



REPUBLIC OF NAURU

Constitution of Nauru (Parliamentary Amendments) (Consequential Amendments) Bill 2010

Serial No. 10 of 2010

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REPUBLIC OF NAURU

Constitution of Nauru (Parliamentary Amendments) (Consequential Amendments) Bill 2010

Serial No. 10 of 2010

A Bill for:

An Act to amend the *Constitution of Nauru (Parliamentary Amendments) Act 2009*

Certified on [...]

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Constitution of Nauru (Parliamentary Amendments) (Consequential Amendments) Act 2011*.

2 Commencement

This Act commences on the day it receives the certificate of the Speaker under Article 47.

3 Act amended

The Schedule amends the *Constitution of Nauru (Parliamentary Amendments) Act 2009*.

SCHEDULE – AMENDMENT OF CONSTITUTION OF NAURU (PARLIAMENTARY AMENDMENTS) ACT 2009

section 3

[1] Repeal and substitution of section 2

1.1 Section 2

repeal, substitute

2 Commencement

This Act commences on the day of the general election next following the commencement of the *Constitution of Nauru (Parliamentary Amendments) (Consequential Amendments) Act 2011*.

[2] Amendment of section 4

2.1 Section 4, new Preamble, after ‘inalienable rights’

insert

and freedoms

[3] Insertion of section 4A

3.1 After section 4

insert

4A Repeal and substitution of Arrangement of Parts

The Constitution is amended by repealing the heading ‘Arrangement of Parts’ and the list of Parts under the heading, and inserting in their place the following:

‘ARRANGEMENT OF PARTS

Part I	The Republic of Nauru and the Supreme Law of Nauru (Articles 1 and 2)
Part IA	Custom and Language (Articles 2A-2B)
Part II	Protection of Fundamental Rights and Freedoms (Articles 3-15)
Part III	The President and the Executive (Articles 16-24)
Part IV	The Legislature (Articles 26-47)
Part V	The Judicature (Articles 48-57)
Part VA	Leadership Code (Article 57A)
Part VB	Ombudsman (Articles 57B-57E)
Part VI	Finance (Articles 58-67)
Part VII	The Public Service (Articles 67A-70A)
Part VIII	Citizenship (Articles 71-76)
Part IX	Emergency Powers (Articles 77-79)

Part X	General (Articles 80-84B)
Part XI	Transitional Provisions (Articles 85-86A)

[4] Amendment of section 5

4.1 Section 5

omit

new Articles 2B and 2C

substitute

new Articles 2A and 2B

4.2 Section 5, new Article 2B

renumber as Article 2A

4.3 Section 5, new Article 2C

renumber as Article 2B

4.4 Section 5, new Article 2A(2) (as renumbered)

omit

may

substitute

shall

[5] Insertion of new sections 5A and 5B

5.1 Immediately after section 5

insert

5A Insertion of Articles 16A and 16B

The Constitution is amended by inserting after Article 16 new Articles 16A and 16B as follows:

16A Powers and functions of the President

The functions and powers of the President are those vested in him by this Constitution and by law, and include the following:

- (a) to appoint Ministers to the Cabinet – Article 19;
- (b) to preside at meetings of the Cabinet – Article 22;

- (c) to assign to Ministers responsibility for government business – Article 23;
- (d) to advise the Speaker on the appointment of a date of election after dissolution – Article 39;
- (e) to advise the Speaker on the time for the beginning of Parliamentary sessions – Article 40(1);
- (f) to advise the Speaker on the prorogation of Parliament – Article 41(1);
- (g) to initiate the process of dissolution of Parliament – Article 41(2);
- (h) to appoint judges and acting judges – Articles 49(2) and 53;
- (i) to appoint the Ombudsman – Article 57B;
- (j) to appoint the Director of Audit – Article 66(1);
- (k) to appoint the Director of Public Prosecutions – Article 70A;
- (l) to declare and revoke a state of emergency – Article 77;
- (m) to make emergency orders during a state of emergency – Article 78; and
- (n) to exercise the prerogative of mercy – Article 80.

16B Presidential oath

A person assuming the office of President shall, before entering upon the duties of that office, take and subscribe before the Chief Justice or the Speaker an oath in the form set out in the Seventh Schedule to this Constitution.

5B Insertion of Articles 17A and 17B

The Constitution is amended by inserting after Article 17 new Articles 17A and 17B as follows:

17A Powers and functions of the Cabinet

The executive authority vested in the Cabinet includes but is not limited to the following powers, functions, duties and responsibilities, subject to this Constitution and to any other law:

- (a) to recommend to Parliament such legislative proposals as it considers necessary or desirable to implement its policies and decisions; and, in particular, to recommend to Parliament proposals for the raising of revenue and for the expenditure of public money in accordance with the provisions of Part VI;
- (b) to be accountable to Parliament for all public expenditure and for relating such expenditure to the appropriations made by Parliament or to other authority conferred by this Constitution or by law;

- (c) to be responsible for conducting the foreign affairs of Nauru, whether by treaty or otherwise; provided that Cabinet shall, upon finally accepting any treaty as binding, table the treaty in Parliament;
- (d) to be responsible for making such provision as may be reasonable and necessary for the security of Nauru;
- (e) to be responsible for establishing and maintaining such hospitals and other institutions and for providing such other services as may be reasonable and necessary for the public health;
- (f) to be responsible for making such provision as may be reasonable and necessary to provide educational opportunities for the people of Nauru;
- (g) to be responsible for establishing and maintaining such other institutions and services and for making such other provision as may be reasonable and necessary to achieve an adequate standard of living for the people of Nauru, to enable them to enjoy their legal rights, and to serve their economic, social and cultural welfare;
- (h) to make, in the exercise of its responsibilities, such contracts and other instruments on behalf of the Government of Nauru as it considers necessary.

17B Treaties

No treaty or other international agreement which is finally accepted as binding by or on behalf of the Republic of Nauru shall, of itself, have the force of law in the Republic.

[6] Amendment of section 7

6.1 Section 7, new Article 21(3)

omit

by virtue of the preceding clause

substitute

under clause (2)

[7] Amendment of section 8

7.1 Section 8, new Article 21A(3)(d)

omit

7.2 Section 8, new Article 21A(3)(e) and (f)

renumber as paragraphs (d) and (e)

7.3 Section 8, new Article 21A(6)

omit

the preceding clause

substitute

clause (5)

[8] Amendment of section 9

8.1 Section 9, new Article 23(2), after 'Where'

insert

the President or

[9] Repeal of section 10

9.1 Section 10

repeal

[10] Amendment of section 11

10.1 Section 11, heading

omit, substitute

11 Amendment of Article 24

10.2 Section 11

omit

, if and only if the people, voting at referendum, do not approve the amendment to Article 16(1) of the Constitution contained in the *Constitution of Nauru (Referendum Amendments) Act 2009*

10.3 Section 11, substituted Article 24(1) and (3)

omit (all references)

Cabinet

substitute

Ministers

10.4 Section 11, substituted Article 24(4)

omit

on a motion of no confidence in the President and Cabinet

substitute

under clause (1)

[11] Amendment of section 13

11.1 Section 13, new Article 27A(4)

omit

committees; conduct its business in an open manner; and hold its sittings in public;

substitute

committees, conduct its business in an open manner, and hold its sitting in public,

[12] Insertion of new Article 13A

12.1 After section 13

insert

13A Amendment of Article 28

Article 28 of the Constitution is amended by deleting the word 'eighteen' and inserting in its place the word 'nineteen'.

[13] Amendment of section 16

13.1 Section 16(d), new Article 32(1A)

omit

forthwith

substitute

immediately

13.2 Section 16(d), new Article 32(1B)

omit

the preceding clause

substitute

clause (1A)

[14] Amendment of section 18

14.1 Section 18(a)

omit

new clauses (1) and (1A)

substitute

new clauses (1) and (2)

14.2 Section 18(a), new Article 34(1A)

renumber as clause (2)

14.3 Section 18(e)

omit

new clauses (4) and (5)

substitute

new clause (4)

14.4 Section 18(e), new Article 34(4)

omit

14.5 Section 18(e), new Article 34(5)

renumber as clause (4)

[15] Amendment of section 22

15.1 Section 22(a), (b) and (c)

omit, substitute

- (a) deleting from clause (1) the word 'Each' and inserting in its place the words 'Subject to clause (1A), each';
- (b) deleting from clause (1) all the words from 'if Parliament has been prorogued' to 'dissolved';
- (c) inserting after clause (1) new clauses (1A) and (1B) as follows:

(1A) After a general election, the first session of the new Parliament shall be held at such place and shall begin at such time, not being later than the tenth day after the last day on which a candidate at the general election is declared elected, as the Speaker in accordance with the advice of the President appoints.

(1B) If the first session of a new Parliament begins earlier than the tenth day after the last day on which a candidate at a general election is declared elected, regular sittings of that session shall continue until Parliament has elected a Speaker, a Deputy Speaker and a President, or until Parliament is dissolved under clause (8) of Article 41, whichever occurs sooner.

15.2 Section 22, after paragraph (c)

insert

(ca) deleting from clause (2) the words ‘the provisions of clause (1) of’; and

[16] Repeal and substitution of section 23

16.1 Section 23

repeal, substitute

23 Amendment of Article 41

Article 41 of the Constitution is amended by:

(a) deleting from clause (4) the words ‘for the removal from office of’ and inserting in their place the words ‘on a motion of no confidence in’;

(b) deleting from clause (6) the words ‘for the removal from office of’ and inserting in their place the words ‘on a motion of no confidence in’; and

(c) inserting after clause (7) a new clause (8) as follows:

‘(8) If at the conclusion of the tenth day after the last day on which a candidate at a general election is declared elected Parliament has failed to elect a Speaker, failed to elect a Deputy Speaker, or failed to elect a President, Parliament shall stand dissolved.’

[17] Repeal and substitution of section 25

17.1 Section 25

repeal, substitute

25 Amendment of Article 43

Article 43 of the Constitution is amended by:

(a) deleting ‘(1)’;

- (b) deleting the comma that appears after 'Third Schedule' and deleting the words 'but a member may before taking and subscribing that oath take part in electing the Speaker'; and
- (c) repealing clause (2).

[18] Amendment of section 27

18.1 Section 27, new Article 44A, heading

omit

Duties

substitute

Powers and functions

18.2 Section 27, new Article 44A

omit

The duties

substitute

The powers and functions

18.3 Section 27, new Article 44A(d)

omit

issuing writs

substitute

appointing dates

18.4 Section 27, new Article 44A(g)

omit

duties

substitute

powers and functions

[19] Amendment of section 30

19.1 Section 30(a), amendment to Article 48(1)

omit

shall vest

substitute

is vested

19.2 Section 30(b), amendment to Article 48(2)

omit

shall be a superior court of record and shall have

substitute

is a superior court of record and has

[20] Amendment of section 31

20.1 Section 31(b)

omit

20.2 Section 31(c)

renumber as paragraph (b)

20.3 Section 31(d) and (e)

omit, substitute

- (c) repealing clause (3) and inserting in its place the following new clauses (3) and (4):
- (3) A person is not qualified for appointment as a judge of the Supreme Court unless that person is qualified by education, experience and character to discharge judicial office, and:
- (a) is entitled as prescribed by law to practise as a barrister or solicitor in Nauru and has been so entitled for not less than five years; or
 - (b) holds or has held high judicial office in a common law country in the Pacific region or in a country designated under clause (4); or
 - (c) is entitled as prescribed by law to practise as a barrister and solicitor in a common law country in the Pacific region or in a country designated under clause (4), and has been so entitled for a period amounting in the aggregate to not less than seven years.
- (4) The Minister responsible for justice acting in consultation with the Chief Justice may, by Gazette notice, declare to be a designated country for the purposes of this Article any country that in his opinion has a legal system sufficiently similar to that existing in Nauru as to render qualified persons from that country competent to exercise judicial functions in Nauru.

[21] Amendment of section 34

21.1 Section 34(a)

omit, substitute

- (a) deleting from the beginning of clause (1) the words 'The Supreme Court shall' and inserting in their place the words 'Subject to clauses (4) and (5) of this Article, the Supreme Court shall'; and

21.2 Section 34(b)

omit, substitute

- (b) inserting after clause (2) the following new clauses (3), (4) and (5):
- (3) The Supreme Court shall interpret and apply this Constitution in a manner that takes into account the principles set out in the Preamble.
- (4) This Constitution is enforceable at the suit of:
 - (a) a person whose interests are or are likely to be affected by an alleged contravention of this Constitution; or
 - (b) a person acting on behalf of another person who would be entitled to bring a suit under paragraph (a) of this clause but who cannot act in their own name; or
 - (c) an association whose members' interests are or are likely to be affected by an alleged contravention of this Constitution.
- (5) A person referred to in clause (4) of this Article may, without prejudice to any other action with respect to the same matter which is lawfully available, apply to the Supreme Court for relief in relation to the alleged contravention of this Constitution and the Supreme Court shall have jurisdiction to determine whether any provision of this Constitution has been or is likely to be contravened and to make such orders and declarations as are necessary and appropriate, including for compensation.

[22] Amendment of section 36

22.1 Section 36, new Article 57

omit, substitute

57 Appellate Division of the Supreme Court

- (1) The Appellate Division of the Supreme Court has jurisdiction to hear and determine appeals from –
 - (a) the Trial and Constitutional Divisions of the Supreme Court;
 - (b) the Appellate Division of the Supreme Court constituted by one judge; and

- (c) subordinate courts.
- (2) Where the Appellate Division of the Supreme Court is hearing an appeal from a Division of the Supreme Court, it shall be constituted by two or more judges.
- (3) Appeals in criminal matters lie as of right, save for appeals from the Appellate Division of the Supreme Court constituted by one judge.

[23] Amendment of section 37

23.1 Section 37, new Article 57A(1)(f)

omit

in the Public Service

substitute

of government

23.2 Section 37, new Article 57A(7)

omit

clauses

substitute

clause

23.3 Section 37, new Article 57A(7)(b)

omit

a vote of not less than two thirds of the total number of members of Parliament praying for his removal on the ground of proved incapacity or misconduct

substitute

a resolution under Article 51(1), 57B(5)(b) or 66(3)(b)

[24] Amendment of section 38

24.1 Section 38, new Article 57B(3)

omit

other office of emoulment

insert

office of emoulment other

24.2 Section 38, new Article 57C(4)

omit

shall confer on the Ombudsman any power to question or review any decision of any

substitute

confers on the Ombudsman the power to question or review a decision of a

24.3 Section 38, new Article 57D(4)

omit

a complaint

substitute

an inquiry

24.4 Section 38, new Article 57D(4)

omit

complaints

substitute

allegations

24.5 Section 38, new Article 57D(7)

omit, substitute

- (7) The Ombudsman must forward in writing to the President and to the head of the public authority or department directly concerned the findings of an inquiry into the conduct of a person if the Ombudsman concludes that:
- (a) the conduct was:
 - (i) contrary to law; or
 - (ii) based on an error of law or fact; or
 - (iii) delayed for unjustified reasons; or
 - (iv) unjust or blatantly unreasonable; and
 - (b) as a result:
 - (i) a decision made by the person should be annulled or changed; or
 - (ii) a practice followed by the person should be revised.

24.6 Section 38, new Article 57D(8)

omit

person in charge of the relevant public department or authority

substitute

head of the public authority or department directly concerned

[25] Repeal and substitution of section 39

25.1 Section 39

repeal, substitute

39 Insertion of Article 59A

The Constitution is amended by inserting immediately after Article 59 new Article 59A as follows:

59A Annual budget and appropriation

- (1) At the same time as estimates of revenues and expenditure are laid before Parliament under Article 59(4), Cabinet shall:
 - (a) present to Parliament a bill for an annual appropriation law that complies with clause (3) of Article 59 and which reflects the estimates of expenditure; and
 - (b) lay before Parliament a statement setting out Cabinet's:
 - (i) proposals for financing any anticipated deficit for the period to which it applies; and
 - (ii) intentions regarding borrowing and other forms of public liability that are likely to increase public debt during the ensuing year.
- (2) The annual budget and budgetary processes shall promote transparency, accountability and the effective financial management of the economy, debt and the public sector.

[26] Amendment of section 40

26.1 Section 40, section heading

omit

59A

substitute

59B

26.2 Section 40

omit

after Article 59 a new Article 59A

substitute

after Article 59A a new Article 59B

26.3 Section 40, new Article 59A

renumber as Article 59B

26.4 Section 40, new Article 59B, immediately before 'the Minister responsible'

insert

(2)

26.5 Section 40, new Article 59B, immediately before clause (2)

insert

(1) In this Article:

'accounts of the Republic of Nauru' includes the accounts of all assets, liabilities, income and expenditure of all departments and offices of the legislative, executive and judicial branches of government and of all statutory corporations and other instrumentalities directly or indirectly controlled by the Republic except any statutory corporation for which provision is made by law for audit by a person other than the Director of Audit.

26.6 Section 40, new Article 59B(2), immediately before 'accounts'

insert

the

26.7 Section 40, new Article 59B(2)

omit

the moneys and assets of

[27] Amendment of section 41

27.1 Section 41(a)

omit, substitute

(a) deleting from the beginning of clause (1) the words 'If the appropriation law in respect of a financial year has not received' and inserting in their place

the words 'If Cabinet anticipates that the annual appropriation law will not receive';

27.2 Section 41(e)

omit

27.3 Section 41(g)

omit, substitute

- (g) in clause (4), deleting the word 'Where' and inserting in its place the words 'Subject to clause (5) of this Article, where', and immediately after the words 'neither the' inserting the word 'annual'; and

27.4 Section 41(h), new Article 61(5)

omit

Subject to clauses (4) and (7) of Article 61A, there

substitute

There

[28] Amendment of section 42

28.1 Section 42, new Article 61A

omit, substitute

61A Withdrawal of moneys following dissolution

- (1) This Article applies if:
- (a) Parliament is dissolved under Article 24(2), 24(4) or 41(8); and
 - (b) either:
 - (i) moneys previously appropriated or withdrawn from the Treasury Fund have been exhausted; or
 - (ii) the authorisation or law under which the moneys were withdrawn or appropriated has expired.
- (2) Cabinet may authorise the withdrawal of moneys from the Treasury Fund to meet the expenditure necessary to carry on the services of the Republic of Nauru until:
- (a) the next Parliament is formed following a general election; and
 - (b) the Speaker certifies a law passed by Parliament for the withdrawal of moneys under Article 59.

- (3) The amount authorised to be withdrawn under clause (2) must not exceed one quarter of the total amount withdrawn under the authority of the appropriation laws for the preceding financial year.
- (4) If moneys are withdrawn under clause (2):
 - (a) a statement of the amount authorised to be withdrawn must be laid before Parliament when it first meets following the general election; and
 - (b) the amount must be included under the appropriate heads in the next bill for an annual appropriation law.

[29] Amendment of section 43

29.1 Section 43, new Article 63(3)

omit

as amended

[30] Amendment of section 46

30.1 Section 46, new Article 66A(1)

omit, substitute

- (1) In this Article:

'accounts of the Republic of Nauru' means the accounts of all assets, liabilities, income and expenditure of all departments and offices of the legislative, executive and judicial branches of government and of all statutory corporations and other instrumentalities directly or indirectly controlled by the Republic;

'assets' includes all revenue, loan, trust, and other moneys and all stamps, bonds, debentures and other securities whatsoever raised, received or held, whether temporarily or otherwise.

30.2 Section 46, new Article 66A(2)

omit

in Article 59A

substitute

in Article 59B

30.3 Section 46, new Article 66A(2)

omit

relating to the moneys and assets

30.4 Section 46, new Article 66A(3)

omit

in accordance with the preceding clause

substitute

under clause (2)

30.5 Section 46, new Article 66A(9)(b)

omit

the preceding clause

substitute

clause (8)

[31] Amendment of section 48

31.1 Section 48, new Article 67A(1)(f)

omit

31.2 Section 48, new Article 67A(1)(g), (h) and (i)

renumber as paragraphs (f), (g) and (h)

[32] Amendment of section 52

32.1 Section 52(a)

omit, substitute

(a) deleting from the beginning of clause (1) the word 'There' and inserting in its place the words 'Subject to clause (9) of this Article, there'; and

32.2 Section 52(b), new Article 70(9)

omit

appeal of

substitute

appeal against

[33] Amendment of section 53

33.1 Section 53, new Article 70A(7)(a)

omit

contract

substitute

appointment

33.2 Section 53, new Article 70A(8)

omit

include any appeal from any

substitute

includes an appeal from a

[34] Amendment of section 54

34.1 Section 54

omit

a new clause (3) as follows: '(3.)

substitute

a new clause (2) as follows: '(2)

[35] Amendment of section 56

35.1 Section 56

repeal, substitute

56 Amendment of Article 76

Article 76 of the Constitution is amended by:

(a) repealing clause (1); and

(b) deleting '(2)'.

[36] Amendment of section 57

36.1 Section 57(f), new Article 77(4)(a)

renumber as clause (4)

36.2 Section 57(f), new Article 77(5)

renumber as clause (6)

36.3 Section 57(f), new Article 77(4)(b)

renumber as clause (5)

[37] Amendment of section 58

37.1 Section 58(a), amendment to Article 78(1)

omit

Emergency

substitute

emergency

37.2 Section 58(b)

omit, substitute

(b) deleting from clause (2) the words 'An order' and inserting in their place the words 'Subject to the provisions of this Part, an emergency order';

37.3 Section 58(d)

omit, substitute

(d) deleting from clause (3) the words 'The revocation or lapsing of an order' and inserting in their place the words 'Subject to clauses (4) and (5) of this Article, the revocation or lapsing of an emergency order';

37.4 Section 58(e), new Article 78(4)

omit

Emergency Order

substitute

emergency order

37.5 Section 58(e), new Article 78(4)(b)

omit

Order

substitute

order

37.6 Section 58(e), new Article 78(5)

omit

No Declaration of Emergency

substitute

No declaration of emergency

37.7 Section 58(e), new Article 78(5)

omit

Emergency Order

substitute

emergency order

37.8 Section 58(e), new Article 78(5)(a)

omit

indemnifying

substitute

indemnification of

37.9 Section 58(e), new Article 78(5)(d)

omit

the judiciary

substitute

any judicial officer

37.10 Section 58(e), new Article 78(5)(e)

omit

the

substitute

this

37.11 Section 58(e), new Article 78(5), Table of Non-Derogable Rights

omit

3	Right to equality	Clause 3(3) with respect to gender, race and colour only
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37.12 Section 58(e), new Article 78(5), Table of Non-Derogable Rights

omit

Right to life

substitute

Protection of right to life

37.13 Section 58(e), new Article 78(6)(c)

omit

Emergency Order

substitute

emergency order

[38] Repeal and substitution of section 59

38.1 Section 59

repeal, substitute

59 Amendment of Article 79

Article 79 of the Constitution is amended by:

- (a) deleting from clause (2) the words 'order under Article 78' and inserting in their place the words 'emergency order';
- (b) deleting from clause (2) the words 'brought before the advisory board' and inserting in their place the words 'heard by the advisory board in person or by any other practicable means';
- (c) deleting from clause (3) the words 'order under Article 78' and inserting in their place the words 'emergency order'; and
- (d) deleting from clause (3) the words 'brought before' and inserting in their place the words 'heard by'.

[39] Amendment of section 60

39.1 Section 60(a)

omit, substitute

- (a) for the words 'Grant of Pardon' in the marginal note, substituting the words 'Prerogative of Mercy';

39.2 Section 60(c), new Article 80(7) and (8)

renumber as clauses (8) and (9)

39.3 Section 60(c), new Article 80(5) and (6)

omit, substitute

- (5) Before exercising the prerogative of mercy in relation to a matter under clause (1), the President shall refer the matter to the Committee.
- (6) Where a matter has been referred to the Committee under clause (5), the Committee shall make a recommendation about whether the prerogative of mercy should be exercised in relation to the matter and provide to the President a report which details the reasons for the recommendation, and a statement which summarises the reasons but which does not disclose any confidential information.
- (7) In the exercise of the powers conferred upon him by clause (1) of this Article, the President shall take into account the report of the Committee.

39.4 Section 60(c), new Article 80(8) (as renumbered)

omit

Prerogative of Mercy

substitute

prerogative of mercy

39.5 Section 60(c), new Article 80(8) (as renumbered)

omit

in clause (5)

substitute

in clause (6)

[40] Amendment of section 61

40.1 Section 61(b)

omit

40.2 Section 61(f)

omit, substitute

(f) in paragraph (a) of clause (2), renumbering sub-paragraph (iii) as sub-paragraph (iv) and inserting immediately after sub-paragraph (ii) new sub-paragraph (iii) as follows:

(iii) a reference to the offices of Ombudsman, Director of Audit or Director of Public Prosecutions; or

[41] Amendment of section 62

41.1 Section 62(a)

omit, substitute

(a) Deleting from the marginal note the words '**Parts, etc. of**' and inserting in their place the words '**Material that is, and is not, part of this**';

(aa) renumbering clause (1) as clause (1A);

(ab) inserting before clause (1A) a new clause (1) as follows:

'(1) The Preamble forms part of this Constitution, and establishes principles upon which this Constitution, and the conduct of public affairs in Nauru, are to be based, provided that the Preamble is not justiciable.'; and

[42] Insertion of section 63A

42.1 Immediately after section 63

insert

63A Insertion of new Article 84B

The Constitution is amended by inserting immediately after Article 84A new Article 84B as follows:

84B Promotion of awareness of the Constitution

- (1) The government shall, in the English and Nauruan languages, promote public awareness of the Constitution.
- (2) The government shall provide for the teaching of the Constitution in schools, government institutions and disciplined forces.

[43] Amendment of section 64A

43.1 Section 64A(a), new Article 86A, marginal note

omit

2010

substitute

2009

43.2 Section 64A(a), new Article 86A

omit

10th

substitute

Tenth

43.3 Section 64A(a), new Article 86A

omit

2010

substitute

2009

43.4 Section 64A(b), new Tenth Schedule

omit (all references)

2010

substitute

2009

43.5 Section 64A(b), new Tenth Schedule, section 1(1)

omit, substitute

- (1) **'2009 amendments'** means the amendments to the Constitution effected by the *Constitution of Nauru (Parliamentary Amendments) Act 2009*.

43.6 Section 64A(b), new Tenth Schedule, section 1(2)

omit

[insert date of next general election when it is known]

substitute

the date of commencement of the *Constitution of Nauru (Parliamentary Amendments) Act 2009*

43.7 Section 64A(b), new Tenth Schedule, section 1(5)

omit

For the avoidance of doubt, in

substitute

In

43.8 Section 64A(b), new Tenth Schedule, section 2(2) and (3)

omit

43.9 Section 64A(b), new Tenth Schedule, section 2(4) and (5)

renumber as (2) and (3)

43.10 Section 64A(b), new Tenth Schedule, section 2(3) (as renumbered)

omit

the order

substitute

order

43.11 Section 64A(b), new Tenth Schedule, section 3(1)

omit

43.12 Section 64A(b), new Tenth Schedule, section 3(2)

renumber as (1)

43.13 Section 64A(b), new Tenth Schedule, section 3(1) (as renumbered)

omit (all references)

under clause (1) of Article 16 and Article 16A

substitute

next following the commencement of the 2009 amendments

43.14 Section 64A(b), new Tenth Schedule, section 3(3)

omit

43.15 Section 64A(b), new Tenth Schedule, section 3(4)

renumber as (2)

43.16 Section 64A(b), new Tenth Schedule, section 3(2) (as renumbered)

omit

under clause (1) of Article 16 and Article 16A

substitute

next following the commencement of the 2009 amendments

43.17 Section 64A(b), new Tenth Schedule, section 5(2)

omit (all references)

contract

substitute

appointment

43.18 Section 64A(b), new Tenth Schedule, section 6(1)

omit

clause

substitute

subsection

43.19 section 64A(b), new Tenth Schedule, section 6(5)

omit

procedure

substitute

Procedure

43.20 Section 64A(b), new Tenth Schedule, section 7, before 'Where'

omit

(1)

43.21 Section 64A(b), new Tenth Schedule, section 7(2)

omit

[44] Insertion of sections 65A and 65B

44.1 After section 65

insert

65A Amendment of the Second Schedule

The Constitution is amended by deleting from the third column, opposite the word 'Meneng' the number '2' and inserting in its place the number '3'.

65B Insertion of Seventh Schedule

The Constitution is amended by inserting immediately after the place in which the repeal of the Sixth Schedule is noted a new Seventh Schedule as follows:

Seventh Schedule

Article 16B

Oath of President

In full realisation of the great responsibility I assume as President in the service of the Republic of Nauru I, (*name*), swear by Almighty God to be faithful to the Republic of Nauru, and solemnly and sincerely promise at all times to promote that which will advance the Republic and to oppose all that may harm the Republic; to obey, observe, uphold and maintain the Constitution and all other laws of the Republic; to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience; to do justice to all; and to devote myself to the well-being of the Republic and all its people. So help me God!