General of Oceania Handball Federation. She has received recent confirmation of our nation hosting the U19 Women's and U21 Men's Oceania qualifiers in December. "We are anticipating some very exciting opportunities this year, not only for the Handball Federation but for the community as well," she says. Makiroa explains that the Cook Islands is part of an Emerging Nations Program, where countries who are not yet playing an international standard can further develop and improve on their skills.

Within the Oceania region, there are intercontinental challenges which serve as a stepping stone for international competitions worldwide. There are 19 members within the

Oceania Handball Federation (OHF), which is a significant increase from the previous 10 members they had. These components are further divided into two phases, which are the International Handball Federation (IHF) events and the IHF trophy. With the events, Handball teams are able to gain a qualification for world championships and the Olympics whereas the trophy is a fully-funded program. The Cook Islands is currently entered in the IHF trophy program. "However, we aren't relying heavily on outsourced funding when we are completely capable of raising funds ourselves," she says. "We do our own fundraising by selling plates of food."

Makiroa has also announced that there will be a Beach Handball competition scheduled for in May, but the venue is still undecided. As of now, it is between Tahiti and New Caledonia. Beach handball is a

new and innovative approach to the sport and one more suited to the Oceanic region as opposed to indoor handball. It is also the fastest growing group sport in the region. "It's a sport which involves different kinds of aspects which would appeal to our Pacific people," Makiroa says. "It's a crowd-pleaser, can be aggressive and it's very strategic." Makiroa also places emphasis on the importance of teamwork. "Once you enter a team, you're no longer an individual. You work with your team mates." The Oceania qualifications for Beach Handball will be executed in three phases: A Handball expert will be sent over to give training to coaches and referees. A tournament will be held to select the national team and finally, a host country will be chosen.

2015 was a year of reform for the CIHF, as the Executives restructured their foundation workings in terms of planning

and reviewing their goals. "It's time to put thing in action." Makiroa wants Cook Islands Handball to be exposed to international standards, as she sees the potential our nation has if only some level of commitment would be reached. "We offer many opportunities to people with the right attitude. Handball can also be beneficial, as it would add to your professional portfolio and it can be an educative experience as well."

There are eight countries arriving in December for the Oceania qualifier games, with 36 players in each team. Makiroa and her Executive panel will start outreaching to the community for support in hosting the visiting nations. "We will be looking at various organisations, such as church groups, schools and NGOs."

Training for the games will begin next week. "We encourage all those who are interested to come along and join up."

TE KAVE KÖRERO

Host: Tony Hakaoro, MON 11 JAN 2016

Use of the word 'kua'

It was a very quiet day on Te Kave Kōrero on Monday 11th January 2016.

Although listeners were invited to ring in and given the opportunity to choose, or introduce a subject for talkback discussion, only one caller rang but then decided to speak off-air.

Therefore in the absence of talkback Te Kave Kōrero brings this article to highlight an issue relating to the Cook Islands Māori language in the country at the present time.

In particular, this article, written by Te Kave Kōrero presenter, Tony Hakaoro, is about the use, or rather the misuse, of the verbal particle 'kua', in our language.

Kia orana and Happy New Year.

I trust everyone have enjoyed the festive season and their holidays and are slowly getting back to work or to normal routines.

As some of us depart the Cook Islands and return to Australia or New Zealand, or to their home islands within the Cook Islands, we do so being well aware that here in Rarotonga, over the Christmas and New Year period, we have not seen a loss of life or a motor vehicle accident causing a serious injury.

We have been fortunate and truly blessed during this period and let us all give thanks to our Almighty God.

As the presenter of Te Kave Kōrero on Radio Cook Islands I personally prefer to speak in Māori, although, on occasions in the past, I have spoken in English here and there on the programme.

During talkback sessions on Te Kave Kōrero I particularly enjoy the conversations and exchanges in Māori with listeners. I enjoy it for two reasons.

Firstly, it gives me an opportunity to speak or engage in Māori fully. It makes me feel very proud to be a Cook Islander and proud of my Māori language, culture, heritage and traditions. I find it very interesting because of the various dialects used or spoken on the programme.

Secondly, it becomes a focal point where Māori as a language takes centre stage and becomes a learning platform because of its usage or misusage in some ways.

An example of this usage, or misusage, is the

use of the verbal particle 'kua'. I need to explain this in a way that readers of this article will understand and hopefully accept.

In Cook Islands Māori there are eight verbal particles. However for the purposes of this article I shall focus on the 'kua' verbal particle only. I shall address the other particles in a separate article in due course.

Kua is a perfective verbal particle. It denotes that an action, or task, has been done, carried out or completed. It indicates that the action, or verb, hence its name, 'verbal particle', has been executed already.

In other words, the 'kua' particle, used correctly, informs the listener, that the action has already been done and completed in the past. Its usage therefore, is in the 'past tense', that is to say, the action completed, or executed, was done or carried out in the past. It indicates to the listener that the action was in the 'past tense', that is, the task was undertaken or completed in the past.

In the following examples the use of the 'kua' verbal particle indicates that the verb, or action word, was or had already been completed, that is, done in the past.

'Kua rere te pairere ki Aituaki i nanai'.

The plane flew to Aitutaki yesterday'.

'Kua tae mai te pai i nanai'.

The boat arrived yesterday.

These are perfect examples of using 'kua', indicating of course, that the action was

completed in the past. So what then is the issue with using 'kua'?

The use of 'kua' becomes a concern when one uses it wrongly as in the following examples.

'Apopo, kua tae mai te pairere'.

Tomorrow, the plane arrived.

'I teia Varaire e tu mai nei, kua oki atu te tere'.

This coming Friday, the visiting group went back.

In the above examples, the correct verbal particle to use is 'ka' as opposed to 'kua', because 'ka' indicates that the action will take place sometimes in the future thus:

'Apopo, ka tae mai te pairere'.

Tomorrow, the plane will arrive.

'I teia Varaire e tu mai nei, ka oki atu te tere'.

This coming Friday, the visiting group will go back.

'Ka', in these examples, of course indicates, that the action, is taking place, or is to take place, in the future, thus, the 'ka' verbal particle, indicates future tense'.

I often hear people wrongly using 'kua' in reference to time, for example:

'E rima meneti toe kua tangi te ora iva'.

It's five minutes to nine o'clock has struck.

Muri lagoon water clean, perfectly safe



Muri Lagoon water safe. Story on page 14

Here's a sensational soccer story for the CI News' Fijian Indian reporter Kumara Rashstand, after harshly criticising the local CIFA for their poor global ranking and trying to link it with corruption, the New Zealand Whites are now only a few places above the Cook Islands. In 2010 after the World Cup they were ranked 49th now they are ranked 150th. Come on Rashy check them out with your investigation skills maybe the huge fall from grace is linked to corruption.



Last Friday the lost soul Rassic was seen in Aitutaki, with no friends after his tumble out of politics and the exodus of the political groupies and his superficial pretenders Rassic has had to resort flying to Aitutaki to be consoled by his last sympathiser the One CI Bishop. Rassic's inflated ego took a beating when he didn't get the vacant Solicitor General job. Not only that, he didn't even get an interview. With another loss to get over Rassic threw a mega tantrum and blamed his political affiliation for the rejection. Rassic had been supporting government in recent times even publically backing the acting Cheryl King's stupid misguided attempts to gag the media. Rassic didn't get the job let alone an interview because he lacks credible experience and has no noticeable legal runs on the board. For once the job was awarded on merit not political patronage.



With the greedy, money grabbing Mickie Enery very much in the news for all the wrong reasons, big Red almost overlooked the story about the public toilets that Mickie built. To kick off his ambitious multimillion dollar fantasy development of the Orongo centre he built a public toilet amenity only trouble when the island celebrated their Aitutaki day no one could use the new toilets.



Mickie had them built too close to sacred traditional land and his attempts to install the septic tank were robustly rejected by the traditional leaders. That's what happens when uneducated bus drivers are given elevated positions beyond their intellectual capability; they can't even build a simple toilet block.



Oh dear chooks, dazed and confused crew aboard the stricken, rudderless vessel SS Daily are puzzling Naval Command with conflicting communiqués. A communiqué issued by local Shore Patrol (Military Police) was doctored then re-issued under the name of Chief Petty Officer Filheep of the SS Daily. Then a few days later, another communiqué announcing Naval Command's new Legal Eagle, was also doctored and re-issued with SS Daily crew member Deck Hand, second class, Rashfeel's signature attached. Then, a third communiqué from the Lord of the Admiralty, Rear Admiral Enri Doomah concerning exercises in Fabu Darbee was re-issued, signed off by Chief Petty Officer Filheep of the SS Daily!



Barely 11 days into the New Year and our travel addicted Leader, Air Vice Marshall Henri Foonah, is flying out to Abu Dhabi at someone else's expanse

to chair an RE chin wag. Invited to speak because of our RE efforts which are attracting international attention thanks mainly to the Leader constantly flying all around the world boasting about what we are doing with other people's money. The names of those accompanying the great man have not been revealed because it has been said, they are not important!



With local Island Council elections due within a few weeks in the outer islands, how come there has been total silence on the matter by government? Is it because there is a serious lack of funds? Rumour is the great Baxter of Aitutaki may be deposed this time around.



Have you noticed chooks a difference in this latest batch of pesky flies to hit the airwaves? This new generation of winged pests seems more bolder and daring and more persistent. It's getting so one hand has to be kept free to swat the little terrors from your food. What has caused this sudden boom in flies which just dive bomb your food with no regard to their safety? Is this a sign chooks of things to come?



The local muso who on New Year's eve had his iron horse filched from right

out front of Police Headquarters found his metal steed parked out front of an establishment a couple of hundred yards down the road near the Market. All was in order and he was able to gallop home a happy chappy.



Why isn't anyone buying the Maeva Nui DVDs? Did the Culture lot become over confident and order too many copies? What happens now?



A check of the long range weather forecast last Saturday morning revealed a big disturbance was predicted coming our way not this weekend but next. Tuesday's forecast on the local goggle-box shows a Tropical Disturbance near Samoa and heading this direction slowly. Remember you got the here from Big Red.



A local lad just back from the land of the black stump reports cashing in \$60 Kiwi dollars and getting back just \$40 Aussie bills. And one Cookie over from the land of Oz and basking in the local sun had a rude shock when getting a letter from Ozzie Social Welfare advising his Aussie pension had been cut off. You see the Cooks has no reciprocal arrangement with Aussie so Cookies must return to Aussie if they wish to continue receiving the Aussie pension-Aussie! Aussie! Aussie!



Expect local house prices to be pushed up chooks as Cookies return home after selling up homes in Auckland for sky high prices. Many Cookies who went to Auckland in the 1950s to work in factories bought cheap homes and villas in places like Freemans Bay, Ponsonby, Herne Bay and Grey Lynn. Nowadays, houses in these areas are selling for over \$1 million. Over the next few years some very wealthy Cookies could be coming home.

FAT CATS

Number

2, Cabinet wants something done about the fly problem!

On trousers or the one with wings?



Mozzie

COCONUT ROUNDTABLE

Rumour has it Government is concerned at the boom in the number of flies!

An increase in production!

Export them!



PUBLIC NOTICE

PUBLIC NOTICE

In the matter of the Air Services Licensing Act 1984.
PURSUANT to Section 6 of the above Act and subsequent amendments, I, Hon. Henry Puna, Minister of Civil Aviation, hereby give public notice of an application for a Cook Islands Air Services License from Jetstar Airways Pty Ltd (Jetstar). The License is to allow Jetstar Airways Pty Ltd (Jetstar) to operate scheduled flights to the Cook Islands commencing 22 March 2016.

Full details of the application can be obtained during working hours from the Office of the Secretary of Transport, Telephone 28-810, Facsimile 28-816.

Any interested person(s), company or organisation wishing to make written representation in respect of the application should do so addressed to:

The Secretary of Transport
PO Box 61
RAROTONGA

To reach him not later than 4pm, Thursday 21 January 2016.

MINISTER RESPONSIBLE FOR CIVIL AVIATION



HEALTH SPECIALIST VISIT
Skin Specialist (Dermatologist)

The public is hereby advised that the Skin Specialist from New Zealand will be at Aitutaki Hospital on Monday 25th January and at the Rarotonga Hospital from Tuesday 26th to Friday 29th of January 2016.

If you have problematic skin conditions, please contact the team at the hospital to arrange for an appointment from the 11th – 22nd of January 2016.

Please note you will need to see our local health team first before an appointment with the Specialist.

Contact Aitutaki Hospital on 31002 or Rarotonga Hospital on 22664.

Meitaki Maata

VACANCY

RESTAURANT GENERAL MANAGER REQUIRED

Experience essential in the following :

Hospitality Restaurant Management
Food & Beverage Cost Control
Kitchen, Bar & Front of House Management
Accounting Systems including Quick Books & Excel
Personnel Management & Staff Training
Leadership and Team Building
Customer Relations & Problem Solving
Business Growth, Advertising & Promotions
Please email CV with photos and character references to:
rarorestaurants@gmail.com
or phone 26487 between 9 a.m. & 2 p.m.
and ask for Personnel Manager

TENDER



OFFICE OF THE PRIME MINISTER

Request for Tender for the Supply of Building Materials to the Northern Group Waters Project

The Office of the Prime Minister (OPM) seeks suitably qualified groups or companies to submit a tender for the supply of building materials. The request for tender requires that the materials be sourced and supplied to three islands in the Northern Group.

Hard Copies of the Tender documents can be obtained from the Climate Change Office at the Office of the Prime Minister, Parekura, Avarua or electronic copies from the Tender Manager.

For any enquiries please contact: Tender Manager, Mr Raymond Newnham

Email: raymond@moanagems.co.ck; Ph: +682 22317 or +682 54317.

Tenders Close: 1pm Thursday 28th January, 2016 (Cook Islands Time).



**MINISTRY OF FINANCE
AND ECONOMIC MANAGEMENT
GOVERNMENT OF THE COOK ISLANDS**

Purchase of Consultancy Services – Financial and Systems
The Ministry of Finance and Economic Management (MFEM) wishes to engage a high level accounting and systems consultant for a period of 5 months from January – May 2016 to play a lead role in managing the selection of a centralised Financial Management Information System.

Submission of Tender

Tenders should be submitted by email with the tender form signed and attached in either pdf or MS word format to tenders@cookislands.gov.ck with the subject line "Purchase of Consultancy Services – Financial and Systems - 151622"

Conditions for Tender

1. The total price offered will be VAT exclusive ("Price").
2. Tenders must be submitted electronically on the tender form provided. No tender box will be provided

For further information in regards to the Purchase of Consultancy Services – Financial and Systems please visit: <http://procurement.gov.ck>

Or contact: Mr Russell Hynd

Email: russell.hynd@cookislands.gov.ck

Phone: +682 29511 ext8307

Tenders Close: 4pm Thursday 21 January 2016

PUBLIC NOTICE



Air New Zealand Tourism Award Categories

BUSINESS CATEGORIES

1. Accommodation - Hotels and Resorts
2. Accommodation - Self Catering
3. Accommodation - Private Holiday Rental
4. Tourism Industry Support
5. Tourism Attractions
6. Festivals and Events
7. Tourism Restaurants and Catering Services
8. Destination Wedding Planners

SPECIAL PERSON AWARDS

The two categories by nomination are:

1. Outstanding contribution to tourism
2. Lifetime achievement in tourism

SPECIAL AWARDS

There are special awards that are open to all category entries.

- Environment award
- Culture Award
- Internet Marketing Award
- Outer Islands Award
- Customer Care Award
- Family Friendly Award

SUPREME AWARDS

The Supreme Winner is selected from the winner of one of the business categories. To be determined the supreme winner, applicants must have demonstrated excellence in a minimum of 50% of the judging criteria.

Entry Instructions

We have the full application form ready for your viewing and downloading via:

www.tourismindustry.co.ck

Entrys close 1st February 2016.

All entries are confidential to the assessor team. The written application must be completed electronically and emailed to the following address: ci.tourism.awards@gmail.com.

Kia Manuia

VACANCIES

EXPERIENCED CHEF REQUIRED

Hard-working, Well-dressed. Excellent English.
Friendly and warm personality

Experienced in the following:

Cooking international cuisine at the highest level
Working as a team member in a busy kitchen
Setting creative menus and food pricing
Attention to highest level of kitchen hygiene

Please email CV, photo and character references to:
rarestaurants@gmail.com
or phone 26487 between 9 a.m. & 2 p.m.
and ask for Personnel Manager



COOK ISLANDS METEOROLOGICAL SERVICE

P O BOX 127, Avarua, Rarotonga, Cook Islands

Phone: (682) 20603; Fax: (682) 21603

SITUATIONS VACANT METEOROLOGICAL OFFICERS

Vacancies exist for 3 Meteorological Officers at the Cook Islands Meteorological Service.

Applications are invited from people with a science background, electronics know-how or wishing to study science, or with experience in natural and physical laws. These posts have great career prospects. A good level of computer literacy, analytical skills and communication skills will be a good attribute for these posts.

Remuneration Level: Dependent on educational qualifications, past performance credentials and experience.

A job description can be obtained from the Meteorological Office in Nikao and you can call them on phone 20603 or e-mail mot.weather@cookislands.gov.ck

Expressions of interest or applications can be e-mailed to the above e-mail or sent to the Director at :

Director
P O Box 127
Meteorological Service
Nikao
Rarotonga

Applications close at 4pm on Friday 29 January 2016

ADVERTISE WITH THE COOK ISLANDS HERALD

New Hope Church

Parekura Conference Centre

Inspirational messages to uplift and empower you

Sunday at 10.30am

Cook Islands Jobs

The Cook Island's premier Jobs Website
www.cookislandsjobs.com

This week's top vacancies from Cook Islands Jobs

Disaster Management Coordinator, Red Cross, Rarotonga
For these roles and more, please visit www.cookislandsjobs.com

Cook Islander's successful treatment for Eczema sufferers

By Courtney Matai

It was back in February 2015 that Auckland based Cook Islander and former Prime Minister Dr Joseph Williams QSM, QSO, MB,CHB, MPH, released his first book in New Zealand, titled "Eczema the Neglected Disease of Children-Care Therapy for the Eczema Syndrome."

Since its release, he has sold over 2,500 copies online. Dr Williams told Pitt Media that the book is about the disease Eczema, a common problem that he has seen in people in New Zealand, as well as children. Eczema, he said, is the most common disease in the world as 1 in 5 people have this sickness and 1 in 6 of all adults have Eczema.

Dr Williams wrote the book after years of research, into treatment programs for the benefit of young and old people who suffer from this illness. Eczema is caused by 6 main factors which include the genetic defect in the skin which makes it dry, as well as to do with the immune system that also affects people's allergies, mainly through food allergies. Another factor is a fungus infection and the micro organism that causes it as well as digestive in flora. Finally, there is a circulatory problem in the legs where people get Eczema in the leg. It is a skin disease with an inflammation in the skin. The most common feature is the itch which causes people with the disease to scratch their skin till it becomes raw. This also leads to infections which leads to the need for antibiotics. Most people who suffer from this disease are embarrassed with it and so hide it by covering it up

with long sleeves or clothing. He says that in some cases, people are so embarrassed with the condition that they commit suicide because they can't cope with people teasing them and the itching becoming unbearable.

Dr William's book is the only one that gives people a complete understanding of the illness, mentioning the symptoms and treatments of Eczema. People and Doctors who have purchased his book have found that it is very beneficial. He has had many successes with the treatment of patients. Some of the reasons why people have the illness is because they are missing a protein from their body before they are born. Dr Williams also mentions there are 38 types of food which are bad for people with Eczema, including dairy products and junk food. Mothers are asked not to feed their young junk food and to feed them the right medication which will help with the itching and appearance.

World renowned Dermatologist, Dr Richard Aron, a South African was one of many who purchased Dr William's book online. He rang Dr Williams saying that he agreed with the statement and title of the book because children are neglected by the medical world. It doesn't address the basic causes of Eczema. Those who have followed the treatment programme listed in his book have been very successful. Dr Williams hopes that doctors worldwide will purchase or use his treatment programmes mentioned in the book to help those suffering from Eczema.



Dr Joe Williams and Harriet Tuara



Business Trade Investment Board

Cook Islands

FOREIGN INVESTMENT OFFICER

A vacancy exists as a Foreign Investment Officer within the Foreign Investment Division of the Board following an internal promotion.

The Foreign Investment Officer is responsible for attending to investment related enquiries, liaising with other agencies, providing advice on investment policy, receiving and vetting proposals, organising monthly Board meetings, carrying out due diligence checks and providing advice on each application to the Board.

This position requires a person who:

- Has great communication skills both written and verbal
- Excellent time management and organisational skills
- Is computer literate and can use Microsoft Word, Outlook, Access, Excel
- Can perform tasks under pressure
- Has an understanding of the Cook Islands business environment, and
- Holds a tertiary qualification or working towards a tertiary qualification

Applications with CVs should be addressed to:

Agnes Parker
Business Trade & Investment Board
Private Bag,
Avarua,
Rarotonga

For a job description or enquiries please call:

Phone: 24296 or

Email: agnes.parker@cookislands.gov.ck

Applications close Monday 25 January 2016