

**Votes and Proceedings
of the
Eighteenth Parliament
No. 30**

**First Sitting of the Eighteenth Parliament
Wednesday, 17th February 2010**

10:00 a.m.

1. The House met at 10.00am in according to the resolution made on Tuesday 22nd December 2009.

2. Hon Riddel Akua, Speaker of Parliament, took the Chair and read Prayers.

3. **Statement from the Chair**

The Speaker made the following statement to the House -

(a) *'Honourable Members, you will all be aware of the very sad news that on 28 December 2009, just a few days after our last sitting of Parliament, Parliament's Senior Librarian and Hansard Manager, Jennie Reiyetsi, passed away.*

Jennie was an invaluable member of the Parliament staff. She served Parliament for close to thirty-nine years, having started during the second Parliament on 3rd February 1971.

Jennie was thoroughly dedicated to her work and frequently worked long hours and weekends for no additional pay in order to manage her heavy workload. She possessed a wealth of knowledge on Parliamentary matters, and was very often the first person that members turned to when they needed information.

Last year Jennie visited the Parliament of Victoria for two weeks, and she was in the process of using the knowledge she gained from the trip to restructure her own hansard team and the hansard workflow in order to improve our hansard production. Her valuable work will be carried on by colleagues within Parliament.

Jennie was a mentor to those with whom she worked, and a much admired and respected member of our team. She was not only highly competent and extremely hardworking, but also a person of great intelligence, kindness and integrity. Jennie will be very sorely missed in Parliament, by all current and former Members and staff from the second Parliament right up to the current 18th Parliament.

On behalf of all Members and staff of Parliament, I wish to convey my sincere condolences to Jennie's family – particularly to her husband, her children and her grandchildren.

To honour Jennie and the extraordinary contribution that she made to Parliament over the last thirty-nine years, I would like to ask Members to stand and observe a minute's silence. Thank you.'

The House stood and observed a minute silence in honour of Mrs. Jennie Reiyetsi.

(b) *'Honourable Members, I wish to place it on record that whatever course of action decided by the Chair in today's sitting is as accordingly by the supreme law of our land the Constitution of Nauru & the Standing Orders of Parliament & not as purported by rumours. I have taken no bribery in terms of money or in kind neither from the opposition nor by the ruling party or from any either third party. And so help my God.*

And before we dispose of any other business, I wish to raise to the House that the Honourable member from Ubenide mainly Mr. David Adeang has tendered in his apology as has required by the resolution on the first sitting of the fourth meeting. I find the letter in compliance with the criteria & therefore, house formality here must be given precedence to give justice to the letter. Honourable members before I seek your concurrence for the member

to resume his appointed seat I shall read out the letter first & I ask the clerk to kindly circulate copies of it to all members.

The Chair will concurrence of the House read letter of apology from the Hon. David Adeang M.P., (Ubenide) which read as follows:

25 January, 2010

Dear Mr. Speaker,

If I have offended you, the Minister for Health, the House or any Member of the Parliament of Nauru, I humbly submit my apologies to you and, through your good office, to the house, the Minister for Health, and any/all Members of the Parliament of Nauru.

Yours Sincerely,

(signed)

Hon. David Adeang MP

Member for Ubenide'

(The Chair then instructed the clerk to ask the Member for Ubenide to take his seat in the Parliament Chamber).

4. Petitions

Hon. Frederick Pitcher (Minister for CIE) rose to inform the Chair that he has two Petitions to present.

The Chair with concurrence of the House, suspended the sitting to check the Petitions are in order and in conformity with Standing Order.

Resumed

Due to technical malfunctioning of the microphones and recording system, the Chair suspended the sitting and to resume when the bell rings.

Resumed

5. Petitions – continued

The Chair noted that the Petitions are in order and has received certification from the Clerk and asked that Hon. Frederick Pitcher (Minister for CIE) proceed with his Petitions.

6. Leave Sought For

Mr. Scotty (Anabar/Ijuw/Anibare) sought leave of the House to move a statutory motion regarding Article 24 of the Constitution.

Leave was not granted.

7. Motion – Suspension of Standing Orders.

Mr. Scotty (Anabar/Ijuw/Anibare) moved that all relevant Standing Orders be suspended to enable him to move his motion on Article 24.

Mr. Waqa (Boe) seconded.

Question Put and Passed.

8. Division of the House was called for.

Hon. Dr. Kieren Keke (Minister for Finance) and His Excellency Hon. Marcus Stephen called for a division.

The Housed divided

Ayes

Mr. Tsitsi
Mr. Thoma
Mr. Scotty
Mr. Waqa
Mr. Bernicke
Mr. Adeang
Mr. Dowiyogo
Mr. Amwano
Mr. Stephen

Total 9

Noes

Dr. Keke
Mr. Pitcher
Mr. Kun
Mr. Batsiua
Mr. Dabwido
Mr. Tabuna
Mr. Solomon
Mr. Deireragea

Total 8

Question Put and Passed.

9. **Motion – Article 24**

Mr. Scotty (Anabar/Ijuw/ Anibare) Pursuant to Article 24 of the Constitution, noted that this House resolved that President and Ministers, be removed from office on the grounds that the House have no confidence in them.

Mr. Adeang (Ubenide), Mr. Amwano (Ubenide), Mr. Waqa (Boe) and Mr. Bernicke (Buada) rose in support of the motion.

Under Standing Order 97, H.E the President declined to accept the motion.

On the question that the motion be entertained was put and passed.

10. **Division of the House Called for**

Hon. Dr. Kieren Keke (Minister for Finance) and H.E. Marcus Stephen (President) called for a division.

The House divided

Ayes

Mr. Tsitsi
Mr. Thoma
Mr. Bernicke
Mr. Adeang
Mr. Scotty
Mr. Waqa
Mr. Dowiyogo
Mr. Amwano

Total 8

Noes

Mr. Stephen
Dr. Keke
Mr. Dabwido
Mr. Tabuna
Mr. Pitcher
Mr. Kun
Mr. Batsiua
Mr. Solomon
Mr. Deireragea

Total 9

The question resolved in the negative.

11. **Petition**

(a) Mr. Frederick Pitcher (Minister for CIE) moved that the first Petition be read.
Hon. Dr. Kieren Keke (Minister for Finance) seconded.
Question put and passed.
The Clerk then read the Petition and laid it on the Table of the House.

(b) Hon. Frederick Pitcher (Minister for CIE) moved that the second Petition be read.
Hon. Dr. Kieren Keke (Minister for Finance) seconded.
Question put and passed.

The Clerk then read the second Petition and laid it on the Table of the House.

12. **Notice of Motion.**

1. H. E the President gave notice that at the next sitting of Parliament, he shall move to present the Nauru Land Owner's Trust enabling Bill 2010.
Hon. Dr. Kieren Keke (Minister for Finance) seconded.
2. Hon. Mathew Batsiua (Minister for Justice & Border Control) gave notice that at the next sitting of Parliament, he shall move to present the Counter Terrorism & Transactional Organised Crime Amendment Bill 2010.
Hon. Dr. Kieren Keke (Minister for Finance) seconded.

15 **Question Without Notice** were asked.

16. **Ministerial Statement & Tabling of Papers**

(i) His Excellency the President Marcus Stephen made a statement to the House which read as follows:- *'Mr. Speaker, I wish to inform this August House of the outcome of the climate change conference in Copenhagen, which I attended in December.*

The climate change conference in Copenhagen was the culmination of a two year process that began in Bali in 2007 under the mandate of the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. A brief outline of the background to the UNFCCC, the Kyoto Protocol and subsequent negotiations under the Bali action plan is set out in Appendix one.

Prior to the Copenhagen meeting, the Heads of States and Governments of the Alliance of the Small Island States (AOSIS), including Nauru, met in New York and adopted the AOSIS Climate Change declaration of September 2009. The declaration called upon parties to the UNFCCC to adopt a package of mitigation and adaption activities in Copenhagen that would ensure the survival of Small Island Developing States (SIDS).

This was Nauru's main objective when we travelled to Copenhagen. We participated in the Copenhagen negotiations in a number of ways. Our key point of engagement was contributing to AOSIS strategy meetings to help define the negotiating positions taken by AOSIS. We also participated in regional meeting so of Pacific Island Countries coordinated by SPREP, and the Pacific Heads of State were briefed by SPREP. We were involved in high level Diplomatic meetings with Australia and New Zealand. I delivered a national statement at the high level Plenary meeting of the conference of the parties, of which a copy has been attached as appendix 2. Members will note that my statement clearly and strongly outlines that we will not compromise the future of our country and our people.

Mr. Speaker, despite our efforts I am disappointed to report that the outcome in Copenhagen fell far short of what was sought by AOSIS. Rather than agree a new legally binding instrument, a small group of approximately 25 countries negotiated a political statement outside of the UNFCCC process, only a number of countries were involved in the negotiation of the Copenhagen accord.

For members' information and ease of reference, the Copenhagen accord has been attached to this report as appendix three. An analysis of the accord is also provided in appendix four.

Mr. Speaker, allow me to emphasize here that the accord is not a legally binding agreement and its relationship to the UNFCCC process remains unclear. It is therefore important to carefully, consider what the Copenhagen accord means for Nauru. Given the ambiguous language used in the accord and its lack of legal standing under the UNFCCC, it is unclear what effect the accord will have, if any. However, what is clear is that the substantive provisions of the accord fall significantly short of what is needed to respond to the climate crisis and it will not, and I repeat, not serve Nauru's interest in ensuring the viability of our country.

In view of this, on February 11th my government informed the government of Denmark, in its capacity as president of the conference of the parties, as well as the secretariat of the UNFCCC of Nauru's decision not to associate with the accord at this time.

Mr. Speaker, though the outcome of this conference was quite disappointing, my experience in Copenhagen confirmed my belief that it is critical that Nauru actively engage in the climate change negotiations. As a country vulnerable to the impacts of climate change, we must ensure that our voice is effectively heard by the international community.

I also observed that while we can be proud of our participation at Copenhagen, there are significant challenges faced by a small nation given the scale and complexity of the climate change talks. We currently lack sufficient legal capacity to engage at the most effective level.

There is room for us to increase our contribution to the work of AOSIS. AOSIS plays a pivotal role in the climate change negotiations. However, its success is dependent on the contribution of its members and we need to increase our role to strengthen AOSIS. We cannot leave it to others to advocate on our behalf.

I propose that we seriously consider increasing our legal capacity in Nauru so that we can increase the level of our participation in the international climate change negotiations. We should also consider increasing the legal and technical capacity of our New York mission given the United Nations in New York is a focal point for discussions on climate change.

I propose we evaluate the role of SPREP in assisting pacific countries participate in the negotiations. There are serious limitations to the support SPREP can provide to pacific island countries in their participation in UNFCCC processes. SPREP is funded by countries that have significantly different interests to the smaller pacific islands and this conflict of interest was evident at Copenhagen.

Mr. Speaker, we must step up our efforts in these climate change negotiations and we must do so immediately. Our lives and those of our future children are at stake.

I take this opportunity to appeal to all members of this house to support my government's efforts in addressing and responding to the challenges of climate change.

Thank you, Mr. Speaker.'

(ii) Hon. Frederick Pitcher (Minister for CIE) made a statement to the House on the following:-
'Mr. Speaker, as you and many television viewers would be aware; NTV has been screening a special documentary highlighting the progress achievements made over the past four years by the Nauru Rehabilitation Corporation.

The 22-minute presentation televised this week is a continuation to the documentary made in 2007 which gave Nauruans an insight into the many challenges that lay ahead in the many phases involved in returning our land to its former glory, and also emphasizing the contribution that secondary mining would make in eventually achieving this goal.

It could best be described as a "progress report" to the people of Nauru. I should also point out, Mr. Speaker, that the version showed this week in English is to be followed very shortly by a Nauruan version, so that everyone on the island can get an audio and visual idea of what is actually going on in the various sections of NRC.

Mr. Speaker, this government has been totally committed to keeping our people informed about the important projects that we have undertaken, especially when it comes to the protecting or restoring of

our environment. This production also provided the opportunity to show a little about the secondary mining process and what it will mean for the country when it comes into full production.

The production was commissioned jointly by NRC and Ronphos and there is a second DVD presentation designed as a marketing tool during presentations to potential phosphate buyers. There will also be a shortened version for use on the NRC website (www.nrurehab.org.nr). That production will be finished in about a week.

Mr. Speaker, in the production shown this week on NTV, it is obvious how much has progressed over the past four years. This includes everything from the experimental project at Pit 6 to the improved garbage collection services, community clean-up campaigns through to the progress made in establishing a much-needed general cemetery in the Anetan/Ijuw Districts.

The production also shows the transformation at the Topside headquarters of NRC, where an area has been established as a Nursery, for the growing of native plants, for planting out in areas around the island. A greenhouse is also being constructed to grow fruit and vegetables, which will hopefully encourage our people to establish their own kitchen and community gardens, with the greenhouse serving as a demonstration of how we can improve our diets by growing our own fresh produce.

Mr. Speaker, I congratulate management and staff of NRC for this initiative, which gives us all a better understanding of the progress made so far, and the plans for the future to restore our land to a natural environment with a productive benefits.

With your permission Mr. Speaker, I also make available copies of the DVD to yourself and Honourable Members for your viewing interest, which will also serve as a personal visual reminder of the important work being undertaken by NRC. Thank you, Mr. Speaker.

(iii) Hon. Sprent Dabwido (Minister for Transport and Telecommunications) made a statement to the House and tabled the audited Nauru Air Corporation annual financial reports 2008 and 2009;- 'Honourable Speaker, I wish to table in this August House the Audited Nauru Air Corporation annual financial report for 2008 and 2009, for information and of Members. Thank you.'

(iv) Hon. Mathew Batsiua (Minister for Justice & Border Control) made a statement to the House and tabled the General Custom Duties (Amendment) regulation 2010;- 'Mr. Speaker, It gives me great pleasure to table in this House today the General Customs Duties (Mode of Collection) (Amendment) Regulations 2010.

As members are aware, on 22 December 2009 Parliament passed the Customs (Amendment) Act 2009, which was certified by the Speaker and commenced on the same date. These regulations give effect to certain amendments made by that Act.

One of the amendments made by the Act clarified the time at which import duty is payable by specifying that duty is payable before the goods are delivered to the owner of the goods unless the regulations provide otherwise. The amendment to the Act ensures that the default payment position is payment before delivery. The regulations provide the option of a 30 day billing period to importers who do not owe outstanding amounts of customs duty. Cabinet is also given the option of entering into a written agreement with state owned enterprises for the payment of duty in installments – this is designed to facilitate the importation of large capital items necessary for the efficient operation of these enterprises.

Another amendment made by the Act allows goods to be forfeited if duty is outstanding, providing that the regulations provide a procedure for forfeiture. These regulations provide a fair procedure for forfeiture of goods as an enforcement measure of last resort.

Accordingly, on 12 February 2010, Cabinet made the General Customs Duties (Mode of Collection) (Amendment) Regulations 2010, which I am tabling in this House today as required under section 29 of the Interpretation Act 1971. These regulations were published in the Gazette on 16 February 2010. The regulations commenced on the date of gazettal.

These Regulations can be found in Gazette No.16 of 2010, and are also available on the website of the Pacific Islands Legal Information Institute (www.paclii.org) under subsidiary legislation. Thank-you Mr Speaker.'

(v) Hon. Sprent Dabwido (Minister for Transport and Telecommunications) made a statement to the House on Nauru Port activities update:- *'Mr. Speaker and Honourable members, I wish to update members on the status of the mooring system.*

Since the refurbishment of the mooring system in 2006, that was expected to last up to 2012, Nauru Port Authority unexpectedly experienced set back with the mooring system.

It was in the early part of 2009 that we lost the A1 mooring buoy. Since then work had been carried out to ensure that the mooring system would be re-certified so as to operate as a safe port which was duly done in May 2009. Further works and data sent to the Engineering company of OMC Int Pty Ltd certified our Mooring system to new safe loading capacity of 23,000mt. Maximum capacity if all moorings available was 45,000mt.

In the last few months, the weather has been very bad and the continuous rough seas has caused further damage to our mooring system. On 17 December 2009, we lost the A2 buoy as shackle connecting to the multiplate which connected to the span buoys and to the reef failed. It is fortunate that the multiplate was still connected to the span buoys and to the reef as after holding meeting, Ronphos, Nauru Port Authority and the Undersea Construction divers engaged by Ronphos were able to come up with plan that they would raise the chain from the seabed and re-attach the A2 buoy.

Due to the unfortunate damage of the mooring system Nauru Port Authority declared on the 23 December 09, the port is closed for phosphate business until further notice.

The tugboat Brighton was brought in from PNG to act as replacement for A1 buoy if phosphate ships were to be berthed.

A tugboat with approximately 120-150mt winch pull would be needed for this repair works. After scouring the pacific for tugs meeting this requirement, none were available and search was widened to Asia and the Nor Sun (200mt winch pull) which did the mooring relay in 2006 was available and tasked to do the job.

While awaiting the arrival of the tugboat Nor Sun for the repairs to be done, we lost B1 mooring buoy on the 20th January 2010. The vertical was completely lost. (This is the anchor chain to the bottom). When the buoy was lifted out with the chain still hanging, it was found the shackle which has been tested by Lloyds to hold 200mt weight failed to hold the 50mt chain to the bottom. This shackle is located at 345 feet where the divers cannot reach. With the arrival of the Nor Sun and with bad weather still prevailing for berthing, it was decided to do the repairs (A2) instead of waiting for the ships to be loaded. This was duly done and we now have A2 and B2 main mooring buoys. It was also found that the Lloyds certified locking pins of the shackles would seem to be the problem and were replaced by mild steel pins. This is still being investigated further. After the re-tensioning of the mooring buoys, the results have been sent to OMC Ltd (Dr. Terry O'Brien), the original designers of the mooring system to re-evaluate the safe mooring capacity of the mooring system. They have as yet been received.

In the meantime while weather was still not safe for berthing, the captains of the phosphate ships and the tugboats were invited by the Harbour Master to a meeting so they could coordinate their efforts into bringing the vessels in safely using the two tugboats as additional mooring stations. As of today the MV Queen Dina has been dispatched with cargo of 25,000mt and MV Kate with 24,000mt. Weather permitting, the MV Vinaline will be berthed today and hope everything goes smoothly.

Nauru Port Authority regrets the inconvenience caused and assures all concerns that a refurbishment of all mooring system is now underway and expected to be complete in May when procurement of the new buoy arrive.

*The new ports is expected to serve our needs until a wharf is built in late 2013.
Thank you.*

(vi) Hon. Roland Kun (Minister for Education) made a statement to the House on the following:-***School opening 2010***

The school year has commenced with a total enrolment of 2961 students. This compares to 2919 in 2009, an increase of 42 students. The biggest increase has been in Secondary enrolments. There are 477

students enrolled in NSS, 476 in Years 7, 8 and 9 at Nauru College and Kayser, 1288 in Years 1 to 6, and 720 in Infants.

The majority of students at NSS have enrolled in TVET courses. However, the School is enforcing enrolment rules that a student must meet certain conditions of enrolment before they are admitted to a course. These conditions are necessary to ensure that a student is not enrolled in a course that they are doomed to fail. A special bridging program is being provided for ineligible students to enable them to raise their literacy, numeracy and language skills to a level that will increase their chances of coping with Secondary standards

New NSS School

I need to update Parliament on the revised dates for various milestones at the new Nauru Secondary School. Previously I had advised that the school would open for students on February 3.

However due to adverse weather and other delays in construction of the walkway connecting Block B with E , the new date for the students to commence at the school is the first day of Term 2, Monday April 12th. By this date all Blocks at the school, including the two TVET Blocks, will be completed.

Prior to this, various blocks will be handed over to the Education Department. This Friday, 19th February, the Department will conduct a final inspection of Blocks A, B and C . These are the three blocks at the front of the school and include Administration, Art, Music, Science Laboratories, Library, ICT room, and seven classrooms. If the inspection on Friday is satisfactory, the blocks will be handed over to the Department on Monday 22 February for occupation.

From that date onwards the Department will commence to set up the classrooms, Office and staffroom in these blocks.

By the 20th March it is expected that the Gym, Block E, TVET Buildings and the walkway will be completed.

This will enable the official opening ceremony to be held on Saturday March 20.

Curriculum Developments

I have announced that the Department is investigating offering a Year 12 Certificate issued by the Australian Capital Territory from 2012. The Department has received conditional approval from the ACT and this week the Executive Director of the ACT Board of Senior Secondary Studies will be visiting Nauru to conduct further investigations and negotiations. The Department will be holding a public meeting where parents and the public can find out further information and ask questions about the proposed changes. The date and venue will be advised later this week.

In the development of our TVET program, the Department currently has a TVET consultant working with teachers and the Department in developing an administration system that ensures that the Department and teachers have observed all the requirements for a student to graduate from NSS with the Certificates that are accredited under the Australian Qualifications Framework.

Teacher Upgrading

The government this year has provided salaries for 20 Expatriate teachers. These teachers not only provide quality lessons for our students, but allow our current teachers to upgrade their skills. Currently the Department is advertising for applications for 5 Secondary Teaching Scholarships to train overseas. A year long program for 30 currently employed Trainee teachers begins next week and currently there are 15 teachers completing an Early Childhood Certificate with USP after school hours. During the year, two groups of 25 teachers each will complete either the Diploma in Teaching course or a Degree in Education course with Divine Word University. In March this year, 14 teachers and industry based students, will complete their Certificate IV in Training and Assessment for TVET teaching.

Buses

The Education Department is continuing discussions with Transport Department to ensure that buses provide a reliable service for students.

(vii) Hon. Domonic Tabuna (Deputy Speaker) made a statement to the House on his recent Parliamentary trip to India to attend the Commonwealth Speakers Conference;- *'Mr. Speaker and Honourable members, I wish to make a brief statement on my recent travel overseas.*

On the 2nd of January 2010, I left the island to attend the Commonwealth Speakers and presiding officers' conference held in New Delhi India from 4th to 8th January and I was ably assisted by the Clerk of Parliament, Mr. Freddie Cain. The topics involved aspects of work by presiding officers in relation to technology, budget preparations and parliamentary processes.

Mr. Speaker, the closing of the plenary conference, I'm privileged to inform this August House that Nauru has been appointed to the executive committee of the organization, was a privilege that set this procedures position on your behalf because other members of the executive committee, includes much bigger Parliaments like Australia, India, the UK and South Africa.

Mr. Speaker, thank you.'

His Excellency Hon. Marcus Stephen moved that the paper be noted.

7. Motion fixing the date for the next sitting.

His Excellency President Marcus Stephen moved that Parliament at its rising do adjourn until a time and date to be fixed by the Chair.

Hon. Dr. Kieren Keke (Minister for Finance) seconded.

Question Put and Passed.

8. Adjournment

His Excellency the President moved that Parliament do now adjourn.

Hon. Dr. Kieren Keke (Minister for Finance) seconded.

Question put and passed.

And the House at 5 minutes past 5 o'clock p.m. adjourned until a time and date to be fixed by the Chair.

Members Present

All members were present at sometime during the sitting.

John Garabwan
Deputy Clerk of Parliament