



REPUBLIC OF NAURU

# PORT AUTHORITY (AMENDMENT) BILL 2016

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No. 6 of 2016

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A Bill for an Act to amend the Port Authority Act 2015

Certified: [ ]

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

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

**2 Commencement**

This Act commences upon certification by the Speaker.

**3 Amendment of Port Authority Act 2015**

The *Port Authority Act 2015* 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 15A of this Act;

**5 Amendment of section 15**

(1) Section 15(1) is amended by omitting the current subsection and replacing with the following:

‘Cabinet shall, appoint a Chief Executive Officer on such terms and conditions as they may determine’

(2) Section 15(4) is repealed.

**6 Insert new section 15A**

**15A Appointment of Acting CEO**

- (1) 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 Authority 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 the Board at the time of appointment.

**7 Insert new section 8A**

**8A 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 8B**

**8B Public service employees – exempt**

Despite section 8A, public service employees who are members of the Board are subject only to the provisions in the *Public Service Act 2016*.

**9 Insert new section 22A**

**22A Election candidates – resignation**

Any employee, including the Chief Executive Officer of the Authority, 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 Authority.

**10 Amendment of Schedule**

Section 1 of the Schedule is repealed and replaced with the following:

**1 Members of the Board**

- (1) The Board shall consist of not more than 6 members as follows:
  - (a) 3 directors appointed by Cabinet for their knowledge of commerce, industry, finance or administration generally;
  - (b) the head of the department for the time being responsible for financial matters or a representative nominated by him with the approval of the Minister, as an *ex officio* member;
  - (c) a director appointed by Cabinet with experience in shipping and port operations; and
  - (d) a senior officer employed within the Authority as appointed by Cabinet as an *ex officio* member.
- (2) The Chief Executive Officer as appointed under section 15 shall be an *ex officio* member of the Board but shall not have any voting rights.
- (3) The person appointed under section 1 (1) (d) shall not have any voting rights and is not entitled to any allowance or remuneration as an *ex officio* member of the Board.

