

# Constitutional Convention Act 2007

(No. 2 of 2007)

## ARRANGEMENT OF SECTIONS

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# REPUBLIC OF NAURU

(No. 2 of 2007)

## AN ACT

To provide for a Constitutional Convention for the purpose of considering and proposing changes to the Constitution of Nauru.

(Certified: 14<sup>th</sup> March 2007)

Enacted by the Parliament of Nauru as follows:-

### Short Title

1. This Act may be cited as the *Constitutional Convention Act 2007*.

### Interpretation

2. In this Act, unless the contrary intention appears –

‘**candidate**’ means a person nominated for election as a representative for a constituency;

‘**Constituency**’ means the constituencies of Aiwo, Anabar, Anetan, Boe, Buada, Meneng, Ubenide and Yaren as set out in the Second Schedule to the Constitution;

‘**electoral roll**’ means a roll of electors kept in accordance with Section 6 of the *Electoral Act 1965-1973*;

‘**representative**’ means a person appointed or elected in accordance with Section 5;

‘**the Chairman**’ means the person appointed under Section 10 as Chairman of the Constitutional Convention and includes the person appointed under that Section as Deputy Chairman of the Constitutional Convention and any other person who is for the time being authorised to preside at meetings of the Constitutional Convention;

‘**the Constitutional Convention**’, or ‘**the Convention**’ means the Constitutional Convention established by Section 3;

‘**the Constitutional Review Commission**’ means the Commission appointed by the Standing Committee to prepare a Report and Recommendation on amendments to the Constitution of Nauru for consideration by the Convention;

‘**the Standing Committee on Constitutional Review**’ or ‘**the Standing Committee**’ means the Standing Committee established under the *Constitutional Review Committee Act 2004*.

### Constitutional Convention

3. There shall be a Constitutional Convention for Nauru, the first meeting of which shall be held within 60 days of the date this Act becomes law, for the purpose of considering proposals for amendments to the Constitution which agreed amendments shall be then put to the Parliament in accordance with the provisions of Article 84(2) and if passed in accordance therewith put to a Referendum in accordance with Article 84(3), (4) and (5).

### Membership of Convention

4. The membership of the Constitutional Convention shall consist of the following persons:
- (a) the elected Members of the Parliament who are current members of the Parliamentary Standing Committee on Constitutional Review at the date of commencement of this Act and any other person who subsequently becomes a member of that Standing Committee in the place of any person who ceases to be a member;
  - (b) nine Nauruan representatives appointed by the Standing Committee on Constitutional Review in accordance with section 5 of this Act; and
  - (c) eighteen elected representatives elected in the same manner and from the same constituencies as applicable in a General Election for the Parliament of Nauru, by all persons registered to vote in such a General Election.

### Appointment of Representatives

5(1) The Standing Committee shall select and appoint nine representatives to the Convention, and such selection and appointment shall:

- (a) be completed no later than 21 days after the date that this Act comes into force; and
  - (b) be published in the *Gazette* and in the *Government Bulletin* and announced in Parliament on the next sitting day of Parliament following the appointment.
- (2) The Standing Committee shall not appoint to the Convention any person who is not a Nauruan Citizen and a registered voter, and shall ensure that the representatives appointed represent a wide cross-section of Nauruan society.

### Election of Representatives.

6(1) The elections for representatives pursuant to this section shall be held on a day not later than 40 days after the date this Act comes into force, in accordance with a writ for election issued by the Speaker of Parliament to the Returning Officer in the form prescribed in Schedule 1.

- (2) The representatives for a Constituency shall be elected by the persons whose names appear on an electoral roll for that Constituency.
- (3) A person may not vote if he or she is not registered to vote and may only vote once and for the Constituency for which he or she is enrolled.  
Penalty: \$500 (X)
- (4) A person who is qualified under this Act may submit a written nomination as a candidate for election, in the form prescribed in Schedule 2, and such nomination must be submitted by the deadline declared by the Returning Officer.
- (5) A person is not qualified to be a candidate for election as a representative for a

Constituency unless his or her name appears on an electoral roll for that Constituency.

(6) A person who is a representative by virtue of subsection 4(a) or (b) is not qualified to be a candidate for election as a representative for a Constituency.

(7) A person must not be a candidate for more than one Constituency.

(8) Unless otherwise provided by this Act or by Regulations made hereunder, the provisions of the *Electoral Act* shall apply to the elections to be held under this Act as far as the same may be reasonably applicable.

#### **Determination of results of elections**

7(1) The results of the election of representatives shall be determined in accordance with the provisions of the *Electoral Act* using the Dowdall system as set out in the *Electoral (Electoral System) Regulations 1971*.

(2) The results of the election of representatives shall be declared by the Returning Officer in accordance with section 28 of the *Electoral Act 1965-1992*.

#### **Returning Officer**

8(1) The Cabinet may, by notice in the *Gazette*, appoint a person to be the Returning Officer for the election under section 6 but if it does not do so the Chief Secretary shall be the Returning Officer.

(2) The Returning Officer shall appoint a person to act as Presiding Officer at each polling place.

(3) The Returning Officer shall determine at what places polling places shall be established and shall advertise by Notice in the *Gazette* and also by notice affixed to the exterior of each polling place at least 10 days before polling day and continuously thereafter until polling is complete.

(4) A Returning Officer and a Presiding Officer respectively shall exercise such powers and shall perform such functions as may be prescribed.

#### **Chairman of the Convention.**

✓ 9(1) The representatives shall appoint two of their own number to be the Chairman and the Deputy Chairman respectively of the Convention.

(2) The Chairman shall preside at meetings of the Convention.

#### **Meetings of the Convention**

10(1) The first meeting of the Convention shall be held at a time and a place fixed by the Standing Committee by notice in the *Gazette* and on a date not later than the date prescribed by section 6.

(2) Subsequent meetings of the Convention shall be held on each consecutive day (excluding Saturdays Sundays and public holidays) at the times and the places the Chairman may with the approval of the Convention from time to time appoint, but the Convention shall not sit more than 6 weeks after the first sitting day unless no later than the end of the 5<sup>th</sup> week the Standing Committee so resolves upon the recommendation of the Chairman.

(3) Nothing in subsection (2) prevents the Convention agreeing to adjourn for a period or periods no longer than 2 consecutive days (excluding Saturday and Sunday and public holidays) in any week nor prevents the Convention resolving to meet on a Saturday or Sunday.

#### **Procedure**

11. Subject to this Act, the Convention shall determine its own procedure.

#### **Allowances to Members**

12(1) The Chief Secretary shall grant any representative who is an officer or employee in the Public Service, leave with pay without deduction from leave for recreation for periods necessary to enable him or her to attend meetings of the Convention.

(2) A representative who is not in receipt of pay by means of salary, stipend or wages for any week during which he or she is present at meetings of the Convention shall for his or her attendance at the Convention during that week be paid an allowance that is the equivalent of the weekly salary paid to Members of Parliament, or, if he or she is in receipt of salary, stipend and wages for some days but not for every day on which he or she is present at a meeting of the Convention, shall for his or her attendance at the Convention on the days on which he or she received no other allowance be paid such allowance on a pro rata basis.

#### **Amendments that may be considered by the Convention**

13. The Convention shall consider the recommendations contained in the Report of the Constitutional Review Commission and any proposals put to it through the Chairman by members of the Convention that relate to the Report and Recommendations.

#### **Staff assisting the Convention**

14. The Convention shall be assisted by full-time administrative staff, and by at least 2 legal counsel. Counsels assisting the Convention shall be responsible, inter alia, for preparing a draft Bill in accordance with the resolutions of the Convention for the purposes of section 15(2)

#### **Result of the Deliberations of the Convention**

15(1) No later than 14 days following the conclusion of its deliberations the

Convention shall deliver to the Speaker for tabling in Parliament a Report signed by the Chairman and each representative which shall include, as an appendix or appendices thereto, any dissenting report of a representative and such Report shall upon being tabled in Parliament be published and made available to any person upon payment of a sum of not more than \$20: PROVIDED that if Parliament does not meet within 30 days of the production of the Report it shall be published and made available to any person as aforesaid.

(2) The Report of the Convention shall include, as an appendix thereto, a draft Bill to amend the Constitution in accordance with the resolutions of the Convention, unless the Convention has resolved that there should be no amendments to the Constitution.

(3) The Chairman of the Standing Committee shall within 14 days of the presentation of the Report of the Convention place the Bill for amendment to the Constitution (if any) on notice and proceed to introduce the Bill to Parliament for consideration in accordance with Article 84(2) of the Constitution of Nauru.

#### **Conduct of Referendum**

16. If Parliament passes a proposed law for the amendment of the Constitution in conformity with Article 84(2) and the provisions of Article 84(3) apply to the proposed law then the referendum required to be held to comply with Article 84(3) shall be held in accordance with the provisions of the *Constitutional Review Committee Act 2004* as amended and the Schedule thereto.

#### **Regulations.**

17. Cabinet may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for or in connection with the election of representatives.

**SCHEDULE ONE**

**FORM 1 (Section 6(1))**

REPUBLIC OF NAURU  
CONSTITUTIONAL CONVENTION ACT 2007

WRIT FOR AN ELECTION OF REPRESENTATIVES  
TO THE CONSTITUTIONAL CONVENTION

TO: The Returning Officer,

GREETING

This notice is issued to command you to cause elections to be made according to law of representatives to serve in the Constitutional Convention for the Republic of Nauru; and I appoint the      day of      , 2007, to be the date when the poll (if any) for the purposes of the elections shall be taken.

GIVEN under my hand at Nauru this      day of      , 2007.

SPEAKER

SCHEDULE TWO

FORM 2

REPUBLIC OF NAURU  
CONSTITUTIONAL CONVENTION ACT 2007

NOMINATION OF REPRESENTATIVE AT CONSTITUTIONAL  
CONVENTION FOR THE REPUBLIC OF NAURU

We hereby nominate \* \_\_\_\_\_

Of \*\* \_\_\_\_\_

as a representative at the Constitutional Convention for the Constituency of

\*\*\* \_\_\_\_\_

DATED this      day of      , 2007.

\_\_\_\_\_  
Signature of Elector

\_\_\_\_\_  
Signature of Elector

I hereby consent to the above nomination.

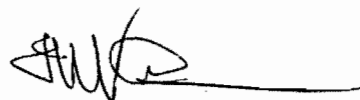
DATED this      day of      , 2007.

\_\_\_\_\_  
Signature of Candidate

- \* Here insert in full the names of the Candidate
- \*\* Here insert the candidate's place of residence and occupation
- \*\*\* Here insert the name of the Constituency



I hereby certify that the above is a fair print of a Bill for an Act entitled **Constitutional Convention Act 2007**, 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  
14<sup>th</sup> March 2007

Pursuant to Article 47 of the Constitution, I, **VALDON K. DOWIYOGO**, Speaker of Parliament, **hereby certify** that the **Constitutional Convention Act 2007** has been passed by Parliament of Nauru



Speaker  
14<sup>th</sup> March 2007