



REPUBLIC OF NAURU

# NAURU AIR CORPORATION (AMENDMENT) BILL 2016

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No. 5 of 2016

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A Bill for an Act to amend the *Nauru Air Corporation Act 1995*

Certified: [ ]

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Nauru Air Corporation (Amendment) Act* 2016.

**2 Commencement**

This Act commences upon certification by the Speaker.

**3 Amendment of the Nauru Air Corporation Act 1995**

The *Nauru Air Corporation Act* 1995 is amended by the provisions of this Act.

**4 Amendment of section 4**

Insert the following in alphabetical order:

**‘Acting Chief Executive Officer’** means the person appointed under section 23A of this Act;

**5 Amendment of section 7**

(1) Section 7(1) is amended by omitting the words ‘one *ex officio* member’ as they appear in the subsection and substituting them with the words ‘two *ex officio* members’.

(2) Insert new section 7 (4) as follows:

(4) Of the two *ex officio* members appointed under subsection (1):

(a) one must be the person appointed under section 8 (1A) of this Act; and

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

(3) Insert new section 7(5) as follows:

(5) *Ex officio* members appointed under section 7(1) shall not be entitled to any allowance and shall not have voting rights.

**6 Amendment of section 8(1A)**

Section 8(1A) is omitted and replaced with the following:

'8(1A) The Head of the Department responsible for Transport matters in the Public Service, or a senior officer appointed by him or her is the *ex officio* member'.

**7 Amendment of section 13**

Section 13 (3) is omitted and replaced with the following:

'(3) Ex officio members are not by reason only of his or her position in the Public Service affected by subsection (1) or (2)'

**8 Amendment of section 14**

Section 14(3) is amended by omitting the word 'four' and replacing it with the word 'five'.

**9 Amendment of section 14A**

Section 14A (1) is hereby omitted and replaced with the following:

(1) *Ex officio* members may, with the approval of the Minister, appoint a person to represent him or her at meetings of the Board and the persons so delegated shall have the same powers as the *ex officio* members.

**10 Amendment of section 15**

Section 15(a) is amended by omitting the current subsection and replacing with the following:

(a) subject to section 15A, each member present is entitled to one vote;

**11 Insert new section 15A**

**15A Voting by ex officio members**

Ex officio members appointed under this Act shall not be entitled to vote at any meeting of the Board.

**12 Insert new section 19A**

**19A 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.

**13 Insert new section 19B**

**19B 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.

**14            Insert new section 19C**

**19C           Public service employees – exempt**

Despite section 19B, public service employees who are members of the Board are subject only to the provisions in the *Public Service Act 2016*.

**15            Amendment of section 23**

Section 23 (1) is amended by omitting the word 'Board' and replacing it with the word 'Cabinet'.

**16            Insert new section 23A**

**23A           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.