



BUSINESS LICENCES AUTHORISED OFFICERS GUIDELINES

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1. **Message from the Registrar of Business Licences**

The Secretary for Justice and Border Control is *ex-officio* the Registrar of Business Licences, pursuant to section 4 of the *Business Licences Act 2017* (“the Act”). As the Registrar of Business Licences, my duties are to keep and maintain the Register of Business Licences and do all things necessary for the proper administration of this Office.

The administration of Business Licences include registration and renewal of business licences, updating of particulars and inspection of businesses by authorised officers. These Guidelines explain the duties, powers and functions of Business Licence authorised officers.

It gives me great pleasure to officially launch the Guidelines for Business Licences authorised officers.

2. **Purpose of the Guidelines**

The Business Licences office generates revenue for the Republic via the collection of fees. Section 23 of the Act gives powers to authorised officers to inspect a business and to ensure compliance with the provisions of the Act. It is imperative that authorised officers and business owners understand the duties, powers and functions of Business Licence authorised officers.

These Guidelines are there to provide clarity, promote transparency and accountability and ensure that the provisions of the Act are complied with. In addition, the Guidelines also seek to provide adequate information to the general public on the nature and operations of the Office.

3. **Who is an authorised officer?**

The Minister for Justice and Border Control has the power to appoint an authorised officer for the purposes of the Act. An authorised officer may be an employee of the Department of Justice and Border Control or a police officer. All appointments of authorised officers are to published in the Gazette.

A simple way for business owners to identify an authorised officer is to look at their business licences and note the names of authorised officers.

4. **Powers and duties of authorised officers**

An authorised officer has several responsibilities under the provisions of the Act and the regulations made thereunder.

The powers of an authorised officer include:

- (i) inspection of businesses at a reasonable time;
- (ii) require business operators to produce their business licence for inspection;
- (iii) issuing notices of breach of any condition to the business licence;
- (iv) signing a notice on behalf of the Registrar;
- (v) verifying and maintaining up to date records of businesses;

- (vi) ensure compliance of businesses with the *Counter Terrorism and Transnational Organised Crime Act 2004*, *Proceeds of Crime Act 2004* and *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;
- (vii) making sure that all businesses comply with its (anti-money laundering and countering the financing of terrorism) AML / CFT obligations according to the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*; and
- (viii) any other duties authorised by the Registrar or required by any other written law.

It is an offence if a person fails to produce a business licence to an authorised officer upon demand and if a person obstructs, hinders or interferes with an authorised officer in the due execution of his or her duty.

5. **Offences relating to authorised officers**

The Act states two offences in relation to authorised officers, as follows:

- (i) a person who fails to produce a business licence to an authorised officer upon demand commits an offence; and
- (ii) a person who obstructs, hinders or interferes with an authorised officer in the due execution of his or her duty commits an offence.

The penalties for these offences carry a fine, imprisonment or a combination of both.

6. **Liability of authorised officers**

Authorised officers are not liable to any civil or criminal proceedings for anything done in the exercise of a power under the Act, if the duty was done in good faith or on reasonable grounds.

7. **Prohibition on accepting gifts**

Authorised officers are the front-line workers for this Office and often bear the brunt of frustration from business owners and other relevant persons. Authorised officers are also exposed to underhanded tactics such as bribery and corruption.

These Guidelines intend to highlight that any form of bribery and corruption is denounced by this Office and that authorised officers are prohibited from accepting any gifts. These gifts include cash, food, drink or any other item.

In the event that a person wishes to give an item to an authorised officer, the authorised officer shall explain to that person that he or she is prohibited from accepting such gifts. If that person insists or that the refusal of the gift may be considered offensive, the authorised officer shall inform that person that he or she will report the gift to the Registrar.

The Office intends to carry out its duties ethically and avoid any perception of corruption.

8. Other matters

Authorised officers will conduct inspection of businesses at a reasonable time and day. He or she will wear name tags with proper identification and all businesses are expected to comply with the demands of an authorised officer.

Demands from an authorised officer shall not include free meals, free items or free service from any business. If a person witnesses this behaviour or has been required to provide free meals, free items or free services from an authorised officer, they are to report it to the Registrar. Any authorised officer who engages in this practice will be dealt with severely.

9. Responsible authority

If you require assistance with this Guideline, you may contact the Registrar of Business Licences:

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Yaren District
Republic of Nauru
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