

REPUBLIC OF NAURU

(No. 5 of 1997)

AN ACT

To make consequential changes to the laws of the Republic following the dissolution of the Nauru Local Government Council and for related purposes.

(Certified: 13/6/97)



## **AN ACT**

No.5 of 1997

**To make consequential changes to the laws of the Republic following the dissolution of the Nauru Local Government Council and for related purposes.**

(Certified: )

**Enacted by the Parliament of Nauru as follows:**

### **SHORT TITLE AND COMMENCEMENT**

1. This Act may be cited as the Nauru Local Government Council Dissolution Consequential Amendments Act 1997.

### **REPEAL OF PREVIOUS LEGISLATION**

2. The Interpretation Amendment Act 1996 is repealed.

### **INTERPRETATION ACT**

3. The Interpretation Act 1971 is amended by deleting therefrom the definitions of "Council", "Councillor", "Head Chief", and "Nauru Local Government Council".

### **AMENDMENTS OF WRITTEN LAW**

4. In all written laws other than the Nauru Local Government Council Dissolution Act 1992 and the Nauru Island Council Act 1992, the following provisions shall have effect from July 1, 1996:

- (a) all references to the Council or the Nauru Local Government Council are references to Cabinet;
- (b) all references to Councillor or Councillors are references to Minister or Ministers;
- (c) all references to the Head Chief or the Deputy Head Chief are references to The President;
- (d) all references to the Secretary of the Nauru Local Government Council are references to the Secretary to Cabinet; and
- (e) all references to any payment authorised to be made to or from the Nauru Local Government Council Fund are reference to payments authorised to be made to or from the Treasury Fund, but nothing herein shall be deemed to authorise any payment from the Treasury Fund other than in accordance with law;

### **VESTING OF PROPERTY AND FUNDS**

5.(1) In this and the following section reference to the Nauru Council is reference to the body corporate known as Nauru Local Government Council, which was renamed the Nauru Council by the Nauru Local Government Council Dissolution Act 1992.

(2) For the avoidance of doubt, all funds previously vested by any written law in the Nauru Council are vested in the Republic.

(3) All of the property and assets of the Nauru Council situate in Nauru are the property and assets of the Republic

(4) All of the property and assets of the Nauru Council situate outside of Nauru are the property and assets of the Republic and the provisions of section 6 shall have effect only for so long and insofar as it is necessary for anything to be done by or on behalf of the Nauru Council in order to comply with the laws or regulations of any place outside Nauru for the lawful and effectual transfer of any such property or assets to the Republic.

(5) Nothing herein shall require or imply that the Republic undertakes or is in any manner responsible for any debt or liability of the Nauru Council other than such debt or liability as may be undertaken by resolution of Cabinet.

### **ACTIONS BY OR ON BEHALF OF THE NAURU LOCAL GOVERNMENT COUNCIL**

6. For the purposes only of section 5(4) the Nauru Council shall be deemed to continue in existence and consequent thereon:

- (a) the Nauru Council, shall be constituted by the Cabinet;
- (b) the Seal of the Nauru Council shall be affixed only with the authority of the Cabinet and in the presence of the President and a Minister;
- (c) any act, deed, or writing required to be done by or on behalf of the Nauru Council may be done as necessary and appropriate by the Cabinet, the President, or a Minister.

## REGULATIONS

7.(1) Where any power is vested in, or duty imposed upon, a Minister, the President, or the Cabinet, as a consequence of the application of section 4, Cabinet may by Regulation

- (a) vest all or any of such power or obligation; and
- (b) impose such terms and conditions in connection therewith

in or upon a person or body corporate as it deems appropriate.

(2) Where any property or assets are vested in, transferred to, or are to be transferred to, the Republic pursuant to sections 5(3) or 5(4), Cabinet may direct that any such vesting or transfer be made to an instrumentality of, or corporation owned by, the Republic.

(3) Where any debt or liability is to be undertaken pursuant to section 5(5), Cabinet may direct that any such debt or liability is to be undertaken by an instrumentality of, or corporation owned by, the Republic.



**REPUBLIC OF NAURU**

**NAURU LOCAL GOVERNMENT COUNCIL DISSOLUTION  
CONSEQUENTIAL AMENDMENTS ACT 1997**

**ARRANGEMENT OF SECTIONS**

**Section**

1. Short title and Commencement
2. Repeal of previous legislation
3. Interpretation Act
4. Amendments of written law
5. Vesting of property & funds
6. Actions by or on behalf of the Nauru Local Government Council
7. Regulations



## **REPUBLIC OF NAURU**

### **NAURU LOCAL GOVERNMENT COUNCIL DISSOLUTION CONSEQUENTIAL AMENDMENTS BILL 1997**

#### **OBJECTS & REASONS**

This Bill proposes to effect a number of amendments to legislation as a consequence of the final dissolution of the Nauru Local Government Council. In 1996 the Interpretation Act was amended to give a new definition to various terms which ceased to have any meaning once the underlying legislation ceased to exist. The purpose of this Act is, therefore to assist in validating actions following the dissolution of the Council as well as provide better for the passing of property in circumstances where the laws of Nauru may not have ready application

#### **CLAUSES**

Clause 2 repeals the Interpretation Act 1996 which dealt with the definition of such expressions as "Head Chief" and "Council"

Clause 3 amends the Interpretation Act by deleting therefrom various definitions concerning the Council

Clause 4, with effect from 1 July 1996 amends all written laws to replace various expressions concerning the Council with expressions relating to the Republic and Cabinet as appropriate

Clause 5 vests all property of the Council in the Republic and in respect of property situated outside Nauru where it is possible that the legislation of the Republic can have no direct effect but require other actions, a special provision has been inserted which enables the Council to remain in existence under the control of the Cabinet so that, if necessary, it will be able to perform such acts in foreign country's as may be necessary to enable the transfer of property to the Republic.

Clause 6 gives effect to the continuation of the Council if necessary and only to the extent necessary to enable property rights in foreign countries to be transferred.

Clause 7 gives the Cabinet scope where it appears necessary to have powers and obligations as well as assets taken over by more appropriate person or entities of the Republic.

I hereby certify that the above is a fair print of a Bill for an Act entitled the Nauru Local Government Council Dissolution Consequential (Amendment) Act 1997 that has been passed by Parliament of Nauru and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.



Clerk of Parliament  
13th June, 1997

Pursuant to Article 47 of the Constitution, I, KENNAN RANIBOK ADEANG, Speaker of Parliament, HEREBY CERTIFY that the Nauru Local Government Council Dissolution Consequential (Amendment) Act 1997, has been passed by Parliament of Nauru.



Speaker  
13th June, 1997