

Votes and Proceedings

of the

Twentieth Parliament

No.23

First sitting of the Fourteenth meeting

Thursday 12<sup>th</sup> July 2012

10.00am

1. The House met at 10.00am in accordance to its resolution made on Tuesday 12<sup>th</sup> July 2012.
2. Hon. Landon Deireregea M.P., Deputy Speaker of Parliament took the Chair and read Prayers.
3. Statement from the Chair

The Chair delivered its Statement which read as follows:- *“ Honourable members, Today I will be presiding over the proceedings of Parliament due to the Speaker having departed Nauru yesterday on business-related travel.*

*From 18-20 July the Speaker will be attending the 8<sup>th</sup> Pacific Regional Meeting of the ACP-EU Joint Parliamentary Assembly in Apia, Samoa. The Assembly will focus on development concerns relevant to the Pacific, and will be addressed by experts from the region and from the European Commission.*

*From 24-27 July the Speaker will be attending the CPA regional Presiding Officers’ and Clerks Meeting in Honiara, and the CPA twinning meeting. The Speaker will be accompanied at this meeting by the Deputy Clerk and the Parliamentary Counsel.*

*Given that the Honourable Speaker is a member of the Pacific Regional Representation for the ACP-EU JPA and the CPA and that he is also a member of the general CPA Executive Committee, it is important that he represent Nauru and the Pacific region at these meetings.*

*The Speaker will return to Nauru on 30 July, and will update the House on the outcome of these two meetings after his return.*

*Thank-you.”*

4. Messages from the President – None
5. Petitions – None
6. Notice of Motions –
  - i. Minister for Finance, Hon. Roland Kun gives notice that at the next Sitting, he will be tabling the “Currency (Amendment) Bill 2012”.

- Hon. Kieren Keke seconded the motion.
- ii. Hon. Sprent Dabwido gives notice that at the next Sitting he will be presenting the "Private Security Bill 2012".  
Hon. Keke Seconded the motion.
  - iii. Minister for Justice, Hon. Dominic Tabuna gives notice that at the next Sitting he will present the "Immigration (Amendment) Bill 2012".  
Hon. Riddell Akua seconded.
  - iv. Minister for Justice, Hon. Tabuna gives notice to present the "Criminal Procedure (Amendment) Bill 2012"  
Hon. Akua seconded.
  - v. Minister for Justice, Hon. Tabuna gives notice to present the "Statute Law Revision Bill 2012" at the next Sitting.  
Hon. Akua seconded.
  - vi. Minister for Foreign Affairs, Hon. Keke gives notice that at the next sitting he will be presenting the "Geneva Conventions Bill 2012".  
Hon. Akua seconded.
  - vii. Hon. Keke gives notice that at the next sitting he will be presenting the "Chemical Weapons (Prohibition) Bill 2012".  
Hon. Akua seconded.
  - viii. Hon. Dabwido gives notice that at the next sitting he will be presenting the "Nauru Lands Committee (Amendment) Bill 2012".  
Hon. Keke seconded.
7. Questions on Notice – None
8. Questions without notice were asked.
9. Ministerial Statements and Tabling of Papers

Minister for Fisheries delivered a Statement on his recent travel to the Kingdom of Tonga on Fisheries related business. The Statement is read as follows: *"I wish to take this opportunity to inform the House on my recent official trip to the Kingdom of Tonga, the venue for this year's Ministerial Forum Fisheries Committee meeting.*

*The Minister were updated on the performance of the Forum Fisheries Agency and tuna fisheries management in general.*

*The Ministers noted the ongoing renegotiations of the Treaty between the members and the U.S. Much progress has been made especially on the financial package which is now agreed at US\$63 million for 8300 days to be fished in the combined EEZs of members.*

*Another one of the features of the meeting was the selection of a new Director General for the 17 member Agency, as the incumbent Mr. Dan Sua's term draws to an end. The officials interviewed 10 candidates for the position of Director General and provided Ministers with the top 3 candidates and made a recommendation on the most suitable candidate for the post.*

*Ministers deliberated on the matter and agreed to appoint Mr James Movick from the Federated States of Micronesia as the next Director General for the Forum Fisheries Agency.*

*In conclusion Mr. Speaker, I wish to congratulate Mr. Movick for his appointment as well as thanking Mr. Sua for the exceptional work he has undertaken for the last 6 years. Tubwa” .*

Minister for Education also delivered his Tabling Statement on the Education Regulations 2012 which reads as follows: *“Mr. Deputy Speaker, I am pleased to table in this House today the Education Regulations 2012. These Regulations were made by Cabinet on 22 June 2012 in exercise of its power under section 114 of the Education Act 2011. The Regulations were published in the Gazette on 25 June 2012 in Gazette Notice No. 342, and commenced on the same day.*

*The Regulations relate to the setting of fees for the registration of non-government schools. Section 79 of the Education Act 2011 requires non-government schools to be registered. An application for registration of a non-government school is made to the Minister, and must be:*

- a) made in the approved form;*
- b) accompanied by the prescribed fee; and*
- c) lodged at least 6 months before the start of the school year in which the person proposes to begin operating the school.*

*These regulations are for the purpose of setting the prescribed fee. The fees apply from the second half of this school year.*

*The fees prescribed in the Regulations have been calculated on the basis of cost recovery so that the fees do not constitute a tax.*

*The Department of Education is responsible for the management, implementation and monitoring of the registration requirements to ensure that non-government schools comply with the requirements of the Education Act 2011. In ensuring that non-government schools meet the registration requirements the department is required to undertake the following:*

- regular checks of schools and teachers to ensure adherence to the approved curriculum and assessment requirements;*
- development, administration and reporting on national benchmarking tools in literacy and numeracy;*
- school reviews to ensure that non-government schools are complying with Minimum Service Standards; and*
- teacher and principal performance assessments*

*These activities require the input and time of senior departmental officers. It is necessary that the Department undertake a cost recovery for provision of these services to non-government schools.*

*The Department has developed an estimate for these administrative costs based on the full scope of activities required to meet registration (curriculum and assessment compliance checks, staff performance appraisals, administering and marking of compulsory benchmarking tests), anticipated number of staff hours required for each of the specific tasks and the level of the officer required to undertake the tasks.*

*Mr. Deputy Speaker, I am also tabling with the Regulations an Explanatory Memorandum which includes notes on the meaning and intent of each provision in the Regulations. The new Regulations, together with the Explanatory Memorandum, are available on RONLAW in the 'Subordinate Legislation in Force' database (see <http://ronlaw.gov.nr>). Thank you".*

- Hon. Batsiua moved for the papers to be put on notice.

Minister for Transport, Hon. Riddell Akua also delivered his Tabling Statement on Nauru Air Corporation (Passenger Levy) Regulations 2011 which reads as follows: *"Mr. Deputy Speaker, I am pleased to table in this House today the Nauru Air Corporation (Passenger Levy) Regulations 2011. These Regulations were made by Cabinet on 30 June 2011 and were published in Gazette Notice No. 418 on 4 July 2011.*

*The Regulations replace the previous 2006 Regulations.*

*A passenger levy was previously prescribed under the Nauru Air Corporation (Passenger Levy) Regulations 2006 as amended by the Nauru Air Corporation (Passenger Levy) Regulations 2008. However, the 2008 amendment, which increased the levy from \$25 to \$50, was problematic because it was not Gazetted as was required under the Interpretation Act 1971. This irregularity will be remedied via the Regulations Validity Bill at a future sitting. The previous regulations also contained a number of drafting flaws, and included exemptions from the levy for passengers whose travel was paid for by the Nauru Air Corporation or by the Republic.*

*The new Regulations prescribed a reduced levy of \$25 per origin to destination, regardless of the number of sectors. Under the new Regulations, the levy is not be payable in respect of passengers carried on charter flights, flights operated on behalf of another airline, or non-scheduled international flights operated by the Corporation that do not include Nauru as a point of origin or destination.*

*Under the previous Regulations, there was no power to grant waivers. The new Regulations make provision for exemptions or waivers to be granted by Cabinet in respect of a class of persons. This for example enables Cabinet to waive the levy for promotional fares, or for people on a particular flight, or for people of a certain age or status. The new regulation discontinue the exemption for passengers whose travel is paid for by the Corporation or the Republic, because it is easier to administer the levy when the airline does not need to know, at the time a booking is made and a quote is provided, who is paying for the ticket. Cabinet can, however, grant a waiver in respect of those persons if it is satisfied that there are good reasons for doing so and that the waiver could be properly administered by the Corporation.*

*The new Regulations repeal and replace the existing regulations, and provided for transition to the new regulations by applying only to tickets issued after 4 July 2011 (so even if a passenger was carried on a ticketed sector after 4 July, if their ticket was issued before 4 July then the old Regulations applied for the purpose of calculating the levy payable in respect of that passenger). The Regulations are accessible on RONLAW in the 'Subordinate Legislation in Force' database (see <http://ronlaw.gov.nr>). Thank you."*

Minister for Finance, Hon. Roland Kun also made a Statement regarding the Tabling of the *Gaming Regulations 2011* and *Gaming (Amendment) Regulations 2012* which reads as follows: “Mr. Deputy Speaker, I wish today to table the *Gaming Regulations 2011* and the *Gaming (Amendment) Regulations 2012*, as required under the *Interpretation Act 2011*. The *Gaming Regulations 2011* were made by Cabinet on 2 December 2011, published in the Gazette on 31 March in Gazette Notice No. 175 and commenced on 1 April 2012.

*Both sets of Regulations are made under the power conferred on Cabinet by section 31 of the Gaming Act 2011.*

*The Gaming Act 2011 commenced on 3 December 2011. The Act creates a licensing scheme for gaming, allowing operators of bingo, sports betting, lotteries, gaming machine and other specified games to apply for a licence that will allow them to operate legally. Not all games can be licenced, only those listed in section 5 of the Act.*

*The Act allows Cabinet to make regulations prescribing a number of matters that are necessary to enable the Act to operate. For example, the Act specifies that an application for a gaming licence must be made in the form prescribed by the regulations and must be accompanied by evidence of payment of the fee prescribed by the regulations. Therefore, to enable a person to apply for a gaming licence, it is necessary to make regulations prescribing other matters, but these are the essential matters that had to be prescribed so that the Act could be implemented when it commenced on 3 December 2011.*

*Accordingly, the principal Regulations made in December 2011 provide for application forms and bingo licence fees, which remained the same as they had previously been under the *Bingo Licensing Act 2008*. Fees for licence for games other than Bingo were not prescribed in the 2011 Regulations, because the *Gaming Act 2011* did not require operators to obtain a licence for other games until 1 April 2012.*

*The amending regulations made in March 2012 simply amend the Schedule to the principal Regulations to prescribe fees for licences for games other than Bingo.*

*Mr Deputy Speaker, I am also tabling with these Regulations an Explanatory Memorandum which explains in more detail the provisions of the principal 2011 Regulations. Both sets of Regulations are available on RONLAW (see <http://ronlaw.gov.nr>). Thank you.”*

#### **10. Motion – to determine date for the tabling of Budget Estimates for 2012-2013**

Hon. Kun moved a motion that in accordance with Article 59(4) of the Constitution, Parliament determines that the estimates of the revenue and expenditure of Nauru for the financial year beginning 1 July 2012 must be laid before Parliament no later than the first sitting day after 1 August 2012.

Hon. Keke seconded.

Chair puts the question to the house and the house voted in favour of motion being moved.

#### **Motion – to determine the date for the tabling of Development Fund Estimates for 2012-13**

Hon. Kun moved that in accordance with section 6(2)(b) of the Development Fund Act 2011 Parliament determines that the annual projections of the income and expenditure of the Development Fund for the financial year beginning 1 July 2012 must be tabled in Parliament no later than the first sitting day after 1 August 2012.

Hon Keke seconded.

Chair puts the question to the house and house voted in favour of motion being moved.

**Motion – to determine date for tabling Development Fund Quarterly Reports 2011-12**

Hon.Kun moved that in accordance with section 8(2)(b) of the Development Fund Act 2011 Parliament determines that the quarterly reports for the first, second and third quarters of the 2011-12 financial year showing the actual income and expenditure of the Development Fund from the beginning of the financial year until the end of each quarter must be tabled in Parliament no later than the first sitting day after 1 August 2012.

Hon. Keke seconded.

Chair puts the question and house voted in favour of motion.

**Motion – to determine date for tabling of Development Fund Annual Report 2011-12**

Hon. Kun moved that in accordance with section 7(2)(b) of the Development Fund Act 2011 Parliament determines that the annual report showing the actual income and expenditure of the Development Fund for the 2011-12 financial year must be tabled in Parliament on the first sitting day that occurs after 30 September 2012.

Hon. Keke seconded.

Chair puts the question and House voted in favour of motion.

**Motion – Electoral (Amendment ) Bill 2012**

Hon. Dabwido seeks leave to move motion to present Electoral (Amendment) Bill 2012.

Seconded by

House puts the Question and members voted in favour of motion.

**First Reading**

The Electoral (Amendment) Bill 2012 was presented and read to the House the first time.

**Motion – Second Reading**

Hon. Dabwido moved that the Bill be read a second time

Question was put to House for the Bill to be read the second time and the house voted in favour.

**Motion – Suspension of S.O 159**

Hon. Sprent Dabwido (President) moved that S.O 159 be suspended to enable the debate on the second reading to proceed forthwith.

Hon. Dr. Kieren Keke seconded.

Question put and passed.

Debate ensued.

Question put and passed.

The Bill was read a second time.

**Motion – Third Reading.**

Hon. Dabwido (President) moved that the Bill be now read a third time.

Hon. Dr. Kieren Keke seconded.

Question put and passed

The Bill was read a third time