

Administrative Arrangements Bill 2010

SECOND READING SPEECH

H.E. Hon Marcus Stephen
President and Chairman of the Cabinet, Minister for the Public Service

21st December 2010

Mr Deputy Speaker,

It gives me enormous pleasure to introduce to this House today the Administrative Arrangements Bill 2010.

This Bill is an important complement to the existing laws that govern public administration, and will enable the government to ensure that clear responsibility for the administration of each law can be expressly allocated, as well as providing greater flexibility in the reallocation of such responsibilities.

The key feature of the Bill is that it provides for the President to make administrative arrangement orders, published in the Gazette, under which he can assign to a Minister responsibility for the administration of a department or a written law or any other business of government, and assign to a department responsibility to a Minister for the administration of a written law.

The organisation of the administration of government in Nauru is presently governed primarily by Article 23 of the Constitution, which provides that the President may assign responsibility for the business of government to himself or to a Minister.

However, Nauru does not yet have an Administrative Arrangements Act, common in many other jurisdictions, which sets out a procedure for the head of government or head of state to assign responsibility for the administration of a department or the administration of a law to a particular Minister and department.

Some of Nauru's existing laws specify which Minister is responsible for administering the law, but most do not. In the absence of an Administrative Arrangements Act, responsibility for the administration of many of Nauru's laws is uncertain, and many laws that are legally in force are not administered at all. This means that those laws are effectively 'dead letter': they are on the statute book, but nobody is responsible for making sure that they are given effect.

This Bill is interrelated with a number of other legislative proposals. In the course of the consolidation of the laws of Nauru, presently being undertaken in the course of the Legal Information Access Project (LIAP), it is proposed to introduce four Bills that will give effect to and enhance the coherence of the consolidation:

- this Bill, the *Administrative Arrangements Bill 2010*;
- *Acts Publication Bill* (providing for authorised electronic reprints of legislation);
- *Interpretation (Amendment) Bill* (making some essential corrections and additions to the Interpretation Act); and
- *Statute Law Revision Bill* (making hundreds of corrections of minor errors contained in the laws of Nauru).

The *Statute Law Revision Bill* will propose that any law which currently specifies which Minister is responsible for the administration of that law will be amended, so that all references to a Minister, Department or Secretary in relation the administration of an Act are non-specific. This will facilitate the making of administrative arrangements orders that allocate responsibility for the administration of a law to a certain Minister and department, without having to contradict the law. It also makes it easier to deal with a situation where the name of a portfolio or department changes, or where the responsibilities previously attached to a particular Minister or department are divided or reallocated.

In the event that any such desired amendments (making references to Ministers and departments generic) are overlooked in the *Statute Law Revision Bill*, or that in future any law is passed which does specify a responsible Minister or department, it would

still be possible for the President to alter that allocation of responsibility by way of an administrative arrangements order, because clause 6 of this Bill provides that any such specific reference in a written law must be construed to give effect to the administrative arrangements prescribed in an administrative arrangements order or an assignment under Article 23.

Mr Deputy Speaker, the explanatory memorandum which accompanies the Bill explains in detail the purpose and effect of each clause of the Bill, and will, I hope, assist members in their deliberations on this Bill.

Mr Deputy Speaker, if this Bill is enacted, administrative arrangements orders will be made in respect of every law in force in Nauru, specifying who is responsible. When the LIAP database is launched, each law in force will have its own home page, which will note which Minister and which department are responsible for the administration of that law, and the database will also include any administrative arrangements orders in force. This will not only make such important information accessible to the public, but should also assist in the process of better familiarising public servants with the concept of administering legislation, and with the particular legislative responsibilities of their respective departments.

This Bill, together with the completion of the LIAP (which will result in consolidated reprints of all laws in force in Nauru) and the proposed Cabinet Handbook (which, among other things, will guide Ministers and public servants in the administration of legislation) should enhance the effectiveness and the transparency of the administration of government in Nauru.

Mr Deputy Speaker, I commend this Bill to the House.

Thank-you.