

REPUBLIC OF NAURU
ASSISTANT MINISTERS BILL 2016
EXPLANATORY MEMORANDUM

The Assistant Ministers Bill 2016 is a Bill for the Assistant Ministers Act 2016.

EXPLANATION OF CLAUSES

Clause 1 provides that, once enacted, the short title of the Bill will be the *Assistant Ministers Act 2016*.

Clause 2 sets out when the Bill's provisions will commence.

Clause 3 sets out the interpretation of a term used in other provisions throughout the Bill.

Clause 4 establishes the office of the Assistant Minister, the appointment of Assistant Ministers and the limitations that must be followed in terms of the number of Assistant Ministers that may be appointed.

Clause 5 provision to ensure that any appointments or vacation of office is gazetted and made public knowledge.

Clause 6 an Assistant Minister must either take an oath or affirmation of office upon being appointed.

Clause 7 sets out the functions of Assistant Ministers. Assistant Ministers:

May exercise under the direction of the Minister concerned:

(a) Such powers, duties and functions of the Minister for the time being holding that office as may be assigned to him or her by that Minister; and

(b) Such powers, duties and functions of the Minister for the time being holding any other Ministerial office as may be assigned to him or her by the President.

An Assistant Minister:

(a) May not attend or participate in Cabinet meetings unless invited by the Minister under whose direction or portfolio the Assistant Minister falls under, with the approval of the President; and

(b) Has no voting rights when attending or participating in Cabinet meetings.

Clause 8 sets out the term of office of an Assistant Minister. An Assistant Minister continues to hold office unless:

(1) The Minister under whom he or she is appointed ceases to hold office; or

(2) He or she is dismissed from Office by the President, on the advice of Cabinet; or

(3) He or she becomes a Minister; or

(4) He or she resigns from the office; or

(5) Upon his or her death.

Clause 9 This Clause deals with instruments or documents that may be executed by an Assistant Minister. Assistant Ministers are given powers to execute instruments on behalf of the Minister but as a safety measure, it has also been included in this provision the need for the Minister to have given prior approval.

Clause 10 ensures that Assistant Ministers maintain the highest level of secrecy and confidentiality regarding any matters or information that come to their knowledge during the course of carrying out their functions.

Clause 11 allows for the passing of regulations to give effect to any part of the Act that is not fully dealt with. This would include matters relating to the duties of Assistant Ministers and terms of office. These are things that would likely be subject to change therefore it is more convenient to allow Cabinet the discretion to create and amend regulations should the need arise.