



REPUBLIC OF NAURU

**Constitution of Nauru (Finance
Amendments) Bill 2013**

Serial No. 6 of 2013

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REPUBLIC OF NAURU

Constitution of Nauru (Finance Amendments) Bill 2013

Serial No. 6 of 2013

A Bill for:

An Act to alter The Constitution of Nauru to improve accountability in relation to public finance and for other purposes

Certified on []

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Constitution of Nauru (Finance Amendments) Act 2013*.

2 Commencement

This Act commences on the day of the general election next following its certification.

3 Alteration of Constitution of Nauru

The Schedule alters The Constitution of Nauru.

SCHEDULE — ALTERATION OF CONSTITUTION OF NAURU

[1] **New Articles 59A and 59B**

After Article 59

insert

59A Annual budget and appropriation

- (1) At the same time as estimates of revenues and expenditure are laid before Parliament under Article 59(4), Cabinet must:
 - (a) present to Parliament a bill for an annual appropriation law that complies with Article 59(3) and which reflects the estimates of expenditure; and
 - (b) lay before Parliament a statement setting out Cabinet's:
 - (i) proposals for financing any anticipated deficit for the period to which it applies; and
 - (ii) intentions regarding borrowing and other forms of public liability that are likely to increase public debt during the ensuing year.
- (2) The annual budget and budgetary processes must promote transparency, accountability and the effective financial management of the economy, debt and the public sector.

59B Statement of accounts

- (1) In this Article:

“accounts of the Republic of Nauru” includes the accounts of all assets, liabilities, income and expenditure of all departments and offices of the legislative, executive and judicial branches of government and of all statutory corporations and other instrumentalities directly or indirectly controlled by the Republic except any statutory corporation for which provision is made by law for audit by a person other than the Director of Audit.

- (2) The Minister responsible for finance must, as soon as practicable after the end of the financial year and not later than 3 months after that date or such longer period as Parliament may by resolution allow, submit to the Director of Audit a statement of the accounts of the Republic of Nauru for that year.

[2] Repeal and substitution of Article 61

Article 61

repeal, substitute

61 Withdrawal of moneys in advance of appropriation law

- (1) If Cabinet anticipates that the annual appropriation law will not receive the certificate of the Speaker under Article 47 before the commencement of the financial year, the Cabinet may, in accordance with clause (2), recommend to Parliament a proposed law authorising the withdrawal of moneys from the Treasury Fund for the purpose of meeting expenditure necessary to carry on the services of the Republic of Nauru after the commencement of that financial year until the expiration of 3 months or the coming into operation of the annual appropriation law, whichever is the earlier.
- (2) A recommendation by Cabinet referred to in clause (1) must be in writing delivered to the Speaker before the commencement of the financial year and the Speaker must, on receiving the recommendation, lay it before Parliament as soon as practicable.
- (3) For the purposes of clause (2) and despite Article 40, the Speaker must, if necessary, appoint a time for the beginning of a session, or for a sitting, of Parliament.
- (4) Subject to clause (5), if the Cabinet has recommended a proposed law under clause (1) and neither the annual appropriation law nor that proposed law has come into operation on or before the commencement of that financial year, the Cabinet may authorise the withdrawal of moneys in accordance with that proposed law but the amount of moneys so withdrawn must not exceed one-quarter of the amount withdrawn under the authority of the appropriation law or laws in respect of the preceding financial year.
- (5) There may be no more than 1 authorised withdrawal of moneys under clause (4) in a financial year.
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