

Votes and Proceedings of the 20th Parliament

No 35

**Seventh sitting of the 20th meeting
7 May 2013**

10.00am

1 Meeting of House

A quorum not being present, Hon Godfrey Thoma (Speaker of Parliament) stated that he would take the Chair at 3pm.

A quorum not being present, the Hon Godfrey Thoma (Speaker of Parliament) adjourned the House until Thursday 9 May 2013 at 10.00am after making the following statement:

First of all I would like to convey a message to the public regarding statements I have delivered through this House since I took up the chair; you can obtain hardcopies from the Clerk.

Secondly, for those who would like to see me personally for matters that are not clear please put your request in writing to the Clerk so that we can arrange a time and date for an appointment.

I would also like to summarise the sittings since the second dissolution letter from the President was received. You are aware that the first dissolution letter was withdrawn and a second letter was issued.

On Monday 15th April, Speaker received a letter by hand from the President to dissolve the 20th Parliament. On the 16th April Parliament sat but due to no quorum there was no meeting. On the 18th April Parliament was reconvened and former Speaker, Hon. Ludwig Scotty, read the letter of advice to dissolve the House and then resigned. Henceforth the Deputy Speaker, Hon Landon Deireragea, took the chair for nomination of a new Speaker.

On Tuesday 23rd April there was no nomination for a new Speaker. On the following Thursday 25th April I took the challenge on, taking the Chair as Speaker, to resolve problems facing this House.

After I took up the Speakership I called for a recess of the House till the following day so that I could become familiar with procedures of this House. This has been the practice for Speakers fresh to the position. The following day, Friday 26th April, I anticipated that things would flow through towards dissolving the House, anticipating that there would be debate and the required steps, but there was no quorum in the House.

Then on Tuesday 30th April there was still no quorum in the House. On 2nd May 10.00am there was still no quorum and we resumed again at 3 pm but still no quorum. This morning the bell was rung and there was still a lack of quorum, then I recessed the House until 3pm and I was advised that there was still no quorum.

I would like now to read out a letter dated 3rd May which I wrote to His Excellency Sprent Dabwido, the President;

Your Excellency

As you are aware, Parliament has failed to achieve a quorum on 4 consecutive occasions over the past week, and so, regrettably, we are no closer than we were this time last week to being able to dissolve Parliament in a lawful manner. As previously noted in my letter to you of 30 April, I am not able to dissolve the House pursuant to your advice until the requirements of Article 41(4) have been complied with, and the Supreme Court has said that those requirements include an opportunity for members to debate your advice.

Both the Deputy Speaker and I have, since the resignation of the former Speaker on 18 April, done everything within our power to facilitate the debate that would enable

the 7 day period under Article 41(4) to begin. Indeed, the Deputy Speaker even visited your office to discuss the matter and to clarify his position on 23 April, 2 days before I was elected as Speaker.

The current impasse can be very easily remedied, simply by you and your Cabinet colleagues attending the next sitting of Parliament on Tuesday 7 May, thereby ensuring that there is a quorum and that debate can proceed.

I also note that in your television interview on Wednesday evening you suggested that I was being poorly served by the Office of Parliamentary Counsel, and that the Parliamentary Counsel's advice contradicted the 'Green Book'. As you are aware, the green book is not a source of law, it is a book prepared by a former Parliamentary Counsel 21 years ago, and 21 years before the Supreme Court's recent authoritative interpretation of the requirements of Article 41. I have confidence that I am receiving accurate, frank and fearless advice from the Parliamentary Counsel. If you are genuinely of the view that it is incorrect, I suggest that you seek a legal opinion from your Secretary for Justice or Solicitor General.

I was, on the other hand, very encouraged by your statement, also made in your interview on NTV, that you will be pursuing a constitutional reference to the Supreme Court under Article 55 of the Constitution to obtain the Court's opinion on the correct application of Article 41 to the present circumstances. I believe this is a wise course, and you have my assurance that I will abide by whatever the Court's opinion should be in that reference.

As stated in my letter to you of 30 April 2013, it seems to me that all members are keen for the 20th Parliament to be dissolved and for general elections to be held, but the only way that can occur is if we have a quorate sitting of Parliament at which members are given the opportunity to debate the advice to dissolve. I hope it will be possible for such debate to begin at Tuesday's sitting. If it is, then I will be required to dissolve the House 7 days later, on Tuesday 14 May 2013, and a constitutional reference will be unnecessary in that event.

With deepest respect,

Members present

The following members were present at some time during the sitting:

Hon Godfrey Thoma (Aiwo)
Hon Ridell Akua (Anabar)
Hon Landon Deireragea (Anetan)
Hon Marcus Stephen (Anetan)
Hon Mathew Batsiua (Boe)
Hon Roland Kun (Buada)
Hon Dr Kieren Keke (Yaren)
Hon Dominic Tabuna (Yaren)
Hon Freddy Pitcher (Ubenide)

Ann-Marie Thoma
Clerk of Parliament