



REPUBLIC OF NAURU

RONPHOS (AMENDMENT) ACT 2016

No. 10 of 2016

An Act to amend the *RONPHOS Act 2005*

Certified: 29th January 2016

Table of Contents

1	SHORT TITLE	1
2	COMMENCEMENT	1
3	AMENDMENT OF THE RONPHOS ACT 2005	1
4	AMENDMENT OF SECTION 5.....	1
5	AMENDMENT OF SECTION 7	1
6	AMENDMENT OF SECTION 11D	2
7	INSERT NEW SECTION 11I	2
8	INSERT NEW SECTION 11J.....	2
9	AMENDMENT OF SECTION 12.....	2
10	INSERT NEW SECTION 12A	2
11	INSERT NEW SECTION 13A	3

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *RONPHOS (Amendment) Act 2016*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of the RONPHOS Act 2005

The *RONPHOS Act 2005* is amended by the provisions of this Act.

4 Amendment of section 5

Insert the following in alphabetical order:

‘Acting Chief Executive Officer’ means the person appointed under section 12A of this Act;

5 Amendment of section 7

(1) Section 7(2) is amended by inserting the words ‘and 2 *ex officio* members’ after the word ‘directors’.

The new clause will read:

‘(2) The Board is to consist of 5 directors and 2 ex officio members appointed by Cabinet.’

(2) Insert new section 7 (6) as follows:

(4) Of the two *ex officio* members appointed under subsection (2):

(a) one must be a senior officer currently employed within the Corporation; and

(b) one must be a senior officer currently employed within the Department of Finance.

(3) Insert new section 7(7) as follows:

(5) *Ex officio* members appointed under section 7(2) are not entitled to any allowance and do not have voting rights.

6 Amendment of section 11D

Section 11D(3) is amended by omitting the numeral '3' and substituting with the numeral '5'.

The clause will now read:

'(3) A quorum of the Board consists of 5 directors'

7 Insert new section 11I

11I Election candidates – Board of Directors

Any Board Director, including the Chairman and Vice-Chairman, who intends to submit a nomination as a candidate in the country's general elections, must at least three months prior to submitting their nomination, resign from their position as a member of the Board.

8 Insert new section 11J

11J Public service employees – exempt

Despite section 11I, public service employees who are members of the Board are subject only to the provisions in the *Public Service Act 2016*.

9 Amendment of section 12

(1) Section 12(2) is amended by omitting the current subsection and substituting with the following:

'(2) Cabinet will appoint a Chief Executive Officer and determine the terms and conditions of the appointment.'

(2) Section 12(3) is amended by inserting after the word 'Board', the words 'and Cabinet'.

The clause will now read:

'(3) The Chief Executive Officer is responsible to the Board and Cabinet for the operations of the Corporation.'

10 Insert new section 12A

12A Appointment of Acting CEO

(1) The Cabinet may appoint a person to act in the position of Chief Executive Officer when the CEO is away from office or is unable to perform his or her duties by reason of illness.

- (2) The Acting CEO appointed under subsection (1) is responsible for the day to day management and control of the corporation and for the implementation of Board policies until the return of the substantive CEO.
- (3) The terms and conditions of an appointment made under subsection (1) shall be determined by Cabinet at the time of appointment.
- (4) When an Acting CEO is appointed under this section, all references in the Act to the CEO is a reference to the Acting CEO until the appointment expires or the substantive CEO has returned to office.

11 Insert new section 13A

13A Election candidates - resignation

Any employee, including the Chief Executive Officer of the Corporation who intends to submit a nomination as a candidate in the country's general elections, must at least three months prior to submitting their nomination, resign from his or her employment in the Corporation.