

**Votes & Proceedings
Of the
Eighteenth Parliament**

No. 23

**First Sitting of the Thirteenth Meeting
Tuesday, 18th August 2009**

10.00 a.m.

1. The House met at 11.00 a.m. according to the resolution of the House made on Saturday, 27th June 2009.

2. Hon. Riddell Akua, M.P., Speaker of Parliament, took the Chair and read Prayers.

3. Statement from the Chair

Hon. Riddell Akua, M.P., Speaker of Parliament, made a statement on House Matters which reads as follows: - **A - Constitutional Review Project:**

1. *In recognition of the improvement over the last few years in Nauru's capacity to locally manage major projects, the UNDP-funded constitutional review project was recently changed from a UNDP-executed project, to a locally-executed project. The Project still comprises the same six steps in the process of constitutional review, and is still funded by the UNDP, but is now locally managed by the Parliament of Nauru, rather being managed by the UNDP Multi-Country Office in Suva.*

2. *As part of the constitutional review project, Parliament was fortunate to again engage the services of expert constitutional Ms Kristen Walker to assist with the final stages of the work of the Committee of the Whole, which will resume its consideration of the constitutional amendment bills later today. Ms. Walker has been working from Melbourne over the past week on the drafting of transitional provisions for inclusion in the constitutional amendment bills. Unfortunately Ms Walker cannot be on the island with us in person this time around, but I nonetheless wish to acknowledge the further contribution she has made to the important work of the constitutional review project, and thank her for this assistance.*

B. PC Attendance at FFA Legal Workshop - Parliamentary Counsel recently travelled to Honiara for a legal workshop at the Forum Fisheries Agency, which was funded by the FFA. The Workshop was attended by senior government lawyers and senior fisheries officials from FFA member countries, and concerned Legal Options for Giving Effect to the Western and Central Pacific Fisheries Convention Obligations. These workshops are intended to facilitate the local drafting of legislation to give effect to international obligations. A similar workshop conducted in January 2009 was attended by Parliamentary Counsel, and has resulted in the drafting and recent approval of two sets of Fisheries Regulations, which I believe the Minister will be tabling in this House today.

C. Recruitment of Assistant Parliamentary Counsel - Parliament is in the process of recruiting a second lawyer to assist in the considerable work of drafting legislation and other legal services to Parliament. The vacancy for Assistant Parliamentary Counsel was advertised regionally and attracted a very high standard of applicant. The selection panel will be conducting interviews and selecting a candidate this week, and it is hoped that the new Assistant Parliamentary Counsel will commence in September.

C - Honourable Members, on the 3rd of August the Hansard senior staff, Mrs. Jennie Reiyetsi flew off to Melbourne to attend a two week course with the Victorian state parliament. An MOU to enable the twinning concept to progress was signed by myself and the Speaker of the Parliament of Victoria. Mrs. Jennie Reiyetsi will be returning on the 24th August. This will enable parliament to upgrade its equipment with the latest version of digital recording device. The whole cost is borne out

of the CPA education trust fund. This is for last financial year. The funding is for both training and the specific equipment.

For this CPA financial period we have new proposals put forward during the presiding officer and clerks meeting. The new request is for the latest scanning machines, and further training for Parliamentary staffs. Details relating to the training proposal are with the Clerk & Parliamentary Counsel.

With my trip to Tarawa for the Presiding Officers & Clerk meeting, during my stopover in Honiara, John and I interviewed one of the shortlisted applicants for the position of PAC Secretary, Miss Keva.

On my stopover in Suva, I also managed to co-interview with Fiji High Commissioner, another of the shortlisted applicants again for the position of PAC Secretary, Miss Melissa Leanne.

I have made my report to the selecting panel and await the panel to progress. And if this panel manage to be on island for one week, the process for recruiting should conclude.

Another Parliament selection panel is currently short-listing the applicants for the second parliamentary counsel, and if all goes well, it should be finalized by the end of this week.

Members may not be aware that as speaker of our beloved parliament I am an executive member of the PPAPD & FPOCC body, a regional body that began with the former Speaker Hon. Valdon Dowiyogo elected in as an executive member.

It gives me great honour to announce to this august house that in this year Leaders Forum communiqué Cairns 2009, in annex C, item d(vi) and "encouraging grater involvements of parliamentarians in the development agenda, through the Forum Presiding Officers and Clerks/Pacific Parliamentary Assembly for Population and Development (FPOCC-PPAPD) and other leadership group."

Also I wish to inform this august house that, this year I was elected as gender champion & also Chairman of the subcommittee overseeing the future of this body and tasked to entitle it under one heading.

The Deputy Speaker Hon. Dominic Tabuna MP attended the APPU held in Taipei ROC. Before he left I asked him to find out from the meeting, if there is any worth if Nauru is to rejoin as a member. I'll leave to the honourable member to inform this august house of this.

With this short message honourable members thank you.'

4. Questions on Notice

Question No. 1 of 2009

Not yet ready (questions received on short notice)

Question No. 2 of 2009

Not yet ready (Questions received on short notice)

Question No. 3 of 2009

Not yet ready (Questions received on short notice)

Question No. 4 of 2009

Was replied to.

Question No. 5 of 2009

Questions to be amended and resubmit at the next sitting.

Question No. 6 of 2009

Not yet ready (Questions received on short notice)

Question No. 7 of 2009

Not yet ready (Questions received on short notice)

Question No. 8 of 2009

Not yet ready (Questions received on short notice)

Question No. 9 of 2009

Not yet ready (Questions received on short notice)

Question No. 10 of 2009

Not yet ready (Questions received on short notice)

Question No. 11 of 2009

Questions to be submitted and directed to Hon. Speaker at the next sitting.

Question No. 12 of 2009

Mr. S. Bernicke (Buada) to re-submit his Question No. 12 of 2009 from the Notice Paper at the next sitting.

Question No. 13 of 2009

Was replied to.

Question No. 14 of 2009

Not yet ready (Questions received on short notice)

Question No. 15 of 2009

Was replied to.

Question No. 16 of 2009

Mr. Dowiyogo (Ubenide) to re-submit his Question No. 16 of 2009 and direct it to the Minister for C.I.E.

5. Question without Notice were asked.

The Chair with concurrence of the House suspended the sitting and to resume when the bell rings.

Resumed.

6. Ministerial Statements & Tabling of Papers

i) H.E. President Marcus Stephen made the following statement to the House which read as follows: - *'Mr. Speaker, I wish to provide members of this august House, a brief report on two important meetings which I recently attended.*

The first meeting which I attended was the third France-Oceania Summit which was convened in Noumea on 3rd July. For members information, the France-Oceania Summit is held every three years between leaders of the Pacific Islanders Forum member countries and France.

It was my first opportunity to represent the Government and people of Nauru at this said meeting and I am pleased to say that it was a rewarding and fruitful experience. I am further pleased to inform that this meeting was fully funded by the Government of France.

Accompanying me to this meeting was the Minister for Foreign affairs the Honourable Dr. Kieren Keke, the Honourable Godfrey Thoma, and members of my staff.

Many issues were discussed at the meeting but being mindful of time constraints, I will not go into detail here. Instead, I have attached a copy of the declaration, which outlines all of the outcomes of the meeting in full, for members to read at their leisure.

Mr. Speaker, from Noumea, my delegation and I went straight on to Cairns to attend the 40th Pacific Islands Forum & Related meetings, which was hosted this year by Australia.

Joining us in Cairns was the Secretary for Foreign Affairs, Mr. Robert Sisilo, the Pacific Plan Desk Officer, Mr. Michael Aroi, and Nauru's Consul General to Australia, Mrs. Clarissa Jeremiah.

As with previous forum meetings, the Pacific Islands Forum was preceded by the Smaller Island States (SIS) leaders meeting and the Pacific ACP leaders meeting, and followed by the post-forum dialogue.

Mr. Speaker, I am pleased to report that altogether, the 40th Pacific island Forum and related meetings were very successful and of considerable benefit to Nauru.

Many important decisions were made by the Forum Leaders on wide-ranging issues including the Pacific Plan, Climate Change, Renewable Energy, Fisheries, Trade, Health, Sexual and Gender-Based Violence, and Pacific peoples with disabilities.

Once again, being mindful of time constraints I will not elaborate on each and every decision made by the leaders but have instead attached a copy of the Forum Communiqué for members' information and ease of reference. I would however like to beg the Speaker's indulgence to allow me to dwell briefly on one issue which I believe is of great interest and relevance to Nauru. This issue concerns the Pacific Regional Assistance to Nauru, or PRAN, in short.

I am pleased to announce that through Nauru's initiative, the leaders of the Pacific Islands Forum countries agreed to withdraw PRAN.

As members would be fully aware, PRAN, since its inception in 2004, has provided considerable assistance to Nauru particularly in the Justice and Education sectors. Hence, the withdrawal of PRAN may not be seen as a positive thing to some at this stage, and may in fact generate some concern amongst members. However, let me assure you, Mr. Speaker, and members of this august House, that the decision for Nauru to withdraw from PRAN was not made lightly and was instead taken after much consideration and thought. In fact, my proposal to end the Pacific Regional Assistance to Nauru was only made public to the Forum Leaders after receiving firm assurances and commitments from Australia and New Zealand – who are the main sponsors of PRAN-Related Activities – that they will continue these forms of assistance through bilateral arrangements.

Therefore, in agreeing to my proposal to withdraw PRAN, the Forum leaders were in fact acknowledging and recognising that Nauru has emerged from the crisis phase and is well on the path to sustainable economic recovery and development. This is a tremendous achievement and one that we, the people of Nauru, should be exceedingly proud of. It sends a clear message, both locally and abroad, that we have made considerable progress and that our reform agenda is reaping positive and tangible results.

Mr. Speaker, despite the improvements in our financial circumstances, I am very conscious of the fact that Nauru will continue to face ongoing economic, social, infrastructure and development challenges in the years ahead. But I will again reiterate my full assurance and that of my fellow colleagues in Cairns, of their full commitment and continual support of our development goals and reform efforts and to ensure that Nauru does not go backwards.

Mr. Speaker, as a matter of interest, the Nauru delegation also had the opportunity for bilateral meetings with several countries at the margins of the Forum, including: the Government of Australia, New Zealand, Portugal, Canada and Kiribati. I will leave it to the Minister for Foreign Affairs to provide more information on these specific meetings but would just like to bring to the attention of members some of the highlights and positive outcomes of these bilateral.

In particular, I am pleased to confirm before this august House that I have signed the partnership agreement between Nauru and Australia, together with Prime Minister Rudd during our bilateral meeting in Cairns. I wish to also make mention here that during our bilateral talks with New Zealand, we also discussed the possibility of New Zealand, taking the lead along with Australia,

in assisting Nauru with the establishment of a trust fund. These discussions are still very much in its early stages but I will be sure to provide you with progress reports in the near future.

Mr. Speaker, I am also pleased to advise that I had the privilege and honour of chairing this year's dialogue with Taiwan. Although the meeting went very well, we, the Pacific Allies of Taiwan, were very disappointed that Taiwan continues to be excluded from the Post-Forum Dialogue and has to hold a separate and segregated dialogue with its allies.

As moderator for this year's dialogue, I have been tasked by member countries to express our disappointment and concerns over Taiwan's treatment and also raise the issue of Taiwan's inclusion in next year's Post-Forum Dialogue. This is a task which I am more than happy to do as Taiwan, is not only a major development partner for Nauru but is also one of our closest allies.

In conclusion Mr. Speaker, this trip was for the most part, a very rewarding and beneficial one. In both Noumea and Cairns, I was provided with many opportunities not only to represent Nauru and ensure that its voice was heard and its needs recognised and taken into account, but more important it enabled me to touch base with old friends and new acquaintances and in turn further strengthen the goodwill and friendship with our neighbours in the Pacific.'

Hon. B. Waqa (Boe) moved that the paper be noted.

ii) Hon. M. Batsiua (Minister for Health) made a statement to the house on the following:-
'Corporate Planning - The Ministry of Health Operational Plan for 2009/2010 has been developed.

Directors provided quarterly reports on progress against activities.

The Ministry is now in the process developing a National Health Strategy to guide the sectors long term development and should be completed by the end of 2009.

- *The Organisation Reform Report has been approved and implemented.*
- *A Code of Conduct has been approved and requires all staff sign and adhere to its requirements.*
- *Job Descriptions for all Ministry of Health have been developed.*
- *Weekly Senior Management team meetings are held with Directors and their Deputies.*
- *Directors in turn hold weekly or monthly meetings with their staff to ensure information and decisions are disseminated throughout the organisation.*
- *The Director of Medical Services initiated routine clinical meetings, mortality review committee, and overseas referral committee.*
- *A Nursing Service Review was undertaken and the Department is now implementing the reports recommendations with the objective of improving nursing service delivery, and involves developing protocols, introducing succession planning and identifying future leaders.*
- *The Ministry of Health continues to place priority in investing in the training of Nauruan nationals as health care professionals.*
- *The Health Trainee programme continues with candidates pursuing foundation courses to ensure their eligibility to compete for scholarships at the Fiji School of Nursing and Fiji School Medicine.*
- *Current trainees are pharmacy, nursing, medicine, radiology, environmental health, physiotherapy.*
- *The Government of Nauru through its bilateral programme with Cuba resulted in the offer of 10 medical scholars annually. There are 9 students studying medicine at present and a further 8 will be sent in September 2009.*

Recruitment of Crucial staff - Norman Powell has commenced as Strategic Health Planer, succeeding Madeleine Salton. Norm is Australian and brings many years of Hospital and Health Administrative experience with him, including working in remote or isolated areas.

Pauline Fitzgerald has commenced as Health Educator. Pauline is a New Zealander but has lived in Samoa for several years. She has a wealth of experience in the nursing profession in New Zealand, in the outback of Australia and more recently in the Pacific Island.

Dr. Thant Zin has commenced as Director of Public Health replacing Dr. Si Win, who served Nauru so well over the past few years. Dr. Thant Zin is from Burma and is a very experienced medical practitioner.

We welcome Surgeon Dr. Arko Millan, from PNG, and Pharmacist Filipo Samunaka, from Fiji, who have joined the clinical staff in recent weeks and have already made an impression on our services. Also we welcomed to Nauru the first two members of the Cuban Medical Brigade in Dr. Luis Castillo, a Physician, and Ms Grisel Rodriguez Moynier a Pharmacist. A further two or three members of their team is still expected to come to Nauru in the near future.

The newly appointed PACTAM Regional Biomedical Technician Donna Weckert has now commenced and is currently on her first visit to Nauru.

Health Infrastructure – Honourable members will be aware of critical refurbishments undertaken in the past year. To recap these include Nursing Quarters, Ablution block, Laboratory, Pharmacy, Hospital stores, Medical records, Ante natal, Consultation rooms, Laundry at RoN Hospital and a new dental clinic with 2 fully equipment dental chairs were commissioned in July 2008.

Plus minor infrastructure improvements such as fencing at NGH, shelter for the generator at NGH; renovation of pharmacy secondary storage; installation of ceiling in pharmacy primary storage; installation of boom gate at RON Hospital; installation of backup water supply for Operating Theatre and Dental Clinic and the installation of autoclave at RON Hospital.

The following “scope of works” is in the pipeline for RoN Hospital; isolation ward, with work starting today; Maternity ward; Admin wing and the refurbishment of various offices and facilities at the Nauru General Hospital has been prepared and expressions of interests now received.

The department has also put in a proposal with the World Diabetes Fund for a new and fully equipped Diabetic Clinic and we are now awaiting the outcome of this proposal which is due for consideration next month in September.

Medical and Nursing Services

1. An essential Drugs List has been completed.
2. Nursing Clinical Guidelines and Procedures completed, ready for sign-off and implementation late September 2009. Ratification through staff workshop on its use will be conducted by 32 staff members by September.
3. Standard Treatment Guidelines specific for Nauru are in preparation; Medical Officers are currently using the Australian E-therapeutic Guidelines.
4. Included in the staff establishment, are the following direct patient care staff. There are 11 medical personnel, with the only current vacancy being a paediatrician. There are also 2 medical staff in Public Health, no vacancies.
5. Dentistry has 6 staff plus 1 trainee with a vacancy for a School Dental Officer. Pathology also has 6 staff plus 1 vacancy for a trainee. Radiology has 2 staff plus 1 trainee. Pharmacy and Stores has 9 staff plus 1 trainee.
6. There are three vacancies in Physiotherapy, in one of which has been filled recently and will commence in the near future. Only a trainee position is occupied.
7. There are 31 Registered Nurses at RON Hospital including Nursing Admin; two vacancies are in the process of being filled; additionally there are 21 Nurse Aides, 2 trainee nurses and 5 ambulance drivers.
8. There is a total staff in Public Health of 45 people including the two medical officers.
9. Out of 152 direct care positions, only 5 or only 3% remain unfilled.

Non Communicable Diseases – Following the NCD Strategy developed by Nauru Public Health Service, SPC and WHO there is now a concentration on:

1. *Strengthening Environmental Health/sanitation and ensure food safety;*
 - *DPHCWS had initiated district clean up program every Saturday.*
 - *Regular inspection for food safety was carried out. Medical check up for all the food handlers has been carried out since January 09.*
 - *Vector borne disease outbreak prevention and control programs developed.*
2. *Strengthening the capacity of the Public Health unit to deliver quality primary health care services;*
 - *Promote services delivery points in the community/school.*
 - *Provide favourable environment in primary health care services clinics.*
 - *Formalise the environment of mental health services in Nauru.*
3. *Health educator training with SPC and WHO assistance.*
4. *Maternal and Child Health Services; Ante natal, Post-natal and Baby Care.*
5. *Immunization (achieving 100% EPI coverage)*
6. *Health education (community outreach)*
7. *Renovation of public health department – some offices and clinic spaces improved.*
8. *School Health program operational in co-operation with Dept Education and volunteers.*

Communicable Disease Programs include

1. *The Communicable Diseases programs operating include SITs, Leprosy, RHD, and Filiarisis.*
2. *Comprehensive implementation to prevent incidence and reduce prevalence of communicable diseases. Prevent incidence and reduce prevalence of trachoma (trachoma survey with Vision 2020, education and treatment WHO SAFE strategy)*
3. *Encourage women to have healthy women checks to reduce the incidence of cervical cancer.*
4. *Prevent TB/Leprosy and strengthen DOTS program in the communities – SPC GF 5 year project; sputum screening, contact tracing, public awareness programs had also been initiated as per WHO guideline.*
5. *Prevent incidence of Rheumatic Heart Disease (community follow up programme maintains 95% coverage).*
6. *Prevent incidence of STIs and decrease prevalence of STIs (STI surveillance survey, STI management guideline provided to clinician).*
7. *Prevent incidence of HIV/AIDS and strengthening HIV counselling services.*
8. *To strengthen national preparedness plan (H1N1 Preparedness) 14 health messages video clips developed and broadcast in Nauru TV – radio.*

Pandemic Preparedness

The Pandemic Plan has been strengthened further and demonstrates preparedness for emerging pandemic situations:

1. *Influenza Task Force is functioning with regular reports to WHO.*
2. *International Health Regulations and Public Health Bills are being developed through the usage of consultants funded by WHO.*
3. *Infection Control workshop held by SPC demonstrating use of Personal Protective Equipment and included other pertinent information.*

Health Education

As mentioned earlier, our new Health Education Pauline Fitzgerald commenced in July 2009 following a lengthy vacancy of the position, which had delayed progress in regard to structured on-the-job training; however since the appointment of the current health educator progress has rapidly improved.

1. **20 Nurse Aids** in training since April 2009 have completed 16 part module basic competencies.
2. **14 Public Health trainees** currently in training, 16 part modules completed.
3. **24 Registered Nurse** will complete basic competency training in September.
4. 3 Nurses graduated from **Fiji School of Nursing** in 2008, as a result of the Health Trainee Scholarship Program.
5. 8 Nurses will graduate in 2009; 4 from **Kiribati School of Nursing**; 3 from Fiji School of Nursing; 1 from nurse training in Thailand.
6. Additionally there are 2 other nurses training at Fiji School of Nursing and 1 at Kiribati school of Nursing.
7. In Medicine there is 1 student at **Fiji School of Medicine** and 9 students at the Cuba School of Medicine.
8. There are 6 students short-listed for the **Australian Regional Development Scheme (ARDFS)** in-country training; 2 students for the Fiji School of Medicine; 2 students for the Fiji School of Nursing; 2 pharmacy student; 2 possible Nursing students for Kiribati School of Nursing who did not fit the criteria for ARDS.
9. **Outreach programs** to all government employees to be offered in September.
10. Ambulance officers, Fire Department employees and Police to be trained in CPR and basic first aid in September.
11. Several **workshops** attended and workshops from overseas presenters attended by staff, numbers of attendees pending.
12. **Sequel Consultancy** training/consultation held April 08, May 08 and November 08.
 - a) Sue Barker **wound management** for Dressing Clinic and Wards. Planned for continuing updates in the provision of wound education and clinical support to all staff. 30 staff attended.
 - b) Glenyce Sheenan **Public Health Nursing Specialist** worked with staff in Well Baby Clinic providing education and clinical support; 10 staff attended.
13. **Obstetrical Workshop** for emergency procedures March 09.
14. 25 staff attended over 1 week for updates with **childbirth and labor**.
15. **TB workshop 1st week August 09** clinical guidelines and Lab techniques around specimen gathering and interpretation. 15 people attended.

Supplies

To strengthen the pharmaceutical sector capacity we now participate in the EC/ACP/WHO collaborative partnership program which assists Pacific Island Countries to improve accessibility, quality and use of essential medicines. Some 80% now come from this source, known as IDA which is a non-profit supplier of mainly generic drugs. The quality of supplies has not been affected but the prices are lower and have enabled us to obtain most products on our Essential Drugs List at greater quantities but at much more affordable prices.

Early in the year we ordered 9 months anticipated pharmaceutical requirements to ensure supply. However due to unfavourable shipping connections this large order did not connect in time with this month's ship but will definitely travel on next month's vessel. The department has therefore been responding to cover critical gaps through air freighting critical medicines from time to time when the need arises.

iii) Hon. Dr. K. Keke (Minister for Finance) made a statement and tabled to the House the Inter Sub Head Transfer 2008-2009 read as follows:- 'Mr. Speaker and Honourable Colleagues, today I table in Parliament the statement recording inter sub-head transfers (ISHTs) approved by Cabinet since the last sitting of Parliament. These all relate to Financial Year 2008-09.

Land Transport – Head 92

Land Transport required an increase of \$500 in both subhead 202 & 203 for Salary Local & Salary Expatriate respectively, in order to cover remaining fortnights for 2008-2009. This was funded by a decrease in subhead 302 for Office Rent.

DCA – Head 94

There was insufficient balance at the end of the FY also for local salaries in DCA, subhead 202, which was funded by a decrease of \$300 in subhead 305 for telephone/tax.

Brisbane Office – Head 72

Brisbane Office requested an increase in subheads 255 & 301 being for travel business and printing & stationeries respectively. This was funded by a transfer subhead 203 for salary expatriates.

ICT – Head 95

The department of ICT proposed an increase of \$10,000 for subhead 255 for travel business in order to cover travel cost to attend a workshop involving IT training for disaster management. A decrease in subhead 325 for consultancy fees was used to fund this.

Taiwan Office – Head 75

Taiwan Office requested for a transfer of \$15,000 to replenish subhead 203 for Salary expatriate in order to have sufficient balance for the remainder of the financial year. The shortfall was a result of fluctuations in the currency exchange rate. Decreases in subhead 251, 255, 301 & 315 being for travel staff, travel business, printing stationery & insurance were used to supplement subhead 203.

NFMRA – Head 31

NFMRA requested to increase subhead 202 for local salaries in order to allow payment of additional recruitment (qualified welder) for the remainder of the financial year. A decrease in subhead 520 for lease & charter payment was used to replenish subhead 202.

Land Transport – Head 92

With the age of the government fleet, Land Transport required an additional \$,000 to replenish Repair & Maintenance Plant – 353 in order to keep government vehicles well maintained. A decrease in subhead 302 for Office Rental is to replenish subhead 353.

**Summary of Inter-Subhead Transfers
Increase**

Head	Agency	Subhead No.	Item	Increase (\$)
92	Land Transport	202	Salary Local	500
92	Land Transport	203	Salary Expatriate	500
94	DCA	202	Salary Local	300
72	Brisbane Office	255	Travel Business	106
72	Brisbane Office	301	Printing & Stationery	414
95	ICT	255	Travel Business	10,000
75	Taiwan Office	203	Salary Expatriate	15,000
31	NFMRA	202	Salary Local	15,798
92	Land Transport	353	R&M Plant	
			Total	48,618

Decrease

Head	Agency	Subhead No.	Item	Decrease (\$)
92	Land Transport	302	Office Rental	-1,000
94	DCA	305	Telephone/Fax	-300
72	Brisbane Office	203	Salary Expatriate	-520
95	ICT	325	Consultancy Fees	-10,000
75	Taiwan Office	251	Travel Staff	-7,000
75	Taiwan Office	255	Travel Business	-4,000
75	Taiwan Office	301	Printing & Stationery	-2,000
75	Taiwan Office	315	Insurance	-2,000
31	NFMRA	520	Lease & Charter Payments	-15798
92	Land Transport	302	Office Rental	-6,000
			Total	-48,618

iv) H.E. President Marcus Stephen made a statement and tabled to the House the Public service Annual Reports for 2006-2007 and 2007-2008, which read as follows:- 'Honourable Speaker & Honourable colleagues, the reports herewith is submitted in accordance with Article 68(4) of the Constitution of Nauru which requires the Chief Secretary to report to the Cabinet at least once a year on such matters relating to the exercise of the powers under Article 68, as are prescribed by law and that the Cabinet shall cause a copy of this report to be laid before Parliament.

Mr. Speaker, since the first Report in 2004-2005, there has not been any significant shift in the size of the public service. Public service manpower has remained stable around the 1000 figure mark.

The 2007 report depicted the total public service manpower at 992. In this period manpower decreased by 213 staff which occurred as a result of the abolition of Public Works Department and the Computer Bureau.

In 2008 this figure rose to 1127 with 57 percent female and 42 percent males. This increase occurred in the Nauru Police Force, Education and Health sectors as a means to address critical capacity gaps. It is also noted that these departments have established training programs to facilitate on-going recruitment.

If I may reflect on some of the highlights features in these tow Reports:

- **Implementation of the new public service salary scale which took effect on 1st July 2006** however the \$140 flat rate continued to be in place until 1st April 2007 when Government began making full salary payments based on the new scales.
- The Seasonal Workers for the New Zealand Recognised Seasonal Employer Scheme saw the engagement of 70 Nauruan with the New Zealand company – Mr. Apple.
- **The Finance Department** consolidated over 2006-07, following the creation of the Aid Management Unit and the Development Policy and Planning Division within the department. This furthered the Department's evolution from a purely service-oriented payments processing agency to one able to provide the Government advice on a range of important reform and development policy issues.

In both these Reports we continue to witness new and improved budget processes as part of financial reform measures. The MYOB Project aimed at establishing a more robust and transparent financial system was established in 2008.

- In the **Department of Foreign Affairs**, the department received its first expatriate Head of Department through the PRAN initiative. Much of the aid coordination activities was transferred to the newly established Aid Management Unit and DPPD Units in the Finance Department. This dedicated focus improve the coordination of assistance coming into Nauru.

- In 2007 the **new Information, Communication and Technology Unit** was established following the recommendation in the Nauru e-Government Strategic Plan developed with the assistance of UNESCO APIA Office in 2008, ICT completed work on the implementation of a new corporate information network for the two Hospital sites. The Unit was responsible for the rapid growth in the number of public service employees with access to email services.
- To better improve Government Security services, a Protection & Guarding Unit was established under the **Nauru Police Force** to facilitate for the centralising and management of the Government Security service under the NPF. In 2008 100 Reserve Officers were engaged to provide additional manpower under the 'Code Red' period until such time when their services were no longer required. Some of these staff have been retained as Prison Warders.
- Nauru continued its commitment to regional initiatives through the deployment of NPF officers to RAMSI.
A comprehensive Recruit package was introduced to ensure that all recruit who passed this course were considered trained and competent. This was a first step to achieve one of the major objectives – a trained and qualified Police Force to improve policing service. To address the poor state of records management a centralized file management system was introduced into the NPD in order to upgrade the system of filing records and files for the whole department.
For the first time a three year Strategic Plan, closely aligned to the NSDS was developed in late 2007 with the assistance of a consultant.
- In the **Health Sector** major ongoing infrastructure renovation was reported during the periods under review. These include refurbishment of outpatient dressing clinic, refurbishment of wards, complete renovation the emergency room, and a new laboratory department at RON hospital.
Capacity building initiatives remain a top priority with on-going training for nursing staff at USP Nauru Centre, Fiji School of Nursing, Fiji School of Medicine and Taiwan. In the 2008 Report, the recruitment and retention of doctors became a major concern with the termination and unexpected resignation of some doctors.
Evidently, the quality and reliability of Health services will continue to depend on overseas recruitment for some time yet.
- It is also encouraging to note the substantial reform progress made in the **Education sector** during 2007 and 2008.
Some of these activities include –
 - Completion of the Early childhood curriculum.
 - The provision of a new \$8.5 million Secondary School.
 - The Strategic Plan for 2008 to 2013 was prepared and its Education and Training reform program earmarked for implementation in 2009 to 2013.
 - Significant developments in regional accreditation aiming to provide Nauru Secondary School students with a regionally recognized Form 6 Certificate and an internationally recognized TVET Certificate.

While jointly the set two reports highlighted significant progress in the Education sector, I also note the o-going poor student attendance reported. The challenge of ensuring every Nauruan child receives quality education is one that must be championed by all stakeholders, teachers, parents and the community at large. On this note I also wish to stress the importance of teachers and the fundamental role they play in shaping and moulding our children. Nauru's children depend on teachers who are qualified, reliable and punctual.

In the **Home Affairs** Department for the first time the Lands Committee has contributed to the annual reporting process although unfortunately this lacked in the 2008 report. I would like to urge

the relevant authority to maintain this positive trend in order for the public to be fully informed of important activities and developments occurring within the Nauru lands Committee.

Progress on NSDS priorities is slow for a number of departments. We need to ascertain why this variation in development. At a broader level, we need to ensure that NSDS priorities are widely disseminated and understood. At present this is only taking place at management levels but does not filter through the lower levels.

As a result, individual sections or unit do not necessarily understand where they fit in the overall NSDS picture. This has impacted on how well the individual, units, section and departments plan and manage at different levels.

Challenges

Capacity Building will remain a challenge for the Nauru Public service. The public service manpower profile revealed key positions headed by expatriate staff due to lack of capacity.

Efforts have been implemented through the Chief Secretary's department to address the crippling impact of absenteeism on workforce productivity. Evidently the responsibility falls on heads of departments to better manage attendance processes and implement appropriate measures. Lack of action on their part will only sustain the problem.

Absenteeism is also chronic in our schools as noted in the 2008 Report.

Credible statistics and sound record management underpins good governance. I note from these two reports the presentation of accurate and credible data (qualitative and quantitative) to support departmental activities particular in the Education and Health Sectors. I urge department heads to maintain attention to good records management.

The pressure for the public service to perform and deliver the services it is expected to provide increases as we look to review our performances through the NSDS strategy.

I note the challenges described in respective reports and without doubt these challenges will continue to have profound effect on the Public service to deliver however, these challenges must be met with renewed commitment and strategic approach to achieve desired changes within the public culture and management. This will only be possible with a vibrant public service system coupled with commitment, dedication, and professionalism.

The annual Report allows space for reflection on what has and has not worked in regards to NSDS progress. These reports are an important accountability mechanism as they provide a public record of performance by departments in delivering services hence, these annual Reports must be maintained and produced in a timely fashion and in this respect I call on departments to make effort in adhering to submission deadline.

Honourable Speaker I commend the Public Service Annual Reports for 2006-2007, and 2007-2008 to this August House.

Mr. D. Tsitsi (Aiwo) moved that the paper be noted.

v) Hon. M. Batsiua (Minister for Justice) made a statement to the House which reads as follows:- *'Honourable Speaker and Members, I wish to make a statement in my capacity as Minister for Justice.*

On July 31 I departed Nauru for Brisbane accompanied by Mr. David Aingimea, Principal Legal Officer of the Justice Department. We headed to the Kingdom of Jordan to attend the Asia Pacific Forum on Human Rights meeting scheduled for Aug 3-6. Nauru is not a member of the APF on Human Rights however we were invited along with other non-member Pacific Island States to attend as Government representative and observers. Our attendance was made possible by the generous funding and assistance of the Asia Pacific Forum on Human Rights.

At the Forum I was able to present an update on Nauru's Constitutional Review process which have dominated our Parliamentary for about 5 years now, highlighting the many advances in human

rights related issues being sought by many of the proposed changes to our Constitution. This includes but not limited to: -

- The establishment of a table of non-derogable rights, which guarantees certain rights even under SOE.
- Eradication of the death penalty.
- Insertion of new political and social rights i.e. right to education, health and employment.
- Freedom to access public information.
- Rights of children.
- Rights of Persons with disabilities.
- Establishment of an Ombudsman office.

I am pleased to report to the House that many representatives around the meeting were very impressed by our intention to strengthen the provisions on human rights in our Constitution and were equally impressed by the thoroughness of our overall Constitutional review process which have involved many levels of consultations, inputs from the public both within Nauru and outside of Nauru enduring 5-6 years and spanning over 4 consecutive Parliaments. I did make the comment that our process of review should be used as a model not just regionally, but globally.

Also on the margins of the meeting I met with the Australian High Commissioner for Human Rights, the NZ High Commissioner for Human Rights including representatives of NZAID and the Secretary General of the Asia Pacific Forum on Human Rights, discussing assistance which they can offer Nauru to assist us progress our consideration of a Human Rights Institution as part of our efforts to improve our national governance structures.

We also discussed the constraints facing establishment of such a body, including human and financial limitations and considered other models that may be able to work in our context, including combining a human rights institution with another new watchdog body we are seeking to establish as part of our Constitutional changes, such as the Ombudsman office.

I am pleased to report that the APF on Human Rights gave an undertaking that they are willing to support any request from us to examine how we can best accomplish this aim.

Therefore I am hoping to finalize this request over the next week or two.

After a successful and fruitful meeting in Jordan, I returned to Brisbane on August 8 and onto Nauru on August 10.

During my brief stay in Brisbane in transit, I managed to squeeze in meetings with Alan Sparks CEO of East Coast Apprenticeships on matters relating to training opportunities in the field of masonry for our rock industry and horticulture for sports ovals etc. Mr. Sparks had also offered to explore alternate use of our rock and I met him to give him a sample.

I also met with Scott Rixon, a representative of Tiger Turf, a company that specializes in artificial turf. These talks were exploratory and part of the Sports Ministry's investigation on suitable turfs for a sports oval in Nauru.

Finally, I met with Andrew Cadzow from the AFL to discuss many issues relating to the progress of AFL in Nauru I also managed to obtain further assistance and equipments from the AFL, which will start to arrive in Nauru on next week's flight. This includes a person coming over to Nauru to provide a range of clinics for umpires, coaches and players.

Mr. Cadzow also confirmed that there will be an AFL U/17 Oceania Cup competition in December this year in Fiji and I have expressed Nauru's interest to participate.

Thank you, Mr. Speaker.

vi) Hon. Pitcher (Minister for Utilities) made a statement to the House which read as follows:-
'Mr. Speaker and members of the House, I am pleased to take this opportunity to provide a full brief on the preparation and implementation of the new Prepaid Meters System, which has recently been accomplished with minimal disruptions, due to largely to wide spread community support, despite initial anticipations of strong resistance being part and parcel of any change process.'

The new system, Mr. Speaker, is a significant departure from the old system, where the customer is required to pay upfront for his or her energy use. A few power utilities in the region have adopted this system, mainly Palau, Samoa, PNG and the rest are now considering its adoption. In this regard, Nauru has become one of the pioneers of this recent development in the region.

The prepaid system has not only brought with it twenty four hour supply of electricity, but it has demonstrated that our community can rally support when and where necessary, and I wish to commend our people for their support, patience and most importantly, faith in the new system.

Abandoning our old habits to embrace new ways is a significant shift in anyone's life, but today, we have shown to those who were sceptical, that we can rise to the challenge and take charge of our own lives.

As members will be aware, the prepaid system is a prominent feature of our national reform agenda, and the political will of this House has been instrumental in achieving this milestone, there I commend you and members of the House for your unwavering commitment and consistent leadership.

In addition to our own effort, the European Union has supported us to achieve this milestone successfully. Over one million Euros were expended on this prepaid project, and I wish to take this opportunity to acknowledge the generosity of the people of the European Union membership.

Mr. Speaker, more than two thousand meters of single and triple phase units were installed on households and business premises, by teams from Top Energy – Fiji Branch, and assisted by locally hired teams from Central Meridian and Ocean Construction. The teams worked tirelessly to complete the installation within three months and we are grateful for their dedication to meeting deadlines.

The installation work had its fair share of challenges, particularly in terms of existing wiring standards and safety issues. Often the teams departed from their terms of reference to take on extra work, to ensure that the installation was completed effectively.

Each prepaid unit contains a meter which was installed outside the house, and a customer information unit, commonly referred to as CIU, which was installed inside the house. The CIU provides customer information on energy usage and allows them to effectively manage their consumption, based on affordability considerations. Customers have been shown how to read and understand the information on the CIUs.

The supplier of the hardware was Arthur D. Riley Co Ltd of Wellington New Zealand, it also supplied the Suprima management and the vending software, in addition to PC hardware. The cost of a Cashpower single phase meters was about one hundred dollars (\$100) each, four hundred and twenty five dollars (\$425) for each triple phase unit, while CIU was forty dollars (\$40) each and sixty dollars (\$60) for each meter box.

All households and small business premises were furnished with a set of prepaid equipment, except households and businesses premises where CT meters were previously installed and operational. It should be noted that following the completion of the installation work, a few households refused to sign up for the new system and a disconnection order has been issued to remove these customers from the grid.

A start up credit of twenty five dollars was issued to all customers and they were to purchase top-up credits from the power station after this start up credit runs out. A top-up voucher contains information specific to the customer and a unique set of 20 numbers that can only be used once and cannot be transferred between customers. A reissue may be given if a problem occurs with transferring data to the CIU. Meters that are tampered with will shut down automatically and a reactivation code will be required from Utilities. Again, a deactivation code cannot be used more than once.

The tariffs for the prepaid system that was approved by Government is one of the cheapest in the region. This tariff system is structured on a tier arrangement which means that there are two consumption blocks, one that is subsidized whilst the other is charged at higher rate if energy use is over and above the subsidy block of three hundred (300kwh) units.

Electricity charges will be applied in the following way.

- Domestic charges during the first three months begin at five cents for the first three hundred units, and fifteen cents per unit in excess of the three hundred mark.
- In the second quarter, charges per unit for the first three hundred units will be ten cents and twenty cents per unit in excess of that.
- In the third quarter, charges per unit for the first three hundred will be fifteen cents and twenty five cents in excess of that three hundred mark.
- In the fourth quarter, charges per unit for the first three hundred will be twenty cents and thirty cents in excess.
- Charges per unit of electricity for the commercial sector will remain unchanged until the final quarter when cost per unit will be charged at twenty five cents.
- Charges per unit for the industrial sector remains at current level of fifty cents per unit.

Mr. Speaker, access to electricity is one of the key indicators of economic development in countries in the region and the world. This development principle is at the heart of our development strategy and Nauru remains one of the few countries in the region that maintains a high record of near one hundred percent access of local population to electricity, so we must be doing something right for our community.

Some internal policies have been developed to ensure that the prepaid system performs effectively and that the benefits of the system are realized. Safeguarding measures include hefty fines for meter tampering, including disciplinary measures for staff involved in counterproductive actions, are some examples of management effort.

Although it is still early stages, we have witnessed immediate impacts of the prepaid system since the changeover. The load demand has dropped from average of three point nine megawatt (3.9MW), to around two point five megawatts (2.5MW) during off-peak hours, and this may be attributed to change in energy usage, where customers have quickly adjusted to necessary changes in their lives.

The financial performance resulting from the adoption of the prepaid system was expected to improve. I am pleased to report that some improvements have occurred and purchases of vouchers daily in order of more than a thousand dollars a day – sometimes daily cash takings is reported to exceed five thousand dollars a day. Though the revenues expected will not yet cover the full costs of producing power, it is a good step towards that ultimate goal.

In concluding this statement Mr. Speaker, I wish also to extend my gratitude to the employees of the Utilities Authority. Everything ran smoothly and on time, and being able to get 24-hour power ready in time for the completion of the meter installation is something for which the CEO and the Director of Operations, as well as the whole Utilities Authority should be congratulated.

This initiative not only means a positive change in our daily lives, but it has indeed marked a key milestone in our journey towards our national recovery. This change, in my personal view, has brought out the best in our people, and congratulations must also be extended to our community, for their unwavering support in such a challenging and difficult social and economic environment, not only here at home, but globally also.

And on this final note, I would like to remind consumers that it is important to keep an eye on your consumption by reading your Meters everyday to ensure that you have a smiling face – which means there is enough power for your needs. Use electricity wisely at all times, and turn off any unused appliances. *Tubwa Kor.*

Mr. B. Waqa (Boe) moved that the paper be noted.

vii) Hon. Dr. K. Keke (Minister for Foreign Affairs & Trade) made statement to the House which read as follows: *'Mr. Speaker and Honourable Colleagues, since the last sitting of Parliament I have undertaken three separate episodes of overseas travel covering a range of different issues and meetings.*

Firstly, in the second week of July, I travelled to Manila and Singapore. I was accompanied on this travel by Special Advisor to Cabinet, Mr. Manish Sundarjee. The primary purpose of this travel was to pursue the long standing saga of Nauru's old investments in the Philippines, namely in the

Pacific Star Building in Makati, Manila and the shareholding in the Philippine fertilizer company, Philphos.

As Members are aware, Nauru is owed a considerable amount of money in relation to both investments. Despite a variety of efforts over the last year and a half, and indeed for several years prior, unfortunately there has been no concrete progress on realizing any of these debts. Following the series meetings I had in Manila and Singapore and with subsequent correspondence, I can advise Members that Nauru now has a very clear strategy that is now being progressed. Due to the sensitive nature of these matters, I am unable to give any further detail at this time but as and when Government is able, I will update the House on our progress.

Whilst in Singapore I also met with consultant that Government has engaged on short term basis to work on a few special projects. These relate to education and scholarship opportunities as well as training of civil servants, fuel supply, fisheries and other potential development ventures.

I also had meetings in relation to banking, the cannery project, phosphate and other issues.

Later in July, I was called to attend a meeting in Brisbane with the President and Minister Pitcher and Ronphos regarding issues relating to Ronphos.

In early August I accompanied the President and his delegation to the Third France-Oceania Summit hosted by France in Noumea, New Caledonia. From Noumea, I continued with the President and his delegation to Cairns for the annual Pacific Forum Leaders meeting.

In addition to the details provided by the President in relation to these two meetings, I wish to add the following comments on the Forum meetings as well as the various side meetings that our delegation had.

I wish to report to the house the outcome of my recent trip to attend the Fortieth Pacific Islands Forum Meeting.

The Fortieth Pacific Islands Forum was held in Cairns, Australia on 5-6 August, 2009 and was attended by Heads of States and Governments of Australia, the Cook Islands, Federated States of Micronesia, Nauru, New Zealand, Niue, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and the Republic of Vanuatu. The Republic of Palau was represented by the Vice President and the Republic of Kiribati by its Special Envoy. New Caledonia and French Polynesia attended the formal session as associate members. Timor-Leste, Tokelau, Wallis and Futuna, the Asia Development Bank, the Commonwealth Secretariat, the United Nations and the Western and Central Pacific Fisheries Commission attended as observers.

Our delegations to the Forum Meeting was led by His Excellency the President Marcus Stephen and he was accompanied by Madam Amanda Stephen, myself, the Honourable Godfrey Thoma, Kim Aroi, Clarissa Jeremiah, Robert Sisilo, Mike Aroi, Benjamin Van Der Sande and Jansen Agir.

First of all, I want to extend to the government of Australia and the people of Cairns my sincere appreciation for their kind hospitality and friendship during the Pacific Islands Forum meeting.

The meeting was a great success for Nauru and for the Pacific Islands Forum Region. Let me highlight some of the outcomes achieved at the meeting:

PRAN - *Leaders agreed that Nauru has emerged from the crisis phase and is on the path to sustainable economic recovery and development, and the Forum Leaders agreed that the Pacific Regional Assistance to Nauru (PRAN) is no longer required.*

As Members will be aware, the PRAN framework was developed in 2005 in consultation with Forum member governments and other regional agencies. The PRAN outlined a number of priorities for assistance; these priorities were primarily focused on implementing immediate reforms into Nauru.

Government has made significant progress across all of the priorities identified in the PRAN and I want to highlight some of the achievements:

- *The government has steadfastly stuck to its fiscal objectives of fiscal restraint, sustainable service delivery and debt management.*

- *In 2006 expatriate labourers from Kiribati and Tuvalu were successfully repatriated to their native homelands.*
- *The Constitutional review is nearly complete and will go to referendum later this year. Reforms here focus on improving the transparency and accountability of Nauru's public institutions.*
- *In respect of infrastructure, water security has been improved with the installation of new reverse osmosis plants, water tanks and tankers, and with electricity we now have 24/7 power and pre-paid electricity meters are now in operation.*
- *A new strategic plan in the education sector has been developed and is being implemented in all Nauruan schools. This will result in significant improvements in education outcomes for future generations of Nauruans.*
- *Remarkable progress has been made in the Health sector with a clearly focused agenda on preventative, curative and public Health.*
- *In addition to PRAN, in 2005 the government also finalized its long-term 20 year development plan by implementing the National Sustainable Development Strategy (NSDS). It has been four years since the NSDS has been developed, now is an opportune time to review it so to assess Nauru's achievements since 2005 towards its national priorities, and Millennium Development Goals, but also to update the sector goals, strategies and milestones.*

The success of PRAN is a great example of what regional cooperation can achieve, and I take this opportunity to acknowledge and express Nauru's deepest appreciation to Australia, New Zealand, Taiwan and Japan for their funding support for PRAN. It has also been a source of great support for Nauru to receive various forms of assistance from its fellow island countries of the Forum. We recognize the development challenges that these countries face and their generosity to Nauru in our time of need will not be forgotten by the people of Nauru.

Climate Change – *Leaders recognized that for the Pacific Islands States climate change is the great challenge of our time and adopted the Pacific Leaders Call for Action on Climate Change. The Leaders also welcomed the adoption on 3 June 2009 by the UN General Assembly of Resolution A/Res/63/281 entitled Climate change and its possible security implications which was an initiative of the Pacific Small Island Developing States at the United Nations and spearheaded by our own Ambassador Moses.*

Cairns Compact on Strengthening Development Coordination in the Pacific – *Leaders declared their new determination and an invigorated commitment to lift the economic and development performance of the region, and adopted the Cairns Compact on Strengthening Development Coordination in the Pacific which calls on all development partners to better align their assistance with our national strategies, priorities and systems.*

Bulk Procurement of Petroleum – *Significant progress has been made in the implementation of the bulk procurement of petroleum initiative. Nauru, Cook Islands, Tuvalu and Niue have signed the MOU and the governments of Tonga, Solomon Islands and the Republic of Marshall Islands have expressed their intention to sign the MOU. To ensure that the benefits of the initiative are maximized, Leaders strongly encouraged as many Forum members as possible to sign up to the MOU.*

Fisheries – *Leaders committed to working collectively with the Western and Central Pacific Fisheries Commission (WCPFC) and the Forum Fisheries Agency (FFA) to ensure coastal States in the region are able to manage tuna resources, and maximize economic returns from the long-term sustainable utilization of this resource for the enhancement of sustainable development and food security for the Pacific Islands.*

Trade – Leaders agreed to commence Pacer Plus negotiations forthwith. Leaders affirmed the need for an annual review of progress of the Pacer Plus negotiations and the arrangements for the Office of the Chief Trader Advisor (OCTA). Leaders noted the need for Forum Islands Countries to undertake national consultations with all stakeholders and capacity building for the negotiations.

Fiji – Leaders expressed their deep concern for the people of Fiji in the face of Fiji's deteriorating economy as a consequence of the military regime's actions. Leaders called again for political dialogue in Fiji between parties on the principles of genuine, inclusive dialogue without preconditions or re-determined outcomes. In this context, Leaders reiterated a commitment to engage Fiji on an early return to democracy so that Fiji could again take its proper place in the community of the Forum.

Pacific Plan – Reflecting this year's key theme of building economic resilience, Leaders agreed to accord priority to a range of sectors for implementation under the Pacific Plan, acknowledging the importance of addressing the new challenges to Forum members presented by the global economic crisis, and their continuing vulnerability to external shocks.

Smaller Island States Leaders' Summit – Leaders noted the outcomes of the Smaller Island States Leaders' Summit in particular issues relating to the SIS Unit, shipping services, bulk procurement initiatives, the Temporary Movement of Natural Persons (TMNP), renewable energy and climate change.

In addition to the main Forum meetings, we held a number of side meetings.

I held discussions with the Director General of SPC regarding the new regional Energy Coordination mechanism and the work this will look at in relation to renewable energy and other energy related matters. We also discussed the possibilities and obstacles in getting Nauru's telecommunications connected to the rest of the world via submarine fibre-optic cable. These are both matters that need further follow up to deliver anything concrete for Nauru but both hold a great deal of potential benefit for Nauru.

A number of side discussions were held with our neighbours from Kiribati, FSM and the Marshall Islands regarding air services and based on reports from the Transport Ministry, there have been positive developments since.

We also had very positive discussions with Vanuatu on the issue of air services and cooperative to provide mutual benefits. Foreign Affairs will be taking these discussions forward with Our Airline and Transport officials and I am confident that this will result in new opportunities for Our Airline.

We had side meetings with Morocco on a range of matters, as well as with Canada and the European Union. I also had a bilateral with Portugal regarding their bid for a non-permanent seat to the United Nations Security Council and their desire increase bilateral cooperation with Nauru, particularly in the areas of renewable energy, tourism and sharing expertise in technical matters such as extension of Nauru's continental shelf

I had a bilateral with the United States where, amongst other things, we raised Nauru's concerns regarding the proposed US "Stop Tax Haven Bill" as well as the labour and coral-stone export possibilities with the US military build up in Guam. Ambassador Moses is following these matters up in New York and Washington.

We had an extremely positive bilateral meeting with New Zealand which was led by President Stephen and New Zealand's Prime Minister, John Key, where New Zealand agreed to enter into a new bilateral and direct level of engagement with Nauru. New Zealand has been providing significant support to Nauru through PRAN for several years now, but this new understanding will see our relationship with New Zealand grow to a higher level of closer cooperation. It has been too long since Nauru has had a close and direct relationship with New Zealand, and as one of the big brothers of the region, increasing our cooperation and relations with New Zealand is an important development for Nauru. Prime Minister Key expressed a desire to not only continue the current

assistance but also a desire to raise the general level of support and a commitment for a long term program of assistance, which is most welcome news for Nauru.

Nauru participated in the annual Post Forum Dialogue with Taiwan with President Stephen chairing this meeting. In addition to the significant assistance Taiwan has and continues to provide to the whole region, we had some opportunity to briefly discuss a few bilateral issues. With the Taiwan-Pacific Allies Summit coming up in October, I am certain that there will be further announcements in due course that demonstrate the significant assistance and cooperation Taiwan continues to provide Nauru and the region.

On that note, I would like to take this opportunity to acknowledge the excellent work being done by Ambassador Jason Wan, Taiwan's Ambassador to Nauru. In his short time on Nauru he has been very active in promoting our cause and has successfully secured an additional scholarship for Nauruans to study in Taiwan. This was in the setting of reduced scholarship for Nauruans to study in Taiwan. This was in the setting of reduced scholarships for all Pacific countries as a consequence of the Global Finance Crisis. I know that Ambassador Wan is also working hard on achieving positive results for a number of our other requests and I look forward to more good news from him in the coming months.

Whilst in Cairns, the Nauru delegation also had another positive bilateral meeting with Australia that covered a range of issues relating to our economic situation and our ongoing reform efforts. We also discussed other matters from immigration and visa issues for Nauruans visiting Australia to the new Government Trust Fund and of course Australia's major ongoing program of assistance.

The Pacific Partnership for Development Agreement between Nauru and Australia, was signed by His Excellency the President Marcus Stephen and the Prime Minister of Australia Kevin Rudd, on 07 August, 2009. The signing of this new Partnership Development Agreement reinforces the ongoing mutual relationship that we have with Australia and Australia's commitment towards the development of Nauru.

It was clear from my bilateral meeting with Minister Stephen Sith as well as the many side discussions between President Stephen and Prime Minister Rudd, that Nauru and Australia now have extremely good relations and this can only bode well for our people and Nauru's development.

Mr. Speaker and Honourable Members, it would be remiss on my part not to acknowledge the excellent work of the Nauru team who travelled with us to Cairns. They did a tremendous job in preparing briefing material and ensuring that Nauru was very active and vocal throughout all the meetings in Cairns. I want to thank the members of our team for working the late nights and the early mornings and for their dedication to ensuring that Nauru effectively conveyed our position on all issues at the Fortieth Pacific Islands Forum Meeting.

All in all Mr. Speaker, a wide range of issues was progress in the recent travel I have undertaken which I have no doubt will deliver significant benefits for Nauru.

Mr. Speaker, the Department of Foreign Affairs and Trade continues to collaborate with other Departments of Government and stakeholders as well as to the nurturing of our relations with development partners for the betterment of Nauru. Some of the key activities the department has facilitated and will facilitate include:

- The visit to Nauru of the Hon. Duncan Kerr, MP, Parliamentary Secretary for Pacific Island Affairs of Australia on 14th July 2009.
- The visit of the Minister for State of the United Arab Emirates, Her Excellency, Reem Ibrahim Al-Hashimy on 20th June 2009.
- Facilitation of H.E. the President and delegation's recent participation at the 40th Pacific Forum Leaders Meeting in Cairns, Australia.
- Facilitation of many meetings and courses on offer to Nauru Government officials and;
- The Facilitation of the Donor Roundtable Meeting to be held in Nauru in November of this year.

Mr. Speaker, as a country that relies heavily on fossil fuels, the issue of renewable energy is placed high on Government's priorities. On Monday 29th June 2009 Ms. Clarissa Jeremiah, Consul-General of Nauru to Australia signed the International Renewable Energy Agency (IRENA) Statute on behalf of Nauru in Sharm El-Sheikh, Egypt making Nauru the 136th Signatory to the IRENA. For the information of parliament, the IRENA is an inter-government body tasked to be the driving force to effect the rapid transition towards the widespread and sustainable use of renewable energy worldwide. Some of the key tasks of the IRENA include;

1. Offering comprehensive advice for its members on selecting and adapting energy sources as well as organisational and regulatory frameworks.
2. Providing assistance to member countries in efficiency accessing available funding.
3. Enhancing capacity building with regards to renewable energy and;
4. Developing and maintaining a comprehensive knowledge base on potentials of renewable energies, frameworks and policies.

Government hopes to realise the many benefits of our membership to the IRENA in the coming years.

Mr. Speaker, in terms of updates from our other overseas missions; H.E. Ludwig Keke, Ambassador to Taiwan for Nauru met with H.E. the President and delegation in Taiwan from 15th to 19th July 2009 during the President's successful official visit to Taiwan, the Ambassador has also been representing Nauru at various functions and meetings in Taiwan as well as greeting and assisting Government officials participating at the many workshops and meetings offered by the Government of Taiwan.

H.E. Marlene Moses, Permanent Representative of Nauru to the UN continues engage constructively with bilateral partners and donors.

Ambassador Marlene Moses also met Democratic Majority Leader Representative Steny Hoyer and other Congressional representatives from Northern Marianas, Nevada, New York, Arizona and California.

The Ambassador was also invited to brief the House Foreign relations Sub Committee on Asia, the Pacific and the Global Environment on, "Ushering in Change; A New Era for US Regional Policy in the Pacific", on behalf of the Pacific Small Island Developing States, on the current state of US/Pacific relations and how to make improvements.

Congressman Eni Faleomavaega is the Chairman of the Sub Committee on Asia, the Pacific and the Global Environment, which is standing subcommittee within the US House Foreign Affairs Committee. The Sub Committee has jurisdiction within its respective region on matters affecting the political relations between the US and other countries and other regions, including resolutions and other legislative measures directed to such relations. Furthermore, the Sub Committee has jurisdiction over issues relating to international fisheries and law of the sea.

This is the second time Ambassador Moses has been invited to participate in a formal hearing before the Sub Committee, the first time was in 2007 in her national capacity.

Ambassador Marlene Moses, in her capacity as Nauru's Ambassador to the Republic of Cuba, visited Havana from 8-13 August.

The first leg of her trip was spent in Pinar del Rio visiting our 9 medical students and discussing the students' progress with the respective Directors and Professors from the 2 institutions.

The Ambassador also held bilateral talks with the Deputy Foreign Minister, the Deputy Minister for Foreign Trade and Investment and various Directors within the Foreign Ministry namely; Asia and Oceania Division, International Division and Multilateral Organizations.

Matters concerning the upcoming Cuba/Pacific Foreign Ministers meeting in New York on the margins of the UNGA next month, the Pacific Leader' Summit in Havana in 2011 and other topics of mutual interest at both the bilateral and multilateral level were discussed.

During her visit it was confirmed by the Cuban Authorities that all of our 10 students have been accepted to commence their medical studies in October this year. Furthermore, our Ministry of Health's request for additional doctors is being processed with a Paediatrician,

Obstetrician/Gynaecologist and Laboratory technical expected to join the Cuban medical team presently on-island by next month.

Our Consul General in Brisbane also recently attended the two week workshop "Exchange programme for the Diplomatic Allies" held in Taipei from the 16th to the 29th July and continues to rebuild our Consulate and its services in Brisbane. The Brisbane Consulate is increasingly taking on a wider role and is now actively involved with Government purchasing and will soon be coordinating all Government travel.

Speaker, I take this opportunity to convey our deepest condolences to the Government and people of the Republic of China (Taiwan) after the devastation caused by Typhoon Morakot. Many lives were lost as well as homes and livelihoods.

As a longstanding friend and close ally of Taiwan, all in Nauru are very saddened by the event and share in their grief. Our thoughts and prayers are with the Government and people of Taiwan as they begin to undertake relief efforts and to rebuild those areas affected by Typhoon Morakot.

Speaker, in closing, it would be remiss of me if I was to not make special mention again of the physical presence of the Ambassador of Taiwan and the Consul-General of Australia on our shores and for the high level of support that we continue to get from them and their hard-working staff. Life in the Department of Foreign Affairs and Trade has been made so much easier as a result of their presence and assistance towards our mutual goals. Thank You Mr. Speaker.'

viii) Hon. M. Batsiua (Minister for Health) made a statement and tabled to the House the Tobacco control Regulations 2009:- 'Mr. Speaker, it gives me great pleasure to table in this House today the Tobacco control Regulations 2009.

As members are aware, on 20 April 2009 Parliament passed the Tobacco Control Act, which was certified by the Speaker on the same date, and which commenced on 20 July 2009.

The Tobacco Control Act creates a number of offences in relation to the promotion and sale of tobacco products. Many of the provisions of the Act make reference to matters that are to be prescribed by regulation. Under section 30 of the Act Cabinet has power to make regulations prescribing matters necessary or convenient to give effect to the Act.

Accordingly, on 29th Jul 2009 Cabinet made the Tobacco Control Regulations 2009, 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 30 July 2009, together with the short explanatory memorandum that accompanies the regulations. The regulations commenced on 1 August, subject to the August, subject to the commencement provisions of the Act.

The principal purpose of the Regulations is to give effect to the provisions of the Tobacco Control Act, by making the detailed prescriptions in relation to signs and labelling that are alluded to in the Act, and which the Act expressly leaves to be detailed in regulations.

The Tobacco Control Regulations 2009 are divided into five parts. Part I is preliminary matters such as commencement. The headings of Parts II to V provide a clear overview of the four main matters covered by the proposed Regulations:

Part II. Conditions for display of tobacco product advertisements in shops and retail places;

Part III. Display of prescribed signage;

Part IV. Information to be printed on tobacco product packages; and

Part V. Testing and reporting on tar, nicotine and carbon monoxide content of cigarettes.

The Regulations comply with Nauru's international obligations under the Framework Convention on Tobacco Control. Many provisions within the regulations are based on the Australian Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 1994.

These Regulations can be found in Gazette No. 76 of 2009, and are also available on the website of the Pacific Islands Legal Information Institute (www.pacii.org) under subsidiary legislation. Thank you Mr. Speaker.'

ix) Hon. R. Kun (Minister for Fisheries) made a state and tabled to the House the Fisheries (PNA Third Implementing Arrangement) Regulations 2009 and the Fishing Licence (FAD Closure) Regulations 2009:- *Mr. Speaker, As required by the Interpretation Act 1971, I wish to table in this House today two sets of Regulations that were made by Cabinet on 29th July 2009. These are the Fishing License (FAD Closure) Regulations 2009 and the Fisheries (PNA Third Implementing Arrangement) Regulations 2009.*

As I have previously reported to this House, the Parties to the Nauru Agreement (PNA) Ministers meeting in Palau in May 2008 agree the 3rd Implementing Arrangement for the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest, to come into force on 1st January 2010.

The Nauru Agreement was made in 1982 and is a subregional agreement between the Federated States of Micronesia, Kiribati, Marshal Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu, with the primary purpose of managing the purse-seine fishery over most of its range to a common regional standard, and optimizing individual national benefit through mutual cooperation. Both the target stocks (primarily skipjack tuna) and the vessels fishing them (primarily foreign purse-seiners) are wide-ranging and require subregional cooperation for effective management.

The signing of the 3rd Implementing Arrangement (31A) of the Nauru Agreement has already received widespread favourable publicity. The decisions incorporated in the 31A are essentially to deny to fish within the waters of all PNA countries to any vessel which –

- Fishes in the high seas areas enclosed largely by PNA exclusive economic zones (EEZ)*
- Sets nets on Fish Aggregation Devices (FADs) in the months July-September inclusive*
- Discards any catch at sea (with certain reasonable exceptions); or*
- Does not carry a certified observer aboard at all times*

This decision has been described as one of the most potentially effective measures taken by a regional tuna management arrangement anywhere in the world to date, and the closure of the high seas pockets has been hailed by conservation organizations as a significant step towards more effective management of high seas fisheries.

The PNA 31A also stimulated the Western and Central Pacific Fisheries Commission (WCPFC) at its December 2008 meeting to enact similar measures covering the areas outside the influence of the Parties to the Nauru Agreement. This WCPFC Conservation and Management Measure No. 1 of 2008 (CMM 2008-01) required the vessels of all WCPFC members, from 1st January 2010, to avoid fishing in the high seas pockets, to avoid fishing on FADs from July to September, to land all by catch, and to have 100% observer coverage aboard purse-seine vessels. In addition, the WCPFC enacted an additional FAD-fishing ban for purse-seiners, from August to September 2009.

These two sets of regulations under the Fisheries Act (1997) are designed to give legal expression in Nauru to the PNA 3rd Implementing Arrangement (which already covers most of the provisions of WCPFC CMM 2008-01), and to the additional provision under WCPFC CMM 2008-01 for a 2-month FAD-fishing ban starting August 1 2009.

Nauru was Chair of the PNA, and party to both of these regional decisions when they were made.

The Fisheries (FAD Closure) Regulations took effect on August 1 2009 and apply only to foreign purse-seiners licensed to fish within the Nauru EEZ. These Regulations are a short-term measure and will automatically be repealed on October 1 2009.

The Fisheries (3rd Implementing Arrangement) Regulations will come into force on January 1st 2010 and give effect within Nauru waters to both the PNA 31A and the WCPFC CMM 2008-01.

The Regulations comply with Nauru's international obligations under WCPFC and the Nauru Agreement, and have been developed with the assistance of the Forum Fisheries Agency to a common regional standard, including the regional Minimum Terms and Conditions for Access by fishing vessels to the EEZs of the Parties to the Nauru Agreement. This standard currently constitutes international best-practice for tuna fishery management.

The intent of the fishery management measures enacted by these regulations is to reduce the risk of further overfishing of big-eye tuna, and to limit the risk of overfishing yellow-fin tuna, without

unduly impacting catches of skipjack or reducing PNA licensing revenues. Big-eye and yellow-fin tunas, particularly small individuals, are preferentially taken in association with FADs and floating objects, and the closure of the high seas pockets to fishing will serve to increase the value of EEZ fishing licenses.

Section 42 of the Fisheries Act 1997 provides that Cabinet has the power to make regulations prescribing matters that are required or permitted by the Act to be prescribed, including regulations in relation to regulating the conduct of fishing and fishing activities. Accordingly, the regulations have been made by Cabinet under the authority of section 42 of the Fisheries Act.

These new regulations supplement, but do not amend, the Fisheries Regulations 1998.

The two sets of regulations were published in Gazette No.76 on 30 July 2009. The regulations are also available on the website of the Pacific Legal Information Institute (www.paclii.org) under the heading 'subsidiary legislation. Thank you Mr. Speaker.'

x) Hon. Dr. K. Keke (Minister for Foreign Affairs & Trade) made a statement to the House which read as follows:- 'Mr. Speaker and Honourable Colleagues, I am pleased to advise Members that President Marcus Stephen signed the new Partnership for Development with Australia's Prime Minister, Kevin Rudd, on the margins of the recent Forum Leaders meeting in Cairns on Friday 7th August.

This new partnership will replace the old MOUs that have generally been a year by year arrangement with no certainty of future direction. We are now have a long term agreement that provides certainty into the future and a framework that ensures mutual respect and mutual responsibility in working through agreed programs and cooperation towards achieving Nauru's own development goals and aspirations.

I would like to acknowledge the vision and fresh approach that the Rudd government has delivered in terms of its relations with Nauru and the whole Pacific. This new approach as outlined in Australia's Port Moresby Declaration is one that Nauru welcomes and that we acknowledge is delivering a far greater sense of true partnership than ever before.

Beyond the Australian Government's revised policy approach to the Pacific as a region, I am very pleased to advise that our bilateral relations with Australia are the strongest they have been in years, if not decades.

I am very pleased to inform Members, that as a tangible sign of our closer relations, Australia has advised that the current Australian Consulate General on Nauru will be elevated to a permanent High Commission.

We welcome this advice and in so doing I would like to express Government's most sincere gratitude to the Government and people of Australia for the immense support they have provided Nauru in our recovery efforts.

Now that Forum Leaders have agreed that Nauru has pulled itself up from the crises phase and that PRAN is no longer necessary, we look forward to even closer and more efficient working arrangements with Australia under the new Partnership Agreement and the new High Commission, to work side by side with us in taking Nauru to our NSDS goal of a sustainable quality of life for all Nauru.

I would also request Members to join me in welcoming to Nauru, the new First Secretary, Ms. Lydia Bezeruk, who is the AusAID representative on Nauru and who will be working closely with our officials on the practical delivery of AusAID's program of assistance. I trust Lydia will be warmly welcomed by everyone on Nauru and that she will enjoy her stay on Nauru as much as we have the pleasure and benefit of her experience, expertise and time with us. Thank you Mr. Speaker.'

xi) Hon. D. Tabuna (Deputy Speaker) made a statement to the House which read as follows:- 'Mr. Speaker and fellow Members of Parliament, I wish to make a brief report to you on my recent official travel to Taipei, Taiwan, as the sole representative of the Nauru Parliament for the 40th General Assembly of the Asia Pacific Parliamentarians' Union aka the APPU.

This year's meeting of the APPU held the theme of Human Security, under these theme 14 member countries of the APPU presented their reports under the able guidance of the 40th President of the APPU, Mr. Jin-Pyng Wang Speaker of the Legislative Yuan, Republic of China Taiwan. Guest speakers included His Excellency Ma Ying-jeou President of the Republic of China Taiwan and His Excellency Litokwa Tomeing President of the Republic of the Marshall Islands.

On behalf of our Parliament I presented our Country report with the focus on Economic Security, Health Security, and Environmental Security. I have attached a copy of our country report for members' perusal.

Mr. Speaker, there were draft resolutions put forward by respective countries, some of the final draft resolutions adopted at the 40th General Assembly meeting which each country legislators promised to promote in each parliament included issues addressing the decline in stocks of migratory fish, developing and exchanging carbon trading mechanisms within APPU member countries, exchanges or training and scholarships for HR development within APPU member countries, enhancing partnership and cooperation with Pacific Islands Countries, Health Security and Economic Security. The final signed communiqué will be made available for members as soon as possible.

Mr. Speaker, it is also very important to note that General Accounts of the APPU secretariat and the Budget which consist of our annual membership fee of US2,400 is copied for your perusal, moreover, I would like to recommend that the Nauru National Group of the APPU should once again after nearly 10 years to reengage and be an active member of the APPU. There are numerous benefits to this organization not to mention the limited number of organizations that deals with parliament's foreign relations. This is definitely one way of engaging our donor and development partners at a parliamentary level. This can be used to dove tail the executive's foreign policies or forge new ones with respective countries in the APPU.

Mr. Speaker, next year's APPU meeting will be held in Japan and I would like to see Nauru National Group become an active member again and be amongst the participants at the 41st General Assembly of the APPU. Thank you.'

Mr. B. Waqa (Boe) moved that the paper be noted.

7. Motion

His Excellency President Marcus Stephen as leader of Government Business moved that motions 1, 2, 3,4,5,6 &7 on the Notice Paper be deferred to the next sitting.

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

Question put and passed.

8. Motion No. 8 - Correctional Services Bill 2008

Hon. Batsiua (Minister for Justice) move to present the Correctional Services Bill 2008.

First Reading

The bill was presented and read a First time.

9. Motion - Second Reading

Hon. Batsiua (Minister for Justice) moved that the bill be now read a Second time.

Second Reading ensued.

S.O 159 (further debate on the Bill be adjourned to a future date)

10. Orders of the Day

Constitution of Nauru (Parliamentary Amendments) Bill 2008 & Constitution of Nauru (Referendum amendments) Bill 2008.

The House to resolve itself in the Committee of the whole for further consideration of the Constitution of Nauru (Parliamentary Amendments) Bill 2008 and Constitution of Nauru (Referendum Amendments) Bill 2008 in the Committee of the Whole.

In the Committee of the Whole

The Chairman, Deputy Speaker took the Chair and call House to order.

The Chairman with the indulgence of the House suspended the Committee and to resume when the bell rings.

Resumed

11. Motion

Hon. Aloysius Amwano (Chairman of Constitutional Review Committee) moved the following motion:- *'That that Committee adopt the recommendation of legal counsel that the Constitution of Nauru (Referendum Amendments) Bill 2009 be amended by inserting in the bill the following clause:*

'Commencement'

3. This Act shall come into force on the day of the general election next following the certification by the Speaker that this Act has been passed in accordance with article 84.'

And that the Committee further adopt the recommendation of legal counsel that the Constitution of Nauru (Parliamentary Amendments) Bill 2009 be amended by inserting in the Bill the following clause:

'Commencement'

2.(1) Subject to subsection (2), this Act shall come into force on the day of the general election next following the certification by the Speaker that this Act has been passed in accordance with Article 84.

(2) If the Constitution of Nauru (Referendum Amendments) Act is not approved at referendum in its entirety, pursuant to Article 84, then this Act shall not come into force until amended.'"

Debate ensued.

Question put.

Ayes: Mr. Stephen, Mr. Keke, Mr. Pitcher, Mr. Kun, Mr. Batsiua, Mr. Dabwido, Mr. Amwano, Mr. Dowiyogo, Mr. Solomon, Mr. Deireragea, Mr. Bernicke, Mr. Waqa, Mr. Scotty and Mr. Tsitsi.

There being no vote against, the question resolved unanimously by 14 votes.

12. Motion

Hon. Aloysius Amwano (Ubenide) moved the following motion:- *That the Committee adopt the recommendation of legal counsel that clause 64 of the Constitution of Nauru (Parliamentary Amendments) Bill 2009 be amended to provide for the insertion of two new clauses in Article 85 of the Constitution, so that clause 64 of the Bill as amended will read as follows:*

'64. Amendment and repeal of certain transitional provisions

The Constitution is amended by:

(a) Repealing clauses (4.) and (6.) of Article 85;

(b) Inserting in Article 85 two new clauses as follows –

'(7.) All laws that were in force on the date of commencement of the 2010 amendments continue in force, subject to –

(a) Any amendment or repeal; and

(b) Consistency with the Constitution as amended.

(8.) Where, by virtue of any amendment to this Constitution, any matter is to be provided for by Parliament and such matter is prescribed or otherwise provided for by law already in force prior to the amendments, that law has effect in respect of that matter, subject to any amendment or repeal and to consistency with the Constitution as amended, for the purpose of satisfying the requirement that legislative provision be made.'; and

(c) by repealing articles 87, 88, 89, 90, 91, 92 94 and the Sixth Schedule, 95, 96, 97, 98, 99 and 100."

Debate ensued.

Question put.

Ayes: Mr. Stephen, Mr. Keke, Mr. Pitcher, Mr. Kun, Mr. Batsiua, Mr. Dabwido, Mr. Amwano, Mr. Dowiyogo, Mr. Solomon, Mr. Deireragea, Mr. Bernicke, Mr. Waqa, Mr. Scotty and Mr. Tsitsi.

There being no vote against, the question resolved unanimously by 14 votes.

13. Motion

Hon. Aloysius Amwano (Chairman of Constitutional Review Committee) moved the following motion:-*'That the Committee adopt the recommendation of legal counsel that a new clause be inserted in the Constitution of Nauru (Parliamentary Amendments) Bill 2009 to provide for a 10th Schedule to the Constitution covering transitional matters in relation to the 2010 constitutional amendments, which new clause of the Bill would read as follows:*

'64A. New transitional provisions

The Constitution is amended by inserting immediately after Article 86 a new Article 86A as follows -

Transitional provision for the 2010 amendments

86A. The transitional provisions contained in the 10th Schedule apply to the implementation and application of the 2010 amendments to the Constitution.

And by inserting immediately after the 9th Schedule a new 10th Schedule as follows:

Tenth Schedule

Article 86A

Transitional Provisions for the 2010 Amendments

Sections

- 1. 2010 Amendments*
- 2. Enactment of laws required by amended Constitution*
- 3. Transitional provisions relation to the President and Cabinet*
- 4. Transitional provisions relation to the Speaker of Parliament*
- 5. Existing office-holders*
- 6. Existing legal proceedings*
- 7. Transitional provisions relating to finance*

2010 Amendments

1.(1.) '2010 amendments' means the amendments to the Constitution effected by the Constitution of Nauru (Referendum Amendments) Act 2010 and the Constitution of Nauru (Parliamentary Amendments) Act 2010.

(2.) The date of commencement of the 2010 amendments is [insert date of next general election when it is known].

(3.) The 2010 amendments shall take effect on the date of commencement and none of the amendments shall have any retrospective effect in relation to any decision, act or omission prior to the date of commencement.

(4.) *Anything done before the commencement of the 2010 amendments is valid to the extent that it was valid when done.*

(5.) *For the avoidance of doubt, in any matter relating to, or involving the interpretation of, the Constitution as it stood prior to the 2010 Amendments:*

(a) the Constitution is to be interpreted without regard to the 2010 amendments; and

(b) no implication shall be drawn from any of the 2010 amendments in relation to the meaning or operation of the Constitution prior to the 2010 amendments.

Enactment of laws required by amended Constitution

2.(1.) *Where, by virtue of the amendments to this Constitution, any matter is to be provided for by Parliament, Parliament shall, if such matter has not already been provided for, make such provision as soon as practicable and within a reasonable period of the commencement date of the relevant constitutional amendment.*

(2.) *The law required by clause (2) of Article 13B must be enacted within six months of the commencement of that Article, but the absence of such law shall not affect the validity of clause (1) of Article 13B or prevent the enforcement of the right to information by the Supreme Court subject to such limitations of that right as the Court finds to be reasonable and justifiable in a democratic society.*

(3.) *If by date of commencement of the 2010 amendments Parliament has not made provision for the manner in which nomination for and election to the office of President shall be held, then, until Parliament otherwise provides and subject to the requirements specified in Article 16A –*

(a) nominations for election to the office of President shall be conducted in such manner as the Speaker determines; and

(b) election to the office of President shall be conducted in accordance with the provisions of the Electoral Act, the application of such act being adapted for this purpose and read as if the Republic of Nauru was a single constituency.

(4.) *If by the date of commencement of the 2010 amendments Parliament has not enacted a law to provide for the manner in which nominations for and election of the Speaker shall be conducted pursuant to clause (1A) of Article 34, then, until Parliament otherwise provides and subject to the requirements specified in Article 34, nominations for and election of the Speaker shall be conducted in such manner as the Clerk of Parliament determines.*

(5.) *Clause (7.) of Article 57A may not be enforced until the law envisaged in clause (5)(c) of that Article has been enacted; and until such law is enacted, clauses (2., (3.) and (4.) of Article 57a may be enforced by the Supreme Court at the suit of the Director of Public Prosecutions, save that the only the order the Supreme Court may make in such a proceeding is a declaration.*

Transitional provisions relating to the President and Cabinet

3.(1.) *The person who is President when the 2010 amendments commence shall continue to hold office as President until a new President is elected under clause (1) of Article 16 in the manner prescribed in article 16A, unless he earlier vacates his office under clause (2) of Article 16B.*

(2.) *Notwithstanding the commencement of the 2010 amendments –*

(a) a Deputy President shall not be appointed under clause () of Article 21 until after the first election of a President under clause (1) of Article 16 and Article 16A; and

(b) if, prior to the first election of a President under clause (1) of Article 16 and Article 16A the President is for any cause unable to perform the duties and exercise the functions of President, Cabinet may appoint a Minister to act as President for the period during which the President is unable to perform his duties and exercise his functions.

(3.) *Between the date of commencement of the 2010 amendments and the first election of a President under Article 16A, the office of the Deputy President shall for the purpose of clause (3) of Article 16D be regarded as vacant.*

(4.) *Notwithstanding the commencement of the 2010 amendments, the President shall not exercise the power to appoint a sixth Minister to Cabinet until after the first election of a President under clause (1) of Article 16 and Article 16A.*

Transitional provisions relating to the Speaker of Parliament

4. The person who is the Speaker of Parliament when the 2010 amendments commence shall continue to hold office as Speaker until the first sitting of the new Parliament next following the commencement date of the 2010 amendments, unless he earlier vacates his office under clause (3) of Article 34 as amended.

Existing Office-holders

5.(1.) Subject to this Constitution and any law, a person who immediately before the commencement of the 2010 amendments holds or is acting in the office of:

- (a) Clerk of Parliament; or
- (b) Director of Public Prosecutions; or
- (c) Chief Secretary; or
- (d) Subject to clause (2.), Director of Audit

Shall, on and after the commencement of the 2010 amendments, continue to hold or act in that office on the same terms and conditions as those on which he holds or is acting in the office immediately before the commencement of the 2010 amendments.

(2.) The person who immediately before the commencement of the 2010 amendments holds the office of Director of Audit shall continue to hold that office until the end of his contract and shall, upon the expiry of that contract, be eligible for reappointment in accordance with clause (2.) of Article 66.

Existing legal proceedings

4. (1.) Subject to clause (4.), the 2010 amendments do not affect any proceedings commenced or concluded before the commencement of the 2010 amendments.

(2.) All legal proceedings pending or incomplete in the High Court of Australia immediately before the commencement of the 2010 amendments shall remain in the High Court of Australia, which shall notwithstanding the 2010 amendments have jurisdiction to hear and determine those proceedings pursuant to the Appeals Act 1972 as amended.

(3.) The judgments and orders of the High Court of Australia given or made in exercise of the judicial power of Nauru before the commencement of the 2010 amendments shall have the same force and effect as if they had been delivered or made by the Appellate Division of the Supreme Court.

(4.) All legal proceedings pending or incomplete in the Supreme Court of Nauru shall continue in the Supreme Court of Nauru and the Chief Justice shall determine the Division of the Supreme Court in which the proceedings shall be heard.

(5.) The Rules of procedure made by and applicable in the Supreme Court shall continue in force until repealed or amended by the Chief Justice pursuant to Article 48(4) and such Rules shall, until repealed or amended, apply to all proceedings in the Supreme Court, whether commenced before or after the 2010 amendments.

Transitional provisions relating to Finance

7.(1.) Where a provision in Part VI imposes upon a person a duty to report upon or provide information in relation to any matter, subsection (3) of section 1 of this Schedule does not operate to relieve the person of the duty to report on or provide information in relation to matter prior to the commencement of the 2010 amendments.

(2.) For the avoidance of doubt, the obligation imposed by Article 58 on public officers and members of Parliament in relation to moneys received for or on behalf of, or for the benefit of, Nauru applies to all such moneys in the possession of the public officer or member of Parliament on or after the date of commencement of the 2010 Amendments, regardless of when such moneys were received."

Debate ensued.

Question put.

Ayes: Mr. Stephen, Mr. Keke, Mr. Pitcher, Mr. Kun, Mr. Batsiua, Mr. Dabwido, Mr. Amwano, Mr. Dowiyogo, Mr. Solomon, Mr. Deireragea, Mr. Bernicke, Mr. Waqa, Mr. Scotty and Mr. Tsitsi.

There being no vote against, the question resolved unanimously by 14 votes.

14. Motion

Hon. Aloysius Amwano (Ubenide) moved the following motion: - *'That the Committee reports progress and ask leave to sit again'*.

Question put and passed.

In the House

15. The Chairman of the Committee reported progress and asked leave to sit again.

16. Motion

Hon. Aloysius (Chairman - CRC) moved that further consideration of the Constitution of Nauru (Parliamentary Amendments) Bill and the Constitution of Nauru (Referendum Amendments) Bill 2008 be adjourned and made an Order of the Day at the next sitting.

Hon. B. Waqa (Boe) seconded.

Question put and passed.

17. Orders of the Day No. 2 - Shipping Bill 2008

18. Motion

Hon. S. Dabwido (Minister for Transport) moved that Orders of the Day No. 2 be adjourned to the next sitting.

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

Question put and passed.

19. Orders of the Day No. 3

That the statement by His Excellency, President Stephen relating to update on 'Prisons and Correction Services', be noted.

Debate ensued.

The statement was noted.

20. Orders of the Day No. 4

That the statement by Hon. F. Pitcher (Minister for C.I.E) relating to progress of the 'Business Development Centre', be noted.

Debate ensued.

The statement was noted.

21. Orders of the Day No. 5

That the statement relating to the two new Fire Trucks be noted.

Debate ensued.

The statement was noted.

22. Motion - Fixing the Date for the Next Sitting

His Excellency the President moved that parliament at its rising do adjourn until Thursday, 20th August 2009, 10.00 a.m.

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

Question put and passed.

23. Adjournment

His Excellency the President moved that the House do now adjourn.

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

Debate ensued.

Question put and passed.

And then the House at eight minutes past eight o'clock p.m. adjourned until Thursday 20th August 2009 at 10.00 a.m.

Members present

All Members were present at sometime during the sitting except;

- Mr. Adeang (Suspension)

John Garabwan
Deputy Clerk of Parliament