



**REPUBLIC OF NAURU
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**CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS**

**PRESIDENTIAL ORDER 12
ARTICLE 78**

DIRECTION AND CONTROL OF POLICE FORCE

WHEREAS –

- (a) The Select Committee on Inspector Corey Caleb recommended in June 2009 that Parliament and the Police Force should enter into a Memorandum of Understanding ('MOU') governing the manner in which police operations are to be conducted within the Parliamentary Precincts and the powers and duties of police within the Parliamentary Precincts, emphasising the fact that police will follow only lawful directions from the Speaker and clarifying what will occur when police have good cause to believe that a directive is unlawful; and
- (b) An MOU was signed by the Speaker and the Commissioner of Police on 17 February 2010 and has been in place since that time; and
- (c) The current Speaker, Hon Ali Amwano, yesterday wrote to the Commissioner of Police suspending the MOU; and
- (d) Under the Nauru Police Force Act (23(1)), the Commissioner has the command, superintendence and direction of the Force, subject to the lawful directions of the Cabinet; and
- (e) A State of Emergency has been declared under Article 77(1) of the Constitution of Nauru; and
- (f) I am satisfied that this order is reasonably required to safeguard the interests of the community, and to avoid placing the Police in a situation where they receive unlawful directives from the Speaker and have no agreed procedure in place under an MOU for handling such situation,

by virtue of the powers vested in me under Article 78(1) of the Constitution of Nauru and notwithstanding anything to the contrary in the Parliamentary Powers, Privileges and Immunities Act or any other law, I MARCUS STEPHEN, President of the Republic of Nauru hereby order as follows:

1. No officer of the Nauru Police Force shall accept or act upon any directive issued by the Speaker of Parliament.

Given under my hand this Eighth day of July, 2010.

**HON. MARCUS STEPHEN MP
PRESIDENT**

**CONSTITUTION OF NAURU
PART IX
EMERGENCY POWERS**

**PRESIDENTIAL ORDER 13
ARTICLE 78**

WHEREAS –

- (a) a State of Emergency has been declared under Article 77(1) of the Constitution of Nauru; and
- (b) the Speaker of Parliament, in breach of Article 16(5) of the Constitution and Standing Order 3(g) is refusing to allow Parliament to progress to the election of President; and
- (c) the second sitting of the 20th Parliament (which commenced on Friday 2 July 2010) has twice, in contravention of the applicable parliamentary procedure, been suspended by the Speaker without the consent of the House; and
- (d) I am satisfied that this Order is reasonably required to safeguard the interests of the community and to prevent the Speaker from contravening the Constitution and the Standing Orders with impunity and from needlessly prolonging the political stalemate,

by virtue of the powers vested in me under Article 78(1) of the Constitution of Nauru, I MARCUS STEPHEN, President of the Republic of Nauru hereby order -

1. The office of Speaker is vacant.
2. The sitting of Parliament (which commenced on Friday 2 July and which has twice in contravention of the applicable parliamentary procedure been suspended by the Speaker without the consent of the House) will resume when the bells ring.
3. The Clerk will ring the bells when requested to do so by me.

Given under my hand this Eighth day of July, 2010.

**HON. MARCUS STEPHEN MP
PRESIDENT**
