



REPUBLIC OF NAURU

DEPUTY MINISTERS ACT 2019

No. 24 of 2019

An Act to repeal the *Assistant Ministers Act 2016* and to establish and make provision for Deputy Ministers, their appointments, assignment of responsibilities, powers and for related purposes.

Certified: 30th August 2019

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Deputy Ministers Act 2019*.

2 Commencement

This Act comes into effect upon certification by the Speaker.

3 Office of Deputy Minister

- (1) The office of Deputy Minister is hereby established.
- (2) The President may appoint one or more members of Parliament to be Deputy Ministers.
- (3) The President may assign such powers, duties or functions to Deputy Ministers as the President deems expedient.
- (4) The powers, duties or functions of Deputy Ministers shall be notified in the Gazette.

4 Oath or affirmation of office

A Deputy Minister upon being appointed under section 3, shall subscribe to the oath or affirmation of office in the Schedule.

5 Notice of appointment and vacation of office

The appointment or vacation of the office of a Deputy Minister shall be notified in the Gazette.

6 Powers duties and functions of Deputy Ministers

- (1) A Deputy Minister shall exercise or perform such powers, duties or functions as assigned to him or her by the President.
- (2) The powers, duties or functions of a Deputy Minister shall be notified in the Gazette.
- (3) In the exercise of powers or performance of his or her duties or functions, the Deputy Minister shall have access to or make use of the resources and facilities ordinarily provided by the Republic to a department, Instrumentality of the Republic or any publicly funded facility which fall within the scope of his or her assignment.
- (4) Public service employees or employees of Instrumentalities of the Republic shall comply with all such lawful directions given by a Deputy Minister within the scope of his or her assignment.

- (5) The President or a Minister shall not be prohibited from personally exercising, a power, duty or function by reason of the fact that a power, duty or function is assigned to a Deputy Minister.

7 Deputy Minister not to participate in Cabinet decision making

- (1) A Deputy Minister may be invited by the President to attend to and participate in any Cabinet meeting.
- (2) A Deputy Minister shall have no voting rights when attending to or participating in any Cabinet meeting under subsection (1).
- (3) Where a Deputy Minister is invited to attend to and participate in any Cabinet meeting, he or she shall comply with the requirements of Cabinet confidentiality in the same manner as a Cabinet Minister.

8 Term of office

A Deputy Minister appointed under section 3 ceases to hold office:

- (a) upon the election of a President;
- (b) upon resigning from office by writing under his or her hand delivered to the President;
- (c) upon being removed from office by the President;
- (d) upon ceasing to be a member of Parliament; or
- (e) upon dissolution of Parliament.

9 Execution of instruments

- (1) An instrument that is executed by a Deputy Minister shall be signed by the Deputy Minister as directed and approved in writing by the President or the Cabinet Minister according to each portfolio.
- (2) A Deputy Minister shall not execute an instrument without the prior direction and written approval of the President or the Cabinet Minister according to each portfolio.
- (3) An instrument executed contrary to subsection (2) is void.

10 Obligations of secrecy and confidentiality

A Deputy Minister shall maintain secrecy and confidentiality on all matters and information that come to his or her knowledge in the performance of his or her powers, duties or functions.

11 Repeal

The *Assistant Ministers Act 2016* is repealed.

12**Savings and transition**

- (1) Any act done or any decision made as Assistant Ministers shall be deemed to have been done or made and continued as if done or made as Deputy Ministers.
- (2) Any reference in any other written law to an Assistant Minister is deemed to be a reference to a Deputy Minister.
- (3) The oaths or affirmations of office subscribed by Deputy Ministers as Assistant Ministers under the repealed Act shall be deemed to have been subscribed under this Act.

SCHEDULE

Oath of Office of Deputy Minister

I, *[insert name]*, swear by the Almighty God that I will faithfully carry out my duties as a Deputy Minister and that I will not improperly reveal any matters of which I have become aware by reason of my attendance in Cabinet and in the performance of powers duties and functions of my office. So help me God!

Affirmation of Office of Deputy Minister

I, *[insert name]*, hereby affirm that I will faithfully carry out my duties as a Deputy Minister and that I will not improperly reveal any matters of which I have become aware by reason of my attendance in Cabinet and in the performance of powers duties and functions of my office.