

REPUBLIC OF NAURU
PORT AUTHORITY (AMENDMENT) BILL 2016
EXPLANATORY MEMORANDUM

The *Port Authority (Amendment) Bill 2016* is a Bill for the *Port Authority (Amendment) Act 2016*.

EXPLANATION OF CLAUSES

Clause 1 provides that, once enacted, the short title of the Bill will be the *Port Authority (Amendment) Act 2016*.

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

Clause 3 is the enabling provisions for the amendment of the *Port Authority Act 2015*.

Clause 4 inserts a new definition into section 4 of the Act. The new definition is that of 'Acting Chief Executive Officer'. This new definition comes as a result of the creation of the position under this amending law.

Clause 5 amends section 15 by moving the power of appointment of a chief executive officer from the board to the Cabinet. This clause also repeals section 15(4).

Clause 6 is the new section that creates a provision for the appointment of an Acting Chief Executive Officer of the Authority. The appointment of the Acting CEO will be made by the Cabinet, is made when the CEO is unable to perform CEO duties or is away from the office for other reasons and is made on terms and conditions determined by Cabinet at the time that the appointment is made.

Clause 7 creates a new section dealing with employees. This clause provides that Board Directors who intend to stand as candidates in the national elections must resign from their position on the Board at least three months prior to the date they submit their nomination as a candidate in the country's general elections.

Clause 8 provides an exception to clause 7 by exempting public service employees. This is because public service employees are covered by the provisions of the Public Service Act 2016.

Clause 9 creates the new section 22A that states that any employee, and this will include the Chief Executive Officer of the Corporation, who intends to submit their nomination as a candidate to stand in the national general elections must at least three months prior to the day they submit their nomination, submit their resignation from the Corporation.

Clause 10 amends section 1 of the Schedule of the Act that deals with the composition of the Board of Directors of the Authority. There is an ex officio member that has been inserted under this clause. This person does not have any voting rights and neither are they entitled to any remuneration or allowance as an ex officio member of the Board.