REPUBLIC OF NAURU

Commissions of Inquiry Act 1948

As in force from 15 April 2011

This compilation comprises Ordinance No. 1 of 1948 as amended and in force from 15 April 2011 (being, at the time the compilation was prepared on 18 May 2011, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

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REPUBLIC OF NAURU

Commissions of Inquiry Act 1948

An Act to provide for the issue of Commissions of Inquiry

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1 Short title

This Act may be cited as the *Commissions of Inquiry Act 1948*.

2 Definitions

In this Act, unless the contrary intention appears:

'Commission' means a commission of inquiry issued under this Act;

'Commissioner' means a member of a Commission;

'Commissioners' where only one Commissioner is appointed, means the Commissioner;

'The Court' means the Supreme Court.

3 Commissions of Inquiry

(1) The Cabinet may, whenever it deems it advisable, issue a Commission appointing one or more Commissioners and authorizing them, or any of them, to inquire into any matter in which an inquiry would, in the opinion of the Cabinet, be for the public welfare.

(2) The Commission shall specify the subject of inquiry and may, if there are two or more Commissioners, direct which Commissioner shall be Chairman and may also direct where and when the inquiry shall be made and the report thereof rendered, and whether the inquiry shall, or shall not, be held in public.

(3) Any Commission may be altered by the Cabinet, whether as to the appointment of a Commissioner or Commissioners or otherwise, by the issue of a subsequent Commission.

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(4) Any Commission may be revoked by the Cabinet, by notice in the Gazette.

4 Inability of Commissioner to act

If any Commissioner is or becomes unable or unwilling to act, or dies, the Cabinet may appoint another Commissioner in his place.

5 Secretary to Commission

The Cabinet may appoint a Secretary to perform such duties connected with an inquiry as the Commissioners direct.

6 Procedure

The Commissioners may make such arrangements not inconsistent with the terms of their Commission for the conduct of proceedings before them, for the times and places of their meetings and the adjournment thereof, as they think proper.

7 Inquiries in public or private

In the absence of a direction in the Commission to the contrary, the inquiry shall be conducted in such manner as the Commissioners deem appropriate and the Commissioners shall have power to conduct the inquiry or any part thereof in public or in private as they deem fit:

Provided that the Commissioners shall be entitled to exclude from any inquiry any particular person or persons for the preservation of order, for the due conduct of the inquiry or for any other reason.

8 Commission not bound by rules of evidence

The Commissioners shall make a thorough investigation without regard to legal forms and solemnities and shall direct themselves by the best evidence which they can procure or which is laid before them, whether the evidence is such as the law would require or admit in other cases or not.

9 Power to send for witnesses and documents

(1) Any Commissioner may, by writing under his hand, summon any person to attend the Commission at a time and place named in the summons, and then and there to give evidence and to produce any books documents, or writings in his custody or control which he is required by the summons to produce.

(2) A summons to a witness shall be in accordance with the form in the Schedule to this Act.

10 Power to examine on oath

Any Commissioner may administer an oath to any person appearing as a witness before the Commission, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath.

11 Affirmation in lieu of oath

(1) Where any witness to be examined before the Commission conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked him.

(2) An affirmation shall be of the same force and effect, and shall entail the same liabilities, as an oath.

12 Attendance at Inquiry

Any person who satisfies the Commissioners that he has a *bona fide* interest in the subject matter of an inquiry under this Act, and any other person by leave of the Commissioners, may attend the inquiry in person or may be represented by counsel or solicitor.

13 Failure to attend or produce documents

(1) If any person served with a summons to attend the Commission, whether the summons is served personally or by being left at his usual place of abode, fails without reasonable excuse to attend the Commission, or to produce any documents, books or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence.

Penalty: Not exceeding One hundred dollars.

(2) It shall be a defence to a prosecution under this section for failing without reasonable excuse to produce any documents, books or writings, if the defendant proves that the documents, books or writings were not relevant to the inquiry.

14 Refusing to be sworn or to give evidence

If any person appearing as a witness before the Commission refuses to be sworn or to make an affirmation or to answer any questions relevant to the inquiry put to him by any Commissioner, or having attended leaves the Commission without the permission of the Commissioners, he shall be guilty of an offence.

Penalty: Not exceeding One hundred dollars.

15 Contempt of Commission

Any person who wilfully insults the Commissioners, or wilfully interrupts the proceedings of the Commission, or is in any manner guilty of any wilful contempt of the Commission, shall be guilty of an offence.

Penalty: Not exceeding One hundred dollars.

16 Giving false evidence

Any person appearing as a witness before a Commission, who wilfully gives false evidence, shall be guilty of perjury and liable to prosecution and punishment accordingly.

17 Statements by witness not admissible in evidence against him

A statement or disclosure made by an witness in answer to any question put to him by a Commission or by any Commissioner shall not (except in proceedings for an offence against this Act) be admissible in evidence against him in any civil or criminal proceedings.

18 Commissioner's report

(1) The Commissioners shall make a report of their proceedings and of the result of their inquiry to the Cabinet and shall record the reasons leading to their conclusions.

(2) A Commissioner dissenting from the conclusions, or any of them, shall give the reasons for his dissent.

19 Remuneration of Commissioners and Secretary and payment of expenses of Commission and witnesses

(1) The Cabinet may determine what remuneration, if any, shall be paid to any Commissioner, to the Secretary of a Commission and to any other person employed in connexion with the proceedings of a Commission, and may direct payment of any other expenses attendant upon carrying out a Commission, or upon any proceedings for any offence under this Act.

(2) Witnesses who attend at the request of, or upon a summons by, the Commissioner shall, subject to any order made by the Commissioners, be entitled to the same expenses as they would be entitled to if they were summoned to attend the Court on a criminal trial, and payment thereof shall be made in such manner as the Administrator may direct.

20 Procedure for offences

No proceedings shall be commenced for any offence under this Act except by the direction of the Commissioners, who may direct their Secretary, or such other person as they think proper, to commence and prosecute proceedings therefor.

THE SCHEDULE

Section 9

REPUBLIC OF NAURU

Commissions of Inquiry Act 1948

SUMMONS TO A WITNESS

To A.B. *(Name of person summoned and his occupation and residence if known).*

You are hereby summoned to appear before *(here insert names of Commissioners)* appointed by the Cabinet to inquire *(State briefly the subject of the inquiry)* at on *[date]* at *[time]* and to give evidence respecting the said inquiry. *(If the person summoned is to produce any documents, add)* and you are required to bring with you *(Specify books and documents required)*.

Given under the hand of , a Commissioner, on *[date]*

Notes for Commissions of Inquiry Act 1948

Tables of Constituent Legislation

Ordinances

Citation	Number	Made	Gazettal*	Commencement
Commissions of Inquiry Ordinance 1948	1948/01	17.09.1948	—	17.09.1948
Executive Council Ordinance 1966	1966/03	14.02.1966	17.02.1966	17.02.1966
Ordinances Revision Ordinance 1967	1967/25	29.12.1967	29.12.1967	29.12.1967 (GN 316/1967)
Adaptation of Laws Order 1969	GN 188/1969	09.10.1969	13.10.1969	31.01.1968

* Gazettal date is of no legal significance for Ordinances made before 30.08.1956 (commencement of the *Interpretation Ordinance 1956*).

Acts

Short title	Number	Certification	Commencement
Statute Law Revision Act 2011	2011/08	15.04.2011	15.04.2011

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
om. = omitted os. = omitted and substituted

Provision affected	How affected
Long title	Am. by Act 2011/08.
Section 1	Citation rs. by Ord. 1967/25. Rs. by Act 2011/08.
Section 2	Am. by GN 188/1969, Act 2011/08.
Section 3	Subs. (1) am. by Ord. 1966/03, Act 2011/08. Subs. (3) am. by Ord. 1966/03, Act 2011/08. Subs. (4) am. by Ord. 1966/03, Act 2011/08.
Section 4	Am. by Ord. 1966/03, Act 2011/08.
Section 5	Am. by Ord. 1966/03, Act 2011/08.
Section 7	Am. by Act 2011/08.
Section 9	Subs. (2) am. by Act 2011/08.
Section 10	Am. by Act 2011/08.
Section 12	Am. by Act 2011/08.

Provision affected	How affected
Section 13	Subs. (1) am. by Ord. 1966/03.
Section 14	Am. by Ord. 1966/03, Act 2011/08.
Section 15	Am. by Ord. 1966/03.
Section 17	Am. by Act 2011/08.
Section 18	Subs. (1) am. by Ord. 1966/03, Act 2011/08.
Section 19	Subs. (1) am. by Ord. 1966/03, Act 2011/08.
Section 20	Am. by Act 2011/08.
Schedule	Am. by Ord. 1966/03, Act 2011/08.