

ADMINISTRATIVE ARRANGEMENTS

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Administrative Arrangements Act 2011

TABLE OF PROVISIONS

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Administrative Arrangements Act 2011

TABLE OF AMENDMENTS

The Administrative Arrangements Act 2011 No 2 was certified on 25 February 2011 and commenced on 9 May 2011 (GN No 274/2011; Gaz 56/2011).

Amending Legislation	Certified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

An Act to provide for the assignment of responsibilities to Ministers and for related purposes.

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Administrative Arrangements Act 2011*.

2 Commencement

This Act commences on a day to be notified by the President in the Gazette and came into effect on 9 May 2011.

3 Definitions

In this Act:

‘administrative arrangements order’ means an order made under Section 4(1);

‘Department’ means a Department of the Public Service;

‘Head of Department’ means a public officer in charge of a Department; and

‘Minister’ includes the President.

4 Administrative arrangements

- (1) The President may, by order:
 - (a) assign to a Minister the administration of any of the following:
 - (i) a Department;
 - (ii) part of a Department;
 - (iii) a written law; or
 - (iv) part of a written law;
 - (b) specify the Department, or part of a Department, responsible to a Minister for the administration of any of the following:
 - (i) a written law;
 - (ii) part of a written law; or
 - (iii) part of the subject matter of a written law; and
 - (c) assign to a Minister responsibility for any business of government.
- (2) An administrative arrangements order:
 - (a) shall be published in the Gazette; and
 - (b) takes effect from:
 - (i) the day on which it is published in the Gazette; or
 - (ii) where another day is specified in the order, that other day.
- (3) Before making an administrative arrangements order under subsection (1)(b), the President shall consult with the Chief Secretary and the head of each affected Department.
- (4) Subsidiary legislation is subject to the same administrative arrangements as the provision under which it is made, unless:
 - (a) the contrary intention appears in an administrative arrangements order;or

(b) the contrary intention otherwise appears.

(5) Nothing in this Act:

- (a) invalidates an assignment of responsibility for the business of government made under Article 23 of the *Constitution* before the commencement of this Act; or
- (b) prevents the President assigning to himself or herself or to a Minister responsibility for any business of government or revoking or varying an assignment made under Article 23 of the *Constitution*.

5 Administrative arrangements where no order made

Until provision is made for an Act under an administrative arrangements order, the administration of the Act is assigned to:

- (a) the Minister who introduced the Bill for the Act; or
- (b) if the Bill for the Act was a private member's Bill, the President.

6 References in written laws inconsistent with administrative arrangements

Where a reference in a written law to a particular Minister, Department, office or body of persons is inconsistent with an administrative arrangements order or an assignment under Article 23 of the *Constitution*, the reference shall be construed to give effect to the order or assignment.

7 Effect on appropriation of altered administrative arrangement

Where:

- (a) appropriation has been made available to a Department for a specified purpose; and
- (b) responsibility for that purpose has been transferred under an administrative arrangements order or an assignment under Article 23 of the *Constitution* to another Department,

the appropriation for that purpose is available to the other Department.

8 Temporary absence or inability of Minister to perform functions

(1) Where, under any written law, any functions are conferred upon a Minister and the Minister is absent from the Republic or is unable for any reason to perform some or all of those functions:

- (a) the President may direct that the functions be performed by a Minister designated by the President; and
- (b) the designated Minister has and may perform the functions subject to the conditions specified in the direction.

(2) A direction under subsection (1) shall:

- (a) specify when the direction will lapse; and
- (b) be published in the Gazette.

(3) A direction under subsection (1) that the functions of a Minister (the '*substantive Minister*') be performed by another Minister due to the substantive Minister's absence from the Republic, does not have the effect of revoking any functions conferred on the substantive Minister.

Administrative Arrangements Order 2020

TABLE OF AMENDMENTS

The Administrative Arrangements Order No 1 of 2020 was notified on 17 January 2020 and commenced on 15 January 2020 (GN No 36/2020; Gaz 14/2020).

Amending Legislation	Notified	Date of Commencement
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Administrative Arrangements Order 2020

- 1 Each Minister specified in Column 1 of the Schedule to this Order is responsible for the administration of the written law, or part of the written law specified opposite in Column 3 of the Schedule.
- 2 Each Department or part of a Department specified in Column 2 of the Schedule is responsible to the Minister specified opposite in Column 1 for the administration of the law, or part of the written law specified opposite in Column 3.
- 3 This Order supersedes the Administrative Arrangements Order No 2 of 2011.

SCHEDULE

Responsibility for the administration of legislation

[Sch inserted by Law Revision Commission under powers authorised by Act 10 of 2019]

Minister responsible	Department	Written law/part of written law
President		<i>Administrative Arrangements Act 2011</i>
	Audit Office	<i>Audit Act 1973</i>
		<i>Commissions of Inquiry Act 1948</i>
		<i>Deputy Ministers Act 2019</i>
	Nauru Electoral Commission	<i>Electoral Act 2016</i>
		<i>Leadership Code Act 2016</i>
		<i>Liquor Control Act 2017</i>
		<i>Naoero National Anthem Emblem and Flag Protection Act 2018</i>
		<i>National Heritage Act 2017</i>
		<i>Official Information Act 1976</i>
	<i>Statutory Salaries Act 1974</i>	
Minister for Education	Education	<i>Education Act 2011</i>
		<i>Nauru Education Assistance Trust Act 2016</i>
		<i>The University of the South Pacific (Recognition of Convention) Act 2017</i>

Minister for Foreign Affairs and Trade	Foreign Affairs and Trade	<i>Chemical Weapons Convention Act 2012</i>
		<i>Consular Privileges and Immunities Act 1976</i>
		<i>Diplomatic Privileges and Immunities Act 1976</i>
		<i>Facilitation of Australian Assistance Act 2004</i>
		<i>Geneva Conventions Act 2012</i>
		<i>International Seabed Minerals Act 2015</i>
		<i>Sea Boundaries Act 1997</i>
		<i>Special Missions Privileges and Immunities Act 1976</i>
Minister for Land Management	Land Management	<i>Aerodrome (Acquisition of Land) Act 1952</i>
		<i>Funeral Burial and Cremation Act 2017</i>
		<i>Land (Declaration of Ownership) Ordinance 1962</i>
		<i>Lands (Validating) Ordinance 1951</i>
		<i>Lands Act 1976</i>
		<i>Nauru Lands Committee Act 1956</i>
		<i>Survey Act 1961</i>
		<i>Survey Marks Act 1925</i>
Minister for Multicultural Affairs	Multicultural Affairs	<i>Asylum Seekers (Regional Processing Centre) Act 2012</i>
		<i>Commercial Operations and Services Fund Act 2018</i>
		<i>Refugees Convention Act 2012</i>
Minister for National Emergency Services	National Emergency Services	<i>Meteorology Act 1906</i>
		<i>National Disaster Risk Management Act 2016</i>
		<i>Rescue and Fire Service Act 2019</i>
Minister for Nauru Police Force	Nauru Police Force	<i>Explosives Act 1924</i>
		<i>Nauru Police Force Act 1972</i>
		<i>Weights and Measures Act 1976</i>
Minister for Port Authority	Nauru Maritime and Port Authority	<i>Maritime Security Act 2019</i>
		<i>Ports and Navigation Act 2019</i>
		<i>Shipping Registration Act 1968</i>
		<i>Shipping (Registration of Foreign Vessels) Act 2018</i>

Minister for Public Service	Registry of Births Deaths and Marriages, Chief Secretary's Department	<i>Births Deaths and Marriages Registration Act 2017</i>
	Chief Secretary	<i>Public Service Act 2016</i>
Minister for Telecommunications and Media	Communication Technology	<i>Communications and Broadcasting Authority Act 2017</i>
		<i>Nauru Fibre Cable Corporation 2017</i>
Minister for Cenpac Corporation		<i>Cenpac Corporation Act 2018</i>
Minister for Nauru Air Corporation	Nauru Air Corporation	<i>Nauru Air Corporation Act 1995</i>
Minister for Nauru (RPC) Corporation		<i>Nauru (RPC) Corporation Act 2017</i>
Minister for NPRT		<i>Nauru Phosphate Royalties (Payment and Investment) Act 1968</i>
		<i>Nauru Phosphate Royalties Trust Act 1968</i>
		<i>RONWAN Consolidation Act 2014</i>
Minister for Naoero Postal Services Corporation	Naoero Postal Services Corporation	<i>Naoero Postal Services Corporation Act 2018</i>
Minister for Nauru Tourism Corporation	Nauru Tourism Corporation	<i>Nauru Tourism Corporation Act 2019</i>
Minister for Finance and Sustainable Development	Finance	<i>Accommodation Registration Act 2006</i>
	Finance	<i>Automatic Exchange of Financial Account Information Act 2016</i>
	Finance	<i>Bank of Nauru Act 1976</i>
	Finance	<i>Banking Act 1975</i>
	Nauru Revenue Office, Finance	<i>Business Tax Act 2016</i>
	Bureau of Statistics, Finance	<i>Census Act 1973</i>
	Finance	<i>Currency Act 1976</i>
	Nauru Customs Office, Finance	<i>Customs Act 2014</i>
	Nauru Customs Office, Finance	<i>Customs Tariff Act 2014</i>

	Finance	<i>Development Fund Act 2011</i>
	Nauru Customs Office, Finance	<i>Drones Act 2018</i>
	Nauru Revenue Office, Finance	<i>Employment and Services Tax Act 2014</i>
	Finance	<i>Gaming Act 2011</i>
	Finance	<i>Government Loans Act 1972</i>
	Finance	<i>International Monetary Fund and World Bank Group Institutions Act 2016</i>
	Finance	<i>Nauru Superannuation Act 2018</i>
	Finance	<i>Parliamentary Pension Act 2008</i>
	Finance	<i>Parliamentary Salaries and Allowances Act 2008</i>
	Finance	<i>Payments Directorate Act 2008</i>
	Finance	<i>Prices Regulation Act 2008</i>
	Finance	<i>Public Enterprises Act 2019</i>
	Finance	<i>Public Finance (Control and Management) Act 1997</i>
	Finance	<i>Public Investments Act 1978</i>
	Finance	<i>Revenue Administration Act 2014</i>
	Bureau of Statistics, Finance	<i>Statistics Act 1992</i>
	Finance	<i>Superannuation (Repeal) Act 2012</i>
	Nauru Revenue Office, Finance	<i>Telecommunications Service Tax 2009</i>
	Finance	<i>Treasury Fund Investment Act 1971</i>
	Finance	<i>Treasury Fund Protection Act 2004</i>
Minister for Transport	Civil Aviation	<i>Civil Aviation (Carriers' Liability) Act 1995</i>
	Civil Aviation	<i>Civil Aviation Act 2011</i>
	Transport	<i>Marine Insurance Act 1909</i>
	Transport	<i>Motor Traffic Act 2014</i>
Minister for Health	Health and Medical Services	<i>Food Safety Act 2005</i>
	Health and Medical Services	<i>Health Practitioners Act 1999</i>
	Health and Medical Services	<i>Illicit Drugs Control Act 2004</i>
	Health and Medical Services	<i>Litter Prohibition Act 1983</i>
	Health and Medical Services	<i>Mental Health Act 1963</i>
	Health and Medical Services	<i>Notification of Infectious and Contagious Diseases Ordinance 1923</i>
	Health and Medical Services	<i>Public Health Ordinance 1925</i>
	Health and Medical Services	<i>Sanitary Inspectors' Ordinance 1921</i>
	Health and Medical Services	<i>Tobacco Control Act 2009</i>
	Health and Medical Services	<i>Tuberculosis Ordinance 1967</i>

Minister for Women and Social Development Affairs	Child Protection Unit	<i>Child Protection and Welfare Act 2016</i>
	Directorate of Women's Affairs	<i>Domestic Violence and Family Protection Act 2017</i>
Minister for Internal Affairs		
Minister for People with Disabilities	People with Disabilities	
Minister for Commerce Industry and Environment	Commerce, Commerce Industry and Environment	<i>Commerce (Trade Descriptions) Act 1905</i>
	Commerce, Commerce Industry and Environment	<i>Mercantile Ordinance 1912</i>
		<i>Metric Conversion Act 1973</i>
	Environment, Commerce Industry and Environment	<i>Environmental Management and Climate Change Act 2020</i>
		<i>Ozone Layer Protection Act 2017</i>
		<i>Nauru Trustee Corporation Act 1972</i>
	Commerce, Commerce Industry and Environment	<i>Sale of Second-hand Motor Vehicles Act 1973</i>
	Environment, Commerce Industry and Environment	<i>Wild Birds Protection Act 1937</i>
Industry, Commerce Industry and Environment	<i>Workers (Contracts of Service) Act 1922</i>	
Commerce, Commerce Industry and Environment	<i>Workers Compensation Act 1956</i>	
Minister for Climate Change and National Resilience	Climate Change and National Resilience	
Minister for Infrastructure Development	Infrastructure Development	<i>Derelict Sites Management Act 2017</i>
		<i>Naoero Roads Act 2017</i>
Minister for Justice and Border Control	Judiciary	<i>Administration of Justice Act 2018</i>
	Judiciary	<i>Adoption of Children Act 1965</i>
	Quarantine, Justice and Border Control	<i>Agricultural Quarantine Act 1999</i>
	Quarantine, Justice and Border Control	<i>Animals Act 1982</i>
	Financial Intelligence Unit, Justice and Border Control	<i>Anti-Money Laundering Act 2008</i>
	Justice and Border Control	<i>Attachment of Earnings and Phosphate Royalties Act 1973</i>
	Judiciary	<i>Bail Act 2018</i>
Justice and Border Control	<i>Beneficial Ownership Act 2017</i>	

Justice and Border Control	<i>Business Licences Act 2017</i>
Justice and Border Control	<i>Business Names Registration Act 2018</i>
Judiciary	<i>Civil Evidence Act 1972</i>
Judiciary	<i>Civil Procedure Act 1972</i>
Judiciary	<i>Conflict of Laws Act 1974</i>
Justice and Border Control	<i>Consular Conventions (Administration of Estates) Act 1977</i>
Justice and Border Control	<i>Copyright Act 2019</i>
Justice and Border Control	<i>Corporations Act 1972</i>
Corrections	<i>Correctional Service Act 2009</i>
Financial Intelligence Unit, Justice and Border Control	<i>Counter Terrorism and Transnational Organised Crime Act 2004</i>
Justice and Border Control	<i>Crimes Act 2016</i>
Judiciary	<i>Criminal Justice Act 1999</i>
Judiciary	<i>Criminal Procedure Act 1972</i>
Justice and Border Control	<i>Custom and Adopted Laws Act 1971</i>
Justice and Border Control	<i>Cybercrime Act 2015</i>
Judiciary	<i>District Court Act 2018</i>
Quarantine, Justice and Border Control	<i>Dog Management and Control Act 2017</i>
Judiciary	<i>Evidence (Confidential Information) Act 1976</i>
Justice and Border Control	<i>Extradition Act 1973</i>
Judiciary	<i>Family Court Act 1973</i>
Judiciary	<i>Foreign Judgments (Reciprocal Enforcement) Act 1973</i>
Justice and Border Control	<i>Foreign Trusts, Estates and Wills Act 1972</i>
Judiciary	<i>Guardianship of Children Act 1975</i>
Justice and Border Control	<i>Immigration Act 2014</i>
Judiciary	<i>Inquests Act 1977</i>
Justice and Border Control	<i>Insolvency Act 1912</i>
Justice and Border Control	<i>Interpretation Act 2011</i>
Justice and Border Control	<i>Law Adoption (Customs) Act 1922</i>
Justice and Border Control	<i>Law Revision and Consolidation Act 2019</i>
Justice and Border Control	<i>Laws Repeal and Adopting Act 1922</i>
Justice and Border Control	<i>Legal Practitioners Act 2019</i>
Judiciary	<i>Legitimation Act 1959</i>
Judiciary	<i>Limitation Act 2017</i>
Judiciary	<i>Maintenance Act 1959</i>
Judiciary	<i>Maintenance Orders (Reciprocal Enforcement) Act 1973</i>
Judiciary	<i>Matrimonial Causes Act 1973</i>
Justice and Border Control	<i>Mutual Assistance in Criminal Matters Act 2004</i>
Judiciary	<i>Nauru Court of Appeal Act 2018</i>

	Justice and Border Control	<i>Naoero Citizenship Act 2017</i>
	Judiciary	<i>Oaths, Affirmations and Statutory Declarations Act 1976</i>
	Justice and Border Control	<i>Partnership Act 2018</i>
	Justice and Border Control	<i>Passports Act 2011</i>
	Justice and Border Control	<i>Patents Registration Act 1973</i>
	Justice and Border Control	<i>Proceeds of Crime Act 2004</i>
	Justice and Border Control	<i>Private Security Act 2012</i>
	Quarantine, Justice and Border Control	<i>Quarantine Act 1908</i>
	Judiciary	<i>Recognition of Foreign Divorces, Legal Separations and Nullity of Marriages Act 1973</i>
	Justice and Border Control	<i>Regulations Validity Act 2001</i>
	Justice and Border Control	<i>Registration of Associations Act 2020</i>
	Justice and Border Control	<i>Republic Proceedings Act 1972</i>
	Justice and Border Control	<i>Secret Commissions Act 1905</i>
	Justice and Border Control	<i>Statute Law Revision Act 2011</i>
	Justice and Border Control	<i>Succession, Probate and Administration Act 1976</i>
	Judiciary	<i>Supreme Court Act 2018</i>
	Justice and Border Control	<i>Trademarks Act 2019</i>
	Justice and Border Control	<i>Trusts Act 2018</i>
Minister for RONPHOS	-	<i>RONPHOS Act 2005</i>
Minister for Nauru Rehabilitation Corporation	Nauru Rehabilitation Corporation	<i>Nauru Rehabilitation Corporation Act 1997</i>
Minister for Fisheries	NMFRA	<i>Coastal Fisheries and Aquaculture Act 2020</i>
	NMFRA	<i>Fisheries Act 1997</i>
	NMFRA	<i>Nauru Fisheries and Marine Resources Authority Act 1997</i>
Minister for Nauru Utilities Corporation	Nauru Utilities Corporation	<i>Nauru Utilities Corporation Act 2011</i>

