



REPUBLIC OF NAURU

ASSISTANT MINISTERS ACT 2016

No. 37 2016

An Act to establish and make provision for Assistant Ministers, their appointment and functions, and for related purposes

Certified: 19th July 2016

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Assistant Ministers Act 2016*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Interpretation

In this Act, unless the context otherwise requires:

‘**Assistant Minister**’ means an Assistant Minister appointed under section 4.

4 Appointment

- (1) This section establishes the office of Assistant Minister.
- (2) The President may appoint members of Parliament to be Assistant Ministers to assist Ministers in the performance of their duties.
- (3) The office of Assistant Minister shall be held in relation to one or more Ministerial offices, to be specified in that behalf in the Gazette.

5 Notice of appointment and vacation of office

Notice of the appointment of a person as an Assistant Minister and of the vacation of his or her office by resignation or otherwise, shall be published in the Gazette after the appointment or vacation of office, as the case may be.

6 Oath or Affirmation

An Assistant Minister must, upon being appointed either take an oath or an affirmation of office as provided in Schedules 1 and 2.

7 Functions

- (1) An Assistant Minister as such in respect of a Ministerial office has and may exercise under the direction of the Minister concerned:
 - (a) Such powers, duties and functions of the Minister for the time being holding that office as may be assigned to him or her by that Minister; and
 - (b) Such powers, duties and functions of the Minister for the time being holding any other Ministerial office as may be assigned to him or her by the President.

- (2) No Minister shall be debarred from personally exercising a power, duty, or function by reason of the fact that a power, duty, or function has been assigned to an Assistant Minister.
- (3) The fact that a person holding office as an Assistant Minister purports to exercise a power, duty or function of a Minister shall be conclusive evidence of his or her authority to do so.
- (4) An Assistant Minister:
 - (a) May not attend or participate in Cabinet meetings unless invited by the Minister under whose direction or portfolio the Assistant Minister falls under, with the approval of the President; and
 - (b) Has no voting rights when attending or participating in Cabinet meetings.

8 Term of Office

A person appointed under section 4 vacates his or her office:

- (a) if the Minister under whom he or she is appointed ceases to hold office; or
- (b) if he or she is dismissed from office by the President, on the advice of Cabinet; or
- (c) if he or she becomes a Minister; or
- (d) if he or she resigns from the office; or
- (e) upon his or her death.

9 Execution of Instruments

- (1) An instrument that is executed by an Assistant Minister on behalf of a Minister must be signed by the Assistant Minister with a personal signature to which the words "*Assistant Minister, for the Minister of...*" or words to like effect are added.
- (2) An instrument executed by an Assistant Minister on behalf of a Minister is valid as if it had been executed by that Minister.
- (3) Despite subsections (1) and (2), an Assistant Minister must not execute a document on behalf of a Minister without the prior approval of the Minister.
- (4) A document executed contrary to subsection (3) is void.

10 Secrecy and confidentiality

An Assistant Minister must maintain secrecy and confidentiality on matters and information that come to his or her knowledge while performing his or her functions as Assistant Minister.

11 Regulations

Cabinet may make regulations to give effect to any provision within this Act.

SCHEDULE 1

OATH OF OFFICE OF ASSISTANT MINISTER

I, *, swear by Almighty God that I will well and truly serve the Republic of Nauru, according to law in the office of Assistant Minister. So help me God!

SCHEDULE 2

AFFIRMATION OF OFFICE OF ASSISTANT MINISTER

I, *, solemnly and truly declare and affirm that I will well and truly serve the Republic of Nauru, according to law in the office of Assistant Minister.