

NAURU PHOSPHATE ROYALTIES (PAYMENT AND INVESTMENT)

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Nauru Phosphate Royalties (Payment and Investment) Act 1968

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Nauru Phosphate Royalties (Payment and Investment) Act 1968

TABLE OF AMENDMENTS

The Nauru Phosphate Royalties (Payment and Investment) Act 1968 No 5 was made on 25 January 1968 and commenced on 29 January 1968.

Amending Legislation	Certified	Date of Commencement
Nauru Phosphate Royalties (Payment and Investment) Ordinance Amendment Act 1968 No 6	14 June 1968	1 July 1968
Nauru Phosphate Royalties (Payment and Investment) Ordinance Amendment Act 1970 No 9	11 November 1970	11 November 1970
Nauru Phosphate Royalties (Payment and Investment) Act Amendment Act 1972 No 14	10 May 1972	10 May 1972
Nauru Phosphate Royalties (Payment and Investment) Amendment Act 1974 No 5	4 July 1974	4 July 1974
Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1976 No 14*	23 September 1976	11 October 1976
Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 No 4	1 July 1978	1 July 1978
Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1988 No 6*	9 September 1988	1 July 1988
Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1989 No 6*	2 October 1989	1 July 1989
Nauru Phosphate Royalties (Payment and Investment) Act Amendment Act 1997 No 4*	13 June 1997	30 September 1997
Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 2005 No 8	5 October 2005	30 September 2005
Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 2008 No 8*	18 July 2008	1 August 2008

* The amendments from this instrument have been incorporated but have not been validated against the original source.

Amending Legislation	Certified	Date of Commencement
Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 2011 No 21	20 December 2011	20 December 2011
RONWAN Consolidation Act 2014 No 23	29 October 2014	19 December 2013 (except s 44.1: 1 January 2014)
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

An Act relating to phosphate royalties.

Enacted by the Parliament of Nauru as follows:

1 Short title and commencement

This Act may be cited as the *Nauru Phosphate Royalties (Payment and Investment) Act 1968* and came into effect on 29 January 1968.

[s 1 subst Act 8 of 2008, opn 1 Aug 2008]

2 Definitions

In this Act:

‘fund’ means a fund established by this Act;

‘the Agreement’ means the Agreement, a copy of which is set out in the Schedule to the *Nauru Phosphate Agreement Ordinance 1968*;

‘the Cabinet’ means the Cabinet;

‘the Corporation’ means the Nauru Phosphate Corporation, renamed RONPHOS under the *RONPHOS Act 2005*; and

[def am Act 8 of 2005 s 3, opn 30 Sep 2005]

‘the net proceeds’ means the net proceeds of phosphate operations at the Republic being the proceeds referred to in clause 16 of the Agreement.

[s 2 subst Act 6 of 1968 s 3, opn 1 July 1968]

3 Application of the net proceeds

[s 3 rep Act 6 of 1968 s 4, opn 1 July 1968]

4 Nauru Royalty Fund

(1) A fund is hereby established, to be known as the Nauru Royalty Fund.

(2) [subs (2) rep Act 4 of 1997, opn 30 Sep 1997]

(3) The Nauru Royalty Fund is vested in the Republic.

[subs (3) subst Act 6 of 1968 s 5, opn 1 July 1968; am Act 4 of 1997, opn 30 Sep 1997]

5 Nauru Development Fund

(1) A fund is hereby established, to be known as the Nauru Development Fund.

(2) Monies standing to the credit of the Nauru Development Fund shall not be expended by the Cabinet otherwise than in promoting the economic development of the Republic.

[subs (2) am Act 6 of 1968 s 6, opn 1 July 1968]

(3) The Nauru Development Fund is vested in the Republic.

[subs (3) subst Act 6 of 1968 s 6, opn 1 July 1968; am Act 4 of 1997, opn 30 Sep 1997]

6 Nauru Housing Fund

(1) A fund is hereby established, to be known as the Nauru Housing Fund.

- (2) Monies standing to the credit of the Nauru Housing Fund shall not be expended otherwise than in accordance with law.

[subs (2) subst Act 6 of 1968 s 7, opn 1 July 1968; am Act 8 of 2005 s 4, opn 30 Sep 2005]

- (3) The Nauru Housing Fund is vested in the Republic.

[subs (3) subst Act 6 of 1968 s 7, opn 1 July 1968]

- (4) [subs (4) rep Act 23 of 2014 s 44.2, opn 19 Dec 2013]

7 Nauru Rehabilitation Fund

- (1) A fund is hereby established, to be known as the Nauru Rehabilitation Fund.

- (2) Monies standing to the credit of the Nauru Rehabilitation Fund shall not be expended otherwise than for the purpose of restoring or improving the parts of the the Republic that have been affected by mining for phosphate and in accordance with law.

[subs (2) am Act 6 of 1968 s 8, opn 1 July 1968]

- (3) The Nauru Rehabilitation Fund is vested in the Republic.

[subs (3) subst Act 6 of 1968 s 8, opn 1 July 1968]

8 Bank Accounts

- (1) A fund is hereby established, to be known as the Nauruan Land Owners Cash Royalties Fund.

- (2) Monies standing to the credit of the fund shall not be used by the Republic otherwise than for the purpose of paying royalties to the owners of phosphate bearing land.

[subs (2) am Act 4 of 1997, opn 30 Sep 1997]

- (3) The Nauruan Land Owners Cash Royalties Fund is vested in the Republic.

[subs (3) am Act 4 of 1997, opn 30 Sep 1997]

[s 8 subst Act 6 of 1968 s 9, opn 1 July 1968]

9 Accounts

All monies paid to the Republic for the purpose of a fund shall be paid to the Treasury Fund to an account opened in respect of that fund.

[s 9 subst Act 4 of 1997, opn 30 Sep 1997]

10 Investment of monies in a fund

- (1) Monies standing to the credit of a fund and not immediately required for the purpose of the fund may be invested:

- (a) in securities of or guaranteed by the Commonwealth of Australia or a State of that Commonwealth;
- (b) by fixed deposit in a bank; or
- (c) any such other manner as the Cabinet approves.

- (2) Income earned from the investment of monies standing to the credit of a fund forms part of that fund.

- (3) This Section has effect only in respect of the Nauru Rehabilitation Fund.

[subs (3) insrt Act 4 of 1997, opn 30 Sep 1997]

[s 10 subst Act 6 of 1968 s 10, opn 1 July 1968]

11 Payment into funds

- (1) (a) The Republic shall pay into each of the funds specified in the first

column of Schedule 1 to this Act, in respect of each ton of phosphate shipped from the Republic, the amount specified in the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth columns and fourteenth columns to that Schedule.

- (b) This subsection shall be deemed to have had effect as from the 1st day of July, 1968.

[subs (1) am Act 14 of 1972 s 3, opn 10 May 1972; Act 5 of 1974 s 2, opn 4 July 1974; Act 14 of 1976, opn 11 Oct 1976; Act 4 of 1978 s 3, opn 1 July 1978; Act 6 of 1988, opn 1 July 1988; Act 6 of 1989, opn 1 July 1989; Act 8 of 2005 s 6, opn 30 Sep 2005; Act 8 of 2008, opn 1 Aug 2008]

- (2) The payments provided for subsection (1) shall be made:

- (a) with respect to the amounts in the second and third columns of Schedule 1, as soon as practicable after the commencement of this Act; and
- (b) with respect to the amounts in the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth columns and fourteenth columns of Schedule 1, as soon as practicable after the receipt of net proceeds and the Treasury Fund is charged accordingly.

[subs (2) am Act 14 of 1972 s 3, opn 10 May 1972; Act 5 of 1974 s 2, opn 4 July 1974; Act 14 of 1976, opn 11 Oct 1976; Act 4 of 1978 s 3, opn 1 July 1978; Act 6 of 1988, opn 1 July 1988; Act 6 of 1989, opn 1 July 1989; Act 8 of 2005 s 6, opn 30 Sep 2005; Act 8 of 2008, opn 1 Aug 2008]

- (3) (a) The Corporation shall pay into each of the funds specified in the first column of Schedule 2 to this Act in respect of each ton of phosphate shipped from the Republic, the amount specified in the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth columns to that Schedule.

- (b) This subsection shall be deemed to have had effect as from the 1st day of July, 1968.

[subs (3) am Act 14 of 1972 s 3, opn 10 May 1972; Act 5 of 1974 s 2, opn 4 July 1974; Act 14 of 1976, opn 11 Oct 1976; Act 4 of 1978 s 3, opn 1 July 1978; Act 6 of 1988, opn 1 July 1988; Act 6 of 1989, opn 1 July 1989; Act 8 of 2005 s 6, opn 30 Sep 2005; Act 8 of 2008, opn 1 Aug 2008; Act 21 of 2011 s 3 and Sch 1[1], opn 20 Dec 2011; Act 23 of 2014 s 9.2, opn 19 Dec 2013]

- (4) The payments provided for in subsection (3) shall be made:

- (a) with respect to the amounts in the second and third columns of Schedule 2 as soon as practicable after the commencement of this Act;
- (b) with respect to the amounts in the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth columns of Schedule 2 as soon as practicable after the receipt of net proceeds.

[subs (4) am Act 14 of 1972 s 3, opn 10 May 1972; Act 5 of 1974 s 2, opn 4 July 1974; Act 14 of 1976, opn 11 Oct 1976; am Act 4 of 1978 s 3, opn 1 July 1978; Act 6 of 1988, opn 1 July 1988; Act 6 of 1989, opn 1 July 1989; Act 8 of 2005 s 6, opn 30 Sep 2005; Act 8 of 2008, opn 1 Aug 2008; Act 21 of 2011 s 3 and Sch 1[1], opn 20 Dec 2011; Act 23 of 2014 s 9.2, opn 19 Dec 2013]

- (5) The amount per ton in the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth columns of the Schedules to this Act is the amount to be paid in respect of the funds in the first column of the Schedules for the period specified at the head of each of the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth columns respectively.

[subs (5) am Act 14 of 1972 s 3, opn 10 May 1972; Act 5 of 1974 s 2, opn 4 July 1974; Act 14 of 1976, opn 11 Oct 1976; Act 4 of 1978 s 3, opn 1 July 1978; Act 6 of 1988, opn 1 July 1988; Act 6 of 1989, opn 1 July 1989; Act 8 of 2005 s 6, opn 30 Sep 2005; Act 8 of 2008, opn 1 Aug 2008; Act 21 of 2011 s 3 and Sch 1[1], opn 20 Dec 2011; Act 23 of 2014 s 9.2, opn 19 Dec 2013]

- (6) The Minister shall as soon as practicable after the commencement of this Act pay from the Nauru Housing Fund to the Corporation any monies which have been paid to that Fund in excess of the amount specified to be paid in the fourth column of Schedule 1.
- (7) Notwithstanding anything to the contrary in any written law or Agreement, the Corporation shall as soon as practicable after the commencement of this Act pay to the Republic from proceeds accumulated from the sale of phosphate the amount of money required by the Republic to pay the amounts specified in the third column of Schedule 1 and the amounts specified in the fourth column of Schedule 1 for the period ending the 30th day of September, 1970.
- (8) Notwithstanding anything to the contrary in any other written law or Agreement, the Corporation shall pay to the Republic such amounts as may be required by the Republic to pay the amounts specified in the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth columns and fourteenth columns of Schedule 1 and such payments shall be made as soon as practicable after the receipt of the net proceeds.

[subs (8) am Act 14 of 1972 s 3, opn 10 May 1972; Act 5 of 1974 s 2, opn 4 July 1974; Act 14 of 1976, opn 11 Oct 1976; Act 4 of 1978 s 3, opn 1 July 1978; Act 6 of 1988, opn 1 July 1988; Act 6 of 1989, opn 1 July 1989; Act 8 of 2005 s 6, opn 30 Sep 2005; Act 8 of 2008, opn 1 Aug 2008]

- (9) The references in subsections (1) and (3) to 'each ton of phosphate shipped from Nauru' and in subsection (5) to 'the amount per ton' shall, in respect of all phosphate shipped from Nauru after the commencement of the *Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1976* be deemed to be references to 'each tonne of phosphate shipped from the Republic and 'the amount per tonne' respectively.

[subs (9) insrt Act 14 of 1976, opn 11 Oct 1976]

[s 11 subst Act 9 of 1970 s 2, opn 11 Nov 1970]

12 Periodic review of payments

- (1) In this Section, '**year of review**' means the year 1970 and every third year thereafter until 2012 and 2014 and every year after 2014.

[subs (1) am Act 23 of 2014 s 9.2, opn 19 Dec 2013]

- (2) During each year of review the Cabinet may alter the amount payable under any Section(s) of this Act or pursuant to any Schedule(s) to this Act to any fund.

[subs (3) am Act 4 of 1997, opn 30 Sep 1997; Act 23 of 2014 s 9.2, opn 19 Dec 2013]

- (3) Where the Cabinet alters the amounts as provided in subsection (2), it shall by notice in the Gazette and in accordance with that agreement or determination of the Cabinet, fix the amount to be paid into that fund in respect of each tonne of phosphate shipped from the Republic on or after the first day of July in that year, and the Corporation shall pay the amount so fixed into that fund until the amount payable is again altered in accordance with this Section.

[subs (3) am Act 14 of 1976, opn 11 Oct 1976; Act 4 of 1997, opn 30 Sep 1997; Act 23 of 2014 s 9.2, opn 19 Dec 2013]

[s 12 subst Act 6 of 1968 s 10, opn 1 July 1968]

13 Saving

Until the Corporation is established, the British Phosphate Commissioners shall

make the payments provided for in Section 11 into the funds specified in Schedule 2 before the payment of net proceeds.

[s 13 subst Act 6 of 1968 s 10, opn 1 July 1968]

14 Payments of royalties to land owners

- (1) The owners of phosphate bearing land shall be paid from the Nauruan Land Owners Cash Royalties Fund an amount calculated by multiplying the number of tons of phosphate mined from their land and shipped from the Republic by the rate per ton at which contributions were made to the fund at the time the phosphate was shipped.
- (2) The Cabinet shall make the payments to land owners provided for by this Section as soon as practicable after the phosphate extracted from that owner's phosphate bearing land is shipped.

[subs (2) am Act 4 of 1997, opn 30 Sep 1997]

- (3) The Cabinet may authorise the Corporation or, until the Corporation comes into existence the British Phosphate Commissioners, to pay the amounts calculated in accordance with subsection (2) to the owners of phosphate bearing land and the amounts so paid shall be deemed to have been paid into the fund and then paid by the Cabinet to those land owners pursuant to this Section.

[subs (3) am Act 4 of 1997, opn 30 Sep 1997]

[s 14 insrt Act 6 of 1968 s 10, opn 1 July 1968]

SCHEDULE 1

[Sch 1 subst Act 5 of 1974 s 4, opn 4 July 1974; am Act 14 of 1976, opn 11 Oct 1976; Act 4 of 1978 s 4, opn 1 July 1978; Act 6 of 1988, opn 1 July 1988; Act 6 of 1989, opn 1 July 1989; Act 8 of 2005 s 7, opn 30 Sep 2005; Act 23 of 2014 s 44.1, opn 1 Jan 2014]

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9) Amount per ton		(10)	(11)	(12)	(13)
Name of Fund	1-7-68 to 30-6-68	1-7-69 to 30-6-70	1-7-70 to 30-6-72	1-7-72 to 30-6-73	1-7-73 to 28-2-74	1-3-74 to 30-6-74	1-7-74 to the day immediately preceding the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 1976 (Amendment) Act 1976	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 1976 to the day immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 1978 (Amendment) Act 1978	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 1978 to the day immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 1988 (Amendment) Act 1988	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 1988 to the day immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 2005 (Amendment) Act 2005	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 2005 to the day immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 2005 (Amendment) Act 2005	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 2005 to the day immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 2005 (Amendment) Act 2005	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 2005 to the day immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) Act 2005 (Amendment) Act 2005
Long Term Investment Fund	\$1.70	\$2.50	\$2.50	\$2.50	\$3.70	\$4.70	\$9.00	\$8.75	\$1.75	\$1.75	\$1.75	\$1.75	\$1.75
Nauruan Land Owners' Royalty Trust Fund	.50	.70	1.00	1.00	1.20	2.70	5.00	4.75	4.75	4.75	5.75	6.35	\$0
Nauru Housing Fund	.80	.80	.50	.05	.05	.15	.15	0.10	0.50	0.50	0.50	0.70	\$0.70
Nauru Rehabilitation Fund	.20	.20	.20	.20	.20	.50	4.00	3.75	3.25	3.25	3.25	3.25	\$3.25

SCHEDULE 2

[Sch 2 subst Act 5 of 1974 s 4, opn 4 July 1974; am Act 14 of 1976, opn 11 Oct 1976; Act 4 of 1978 s 5, opn 1 July 1978; Act 6 of 1988, opn 1 July 1988; Act 6 of 1989, opn 1 July 1989; Act 8 of 2005 s 8, opn 30 Sep 2005; Act 8 of 2008, opn 1 Aug 2008; Act 21 of 2011 s 3 and Sch 1[2], opn 20 Dec 2011; Act 23 of 2014 s 9.2, opn 19 Dec 2013]

(1) Name of Fund	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
									Amount per Ton						
	1-7-68 to 30-6-69	1-7-69 to 30-6-70	1-7-70 to 30-6-72	1-7-72 to 30-6-73	1-7-72 to 30-6-73	1-3-74 to 30-6-74	1-7-74 to the day immediately preceding the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1976	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978	From the date of commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978 immediately preceding the commencement of the Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 1978
Nauru Development Fund	.60	.75	\$1.00	\$1.30	\$1.40	\$3.00	\$4.00	\$5.75	\$5.75	\$4.75	\$5.25	\$0	\$0	\$0	
Nauru Royalty Fund	.10	.10	.10	.40	.40	1.00	2.10	2.00	1.26	1.25	1.40	\$0	\$0	\$0	
Nauru Land Owners' Cash Royalty Fund	.65	.70	.80	.80	1.00	2.05	2.75	2.50	2.50	3.00	3.30	\$4.00	\$12.00	\$12.00	\$5.50 from 1 January 2014 and thereafter

