

**Votes and Proceedings  
Of the  
Twentieth Parliament**

**No. 8**

**First Sitting of the Eighth Meeting  
Monday, 20<sup>th</sup> June 2011**

**10.00am**

1. The House met at 10:00am in accordance to its resolution made on Thursday 25<sup>th</sup> February 2011.
2. Hon. Ludwig Scotty. M.P., Speaker of Parliament took the Chair and read Prayers.
3. Appointment of a Member to the Public Accounts Committee

**Election of P.A.C. Member.**

Mr. Adeang (Ubenide) nominated Mr. Rykers Solomon (Meneng) to be a member of the Committee.

Mr. Waqa (Boe) seconded.

Mr. Solomon (Meneng) accepted the nomination.

There being no further nominations forthcoming, from Members, Mr. Solomon was elected a Member of the P.A.C.

4. **Notice of Motion**
  - a) Batsiua moved that at the next sitting he shall move to present the Business License Bill 2011.
5. **Question on Notice**

Question No. 1 of 2011	a) & b) – Not yet ready.
Question No. 2 of 2011	was replied to.
Question No. 3 of 2011	a) & b) – Not yet ready.
Question No. 4 of 2011	Not yet ready.

- Question No. 5 of 2011 a) & b) – Not yet ready.
- Question No. 6 of 2011 Replied to.
- Question No. 7 of 2011 a) Replied to.  
b) Replied to.
- Question No. 8 of 2011 a) & b) – Not yet ready.
- Question No. 9 of 2011 a) Replied to.  
b) Replied to.  
c) Replied to.
- Question No. 10 of 2011 a), b), c) & d) – Not yet ready.
- Question No. 11 of 2011 a), b), c), d), g), h), i) & k) under select committee (S.O. 109)  
e) Not yet ready  
f) Not yet ready  
j) Not yet ready

6. Question Without Notice was asked.

The Chair with concurrence of the House suspended the sitting for lunch break.

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

- a) Hon. R. Akua (Minister for Transport) made a Statement and tabled to the House, the Port Authority (fees) regulations 2011.

*Mr. Speaker,*

*As required by the Interpretation Act 1971, I wish to table in the House today the Port Authority (Fees) Regulations 2011. These regulations were made by Cabinet on 21<sup>st</sup> April 2011, and gazetted on the same day in Gazette Notice Number 267 of 2011. The Regulations commenced 30 days after gazettal, on 21 May 2011.*

*The new regulations replace the Port of Nauru Schedule of Fees and Rates 2006, which was made as a Standing Order. The new regulations cover all of the same material as the 2006 Standing Order, with the new fees included in the Schedule. Because much of the material included in the 2006 Standing Order*

*was a duplication of material that is prescribed under the Act, some of it has in the new regulations been presented as notes to the regulations (because it is unnecessary and undesirable to make legal provision under the regulations for something that is already covered under the Act). The Regulations and the Schedule are intended to cover enough information that a person who is using and referring only to the regulations and who is not familiar with the Act is nonetheless aware of what they need to know about the Act.*

*Mr. Speaker, some of the fees prescribed in the new regulations represent an increase in fee, for example the fee for pilotage has increased from 25 cents per gross registered tonne per vessel, to 30 cents per GRT per vessel for phosphate vessels. The new schedule of fees makes a distinction between phosphate vessels and other vessels, and also charges a higher fee for storage of refrigerated containers than for unrefrigerated containers. The fee for agency remains unchanged at \$2,500 per vessel per visit.*

*Mr. Speaker, these regulations are currently available in the Gazette, from the Office of Parliamentary Counsel and from the Port. They will soon be published online on RONLAW and on PACLII.*

*Thank you Mr Speaker.*

- b) Hon. R. Kun (Minister for Fisheries) made a Statement and tabled to the House, the Fisheries (Amendment) Regulations 2010, Fisheries (PNA Third implementing Arrangement) (Amendment) Regulations 2010.

*Mr. Speaker,*

*As required by the Interpretation Act 1971, I wish to table in the House today the Fisheries (Amendment) Regulations 2010 and the Fisheries (PNA Third Implementing Arrangement) (Amendment) Regulations 2010. Both sets of regulations were made by Cabinet on 31<sup>st</sup> December 2010.*

*The Fisheries (Amendment) Regulations 2010 make small but important amendments to the Fisheries Regulations 1998. The most important amendment relates to the reporting of observer*

*details. Foreign fishing boats licensed under the Fisheries Act 1997 are required of report certain details specified in the regulations to the CEO of the NFMRA at certain times. For example, vessels must report each Wednesday while in Nauru's fisheries waters and upon entry into and exit from Nauru's fisheries waters. The details required to be reported are prescribed by the regulations and include the boat's license number and Regional Register number. Reporting of these details enables Nauru to monitor vessels to combat illegal, unregulated and unreported fishing.*

*Since 1 January 2010, all licensed foreign purse seine fishing boats have been required to carry an observer on board at all times. However, Nauru cannot monitor whether an observer is being carried because observer identity is not currently a detail that must be reported under Schedule 4. The amendments include "Observer name" in the specified details that must be reported.*

*The other amendments related to the prescribed forms used to issue licences and make applications under the Act. Currently, the conditions of a fishing licence prescribed by the regulations are specified in the prescribed form of the licence. The regulations provide that a licence is subject to these prescribed conditions and any other conditions specified in the licence. The current form of the licence does not include space for additional conditions to be specified. The amendments will remove the prescribed conditions so that the conditions of each licence can be inserted on a case-by-case basis. The remaining amendments to the prescribed forms update the contact details of the NFMRA, which have changed since the regulations were made in 1998.*

*The Fisheries (PNA Third Implementing Arrangement) (Amendment) Regulations 2010 amend the Fisheries (PNA Third Implementing Arrangement) Regulations 2009, the '31A Regulations', to give effect to amendments to the Third Arrangement Implementing the Nauru Agreement to Concerning Cooperation in the Management of Fisheries of Common Interest. The 31A Regulations implementing the Third Implementing Arrangement by specifying additional conditions that must be imposed on licences to fish in Nauru's exclusive economic zone. A*

*licence is not valid unless the requirements of the regulations are complied with.*

*Amendments to the Third Implementing Arrangement were made at the Thirtieth Special Meeting of the Parties to the Nauru Agreement, PNA. The amendments target two major areas of concern to PNA – fishing of tuna associated with whale sharks and fishing in high seas pockets.*

*Whale sharks are a slow-growing species that produce a small number of offspring. This has led to concern over stock levels and measures to protect the species in the waters of a number of countries around the world. Regulations of the fishing of tuna associated with whale sharks is a necessary conservation measure, as whale sharks act as a natural fish aggregation device, or FAD, to tuna species and the conduct of tuna fishing impacts on whale shark mortality throughout the Pacific. The amendments to the 31A Regulations ban licensed purse seiners from conducting a set at any time of the year within 1 nautical mile of a whale shark, whether the whale shark is dead or alive. Further, the master of a vessel that has encircled a whale shark in a purse seine net is required to take all reasonable steps to release the shark safely.*

*The 31A Regulations already close two western high seas pockets to fishing boats licensed under the Act. However, the closure of the two western high seas pockets may result in a transfer of purse seining from those pockets to other areas of high seas in the east where bigeye tuna generally form a greater proportion of the catch. This would increase bigeye mortality and require other measures such as extending the FAD closure or limiting overall purse seine effort to compensate for the additional bigeye mortality. These measures would impact on fishing in PNA exclusive economic zone. Closing these areas is a significant step towards establishing sanctuaries for stocks of tuna and other species affected by fishing.*

*The two sets of Regulations were published in the Gazette on 31<sup>st</sup> December 2010.*

*Thank you Mr. Speaker*

- c) Hon. R. Akua (Minister for Transport) made a Statement and tabled to the House, the Incident Report.

*Mr. Speaker,*

*At last sitting of Parliament dated 14<sup>th</sup> April 2011, during question without notice time, the honorable member for Boe, mainly Mr. Baron Waqa raised a matter and the question was followed on by the honourable member from Ubenide, mainly Mr. Aloysius Amwano seeking a report, concerning OA flight when power at the runway came off causing a total black out whilst a plane was landing and on a different date, at take off.*

*Mr. Speaker, I hereby tabled the incident report as per request by the two honorable members for their kind information and as well as information for all honourable members present.*

*Mr. Speaker and Honorable members; thank you.*

- d) H.E. President Marcus Stephen made a Statement and tabled to the House, the Legislation Publications Regulations 2011.

*Mr. Speaker,*

*I am pleased to table to the House today the Legislation Publication Regulations 2011. These Regulations, which commenced on 9<sup>th</sup> May 2011, were published in the Gazette on 18<sup>th</sup> May 2011 as required under section 26(1) of the Interpretation Act 1971. I am tabling these Regulations in Parliament in accordance with section 29(1)(c) of the Interpretation Act 1971.*

*Mr. Speaker, the legislation Publication Regulations 2011 are made under the Legislation Publication Act 2011, which is an Act relating to the publication of legislation in an electronic database, enacted as part of the Legal Information Access Project. The Act empowers the Parliamentary Counsel to publish electronic versions of written laws. Section 19(2) of the Act empowers Cabinet to make regulations prescribing the corrections and editorial changes that may be made to written law by the Parliamentary Counsel in the preparation of a law for publication.*

*The object of the Regulations is to enable the Parliamentary Counsel to make minor corrections and editorial*

*alterations to laws before publishing them. The types of corrections that are permissible include correcting the punctuation in a written law (for example, changing a full-stop to a semi-colon at the end of a paragraph), implementing a consistent style for the citation of written laws (so that the citation for each written law includes the year the law was certified or made, rather than a span of years), and correcting errors in the numbering or placement of amendments to a written law where the intention of the law-maker is clear.*

*The Parliamentary Counsel is required under the Legislation Publication Act 2011 to ensure that each item published in a database kept under the Act is an accurate representation of what it purports to be, and must correct any errors in the database as soon as becoming aware of them. This means that a published electronic version of an Act of Parliament must be a true representation of the law as enacted by Parliament; even errors in the law as it was passed, such as spelling mistakes and numbering errors must be faithfully reproduced. One way of correcting such errors is to enact a Statute Law Revision Act, such as the one passed by Parliament in April 2011. However, for every minor errors, the correction of which does not affect the meaning or effect of the law, it should not be necessary to have to seek legislative approval for the correction of each one.*

*These regulations therefore set out a limited number of minor editorial changes and corrections that can be made to a law by the Parliamentary Counsel. The aim of enabling the Parliamentary Counsel to make these minor changes to a law before publishing it in the online legal database is to make the law clearer and easier to use, and also to avoid the need to introduce a Statute Law Revision Bill for certain kinds of minor corrections.*

*Importantly, regulations 7 provides that the authority to make the corrections and changes specified in regulations 4 and 5 does not permit the Parliamentary Counsel to make any changes to a written law that would alter the meaning or effect of the written law. If any such changes are made, they are invalid and of no effect.*

*These Regulations will soon be available on the RONLAW website: [www.law.naurugov.nr](http://www.law.naurugov.nr) as well as on PacLII,*

*and are already available in Gazette Notice Number 301 of 2011, or from the Office of the Parliamentary Counsel.*

*Thank you Mr. Speaker.*

- e) Hon. M. Batsiua (Minister for Justice) made a Statement and tabled to the House, the

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- f) H.E. President Marcus Stephen made a Statement to the House on the following:

*Mr. Speaker,*

*I am very pleased to advise members of this august House that on 7<sup>th</sup> June, Cabinet approved for Nauru to become a Party to the UN Convention on the elimination of all forms of discriminations against women, or CEDAW as it is commonly referred to.*

*Following Cabinet approval, I signed the instrument of accession which will be deposited at the United Nations. For member's information, this convention will come into force in Nauru thirty days after the date of deposit.*

*Mr. Speaker, CEDAW is often described as an international Bill of Rights for Women. It defines what constitutes discrimination against women and requires national action to end such discrimination. As Parties to this convention, Nauru will be required to take a appropriate measures to ensure that policies, customs, practises and traditions do not discriminate against women.*

*This is a truly a significant and historic day for the women of Nauru! As Minister for Home Affairs – the Ministry responsible for women's issues – I am proud to have played a part in bringing a closure to this long struggle for the ratification of CEDAW.*

*I take this opportunity to thank the Department of Women's Affairs and also Government's working group on*



*treaties, whose concerned efforts resulted in Nauru becoming a member of the International Family of the CEDAW Convention.*

*Thank you Speaker.*

- g) H.E. President Marcus Stephen made a Statement and tabled to the House, the three (3) Audit Reports.

*Mr. Speaker and Honorable Members,*

*I am pleased to table three reports before this House in my capacity as Minister for Audit.*

*The first report is the Special Report of the Director of Audit on the Working of Foreign Missions 2009. This report includes the works and activities of the Foreign Missions of Nauru at Fiji, Brisbane and New York subject to the records that were made available to the Audit during the course of their auditing.*

*You will note that the Embassy of Nauru in Taiwan is not included in this particular report as it has already been featured in the first Special Report that was tabled before Parliament on the 5<sup>th</sup> of February, 2009.*

*The second report to be tabled today is the Special Audit Report on the Accounts of the Nauru Central Utilities for the Years 2005-06, 2006-07, and 2007-08. Members may be interested to know that this report is a coordinated effort of the Sub-regional Audit Support (SAS) Program and staff members of the Nauru Audit Department.*

*Regrettably, the Audit Team faced major constraints and had very limited scope to verify many issues due to the absence of any legislation and non-availability of important records in the Utilities Office. Despite such constraints however, the Audit Team was still able to make a number of important recommendations to improve the working of Nauru Utilities, which are contained within this report.*

*Mr. Speaker, the third and final report which I have the pleasure of tabling before this House is the Special Report of Director of Audit regarding Annual Accounts of the Government of Nauru and Budget Outcomes Documents, May 2011.*

*In compiling this Special Report the Director of Audit was largely constrained by the absence of any Annual Accounts of the Government of the Republic of Nauru since 1997-98. As members would be aware, for almost 12 years since 1999 onwards, no Annual Accounts of the Government was prepared and tabled before the Parliament till the Year 2009-10. In fact, it wasn't until Year 2005-06 when Annual Budgets and Budget Outcomes Documents were placed before the Parliament.*

*Hence, this Special Audit Report has been prepared to draw attention to this important issue and highlight the need for remedial actions to strengthen the Parliamentary Financial Control mechanism on its Yearly Budgetary Estimates and Appropriations.*

*Mr. Speaker, before I resume my seat I would like to take a moment to acknowledge and commend the good work of the Director of Audit, Mr. Bivash Mondal, author of the reports that were tabled previously. Mr. Mondal as you may be aware, just recently completed his contract and returned back home to India last month.*

*During his 3-year term on Nauru, Mr. Mondal accomplished much. But perhaps the most obvious and significant achievement of Mr. Mondal is the fact that he was the first Director of Audit to compile the very first Special Audit Report which I tabled to Parliament on 5<sup>th</sup> February, 2009. As already mentioned earlier, the last time that an Audit Report had been submitted to this House was more than a decade ago.*

*His main focus throughout his employment was on capacity building activities which included the acquisition of new wider office space and much-needed hardware equipment including a photocopier, printer and some new computers, as well as training and recruitment of local staff. During his time, staff strength of the office increased from just 2 to a total of 10 members, including a recent addition of 2 trainee auditors. Members may be interested to know that at least another 2 qualified auditors are expected to be recruited from India later this year thus increasing the manpower and capability of the Audit Office.*

*Mr. Mondal also conducted various in-house training programs for his staff, including the Financial Attest Audit, and training in Auditing Processes and Auditing Standards. Due to his personal push, some of the local staff have also undertaken on-the-job training for 9 months in Kiribati, Tuvalu and Nauru under the training program that is run by the Pacific Association of Supreme Audit Institutions (PASAI), to which Nauru is a member.*

*Also through Mr. Mondal's direct initiative, the Audit Office has been restricted and reorganized into 6 separate divisions with each division having separate work plans and allocations. For instance, Division 1 is the Performance Audit Division and the staff members appointed to this division is responsible for auditing the CIE Department, Police & Prisons, Post & Philately, ICT & Telecommunications, Parliament and the Nauru Rehabilitation Corporation. This arrangement has been put in place in order to allow for increased professionalism, greater efficiency and better quality of work.*

*These are only some of the many improvements that have been made possible by Mr. Mondal's direct supervision and personal efforts and by the end of his term; the Audit Office had undergone considerable changes, all positive ones. I take this opportunity to extend my personal thanks and appreciation to Mr. Mondal for a job well done and through him, to the Government of India for providing us with his excellent services.*

*With those few words Mr. Speaker, I commend these reports to the House.*

Mr. G. Thoma (Aiwo) moved that the Paper be noted.

- h) Hon. R. Kun (Minister for Fisheries) made a statement to the House on the following

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## **8. Motions**

- a) Mr. Thoma (Aiwo) moved that his motion from the Notice Paper be deferred to the next sitting.

- b) Mr. Waqa (Boe) moved that his motion be withdraw from the Notice Paper.

Question Put and Passed,

- c) Hon. R. Akua (Minister for Transport) moved that his motion, the Telecommunication Bill 2010 be withdrawn from the Notice Paper.

Question Put and Passed.

- d) **Motion – Interpretation Bill 2010**

Hon. M. Batsiua (Minister for Justice moved to present the Interpretation Bill 2010.

Hon. R. Akua (Minister for Transport) seconded.

### **First Reading**

The Bill was presented and read a first time.

### **Second Reading**

Hon. M. Batsiua (Minister for Justice) moved that the Bill be now read a second time.

Hon. R. Akua (Minister for Transport) seconded.

Second Reading speech ensued.

Under S.O. 159, further debate on the Bill is adjourned to a future date.

- e) Hon. Dr. K. Keke (Minister for Finance) moved to present the Superannuation Repeal Bill 2010, be deferred to the next sitting.

Question Put and Passed.

- f) Hon. Dr. K. Keke (Minister for Finance) moved that his motion on the Provident Fund Repeal Bill 2010, be deferred to the next sitting.

Question Put and Passed.

- g) Motion – Supplementary Appropriation Bill (No. 3) 2010 – 2011.  
Hon. Dr. K. Keke (Minister for Finance) moved to present the Supplementary Appropriation Bill (No. 3) 2010 – 2011.

H.E. President Marcus Stephen seconded.

### **First Reading**

The Bill was presented and read a first time.

### **Second Reading**

Hon. Dr. K. Keke (Minister for Finance) moved that the Bill be now read a second time.

H.E. President Marcus Stephen seconded.

Second Reading speech ensued

Under S.O. 159, further debate on the Bill is adjourned to a future date.

- h) **Motion – Development Fund Bill 2011.**  
Hon. Dr. K. Keke (Minister for Finance) moved to present the Development Fund Bill 2011.

Hon. M. Batsiua (Minister for Justice) seconded.

### **First Reading**

The Bill was presented and read a first time.

### **Second Reading**

Hon. Dr. K. Keke (Minister for Finance) moved that the Bill be now read a second time.

Hon. M. Batsiua (Minister for Justice) seconded.

Second Reading speech ensued.

Under S.O. 159, further debate on the Bill is adjourned to a future date.

i) Hon. M. Batsiua (Minister for Justice) moved that his motion, the Public Health Bill 2011 from the Notice Paper be deferred to the next sitting.

j) **Motion – Nauru Utilities Corporation Bill 2011.**

Hon. D. Tabuna (Minister for Utilities) moved to present the Nauru Corporation Bill 2011.

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

### **First Reading**

The Bill was presented and read a first time.

### **Second Reading**

Hon. D. Tabuna (Minister for Utilities) moved that the Bill be read a second time.

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

Second Reading ensued.

Under S.O. 159, further debate on the Bill was adjourned to a future date.

## **9. Orders of the Day.**

### **1) Ministerial Statement & Tabling of Papers.**

On the question that the Statement made by Hon. D. Tabuna (Minister for CIE) on Ronphos update be noted.

Question Put and Passed.

### **2) Ministerial Statement & Tabling of Papers**

On the question that the Statement made by Hon. Dr. K. Keke (Minister for Finance) on inter Sub-head transfers for period 11<sup>th</sup> February 2011 to 28<sup>th</sup> March 2011 be noted.

Question Put and Passed.

**3) Ministerial Statement & Tabling of Papers**

On the question that the Statement made by Hon. D. Tabuna (Minister for CIE) on an update of the current statement of Utilities Operation be noted.

Debate ensued.

Question Put and Passed.

**4) Constitution of Nauru (Parliamentary Amendment) Consequential Amendment) Bill 2010.**

That the House to resolve itself into the Committee of the Whole for further consideration of the Bill.

The House resolved itself into the Committee of the Whole.

**5) In the Committee.**

(Hon. L. Deireragea, Deputy Speaker, in the Chair).

The Chair suspended the sittings and to resume when the bell rings.

Resumed.

**6) Motion**

Hon. Dr. K. Keke (Minister for Finance) moved that the Committee reports progress and ask leave to sit again.

Question Put and Passed.

**7) In the House**

The Chairman reported progress and ask leave to sit again.

**8) Motion**

Hon. Dr. K. Keke (Minister for Finance) moved that further consideration of the Bill in the Committee of the Whole be adjourned and made an order of the Day at the next sitting.

His Excellency the President seconded.

Question Put and Passed.

**10. Motion Fixing the Date for the next sitting.**

H. E. President Marcus Stephen moved that Parliament at its rising do adjourn until tomorrow Tuesday 21<sup>st</sup> June 2011, at 2:00pm

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

**11. Adjournment.**

H. E. the President moved that Parliament do now adjourn.

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

Debate ensued.

Question Put and Passed.

And then the House twenty five minutes past eight o'clock pm, adjourn until tomorrow Tuesday 21<sup>st</sup> June 2011 at 2:00pm.

**Members Present**

All members were present at some time during the sitting, except–

- \* Mr. Dube.
- \* Mr. Pitcher.

**John Garabwan  
Deputy Clerk of Parliament.**

- \* Leave of Absence