



REPUBLIC OF NAURU

# Administrative Arrangements Act 2011

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Act No. 2 of 2011

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# Administrative Arrangements Act 2011

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Act No. 2 of 2011

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

*Certified on 25 February 2011*

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.<sup>1</sup>

**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;

**'Minister'** includes the President.

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<sup>1</sup> The Act commenced on 9 May 2011 (G.N. No. 274/2011, published 4 May 2011).

**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;
    - (iv) part of a written law; and
  - (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;
    - (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) must 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 must 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 before the commencement of this Act; or
  - (b) prevents the President assigning to himself or to a Minister responsibility for any business of government or revoking or varying an assignment made under Article 23.

**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, the reference must 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 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 Nauru 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) must:
  - (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 Nauru does not have the effect of revoking any functions conferred on the substantive Minister.