

# Votes and Proceedings of the 20th Parliament

## No 38

**Tenth sitting of the Twentieth meeting  
16 May 2013**

**10.00am**

### **1 Meeting of House**

A quorum not being present, Hon Godfrey Thoma (Speaker of Parliament), read prayers and then read out a letter from the Speaker to the President dated 16 May 2013:

Your Excellency

It has become apparent that you no longer intend to proceed with the proposed constitutional reference to the Supreme Court under Article 55. This is a great disappointment, because the current position of Parliament cannot be resolved until Parliament achieves a quorum, and the Court's answers to the questions you were going to pose in your constitutional reference may have helped to achieve that.

I would therefore respectfully urge you to reconsider your position and also to be honest about your intentions. If you no longer intend to proceed with the constitutional reference, then you should publicly withdraw your publicised promise to do so.

If it is also your intention to continue to not turn up to Parliament sittings, then you should also withdraw your advice to dissolve Parliament, given that the dissolution cannot occur due to the absence of you and 8 other members from Parliament sittings.

Alternatively, you should bring this impasse to an end by turning up to Parliament with your Cabinet colleagues so that debate can finally proceed and the dissolution can finally occur.

If quorum is obtained when the Parliament sitting resumes this afternoon, and debate on your advice to dissolve proceeds, then Parliament would be dissolved next Thursday, 23 May, and the general election could be held 4 weeks later on 22 June. However this would mean that on the important dates for appropriation and supply, there would be no Parliament.

As you know, under Article 61(1), Cabinet can only recommend a Supply Bill to Parliament if the annual appropriation law has not received the certificate of the Speaker by 10 June. If Cabinet proposed to recommend a Supply Bill to Parliament, under Article 61(2) the recommendation must be delivered in writing to the Speaker no later than 17 June. If from 23 May to 22 June there is no Parliament (because the 20<sup>th</sup> Parliament has been dissolved and the 21<sup>st</sup> Parliament has not yet been elected), then the newly formed government in the 21<sup>st</sup> Parliament would have to be ready to present a budget and appropriation law to Parliament by 27 or 28 June, within 2 or 3 days of being appointed. The new government would not be able to present a Supply Bill, having missed the window of opportunity that exists only between 10-17 June.

Given that we currently have a Speaker and an executive and that Parliament's 3 year term does not expire until 21 June, it would be possible for your government to meet the timeframe set out in Article 61 if you were to withdraw your advice to dissolve and if you were to attend Parliament and present your budget.

Another obvious but undesirable possibility is that you will declare a state of emergency for the sake of maintaining supply beyond the end of June. It would obviously be an extremely dangerous precedent to set if you fail to turn up to Parliament on 11 or more consecutive occasions, thereby preventing me from being able to act on your advice to dissolve, and then take the drastic measure of declaring a state of emergency when you have in fact knowingly created the emergency through your own conduct.

Please accept my letter with good understanding and view it as my fair expression of concern for the serious situation that both you and I are trying to resolve.

With deepest respect,

Hon Godfrey Thoma (Speaker of Parliament) then suspended the sitting until the bells were rung.

The House met in the afternoon when the bells were rung.

## **2 Statement from Chair**

Hon Godfrey Thoma (Speaker of Parliament) made the following statement.

Honourable Members, before we proceed with the business on the Notice Paper, I would like to make a brief statement about the situation that Parliament has been in for the past 3 weeks, and the resolution of that situation today.

Firstly, I am very pleased to note that today we have a quorum and we are therefore able to proceed with our business, which we have not been able to do for the last 9 sittings. I wish to express my utmost gratitude to those members who are in attendance today.

At the same time, it is disappointing that some members, apart from those who are on official business, still do not see fit to turn up to Parliament.

As I have explained before, I am not able to dissolve the House pursuant to the President's advice until the requirement of Article 41(4) has been complied with, and the Supreme Court has said that those requirements include an opportunity for the members to debate the President's advice.

Happily, the fact that we now have a sitting with quorum means that debate can finally proceed today and I will then be required to dissolve Parliament 7 days later.

Tomorrow we will celebrate Constitution Day, marking 45 years since the constitutional convention in 1968 made the finishing touches to our Constitution. The Constitution belongs to the people of Nauru. It is supposed to provide them with democratic government and to protect their rights. Although it has taken many weeks of delay for us to get to this point, I am very pleased that, just in time for Constitution day, we will today be able to fulfil the requirements of Article 41 of the Constitution and then progress to an orderly and lawful dissolution of Parliament.

Finally, before we begin, I would like to extend my congratulations and appreciation to the former Speaker, Hon Ludwig Scotty, who recently celebrated the 30 year anniversary of his first election to Parliament. Mr. Scotty is our longest serving member of Parliament, and as we all know has served for many years as President and as Speaker. I personally admire Mr. Scotty's way of tackling difficult situations and his attempt when he was Speaker to fairly accommodate all members in an impartial way. So, to the Honourable Member for Anabar/Ijuw/Anibare, on behalf of all members, congratulations on achieving 30 years of service to the Parliament and the people of Nauru.

## **3 Referral of President's advice under Article 41 of the Constitution of the Republic of Nauru**

- (a) Leave sought to move Article 24 motion  
Hon Freddie Pitcher (Ubenide) sought leave of the House to move a motion re Article 24 of the Constitution.

Hon. Dr Kieren Keke (Yaren) seconded.

Leave was not granted.

- (b) Motion to suspend Standing Orders  
Hon Freddie Pitcher (Ubenide) moved that all relevant Standing Orders be suspended to enable him to move his motion on Article 24.

Hon Dr Kieren Keke (Yaren) seconded.

Question put.

Hon David Adeang (Member for Ubenide) called for a division.

Hon Valdon Dowiyogo seconded.

The House divided

**Ayes 5**

Mr. Pitcher  
Mr. Keke  
Mr. Batsuia  
Mr. Tabuna  
Mr. Deireragea

**Noes 4**

Mr. Adeang  
Mr. Dowiyogo  
Mr. Scotty  
Mr. Kun

Question negatived (Motion requires absolute majority)

**4 Adjournment**

A quorum not being present, Hon Godfrey Thoma (Speaker of Parliament), stated that the House was adjourned until Tuesday 21 May at 10am (see Standing Order 28).

**Members present**

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

Hon Godfrey Thoma (Aiwo)  
Hon Ludwig Scotty (Anabar)  
Hon Landon Deireragea (Anetan)  
Hon Mathew Batsiua (Boe)  
Hon Roland Kun (Buada)  
Hon Valdon Dowiyogo (Ubenide)  
Hon Freddie Pitcher (Ubenide)  
Hon David Adeang (Ubenide)  
Hon Dr Kieren Keke (Yaren)  
Hon Dominic Tabuna (Yaren)

**Ann-Marie Thoma**

Clerk of Parliament