

Votes and Proceedings of the 20th Parliament

No 32

Fourth sitting of the 20th meeting

25 April 2013

10.00am

26 April 2013

2.00pm

1 Meeting of House

The House met at 10.00am on 25 April 2013 according to the adjournment of the House on 23 April 2013.

Hon Landon Deireragea (Deputy Speaker of Parliament) took the Chair and read prayers.

2 Election of Speaker

The Clerk called for nominations for Speaker.

Hon Marcus Stephen nominated Hon Godfrey Thoma as Speaker.

Hon Mathew Batsuia seconded.

Hon Godfrey Thoma accepted nomination.

Hon Milton Dube nominated Hon Baron Waqa as Speaker.

Hon David Adeang seconded.

Hon Baron Waqa accepted nomination.

The bells were rung, the ballot held and the votes counted.

The Clerk announced that Hon Godfrey Thoma was elected Speaker with 10 votes.

3 Recess

The Speaker took the chair and informed the House that Parliament would be in recess until 10:00am on the next day, Friday 26 April 2013.

4 Resumption

House resumed at 2.00pm on 26 April 2013.

5 Statement from Chair

The Chair made the following statement:

Honourable Members

Because we have no quorum, we cannot proceed to transact any business at today's sitting.

However, I think it is important for me to make a brief statement about the current situation, to clear up misunderstandings that have been created by the inaccurate statements made by some members in the media in recent days.

First of all, the reason that we have no quorum today is because I received a letter early this afternoon from 9 members of Parliament telling me that as far as they are concerned, the life of the 20th Parliament ended at midnight last night and that they would therefore not be in attendance when the Parliament sitting resumed today at 2:00pm.

Those 9 members were the President, Mr Amwano, Mr Bernicke, Mr Waqa, Mr Dowiyogo, Mr Dube, Mr Scotty, Mr Solomon and Mr Adeang.

It is unfortunate, after so many weeks of uncertainty and legal disputes over the proposed dissolution of Parliament, that the game-playing still continues and that 9 out of 18 members are prepared to completely disregard the supreme law of Nauru, the Constitution.

Those 9 members know as well as I do that the Supreme Court has held that Article 41(4) of the Constitution requires the advice of the President to dissolve Parliament to be delivered to the House, and also for the House to be provided with an opportunity to debate that advice, including an opportunity to move and vote on a motion of no confidence under Article 24.

The Court also held, as those members know, that the 7 day time period leading up to dissolution begins to run from the time that the debate begins. As there has so far been no opportunity for debate, it is clear that Parliament could not have been lawfully dissolved yesterday.

In any case, Article 41(4) requires the Speaker to take action, at a specific point in time, to dissolve the House. Parliament does not dissolve automatically except when it reaches its full three year term or when, following a successful motion of no confidence, Parliament fails to elect a new President within 7 days.

The Supreme Court has made it clear that under Article 41, the Speaker can only dissolve Parliament on the advice of the President 7 days after members have had the chance to begin their debate on that advice. By failing to attend Parliament today, those 9 members are prolonging the current situation of uncertainty surrounding when Parliament will be dissolved and when the general election will be held.

If they had attended today and we obtained quorum, it would have been possible to begin the debate on the advice to dissolve, and I would therefore have been required under Article 41 to dissolve Parliament 7 days later, that is, next Friday 4 May.

Due to the lack of quorum, we will now have to adjourn until the next sitting day, Tuesday 30 April. If we obtain quorum next Tuesday and it is possible for the debate to begin, I will be required to dissolve Parliament 7 days later, on Tuesday 7 May.

The consequence of this delay means that the earliest that a general election can lawfully be held is Saturday 8 June. If we had achieved quorum today and begun the debate today, the election could lawfully have been held on 1 June.

I hope that this statement will help the people of Nauru to distinguish between fact and fiction, and to understand the regrettable reasons for the ongoing delay and uncertainty in fixing a date for a general election.

6 Adjournment for lack of quorum

A quorum not being present, Hon Godfrey Thoma (Speaker of Parliament) adjourned the House until 10.00am on Tuesday 30 April 2013.

Members present

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

Hon Milton Dube (Aiwo)

Hon Godfrey Thoma (Aiwo)

Hon Ridell Akua (Anabar)

Hon Ludwig Scotty (Anabar)

Hon Landon Deireragea (Anetan)

Hon Marcus Stephen (Anetan)

Hon Mathew Batsiua (Boe)

Hon Baron Waqa (Boe)

Hon Shadlog Bernicke (Buada)

Hon Roland Kun (Buada)

Hon Sprent Dabwido (Meneng)

Hon Ryke Solomon (Meneng)

Hon Valdon Dowiyogo (Ubenide)

Hon Ali Amwano (Ubenide)

Hon Freddie Pitcher (Ubenide)

Hon David Adeang (Ubenide)

Hon Dr Kieren Keke (Yaren)

Hon Dominic Tabuna (Yaren)

Ann-Marie Thoma
Clerk of Parliament