



# Nauru Bulletin

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## Parliament sitting 22 December

The last sitting of the Nauru Parliament for 2016 was convened this month (Thursday 22 Dec) with several bills tabled and passed and a welcome announcement of salary advance for all public servants ahead of the festive season.

Firstly, the Speaker of Parliament Cyril Buraman called for two minutes' silence in remembrance of the passing of the late Minister Valdon Dowiyogo who passed away on 8 December while on an official trip to Russia.

The Speaker also announced the causing of a by-election for the constituency of Ubenide on 19 January 2017. The writ was signed prior to the commencement of the parliament sitting.

Following this were several statements by the Speaker and a strong word from President Baron Waqa calling on parents to take a stronger stance in disciplining their children in regards to road safety, under aged driving and general responsibility over the consumption of alcohol for everyone during the festive season.

Questions without notice were heard before the presentation of ministerial statements and tabling of bills.

Minister for Justice and Border Control Hon David Adeang tabled the first bill to



parliament to amend the Immigration Act 2014.

The bill makes two amendments, the first being the removal of the position of Principal Immigration Officer and replaced with the current director of immigration. The second amendment applies to an asylum seeker who has not been determined to be a refugee, has exhausted all avenues of appeal, and no longer has a legal basis to remain in Nauru

The proposed amendment is to ensure that

the regional processing visa can remain in place while all arrangements for a removal are being made recognising that the planning and organising to remove an unsuccessful asylum seeker may take several months.

The Refugees Convention (Derivative Status & Other Measures) (Amendment) Bill 2016 was also tabled to make changes to the Refugees Convention Act 2012.

The changes are to formalise the legislative basis for an application for derivative status, and the determination of any such application; ensure that the removal of an asylum seeker from Nauru, whose application for protection has been determined and who has exhausted all statutory merits review and appeal rights, cannot be frustrated by subsequent asylum claims; put beyond doubt the primacy of the common law of Nauru, with respect to the Tribunal's obligation to act according to the principles of natural justice, and further ensure that the Tribunal merits review process functions smoothly and efficiently; and permit the Tribunal to sit outside Nauru, where appropriate.

Minister Adeang explained that "several amendments are made with retrospective effect."

*Cont pg 2...*

### Justice Khan sworn in as acting CJ

Justice Shafiullah Khan was sworn in as acting chief justice in a brief ceremony on 22 November in the Cabinet room by acting President and Minister for Justice Hon David Adeang.

In his acceptance speech, Justice Khan said he was "very excited and extremely humbled," acknowledging that he has big shoes to fill from his predecessor the late Joni Madraiwiwi.

Continuity is his priority for the Nauru Court.

"I'll make sure there's continuity of where things were. My position is only as an acting chief justice so I'll have to make sure that the place continues until the substantive position is filled. Continuity and ensuring that the court functions properly, and everyone has access to court," acting CJ Khan said.

Justice Khan will be acting chief justice until a substantive chief justice is appointed.

## Parliament

... from pg 1

“The retrospective enactment of the amendments will ensure that there is a legislative basis for those practices, including in the past. The second reason is to ensure that all asylum seekers in Nauru are treated equally with respect to their applications for merits review, and their appeals to the Supreme Court of Nauru. The third reason is to ensure that possible technical challenges or objections do not hinder or cast doubt upon the work performed and decisions made by the Tribunal to date.”

The third bill to be tabled makes changes to the Automatic Exchange of Financial Account Information Act 2016.

The amendments would firstly strengthen the Act and further re-enforce the formal commitment of Nauru to the mandate of the OECD Global Forum in promoting international co-operation in tax matters through exchange of information.

“It will clearly demonstrate to the global tax community that Nauru is ready and willing to move forward in the fight against tax avoidance and fraudulent tax practices,” Minister Adeang said.

A Motor Traffic (Amendment) No.3 Bill 2016 was tabled to allow for the transfer of services dealing with the issuance of compulsory third party insurance for motor vehicles to the Department of Transport.

As the Department is not a company, the change from ‘approved insurance company’ to ‘approved insurer’ is more appropriate to enable the department to provide compulsory third party insurance.

Vehicle registration and insurance is therefore transferred to the Department of Transport.

The Electoral (Amendment) No.3 Bill was also tabled to make changes to section 47 of the Act by inserting an additional requirement that no transfer of registration must be made from one electoral Roll to another for the purposes of a by-election.

Minister Adeang said the amendment “does not affect voters registering for the first time including those who have just attained the age of 20.”

The amendment prevents the frustration of the democratic process and the infringement of the rights of the people rightfully registered in the district. It also accords with the counting process for a by-election pursuant to section 86 of the Act.

The second last bill to be tabled in parliament is the Supplementary Appropriation Bill (No.3) 2016-17. The three adjustments to the budget include a provision of an interest free loan of \$935,000 for Eigsaw Holdings Corporation; \$600,000 to privatise waste collection and relieve the Nauru Rehabilitation Corporation of the service; and \$57,000 for the Electoral Commission to be used for the by-election in the constituency of Ubenide.

The seventh and final bill to be tabled is the Parliamentary Pension (Amendment) No.2 Bill that proposes to forfeit the parliamentary pension of members of parliament that have been suspended and during their suspension commit an offence and is convicted of a criminal offence for which the minimum penalty is two years.

Minister Adeang cited other jurisdictions such as the New South Wales’ Parliamentary Contributory Superannuation Act 1971 and the Australian Capital Territory’s Crimes (Superannuation Benefits) Act 1989 where former parliamentarians lose their pension if they are convicted of offences.

Copies of the Acts can be downloaded from the government website [www.naurugov.nr](http://www.naurugov.nr) under the parliament > RONLAW tabs•

## Seminar on human rights and national goals

Members of parliament were invited to a two day seminar on sustainable development and human rights earlier this month on 5 December at the Nauru Parliament.

Members engaged in discussions and briefing on human rights topics, national development goals and the Sustainable Development Goals (SDGs), climate change, and the political representation of women and gender based violence.



The first day of the seminar included presentations from various government departments on SDGs, national development, climate change and biodiversity issues.

Moreover, members were also briefed on the human rights mechanisms and conventions which Nauru has ratified.

The briefings concluded the following day (6 December) with a wrap up and discussion of the day’s activities•

## Nauru signs €2.4M EDF

Nauru and the European Union signed a financing agreement worth 2.4 million euros last month (16 November) in Fiji to support the implementation of Nauru’s National Sustainable Development Strategy (NSDS) and the Nauru Energy Roadmap.



*Finance Minister David Adeang and EU Ambassador to Nauru Andrew Jacobs sign the EDF agreement in Suva Fiji*

EU Ambassador to Nauru Mr Andrew Jacobs indicated the fund will go towards improving the energy sector.

“The programme will provide a reliable, affordable, secure and sustainable energy supply as well as diversifying the generation base to meet the socio economic development needs of Nauru,” Mr Jacobs said.

Minister for Finance David Adeang echoed Mr Jacob’s statement and reiterated that the agreement will target priority areas in line with Nauru’s NSDS goals.

“This will also no doubt contribute to our ambitious targets of 50% renewable energy by 2020 as set out in our Energy Roadmap,” Minister Adeang said.

Minister Adeang offered his thanks to the EU and looks forward to fruitful collaboration between Nauru and the EU towards the successful implementation of the 11th EDF actions•

## Government strives to improve water supply with new delivery trucks

Nauru Utilities Corporation received an additional two fresh water trucks this month (6 Dec) further assisting with efficient water delivery around the island at a time of extended dry period.

A handover ceremony was held for the official donation of the two 12,000 litre water trucks by His Excellency President Baron Waqa and US Ambassador to Nauru Judith Cefkin at the Nauru Congregational Church Centennial hall.

Power station General Manager Mohammed Rafiqshan Ali highlighted the importance of having water trucks in the absence of a water reticulation system.

“Water delivery tankers are a central component of Nauru’s water distribution system... increasing distribution capacity is a vibrant element of Nauru’s national water security strategy, in reaction to this need USAID CCAP has funded for two 12000 litre water tanker trucks that fully meets the water delivery specifications by incorporating food grade stainless steel tanks,” Mr Ali said.

Chief of Party to the United States Agency for International Development (USAID) and the Coastal Communities Adaptation Program (CCAP) Nick Hobgood shared a brief history of CCAP consultations.

“Eight of the nine communities identified access to clean drinking water as a major priority, this prompted the CCAP project to start looking at different options,” Mr Hobgood said.

US Ambassador to Nauru Judith Cefkin said addressing climate change is her government’s top priority.

“Here in Nauru I know that drought and shifting rain patterns has already impacted your already limited supply of fresh water. These issues are important to the US government and this is why we work closely with Pacific island countries to address these challenges,” Ms Cefkin said.

In her address, Ms Cefkin noted that climate adaptation is one of the highest priorities of USAID in the Pacific islands



*U.S donated fresh water delivery trucks are a much needed assets during Nauru’s dry spell*

and President Obama’s announcement of 40 million dollars in assistance for the pacific highlights that commitment. Most of this assistance focuses on support for climate adaptation activities.

Minister for Nauru Utilities Hon Aaron Cook reaffirmed his support for the US-Nauru partnership in the area of climate change assistance highlighting that the donation “is just the beginning.”

“I wish to enhance our partnership and how more than anything promote sustainable solution to improve water security across Nauru and the Pacific,” Minister Cook said.

President Baron Waqa reiterated his support to continually improve living standards on Nauru.

“My government however will strive to improve the livelihoods of all Nauruans through access to basic services such as clean water hence, improved water shortage facilities and distribution were identified as priority areas in our national development plans,” President Waqa said.

President Waqa concluded his remarks by thanking Ambassador Judith Cefkin for her support for the project•

## Mooring makeover in the new year

As part of the overall overhaul of the Nauru port, new mooring equipment has been ordered in June to replace old and disused equipment.

The new equipment which comprises eight buoys, six anchors, associated chains, wire ropes, fibre ropes and fittings, are expected to arrive in Nauru on board the Anchor Handling Vessel around 20 January 2017. The installation of the equipment is estimated to take 20 days, weather permitting, and to be completed before the end of February 2017•

## Seawall projects on hold

Seawall projects around the island are pending completion for funding reasons as well as the availability of earth moving equipment that are currently in use in other land works.

The heavy equipment needed to move boulders and earth to the beach sites are currently being used by the Nauru Rehabilitation Corporation for mining work.

The Anetan seawall which is the current project is on hold until the equipment becomes available.

The Nauru Government has also approved other seawall projects for Boe, Uaboe and Baitsi.

The cost of building seawalls around the island comes at a hefty price of \$20,000 per 10 cubic metres.

The government of India has offered financial support of USD\$500,000 and the remaining cost is covered by the Nauru Government.

Additional sites requiring seawall construction include roadside sites in Ijuw (near Ijuw/Anabar ponds), Anibare (near Anibare Community Boat Harbour) and Meneñ (Ataro and near Meneñ Church)•

## Digicel launches 4G network

Nauru's telecommunications provider Digicel launched its 4G network on Wednesday 7 December promising a bigger and better service.

His Excellency President Waqa was present at the event and did the honours of cutting the launch cake and delivered a speech on the vision and way forward for Nauru communications.

"Today, we launch a 4G service that promises speeds in data transmission that is expected to be 10 times faster compared to the outgoing 3G service. This is very exciting when you think of the possibilities and benefits associated with this technology, especially in regard to research, education and medical purposes," President Waqa said.

While there are many advantages of advance communications, President Waqa also highlighted the disadvantages of technological improvements.

"Let me say that we must be responsible for what we say and take account for our actions. The use of abusive language, profanities and nude pictures over social media and other forms of communication is totally unacceptable. As adults, we must act with restraint. As adults, we much teach our children accordingly.



*Digicel Nauru CEO Francis Thomsen says with high speed technology comes the cost*

As Christians, we must all act as the Bible teaches – to love one another, and to do good unto others."

CEO for Digicel Nauru Francis Thomsen said he looked forward to providing Nauru with better communications adding that Nauru has led the region in 4G while other countries in the region are still trying to achieve.

"Digicel over the next coming months will be heavily investing in education, in terms of educating users on how to responsibly use technology," Mr Thomsen said.

Digicel had already begun that investment a week prior to the launch

when it invited the public to the same hall to learn and be more aware of the devices they are using.

Mr Thomsen adds that with technology upgrades and speed comes the costs.

Over the coming months Digicel will be working towards achieving one hundred per cent coverage of LTE in Nauru•

## New pleader admitted to the roll

A ceremony was held on 14 December at the Nauru Court House to admit a new pleader to the Nauru Bar.

Ms Julie Olsson was not on island when the initial ceremony took place on 11 November when 10 of her colleagues were admitted.

Ms Olsson took the oath before acting Chief Justice Shafiullah Khan pledging to "be faithful and bear true allegiance to the Republic of Nauru according to law."

"I, Julie Olsson do swear by the Almighty God that I will truly and honestly demean myself in the practice of a pleader according to the best of my knowledge and ability. So help me God."

The mover of the petition Mrs Gabrissa Hartman then moved a motion to admit Ms Olsson to the roll of the court as a pleader highlighting the high pass marks achieved by Ms Olsson on all eleven units of the pleaders course.

"Her final results showed that she passed all her eleven units at or over the pass mark of 80 per cent. In fact six out of the 11 units were at a 91 per cent or higher mark," Ms Hartman said.

Acting CJ Khan highlighted that it had been three decades since the last time pleaders were admitted to the Nauru Bar•



*Julie Olsson joins her 10 colleagues on the roll of the Nauru Court as a pleader in 2016*

The Nauru Bulletin is a fortnightly publication of the Government of the Republic of Nauru.

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NAURU BULLETIN



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