



REPUBLIC OF NAURU

# NAURU FISHERIES AND MARINE RESOURCES AUTHORITY (AMENDMENT) ACT 2016

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No. 9 of 2016

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An Act to amend the *Nauru Fisheries and Marine Resources Authority Act 1997*

*Certified: 29<sup>th</sup> January 2016*

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Nauru Fisheries and Marine Resources Authority (Amendment) Act 2016*.

**2 Commencement**

This Act commences upon certification by the Speaker.

**3 Amendment of Nauru Fisheries and Marine Resources Authority Act 1997**

The *Nauru Fisheries and Marine Resources Authority Act 1997* is amended by the provisions of this Act.

**4 Amendment of section 2**

Insert the following in alphabetical order:

**'Acting Chief Executive Officer'** means the person appointed under section 14A of this Act;

**5 Amendment of section 6**

(1) Section 6(2) is amended by inserting after the word 'Directors', the words 'and two ex officio members'.

(2) Insert new section 6(6) as follows:

(6) Of the two ex officio members appointed under subsection (2):

(a) one must be a senior officer currently employed within the Authority; and

(b) one must be a senior officer currently employed within the Department of Finance.

(7) *Ex officio* members appointed under section 6(2) shall not be entitled to any allowance and shall not have voting rights.

**6 Amendment of section 10**

(1) Section 10 (4) (a) is amended by omitting the word 'three' and substituting it with the word 'five'.

(2) Insert new section 10 (8) as follows:

(8) *Ex officio* members appointed under section 6(2) shall not have voting rights.

**7 Amendment of section 14**

(1) Section 14(1) is amended by omitting the current section and substituting with the following:

‘Cabinet shall appoint a person to be the Chief Executive Officer of the Authority’.

(2) Section 14(2) (a) is amended by inserting after the word ‘Board’ the words ‘and Cabinet’.

(3) Section 14(3) is amended by omitting the word ‘Board’ as it appears and substituting it with the word ‘Cabinet’.

**8 Insert new section 14A**

**14A Appointment of Acting CEO**

(1) The 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 corporation 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 Cabinet at the time of appointment.

**9 Insert new section 26A**

**26A 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 Insert new section 26B**

**26B 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.

**11            Insert new section 26C**

**26C            Public service employees – exempt**

Despite section 26B, public service employees who are members of the Board are subject only to the provisions in the *Public Service Act 2016*.