

RECEIVED  
30 MAY 1957

THE ISLAND OF NAURU.

No. 6 of 1956.

A N O R D I N A N C E.

Relating to Compensation to Workers for Injuries  
by Accident arising out of or in the course of  
their Employment, and for other purposes.

BE it ordained by the Administrator of the  
Island of Nauru, acting in pursuance of the powers  
conferred by Article 1 of the Agreement dated the  
second day of July, 1919, between the Government of  
the United Kingdom, the Government of the Commonwealth  
of Australia and the Government of the Dominion of  
New Zealand, as follows:-

Its title.

1. This Ordinance may be cited as the Workers'  
Compensation Ordinance 1956

Commencement.

2. This Ordinance shall come into operation  
on a date to be fixed by the Administrator by  
notice in the Gazette.

Commonwealth  
Workmen's Compensa-  
tion Act 1912  
cease to apply

3.-(1.) The Commonwealth Workmens' Compensation  
Act 1912 of the Commonwealth of Australia in its  
application in Nauru ceases to apply to Nauru.

(2.) A matter or proceeding which was,  
immediately before the commencement of this Ordinance,  
pending in the Court under the Act shall be dealt with  
by the Court in accordance with this Ordinance.

Compensation  
injuries  
sustained before  
commencement of  
this Ordinance.

4.-(1.) Where, before the date of commencement of  
this Ordinance, a person sustained an injury in  
respect of which weekly payments in accordance with  
the Act would have been payable if he had been  
incapacitated for work at that date, and he is not,  
at that date, so incapacitated, but becomes incapaci-  
tated for work after that date as a result of the

injury, compensation in respect of that incapacity is payable in accordance with the provisions of this Ordinance.

(2.) Where, after the commencement of this Ordinance, death results from an injury which was sustained before that commencement and in respect of which compensation would have been payable if the injury was sustained after that commencement, compensation is payable in respect of that death in accordance with the provisions of this Ordinance.

Interpretation.

5.-(1.) In this Ordinance, unless the contrary intention appears -

"compensation" means compensation under this Ordinance;

"dependant", in relation to a deceased worker, means -

- (a) a member of the family of the worker;
- (b) a person to whom the worker stood in loco parentis or who stood in loco parentis to the worker;

- (c) an ex-nuptial child or grand-child of the worker; and

- (d) if the worker was an ex-nuptial child - a parent or grand-parent of the worker, who was wholly or in part dependent upon his earnings at the date of his death or who would, but for his incapacity due to the injury, have been so dependent;

"disease" includes any physical or mental ailment, disorder, defect or morbid condition, whether of sudden or gradual development, and also includes the aggravation, acceleration or recurrence of a pre-existing disease;

3.

"earnings", in relation to a worker in respect of whom compensation is payable, means his salary or wages as varied in accordance with variations in the cost of living determined by competent authority, and includes the value of payments in kind and allowances payable to him in respect of his employment, but does not include a payment for the performance of overtime or a payment or an allowance which is intermittent or which is payable for special expenses incurred by him in respect of his employment;

"employer" includes the Administration, any body of persons, corporate or incorporate, and the legal personal representative of a deceased employer;

"incapacity", in relation to a worker, means incapacity from earning his full earnings at the work at which he was employed at the date of his injury, and

"incapacitated" has a corresponding meaning;

"injury" means an injury referred to in sub-section (1.) of section six of this Ordinance caused by an accident arising or occurring in the manner specified in that sub-section;

"medical treatment" means -

- (a) medical or surgical treatment by a legally qualified medical practitioner;
- (b) the provision of skiagrams, crutches and artificial members and artificial replacements;
- (c) treatment and maintenance as a patient at a hospital; or
- (d) nursing attendance, medicines, medical or surgical supplies or curative apparatus supplied or provided in a hospital or otherwise;

"member of the family", in relation to a worker or an employer, means the wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, adopted child or mother-in-law of the worker or employer, and includes, in relation to a worker, a woman who for a period of not less than three years immediately before his death or incapacity was wholly or mainly maintained by the worker and who, although not legally married to him, lived with him as his wife on a permanent and bona fide domestic basis and who, at the date of his death or incapacity, is not less than the age of fifty years or is maintaining one or more children under the age of sixteen years;

"monthly earnings", in relation to a worker in respect of whom compensation is payable, means -

- (a) in the case of a worker who has attained the age of twenty-one years at the time of the injury and who was employed for a period of one month or more immediately preceding his injury by the same employer in the grade in which he was employed at the time of the injury, uninterrupted by absence from work on account of illness or other unavoidable cause - his earnings for that month or, if he was employed for more than one month, his earnings for one month at the average monthly rate at which he was paid during that period of employment;

(b) in the case of any other worker who has attained the age of twenty-one years at the time of the injury - the earnings for one month at the average monthly rate at which the worker would have been paid if he had been so employed in the same grade at the same work by the same employer for a period of twelve months immediately preceding his injury; and

(c) in the case of a worker who is, at the time of the injury, under the age of twenty-one years or is an apprentice - his earnings for one month at the average monthly rate at which the worker would have been paid in his employment if he had been so employed for a period of twelve months and he had attained that age or had completed his apprenticeship immediately before the commencement of that period;

"outworker" means a person to whom articles or materials are given to be treated or manufactured in his own home or on other premises not under the control or management of the person who gave out the articles or materials;

"permanent and partial incapacity" means partial incapacity of a permanent nature in any work which an injured worker was capable of undertaking at the date on which the injury happened or occurred, and includes incapacity from an injury specified in the Schedule to this Ordinance or a combination of injuries so specified in respect of which the aggregate of percentages of incapacity specified

in that Schedule opposite to those injuries does not exceed one hundred per centum;

"permanent and total incapacity" means total incapacity of a permanent nature in any work which an injured worker was capable of undertaking at the date on which the injury happened or occurred, and includes incapacity from a combination of injuries specified in the Schedule to this Ordinance in respect of which the aggregate of percentages of incapacity specified in that Schedule opposite to those injuries exceeds one hundred per centum;

"temporary and partial incapacity" means partial incapacity of a temporary nature in the work at which an injured worker was employed at the date on which the injury happened or occurred;

"temporary and total incapacity" means total incapacity of a temporary nature in any work which an injured worker was capable of undertaking at the date on which the injury happened or occurred;

"the Act" means the Commonwealth Workmen's Compensation Act 1912 in its application to Nauru before the commencement of this Ordinance;

"the Court" means the Central Court;

"worker" means a person who has entered into or works under a contract of service or apprenticeship with an employer in Nauru, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing, but does not include -

7.

- (a) a member of the employer's family dwelling in his home;
- (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business;
- (c) an outworker; or
- (d) a member of Her Majesty's naval, military or air forces while on active service.

(2.) Where a worker has entered into concurrent contracts of service with two or more employers under which he worked at different times, his monthly earnings shall, for the purposes of this Ordinance, be computed as if his earnings under the concurrent contracts which he is incapacitated from performing were earnings in the employment of the employer for whom he was working at the time of the injury.

(3.) Where the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of service or apprenticeship, the last-mentioned person shall, for the purposes of this Ordinance, be deemed to continue to be the employer of the worker while he is working for that other person.

(4.) For the purposes of sections seven, eighteen and nineteen of this Ordinance, a reference to a worker shall, where the worker died as a result of an injury, be read as a reference to the legal personal representative or to a dependant of the deceased worker who has a legal claim in respect of the death of the worker.

(5.) For the purposes of this Ordinance, a reference to a dependant does not include his legal personal representative if the dependant dies before a claim in respect of the death of a worker on whom he is dependent is made or before an order for payment of compensation has been made.

(6.) A reference in the provisions of this Ordinance applicable to a worker after the date of the injury shall be read as including a reference to a former worker.

(7.) Where a worker sustains an injury by accident in a place outside Nauru in circumstances which, if the injury had been sustained in Nauru, would entitle him to compensation in accordance with this Ordinance, his employer is, subject to this Ordinance, liable to pay compensation as if the injury had been sustained in Nauru.

(8.) For the purposes of this Ordinance, a person who is recruited as a worker from a place outside Nauru by an employer in Nauru shall be deemed to have entered into a contract of service or apprenticeship with that employer at the time and place of his recruitment.

liability of  
employer for  
compensation for  
death of, or  
injury to,  
worker in his  
employment.

6.-(1.) Subject to this Ordinance, where a worker sustains a physical or mental injury, or the aggravation, acceleration or recurrence of a pre-existing physical or mental injury, which results in his incapacity for a period of not less than four days, or in his death, and the injury was caused by an accident -

(a) arising out of or in the course of his employment or his attendance at a trade, technical or other training school which, by the terms of his employment, he is



9.

required or expected by his employer to attend; or

(b) occurring while he is travelling, by the shortest convenient route for the journey, to or from -

(i) his place of employment or a school referred to in the last preceding paragraph; or

(ii) a place which it is necessary for him to attend to obtain a medical certificate or to receive medical treatment or compensation in respect of a previous injury,

his employer is liable to pay compensation in accordance with this Ordinance.

(2.) For the purposes of the last preceding subsection, where a worker dies or sustains an injury by accident occurring while he is travelling during or after a substantial interruption of the journey or a substantial deviation from the route made for a reason in connexion with his employment, attendance at the school or obtaining the certificate, treatment or compensation, as the case may be, he shall be deemed not to have sustained the injury while he was travelling by the shortest convenient route for the journey referred to in paragraph (b) of that subsection unless, in the circumstances of his particular case, the nature, extent, degree and content of the risk of accident was not materially changed or increased by reason only of that interruption or deviation.

(3.) For the purposes of sub-section (1.) of this section, the journey to Nauru from a worker's place of recruitment and his return to that place shall be deemed to be a journey to or from, as the case may be, his place of employment.

(4.) An employer is not liable to pay the compensation claimed in respect of an injury which is attributable to the worker's serious and wilful misconduct unless the injury results in death or serious and permanent incapacity.

(5.) An employer is not liable to pay compensation if the injury to a worker resulting in death or incapacity is intentionally self-inflicted.

(6.) An employer is not liable to pay compensation in respect of a worker who has sustained an injury and who was, when the accident arose or occurred, acting in contravention of a law applicable to his employment or of an order given by, or on behalf of, his employer or without instructions from his employer unless -

- (a) the injury results in death or serious and permanent incapacity; and
- (b) the worker was so acting for the purposes of, and in connexion with, his employer's trade or business.

Notice of injury  
and claims for  
compensation.

7.-(1.) Compensation for an injury is not payable under this Ordinance unless -

- (a) the worker gives notice of the injury as soon as practicable after it arises or occurs and before the worker has voluntarily left the employment in which he was injured; and

(b) the claim for compensation is made -

(i) within six months after the date  
of the accident; or

(ii) in case of death - within six months  
after the date of death.

(2.) The want of notice or a defect or inaccuracy in the notice is not a bar to the recovery of compensation if it is found in the proceedings for the settling of the claim that the employer is not, or would not be, if a notice or an amended notice were then given and the hearing postponed, prejudiced in his defence by the want, defect or inaccuracy, or that the want, defect or inaccuracy was occasioned by mistake or other reasonable cause.

(3.) The failure to make a claim within the period specified in paragraph (b) of sub-section (1.) of this section is not a bar to the maintenance of proceedings if the failure was occasioned by mistake or other reasonable cause.

(4.) A notice in respect of an injury shall contain the name and address of the person injured, and a statement in ordinary language of the cause of the injury and the date on which the injury arose or occurred and shall be served on the employer, or, if there is more than one employer, upon one of the employers.

(5.) The notice and claim may be served by delivering it at the residence or place of business of the person on whom it is to be served.

(6.) Where the employer is a body of persons, corporate or unincorporate, the notice and claim may also be served by delivering it to the office, or if there be more than one office, any of the offices, of that body.

(7.) Upon the request of a worker who claims compensation in accordance with this section, his employer shall, for the purpose of calculating the monthly earnings of the worker, furnish in writing -

- (a) a list of the earnings earned by the worker during each month in that employment; or
- (b) if owing to the casual nature and the terms of the employment, it is impracticable to furnish a list of his earnings - a list of the average monthly amount earned, during the twelve months immediately before the date of the injury, by a person of similar earning capacity in the same grade, employed at the same work and by the same employer, or, if there is no such person so employed by that employer, by a person of similar earning capacity in the same grade and employed in the same class of employment in Nauru.

Medical examination  
and treatment of  
injured worker:

8.-(1.) Subject to the succeeding provisions of this section, where a worker has given notice of an accident under the last preceding section, he shall, if so requested by his employer, submit himself for examination by a legally qualified medical practitioner provided and paid for by the employer.

(2.) Subject to the succeeding provisions of this section, a worker receiving periodical payments under this Ordinance shall, if and when so required by his employer, submit himself for examination by a legally qualified medical practitioner provided and paid for by the worker.

(3.) Subject to the next succeeding sub-section, a worker who is required to submit himself for examination under this section shall attend upon, and shall submit himself for examination by, the medical practitioner at the time and place notified to the worker by the employer or the medical practitioner.

(4.) If, in the opinion of a legally qualified medical practitioner, the worker is unable or is not in a fit state to attend upon the medical practitioner named by his employer in accordance with the last preceding sub-section, the worker shall notify his employer and arrange with him a reasonable time and place for the examination.

(5.) Compensation is not payable to a worker who -

- (a) without reasonable cause fails or refuses to submit himself for the examination in accordance with sub-section (3.) of this section within fifteen days after the date on which he was notified that he was required to submit himself to the examination ; or
- (b) if he has arranged a reasonable time and place for the examination in accordance with the last preceding sub-section - without reasonable cause fails or refuses to submit himself for the examination at the time and place so arranged.

(6.) If a worker fails or refuses to submit himself for the examination as required under this section or in any way obstructs the examination, the right to compensation shall be suspended until the examination has taken place.

(7.) Compensation is not payable in respect of a period for which the right to compensation is suspended under the last preceding sub-section unless the Court is satisfied that the worker had a reasonable excuse for his failure to submit himself to the examination by the medical practitioner.

(8.) A worker who has suffered an injury shall, if so required by his employer, submit himself for medical treatment by a legally qualified medical practitioner provided and paid for by his employer.

(9.) If a worker unreasonably fails to submit himself for medical treatment in accordance with the last preceding sub-section, or having submitted himself, unreasonably disregards the instructions of the medical practitioner, and the injury is aggravated by that failure or by reason that he disregarded those instructions, the injury and the resulting incapacity shall, for the purposes of this Ordinance, be deemed to be of the same nature and duration as might reasonably be expected if he had so submitted himself for medical treatment and carried out the instructions, and compensation is payable accordingly.

(10.) Notwithstanding the preceding provisions of this section, where -

(a) a claim for compensation is made in respect of the death of a worker;

(b) the worker failed, without reasonable excuse, to submit himself before his death for examination or to medical treatment by a legally qualified medical practitioner or unreasonably disregarded the instructions of the medical practitioner; and

(c) the death of the worker was caused by that failure,

the death of the worker shall be deemed not to have resulted from the injury and no compensation is payable in respect of the injury.

termination of  
this by agree-  
ment or by the  
Court.

9.-(1.) An employer upon whom a notice and a claim in respect of an injury has been served under section seven of this Ordinance may enter into an agreement with the worker in accordance with the next succeeding section as to the amount of compensation to be paid to the worker, not being an amount less than the amount of compensation for which the employer is liable under this Ordinance.

(2.) If an employer on whom a notice under section seven of this Ordinance has been served does not, within fourteen days after the receipt of the notice, agree with the worker as to the compensation to be paid, the worker may apply to the Court for determination of his claim for compensation.

(3.) All claims, matters and questions arising under this Ordinance shall, in the absence of agreement, be determined by the Court and the Court may, for that purpose, procure the attendance of any witness who by virtue of his expert knowledge is able to assist the Court.

agreement as to  
compensation.

10.-(1.) An agreement referred to in the last preceding section shall -

(a) be in writing, in duplicate, one copy of which shall be kept by the employer and the other by the worker; and

(b) where the worker is unable to read or understand writing in the language in which the agreement is written - be endorsed with a certificate of the Administrator, or of an

officer appointed by the Administrator for that purpose, certifying that he had read over and explained the terms of the agreement to the worker and that the worker appeared fully to understand and approve the agreement.

(2.) An agreement made in accordance with the last preceding sub-section may, on application to the Court, be made an order of the Court.

(3.) A worker or his employer who has entered into an agreement under the last preceding section, whether or not that agreement has been made an order of the Court under the last preceding sub-section, may apply to the Court within three months after the date of the agreement to have the agreement cancelled on the ground that -

- (a) the agreement is not in accordance with the provisions of this section;
- (b) the amount of compensation is less than the compensation for which the employer is liable under this Ordinance;
- (c) the agreement was entered into in ignorance of, or under a mistake as to, the true nature of the injury; or
- (d) the agreement was obtained by fraud, undue influence, misrepresentation or other improper means sufficient in law for avoiding it.

(4.) The Court may refuse to cancel the agreement, or may cancel it and make such an order (including an order relating to an amount of compensation already paid under the agreement) as in the circumstances the Court thinks just.



compensation  
payable by  
employer where  
worker dies.

11.-(1.) Where a worker dies as a result of an injury -

(a) if the worker leaves dependants wholly

dependent upon his earnings - his employer is liable to pay to such of those dependants, and in such proportions according to the loss suffered by those dependants, as the Court determines -

(i) an amount, not exceeding Two thousand three hundred and fifty pounds, calculated by aggregating the monthly earnings of the deceased worker for the period of forty-eight months immediately preceding the injury; or

(ii) if the amount so calculated is less than the amount of Seven hundred and fifty pounds - that last-mentioned amount;

(b) if the worker does not leave dependants wholly dependent upon his earnings but leaves dependants in part dependent upon his earnings - his employer is liable to pay to such of those dependants, and in such proportions according to the loss suffered by those dependants, as the Court determines -

(i) an amount, not exceeding the compensation payable under the last preceding paragraph, agreed upon by the employer and the dependants; or

(ii) in the absence of agreement, such amount as the Court considers reasonable; or

(c) if the worker leaves no dependants - his employer is liable to pay an amount, not exceeding Sixty pounds, equal to the cost of the funeral expenses of the deceased worker and the expenses of medical attendance as a result of the injury to the worker to form part of the estate of the deceased worker.

(2.) Where compensation is payable to a worker in respect of an incapacity from an injury and that worker dies as a result of the injury leaving dependants wholly dependent upon his earnings, any compensation paid or payable before the death of the worker in respect of his incapacity from the injury shall be deducted from the compensation payable under paragraph (a) of the last preceding sub-section.

(3.) Where there are both dependents wholly dependent on a worker's earnings and dependants partially so dependent, compensation may be allotted partly to the dependants wholly dependent and partly to the dependants partially dependent.

compensation for  
permanent and  
total incapacity.

12. Where a worker sustains an injury which results in permanent and total incapacity, his employer is liable to pay to the worker an amount, not less than One thousand pounds, but not exceeding Two thousand three hundred and fifty pounds, calculated by aggregating the monthly earnings of the worker for the period of sixty months immediately preceding the injury.

compensation for  
permanent and  
partial incapacity.

13.-(1.) Where a worker sustains an injury which results in permanent and partial incapacity, his employer is liable to pay as compensation to the worker -

- (a) if the injury is an injury referred to in the Schedule to this Ordinance - an amount calculated in accordance with that Schedule; or
- (b) if the injury is not referred to in that Schedule - an amount calculated by the Court as a percentage of the compensation which would be payable if the worker had sustained an injury resulting in permanent and total incapacity proportionate to the percentage of incapacity of the worker actually resulting from the injury.

(2.) Where a worker sustains more than one injury by the same accident resulting in permanent and partial incapacity, his employer is liable to pay compensation in accordance with the last preceding sub-section in respect of each injury, not exceeding in the aggregate the amount of compensation which would have been payable under the last preceding section if permanent and total incapacity had resulted from the injuries.

compensation for  
temporary  
incapacity.

14.-(1.) Where a worker sustains an injury which results in a temporary and total incapacity or a temporary and partial incapacity, his employer is liable to pay to the worker -

- (a) periodical payments at a rate per month, not exceeding the rate of Thirty-eight pounds, calculated by taking half the difference between his average monthly earnings at the date of the accident and the average monthly earnings that he is, or the Court determines he is, capable of earning in a suitable business or employment after the accident, at such times as the employer and the worker

agree or, in the absence of agreement, as the Court orders, in respect of the period of the worker's incapacity; or

- (b) a lump sum payment equal to the aggregate of periodical payments at the rate determined in accordance with the last preceding paragraph in respect of a period which the Court determines is the probable period of the incapacity having regard to possible changes in the degree of incapacity and any payment, allowance or benefit that the worker is, in the opinion of the Court, likely to receive from his employer during that period.

(2.) The aggregate of periodical payments payable under paragraph (a) of the last preceding sub-section or a lump sum payment payable under paragraph (b) of that sub-section shall not exceed the compensation that would be payable under this Ordinance if the worker had sustained an injury resulting in a permanent and total incapacity or a permanent and partial incapacity.

(3.) Where a worker -

- (a) is receiving periodical payments under this section;
  - (b) intends to leave Nauru in order to reside elsewhere; and
  - (c) before he leaves Nauru, gives notice to his employer of his intention to leave Nauru,
- the worker shall continue to be paid the periodical payments payable to him during the period of his absence from Nauru or, if his employer agrees, shall be paid a lump sum equal to the aggregate of the remaining periodical payments payable to him.

(4.) Where a worker -

(a) is receiving periodical payments under this section in respect of an injury; and

(b) leaves Nauru in order to reside elsewhere without giving prior notice to his employer, the worker shall not be paid periodical payments in respect of the period for which he is absent from Nauru and he ceases to be entitled to further compensation in respect of that injury after the expiration of a period of six months' absence from Nauru.

(5.) An employer shall not -

(a) end periodical payments made under this section unless -

(i) the employee and the worker so agree;

(ii) the Court so orders;

(iii) the worker is not entitled to be paid those periodical payments by reason of the operation of the provisions of sub-section (7.) of section eight of this Ordinance or the last preceding sub-section;

(iv) the worker resumes work and his earnings are not less than his earnings immediately before the injury; or

(v) the worker dies; or

(b) diminish those periodical payments unless -

(i) the employer and the worker so agree;

(ii) the court so orders;

(iii) the worker returns to work; or

(iv) his earnings (if any) since the injury have been increased.

compensation for  
death or incapa-  
city from  
disease due to  
the nature of  
employment.

15.-(1.) Subject to the succeeding provisions of this section, where -

(a) a worker is incapacitated for work or dies

as a result of his having contracted a

disease due to the nature of the employment

in which the worker was employed; and

(b) the worker contracted the disease at any time

within the period of twelve months immediately

before the date of commencement of his

incapacity or death,

the employer who last employed the worker during that period of twelve months in the employment to the nature of which the disease was due is liable to pay compensation in accordance with this Ordinance as if the disease were an injury under this Ordinance.

(2.) If the disease is of such a nature that it is contracted by a gradual process, another employer who, during that period of twelve months, employed the worker in the employment to the nature of which the disease was due, shall be liable to make to the employer from whom compensation is recoverable such contributions as are agreed upon by the employers or, in the absence of agreement, are settled by the Court.

(3.) Compensation under this section is not payable -

(a) to a worker who, as a result of his having contracted a disease, is incapacitated on a date more than twelve months after the date on which he ceased to be employed by his employer in an employment to the nature of which the disease was due; or

(b) in respect of a worker who, on account of his having contracted a disease, dies on a date more than twelve months after the date on which he ceased to be so employed unless his death was preceded, whether immediately or not, by a period of incapacity in respect of which the employer is liable under this section.

(4.) In the application of the provisions of this Ordinance to and in relation to a worker to whom this section applies, a reference to an injury shall be read as a reference to a disease due to the nature of the employment in which the worker was employed.

(5.) The injury of a worker who contracts a disease due to the nature of his employment shall be deemed to have happened or occurred -

(a) for the purposes of calculating his monthly earnings -

(i) if the worker is employed in an employment to the nature of which the disease is due on the date from which he is incapacitated or on which he dies as a result of his having contracted the disease - on the date from which he is incapacitated or on the date of his death, as the case requires, or, if he dies after a period of incapacity, on the date from which he is incapacitated; and

(ii) in any other case - on the last day on which he was employed in an employment to the nature of which the disease was due; and

(b) for the purpose of any other provision of this Ordinance in its application to a claim under this section - on the date from which he is incapacitated by the disease or the date of his death from the disease, as the case requires, or, if he dies after a period of incapacity, on the date from which he is incapacitated.

tribution of  
nsation.

16.--(1.) Where compensation in the nature of a lump sum, which is not the subject of an agreement, is payable by an employer, the employer shall pay that sum into the Court for the benefit of the person entitled to it under this Ordinance.

(2.) Where an employer pays compensation in the nature of a lump sum into the Court, the Court may, subject to the next two succeeding sub-sections, order that the amount of compensation so paid into the Court be paid to the person entitled to compensation, be invested or otherwise dealt with for his benefit as the Court thinks fit.

(3.) Where upon application, the Court considers that an order under the last preceding sub-section should be varied on account of variation in circumstances of the persons entitled or of any other cause which the Court considers sufficient, the Court may make an order for the variation of the former order.

(4.) An employer may make a payment by way of compensation to a worker to whom compensation in the nature of a lump sum is payable pending the settlement or determination of the worker's claim for compensation by the Court and the Court may, in so settling or determining the claim order that the whole or a part of



that payment be deducted from the amount of compensation payable to the worker.

(5.) Compensation in the nature of periodical payments or compensation under an agreement made in accordance with section ten of this Ordinance may be paid to the person entitled to the compensation or to the Court, and when paid to the Court, the Court shall pay that compensation to the person entitled to it.

(6.) An order by the Court under this section is final and conclusive.

(7.) The receipt of the Registrar of the Court is a sufficient discharge of an obligation to pay an amount of compensation into the Court under this section.

Review of pay-  
ment of  
periodical  
payments by  
the Court

17.-(1.) Where compensation by way of periodical payments is payable under this Ordinance either under an agreement or under an order of the Court, the employer or the worker may apply to the Court for a review of the compensation payable to the worker but, if the application is on the grounds of a change in the condition of the worker, the application shall be supported by a certificate of a legally qualified medical practitioner.

(2.) The Court may, having regard only to the incapacity of the worker as affected by the injury -

- (a) continue, increase, diminish or end the periodical payments as it thinks fit; or
- (b) if the injury has resulted in a permanent incapacity - order that the worker be paid a lump sum calculated in accordance with section twelve or thirteen of this Ordinance, as the case requires, less the sum of the periodical payments already paid to him.

edies both  
 inst the  
 loyer and  
 stranger.

18.--(1.) If an injury in respect of which compensation is payable is caused under circumstances which appear to create a legal liability in some person other than the employer to pay damage in respect of the injury -

- (a) the worker may take proceedings against that person to recover damages and may also make a claim against the employer under this Ordinance, but shall not be entitled to retain in full both damages and amounts received under this Ordinance;
- (b) where the worker receives both amounts under this Ordinance and damages from that other person, he shall repay to the employer so much of those amounts as does not exceed the amount of the damages received from that person;
- (c) upon notice to that person, the employer has first charge upon moneys payable by that person to the worker to the extent of any amounts which the employer has paid to the worker under this Ordinance;
- (d) where the worker has received amounts under this Ordinance, but no damages or less than the full amount of the damages to which he is entitled, the person liable to pay the damages shall indemnify the employer against so much of the amounts paid to the worker as does not exceed the damages for which that person is liable; and
- (e) payment of money by that person to the employer under either of the last two preceding paragraphs shall, to the extent of the amount paid, be a satisfaction of the liability of that person to the worker.

(2.) A reference in this section to damages includes a reference to an amount agreed to be paid in settlement of a claim for damages.

ability of  
employer  
independently  
of this  
Ordinance.

19.--(1.) Except as provided in this section, a worker is not entitled, in respect of an injury, to receive compensation or a payment by way of compensation from his employer both independently of and also under this Ordinance.

(2.) Where injury is caused to a worker in circumstances which appear to create a legal liability in his employer to pay damages in respect of the injury and the worker has received compensation, the worker is not entitled to take proceedings against his employer to recover damages unless he commences those proceedings within twelve months after the date upon which he received payment, or the first payment, of compensation.

(3.) Where a worker is awarded damages against his employer in respect of an injury independently of this Ordinance -

(a) amounts received by him as compensation in respect of that injury shall, to the extent that they do not exceed the damages, be deemed to have been paid by the employer in or towards satisfaction of the damages; and

(b) he is entitled to recover under this Ordinance so much (if any) of the amount which, but for this section, would be payable under this Ordinance as does not exceed any unsatisfied balance of the damages.

(4.) A reference in this section to damages awarded includes a reference to an amount agreed to be paid by an employer in settlement of a claim for damages.

compulsory  
insurance.

20.--(1.) An employer (other than the Administration or the British Phosphate Commissioners) shall obtain from an insurer approved by the Administrator for the purposes of this Ordinance, and shall at all times maintain in force with an insurer so approved, a policy or policies

of insurance or indemnity for the full amount of his liability under this Ordinance to all workers employed by him.

(2.) Where two or more employers may become liable to pay compensation in respect of the same worker, those employers, or any of them, may comply with their obligations under the last preceding sub-section in relation to that worker by means of a joint policy of insurance in respect of their joint liability.

(3.) The premium chargeable in respect of a policy referred to in the last preceding sub-section shall not exceed the current rates for insurance of an employer's liability in respect of workers engaged in the same trade, occupation, calling or industry.

(4.) Subject to sub-section (6.) of this section, a policy of insurance or indemnity for the purposes of this Ordinance shall contain only such provisions relating to an employer's liability under this Ordinance as are determined by the Administrator, but may contain such other provisions relating to liability under another law of Nauru as are appropriate to a particular case.

(5.) A contravention of the last preceding sub-section does not annul the policy or diminish or affect the liability of the insurer to the person insured under the policy.

(6.) A policy of insurance or indemnity for the purposes of this Ordinance -

(a) shall provide that the insurer shall, as well as the employer, be directly liable to a worker insured under the policy and, in the event of his death, to his dependants, to pay the compensation for which the employer is liable; and

(b) shall provide that the insurer shall be bound by, and be subject to, an order, decision or

determination made against the employer of the worker under the provisions of this Ordinance.

(7.) An employer applying to an insurer to issue or renew a policy of insurance or indemnity against liability under this Ordinance shall supply to the insurer a full and correct statement of all earnings paid to workers in his employment during the period relevant to the determination of the premium payable by him for that policy of insurance.

(8.) The Administrator may, in his discretion -

(a) approve an insurer for the purposes of this section; and

(b) revoke any such approval.

(9.) The revocation of the approval of an insurer shall not -

(a) annul a policy issued before the revocation; or

(b) diminish or otherwise affect the liability of the insurer under such a policy.

(10.) For the purposes of the provisions of this section relating to the obligations of employers, every policy which is in force at the time when the approval of an insurer is revoked shall, until the expiration of the current period of the insurance or indemnity but no longer, be deemed to be a policy maintained in force with an insurer approved by the Administrator.

(11.) An employer to whom this section applies shall not contravene or fail to comply with a provision of this section which is applicable to him.

Penalty: Two hundred pounds.

(12.) An employer to whom this section applies who has been convicted under the last preceding sub-section of the offence of failing to comply with a provision of this section shall not continue to fail to comply with

that provision.

Penalty: Twenty pounds for each week or part of a week during which the failure continues.

compensation  
not  
assignable.

21. Compensation under this Ordinance, or the possibility of compensation, shall be, and shall be deemed at all times to have been, absolutely inalienable prior to actual receipt of the compensation, whether by means of, or in consequence of, sale, assignment, charge, execution or otherwise and shall not pass to another person by operation of law, nor shall a claim be set off against the amount of that compensation.

regulations.

22. The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for giving effect to this Ordinance, and, in particular, for prescribing matters providing for and in relation to -

- (a) the procedure in regard to the medical examination of injured workers;
- (b) the procedure in regard to compulsory insurance and the approval of insurers;
- (c) the matters in which fees shall be paid and the fees to be paid;
- (d) the forms to be used in connexion with this Ordinance; and
- (e) penalties not exceeding Fifty pounds for any breach of the regulations.

THE SCHEDULE

## Section 13.

COMPENSATION FOR SPECIFIED INJURIES.

1. The compensation payable to a worker who sustains an injury specified in the table in this Schedule shall be calculated as a percentage of the compensation which would be payable if the worker had sustained an injury resulting in permanent and total incapacity proportionate to the percentage of incapacity specified in that table opposite to the injury actually sustained by the worker.

Nature of the injury	Percentage of incapacity resulting from the injury.
Loss of both eyes .. ..	100
Loss of an only useful eye, the other being blind or absent ..	100
Loss of one eye with serious diminution of sight of the other ..	75
Loss of one eye .. ..	40
Loss of hearing .. ..	70
Complete deafness of one ear ..	20
Loss of both hands .. ..	100
Loss of right arm or the greater part of the right arm .. ..	80
Loss of left arm or the greater part of the left arm .. ..	72
Loss of lower part of right arm, right hand or five fingers of the right hand .. ..	70
Loss of lower part of left arm, left hand or five fingers of the left hand .. ..	63

Nature of the injury	Percentage of incapacity resulting from the injury.	
Loss of right thumb .. ..	30	
Loss of left thumb .. ..	27	
Loss of right forefinger .. ..	20	
Loss of left forefinger .. ..	18	
Loss of right middle finger .. ..	16	
Loss of left middle finger .. ..	15	
Loss of right ring finger .. ..	14	
Loss of left ring finger .. ..	13	
Loss of right little finger .. ..	13	
Loss of left little finger.. ..	12	
Loss of total movement of joint		
of right thumb .. ..	14	
Loss of total movement of joint		
of left thumb .. ..	13	
Loss of distal phalanx or joint		
of right thumb .. ..	16	
Loss of distal phalanx or joint		
of left thumb .. ..	15	
Loss of portion of terminal segment		
of right thumb involving one-third		
of its flexor surface without loss		
of distal phalanx or joint .. ..	14	
Loss of portion of terminal segment		
of left thumb involving one-third		
of its flexor surface without loss		
of distal phalanx or joint .. ..	13	
Loss of two phalanges or joints of		
right forefinger .. ..	12	



Nature of the injury	Percentage of incapacity resulting from the injury.	
Loss of two phalanges or joints		
of left forefinger .. ..	..	11
Loss of two phalanges or joints		
of right middle or ring finger ..	..	11
Loss of two phalanges or joints		
of left middle or ring finger ..	..	10
Loss of two phalanges or joints		
of right little finger .. ..	..	10
Loss of two phalanges or joints		
of left little finger .. ..	..	9
Loss of distal phalanx or joint		
of right forefinger .. ..	..	10
Loss of distal phalanx or joint		
of left forefinger .. ..	..	9
Loss of distal phalanx or joint		
of other finger of right hand ..	..	8
Loss of distal phalanx or joint of		
other finger of left hand ..	..	7
Loss of hand and foot .. ..	..	100
Loss of both feet .. ..	..	100
Loss of leg above knee .. ..	..	75
Loss of leg below knee .. ..	..	65
Loss of foot .. ..	..	60
Loss of great toe .. ..	..	20
Loss of any other toe .. ..	..	8
Loss of two phalanges or joints		
of any other toe .. ..	..	7
Loss of phalanx or joint of great toe		10
Loss of phalanx or joint of any		
other toe .. ..	..	6

2. For the purpose of calculating the compensation payable in accordance with this Schedule to a worker who habitually uses his left hand and arm to perform work usually performed by a worker with his right hand and arm, the percentage of incapacity of the first-mentioned worker shall, notwithstanding the table in this Schedule, be -

(a) for the loss of his left arm or part of his left arm - the percentage of incapacity specified in that table for a similar loss in respect of a right arm or the corresponding part of a right arm; and

(b) for the loss of his right arm or part of his right arm - the percentage of incapacity specified in that table for a similar loss in respect of a left arm or the corresponding part of a left arm.

3. For the purpose of this Schedule, the loss by a worker of a specified part of the body includes -

- (a) the permanent loss of the use of that part; and
- (b) the permanent loss of the efficient use of that part in and for the purposes of his employment at the date of the injury.

Dated this Eleventh day of September , 1956.

*Heperu*

Administrator of the Island of Nauru.

30 MAY 1957

THE ISLAND OF NAURU.

No. 7 of 1956.

A N O R D I N A N C E

TO provide for the payment of Age Pensions,  
Invalid Pensions, Widows' Pensions and Child  
Endowment to Nauruans, and for other purposes  
connected therewith.

BE it ordained by the Administrator of the Island  
of Nauru, in pursuance of the powers conferred by Article  
1 of the Agreement dated the second day of July, 1919,  
between the Government of the United Kingdom, the  
Government of the Commonwealth of Australia and the  
Government of the Dominion of New Zealand, as follows:-

PART I. - PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Social  
Services Ordinance 1956.

Commencement.

2. This Ordinance shall come into operation on a  
date to be fixed by the Administrator by notice in the  
Gazette.

Parts.

3. This Ordinance is divided into Parts, as follows:-

Part I. - Preliminary (Sections 1-5).

Part II. - Administration (Sections 6-10).

Part III. - Age and Invalid Pensions.

Division 1. - Preliminary (Sections 11-12).

Division 2. - Qualifications for Age Pensions  
(Sections 13-14).

Division 3. - Qualifications for Invalid  
Pensions (Sections 15-18).

Division 4. - Rate of Pensions (Section 19).

Division 5. - Wives' and Children's Allowances  
(Sections 20-24).

Division 6. - Payment of Pensions (Sections  
25-28).

Division 7. - Review of Pensions (Sections 29-31).

Division 8. - General (Sections 32-35).

Part IV. - Widows' Pensions.

Division 1. - Preliminary (Sections 36-37).

Division 2. - Qualifications for Widows' Pensions (Sections 38-39).

Division 3. - Rate of Pensions (Section 40).

Division 4. - Payment of Pensions (Sections 41-44).

Division 5. - Review of Pensions (Sections 45-47).

Division 6. - General (Sections 48-52).

Part V. - Child Endowment (Sections 53-61).

Part VI. - Miscellaneous (Sections 62-66).

Definition.

4. In this Ordinance, unless the contrary intention appears, "claim" means a claim for a pension, allowance or endowment made under this Ordinance.

Nauruans only  
qualified to  
receive  
pensions, etc.

5. A person who is not a Nauruan is not qualified to receive a pension, allowance or endowment under this Ordinance.

PART II. - ADMINISTRATION

Administration  
of Ordinance.

6.-(1.) Subject to any directions given to the Council under the next succeeding sub-section, the Council has the general administration of this Ordinance.

(2.) The Administrator may, after making such inquiries, and considering such evidence, as he thinks fit, give to the Council such directions as he thinks proper with respect to the administration of this Ordinance.

Definition.

(3.) The power of the Administrator to give directions under the last preceding sub-section extends to the giving of a direction to the Council to grant, reinstate, refuse, increase, reduce, cancel or suspend a pension, allowance or endowment under this Ordinance.

7. The Council shall, not later than the fourteenth day in each month, furnish to the Administrator, in writing, a statement, containing such particulars as the Administrator directs, of -

- (a) claims for pensions, allowances and endowments, and claims for variations or reinstatements of pensions and allowances, made to the Council during the month preceding the month in which the statement is furnished; and
- (b) pensions, allowances and endowments granted, refused, varied, reinstated, cancelled or suspended during that month.

8. A claim for a pension, allowance or endowment under this Ordinance -

- (a) shall be made in accordance with a form approved by the Council;
- (b) shall be supported by such declaration as is approved by the Council; and
- (c) shall be lodged with the Council.

9.-(1.) Upon receipt of a claim, the Council shall, subject to this Ordinance and after making such investigations as appear to the Council to be necessary for the determination of the claim, determine the claim.

(2.) In investigating and determining a claim, the Council is not bound by any rules of evidence but shall investigate and determine the claim according to equity good conscience and the substantial merits of the case, without regard to legal forms or technicalities.

10. A person affected by a determination, direction, decision or approval of the Council under this Ordinance may, within such time, if any, as is prescribed, appeal to the Administrator and the Administrator may affirm, vary or annul the determination, direction, decision or approval.

PART III. - AGE AND INVALID PENSIONS.

Division 1. - Preliminary.

Interpretation.

11.--(1.) In this Part, unless the contrary intention appears -

"claimant" means a person claiming a pension;

"dependent female" means, in relation to the operation of a provision of this Part, a woman who has lived with a man as his wife on a permanent and bona fide domestic basis, although not legally married to him, for not less than three years immediately preceding the operation of the provision in relation to that woman or man;

"husband" includes the man with whom a dependent female lives;

"income", in relation to a person, means any personal earnings, moneys, valuable consideration and profits earned, derived or received by that person for his own use and benefit by any means from any source whatsoever, whether within or outside Nauru, and includes any periodical payment or benefit by way of gift or allowance from a person other than the father, mother, son or daughter of the first-mentioned person, but does not include -

- (a) income derived from property other than land;
- (b) a payment in respect of illness, infirmity or old age from a trade union; or
- (c) a payment of child's allowance or child endowment under this Ordinance or any other payment made to a person for or in respect of a child of whom that person has the custody, care and control;

"income derived from property other than land", in relation to a person, means income derived from property, other than land, owned, whether alone or

jointly or in common with another person, by that person, but does not include income which consists of an annuity or is derived from a life interest in property;

"pension" means a pension or allowance under this Part;

"pensioner" means a person in receipt of a pension;

"wife" includes a dependent female.

(2.) For the purposes of this Part (other than sections twenty-nine and thirty), the income of a husband and wife, other than a husband living apart from his wife, or a wife living apart from her husband, in pursuance of a decree, judgment or order of a court or of a separation agreement in writing, shall, unless for any special reason in a particular case the Council otherwise determines, be deemed to be half the total income of both.

(3.) For the purposes of this Part, the value of the property of a husband or wife, other than a husband living apart from his wife, or a wife living apart from her husband, in pursuance of a decree, judgment or order of a court or of a separation agreement in writing, shall, unless for any special reason in a particular case the Council otherwise determines, be deemed to be half the sum of the value of the property of the husband and the value of the property of the wife, as computed, in any case in which the next succeeding section is applicable, in accordance with that section.

Computation of  
value of  
property.

12. In the computation of the value of property for the purposes of this Part -

(a) there shall be disregarded -

(i) the value of any interest in land;

(ii) the value of any furniture or personal effects;

(iii) the surrender value (not exceeding Seven hundred and fifty pounds in the aggregate) of any life insurance policy;

- (iv) the value of any property the value of which, for a special reason in a particular case, the Council has directed shall be disregarded for the purposes of this Part; and
  - (v) the value of any other property of a class or kind declared by the Administrator in writing to be property of a class or kind which is not to be taken into account for the purposes of this Part;
- (b) there shall be deducted the amount of any charge or encumbrance lawfully existing on the property, other than property the value of which is disregarded under the last preceding paragraph; and
- (c) where a person has sold his home on terms and has purchased another home, also on terms, there shall be set off against the amount of the balance due to him from time to time in respect of the sale of the former home the amount of the balance due by him from time to time in respect of the purchase of the latter home.

Division 2. - Qualifications for Age Pensions.

Qualifications  
for age  
pensions.

13. Subject to this Part, a person -

- (a) who is not receiving an invalid pension under Division 3 of this Part;
  - (b) who, being a man, has, in the opinion of the Council, attained the age of sixty years or, being a woman, has, in the opinion of the Council, attained the age of fifty-five years; and
  - (c) who is residing in Nauru on the date on which he lodges his claim for the pension,
- is qualified to receive an age pension.



Conditions  
of grant of  
age pension.

14.-(1.) An age pension shall not be granted to a person -

- (a) if he is not of good character;
- (b) if he is not deserving of the pension;
- (c) if, being a husband, he has, without just cause, deserted his wife and the desertion has continued during the prescribed period;
- (d) if, being a husband, he has, during the prescribed period, failed, without just cause, to provide his wife with adequate means of maintenance;
- (e) if, being a man, he has, during the prescribed period, failed, without just cause, to maintain any of his children under the age of sixteen years;
- (f) if, being a wife, she has, without just cause, deserted her husband and the desertion has continued during the prescribed period;
- (g) if, being a woman, she has, without just cause, deserted any of her children under the age of sixteen years and the desertion has continued during the prescribed period;
- (h) if he has directly or indirectly deprived himself of property or income in order to qualify for the pension;
- (i) if the value of his property equals or exceeds Nine hundred and fifteen pounds; or
- (j) if his income equals or exceeds One hundred and forty-three pounds per annum.

(2.) For the purposes of the last preceding sub-section, "the prescribed period", in relation to a person claiming an age pension, means the period of six months immediately preceding the date of lodgment of the claim.

Division 3. - Qualifications for Invalid Pensions.

Interpretation.

15. For the purposes of this Division, a person shall be deemed to be permanently incapacitated for work if the degree of his permanent incapacity for work is not less than eighty-five per centum.

Qualifications  
for invalid  
pension.

16. Subject to this Part, a person -

(a) who has attained the age of sixteen years;

(b) who is not receiving an age pension under  
Division 2 of this Part;

(c) who is permanently incapacitated for work or  
is permanently blind; and

(d) who is residing in Nauru on the date on which

he lodges his claim for the pension, is qualified  
to receive an invalid pension.

Conditions  
for grant of  
invalid  
pension.

17. An invalid pension shall not be granted to a  
person -

(a) if he is not deserving of the pension;

(b) if he did not become permanently incapacitated  
for work or permanently blind while in Nauru  
or during a temporary absence from Nauru;

(c) if his permanent incapacity or permanent  
blindness was brought about with a view to  
obtaining the pension;

(d) if he has directly or indirectly deprived himself  
of property or income in order to qualify for  
the pension;

(e) if the value of his property equals or exceeds  
Nine hundred and fifteen pounds; or

(f) if his income equals or exceeds One hundred and  
forty-three pounds per annum.

Examination  
by medical  
practitioner.

13.-(1.) The Council shall, unless it is manifest  
that a claimant for an invalid pension is permanently  
incapacitated for work or is permanently blind, direct  
that the claimant be examined by a legally qualified  
medical practitioner.

(2.) The medical practitioner shall certify, in such form as the Council approves, whether, in his opinion, the claimant is permanently incapacitated for work or is permanently blind.

Division 4. - Rate of Pensions.

Rate of  
pension.

19.-(1.) Subject to this Part, the rate of an age or invalid pension under this Part shall, in each case, be a rate determined by the Council from time to time as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed the rate of Seventy-one pounds ten shillings per annum.

(2.) The annual rate at which an age or invalid pension is determined shall be reduced -

(a) by the amount, if any, by which the income of the claimant or pensioner, apart from the pension, exceeds Seventy-one pounds ten shillings per annum; and

(b) by One pound for every complete Ten pounds of that portion, if any, of the value of the property of the claimant or pensioner which exceeds Two hundred pounds.

Division 5. - Wives' and Children's Allowances.

Interpretation.

20.-(1.) In this Division, "invalid pensioner" includes an age pensioner who is permanently incapacitated for work or permanently blind.

(2.) For the purposes of the last preceding subsection, a person shall be deemed to be permanently incapacitated for work if the degree of his permanent incapacity for work is not less than eighty-five per centum.

(3.) Where a husband has the custody, care and control of a child, that child shall, except where the husband and his wife are living apart, be deemed, for the purposes of this Division, to be in the custody, care and control of the wife.

Wife's  
allowance.

21.-(1.) Subject to this Part, a wife (not being an age or invalid pensioner) whose husband is an invalid pensioner is qualified to receive a wife's allowance.

(2.) A wife's allowance is not payable to a wife who is living apart from her husband.

Rate of  
Wife's  
allowance.

22. Subject to this Part, the rate of a wife's allowance shall, in each case, be a rate determined by the Council from time to time as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed the rate of Thirty-five pounds fifteen shillings per annum.

Child's  
allowance.

23.-(1.) Where a wife whose husband is an invalid pensioner has the custody, care and control of one or more children under the age of sixteen years, the wife is qualified to receive a child's allowance.

(2.) A child's allowance is not payable under the last preceding sub-section to a wife who is living apart from her husband.

(3.) An invalid pensioner who has the custody, care and control of one or more children under the age of sixteen years is qualified to receive a child's allowance.

(4.) Where both a husband and his wife are qualified to receive a child's allowance, a child's allowance is not payable to the husband.

(5.) The rate of a child's allowance is Twenty-six pounds per annum.

Allowances not  
to be paid in  
certain  
circumstances.

24. A wife's allowance or a child's allowance is not payable -

(a) to a person who is an inmate of a hospital for the insane; or

(b) to a wife whose husband is an inmate of a hospital for the insane.

Division 6. - Payment of Pensions.

ate from  
old pension  
yable.

25.-(1.) Where a pension is granted, it shall be paid from a date determined by the Council.

(2.) The date determined by the Council shall not be a date earlier than the date on which the claim for the pension was lodged or, subject to the next succeeding sub-section, later than the date of the first pension pay day occurring after the date on which the claim was lodged.

(3.) Where the determination of a claim has been delayed by neglect or default on the part of the claimant, the date determined by the Council may, in the discretion of the Council, be a date later than the date of the first pension pay day occurring after the date on which the claim was lodged.

ymment in  
instalments.

26.-(1.) Pensions shall be paid in fortnightly instalments.

(2.) Subject to the next succeeding sub-section, the amount of fortnightly instalment of a pension shall be ascertained by dividing the annual rate of the pension by twenty-six.

(3.) Where the amount so ascertained includes an amount of pence -

(a) if the pence are six or more than six - the amount shall be increased by treating the pence as One shilling; and

(b) if the pence are less than six - the amount shall be reduced by the amount of the pence.

ymment of  
pension.

27.-(1.) A pcnsion shall be paid -

(a) to the pensioner; or

(b) on behalf of the pensioner -

(i) to such other person as the pensioner appoints in accordance with a form approved by the Council; or

(ii) to such other person to whom payment of the pension has been authorized by the Council under the next succeeding section.

(2.) A pension shall be paid in such manner as the Council determines.

payment to a person other than the pensioner.

28. Where the Council is satisfied that, having regard to the age, infirmity, ill-health or improvidence of a pensioner, or to any other special circumstances, it is expedient that payment of the pension should be made to some other person on behalf of the pensioner, the Council may authorize payment of the pension to that person.

Division 7. - Review of Pensions.

statement of income and property to be furnished when required.

29.-(1.) A pensioner shall, whenever so required by the Council and within such time as the Council specifies, furnish to the Council a statement, in accordance with a form approved by the Council, relating to the income and property of the pensioner and of the wife or husband of the pensioner, if any.

Penalty: Ten pounds.

(2.) In the last preceding sub-section, "pensioner" does not include a person who is in receipt of a child's allowance only under this Ordinance.

receipt of property, etc., to be notified.

30.-(1.) Whenever a pensioner becomes the owner of property he shall, within twenty-eight days after becoming the owner of that property, notify the Council accordingly.

(2.) Whenever a pensioner, throughout any period of eight consecutive weeks, receives income exceeding -

(a) in the case of a married pensioner not living apart from his spouse - Two pounds fifteen shillings per week; or

(b) in any other case - One pound seven shillings and six pence per week,

and the average weekly rate of that income is higher than the weekly rate of income last specified by him in a claim, statement or notification under this Part, the pensioner shall, within fourteen days after the expiration of that period, notify the Council accordingly.

(3.) In the last two preceding sub-sections, "pensioner" does not include a person who is in receipt of a child's allowance only under this Ordinance.

(4.) Where -

- (a) a pensioner marries or remarries;
  - (b) a pensioner's marriage is dissolved; or
  - (c) the wife or husband of a pensioner dies,
- the pensioner shall, within fourteen days after the marriage, remarriage, dissolution of the marriage or death, notify the Council accordingly.

Penalty: Ten pounds.

cellation,  
of  
sion.

31.-(1.) If -

- (a) having regard to the income, or the value of the property, of a pensioner;
- (b) by reason of the failure of a pensioner to comply with either of the last two preceding sections; or
- (c) for any other reason,

the Council considers that the pension which is being paid to a pensioner should be cancelled or suspended, or that the rate of the pension which is being paid to a pensioner is greater or less than it should be, the Council may cancel or suspend the pension, or reduce or increase the rate of the pension, accordingly.

(2.) Without in any way limiting the effect of paragraph (c) of the last preceding sub-section, the Council may, under that sub-section, cancel the pension payable to a pensioner if, at any time, circumstances exist in relation to the pensioner which,

if the pensioner were a claimant for the pension, would, by virtue of any provision of this Ordinance, prevent the grant of the pension.

Division 8. - General.

ent in  
ital.

32.-(1.) The rate of pension payable to a pensioner after the expiration of a continuous period of twenty-eight days during which the pensioner -

(a) has been an inmate of a hospital maintained by the Administration; and

(b) has been in receipt of a pension, shall not exceed the rate of Twenty-six pounds per annum until the pensioner ceases to be such an inmate.

(2.) For the purposes of this section, an inmate of a hospital who is receiving hospital treatment at the expense of the Administration is deemed to be an inmate of a hospital maintained by the Administration.

pension of  
sion while  
ipient in  
ital for  
insane.

33.-(1.) Where an age or invalid pensioner becomes an inmate of a hospital for the insane, his pension shall, without further or other authority than this section, be suspended.

(2.) When the pensioner is discharged from the hospital for the insane, payment of his pension shall, subject to this Part, be resumed and he shall be entitled to payment of pension in respect of the period during which his pension was so suspended, but not in any case in respect of a period longer than four weeks.

sion to  
ese if  
nsioner  
aves  
uru.

34.-(1.) A pension shall cease to be payable in respect of any period during which the pensioner is absent from Nauru unless the Council is satisfied that the absence is of a temporary nature, in which case payment may be continued in respect of the period of that absence, but not in any case in respect of a period longer than twelve weeks.



(2.) Payment of an instalment of a pension shall not in any event be made to a person outside Nauru.

(3.) For the purpose of this section, a person shall be deemed not to be absent from, or outside, Nauru while that person is temporarily in the Commonwealth or in New Zealand.

Imprisonment  
of pensioner.

35. If a pensioner is imprisoned following upon his conviction for an offence -

- (a) the Council may suspend his pension during the term of imprisonment or may forfeit any instalment of the pension falling due during the term of imprisonment; and
- (b) where the pensioner has a wife or child dependent on him -

the Council may authorize the payment of the whole or any portion of -

- (i) any instalment of the pension which would have been payable to the pensioner if his pension had not been suspended; or
- (ii) any instalment of the pension so forfeited, as the case may be, to his wife or child or to some other person approved by the Council for the benefit of the wife or child.

#### PART IV. - WIDOWS' PENSIONS.

##### Division 1. - Preliminary.

Definitions.

36. In this Part, unless the contrary intention appears -

"claimant" means a person claiming a pension;

"dependent female" means a woman who, for not less than three years immediately prior to the death of a man, was wholly or mainly maintained by him and, although not legally married to him, lived with him as his wife on a permanent and bona fide domestic basis;

"deserted wife" means a wife who has been deserted by her husband without just cause for a period of not less than six months and is still so deserted;

"income" has the same meaning as in Part III.;

"pension" means a pension under this Part;

"pensioner" means a woman in receipt of a pension;

"widow" includes -

- (a) a dependent female;
- (b) a deserted wife;
- (c) a woman whose marriage has, on the petition, claim or application of the woman, been dissolved and who has not subsequently remarried;
- (d) a woman whose husband is an inmate of a hospital for the insane; and
- (e) a woman whose husband has been convicted of an offence and is imprisoned and has been imprisoned for a period of not less than six months, including any period of imprisonment prior to and continuous with a period of imprisonment following upon the conviction.

putation of  
ue of  
roperty.

37. In the computation of the value of property for the purposes of this Part -

- (a) there shall be disregarded -
  - (i) the value of any interest in land;
  - (ii) the value of any furniture or personal effects;
  - (iii) the surrender value (not exceeding Seven hundred and fifty pounds in the aggregate) of any life insurance policy;
  - (iv) the value of any property the value of which, for a special reason in a particular case, the Council has directed shall be disregarded for the purposes of this Part; and

- (v) the value of any other property of a class or kind declared by the Administrator in writing to be property of a class or kind which is not to be taken into account for the purposes of this Part;
- (b) there shall be deducted the amount of any charge or encumbrance lawfully existing on the property, other than property the value of which is disregarded under the last preceding paragraph; and
- (c) where the widow has sold her home on terms and has purchased another home, also on terms, there shall be set off against the amount of the balance due to her from time to time in respect of the sale of the former home the amount of the balance due by her from time to time in respect of the purchase of the latter home.

Division 2. - Qualifications for Widow's Pension.

Qualifications  
for widow's  
pension.

38. Subject to this Part, a widow who is residing in Nauru on the date on which she lodges her claim for the pension is qualified to receive a pension.

Conditions  
for grant  
of widow's  
pension.

- 39.-(1.) A pension shall not be granted to a widow -
- (a) if she is not of good character;
  - (b) if she is not deserving of the pension;
  - (c) if she has directly or indirectly deprived herself of property or income in order to qualify for the pension;
  - (d) if the value of her property equals or exceeds Nine hundred and fifteen pounds; or
  - (e) if her income equals or exceeds One hundred and forty-three pounds per annum.

(2.) A pension shall not be granted to a widow, being a deserted wife or a woman whose marriage has been dissolved and who has not subsequently remarried, unless

she has taken such action as the Council considers reasonable to obtain maintenance from her husband or former husband.

Division 3. - Rate of Pensions.

Rate of  
Widow's  
Pension.

40.-(1.) Subject to this Part, the rate of the pension payable to a widow shall, in each case, be a rate determined by the Council from time to time as being reasonable and sufficient, having regard to all the circumstances of the case, but shall not exceed the rate of Seventy-one pounds ten shillings per annum.

(2.) The annual rate at which a pension is determined shall be reduced -

(a) by the amount, if any, by which the income of the claimant or pensioner, apart from the pension, exceeds Seventy-one pounds ten shillings per annum; and

(b) by One pound for every complete Ten pounds of that portion, if any, of the value of the property of the claimant or pensioner which exceeds Two hundred pounds.

Division 4. - Payment of Pensions.

Date from  
which  
pension  
payable.

41.-(1.) Where a pension is granted, it shall be paid from a date determined by the Council.

(2.) Subject to the next two succeeding subsections, the date determined by the Council shall not be a date earlier than the date on which the claim for the pension was lodged or later than the date of the first pension pay day occurring after the date on which the claim was lodged.

(3.) Where the determination of a claim has been delayed by neglect or default on the part of the claimant, the date determined by the Council may, in the discretion of the Council, be a date later than the date of the first pension pay day occurring after the date on which the claim was lodged.

(4.) Where a claim is lodged within three months after the date of the death of the claimant's husband, or where the claimant is a dependent female, within three months after the date of the death of the man in respect of whom she was a dependent female, the pension may be paid from the date of the death.

Payment in  
instalments.

42.-(1.) Pensions shall be paid in fortnightly instalments.

(2.) Subject to the next succeeding sub-section, the amount of a fortnightly instalment of a pension shall be ascertained by dividing the annual rate of the pension by twenty-six.

(3.) Where the amount so ascertained includes an amount of pence -

- (a) if the pence are six or more than six - the amount shall be increased by treating the pence as One shilling; and
- (b) if the pence are less than six - the amount shall be reduced by the amount of the pence.

Payment of  
pension.

43.-(1.) A pension shall be paid -

- (a) to the pensioner; or
- (b) on behalf of the pensioner -
  - (i) to such other person as the pensioner appoints in accordance with a form approved by the Council; or
  - (ii) to such other person to whom payment of the pension has been authorized by the Council under the next succeeding section.

(2.) A pension shall be paid in such manner as the Council determines.

Payment to  
a person  
other than  
the  
pensioner.

44. Where the Council is satisfied that, having regard to the age, infirmity, ill-health or improvidence of a pensioner, or to any other special circumstances, it is expedient that payment of the pension should be made to some other person on behalf of the pensioner, the Council may authorize payment of the pension to that person.

Division 5. - Review of Pensions.

Statement of  
income to be  
furnished when  
required.

45. A pensioner shall, whenever so required by the Council and within such time as the Council specifies, furnish to the Council a statement, in accordance with a form approved by the Council, relating to the income and property of the pensioner.

Penalty: Ten pounds.

Receipt of  
property,  
etc., to be  
notified.

46.-(1.) Whenever a pensioner becomes the owner of property she shall, within twenty-eight days after becoming the owner of that property, notify the Council accordingly.

(2.) Whenever a pensioner throughout any period of eight consecutive weeks receives income (exceeding the rate of One pound seven shillings and sixpence per week) at an average weekly rate higher than the weekly rate of income last specified by her in a claim, statement or notification under this Part, she shall, within fourteen days after the expiration of that period, notify the Council accordingly.

(3.) Where a pensioner marries or remarries she shall, within fourteen days after marriage or remarriage notify the Council accordingly.

Penalty: Ten pounds.

Cancellation,  
etc., of  
pension.

47.-(1.) If -

(a) having regard to the income, or the value of the property, of a pensioner;

(b) by reason of the failure of a pensioner to comply with either of the last two preceding sections; or

(c) for any other reason,

the Council considers that the pension which is being paid to a pensioner should be cancelled or suspended, or that the rate of pension which is being paid to a pensioner is greater or less than it should be, the Council may cancel or suspend the pension, or reduce or increase the rate of the pension, accordingly.

(2.) Without in any way limiting the effect of paragraph(c) of the last preceding sub-section, the Council may, under that sub-section, cancel the pension payable to a pensioner if, at any time, circumstances exist in relation to the pensioner which, if the pensioner were a claimant for the pension, would, by virtue of any provision of this Ordinance, prevent the grant of the pension.

Division 6. - General.

Payment in  
hospital.

48.-(1.) The rate of pension payable to a pensioner after the expiration of a continuous period of twenty-eight days during which the pensioner -

(a) has been an inmate of a hospital maintained by the Administration; and

(b) has been in receipt of a pension, shall not exceed the rate of Twenty-six pounds per annum until the pensioner ceases to be such an inmate.

(2.) For the purposes of this section, an inmate of a hospital who is receiving hospital treatment at the expense of the Administration is deemed to be an inmate of a hospital maintained by the Administration.

Suspension of  
pension while  
recipient in  
hospital for  
the insane.

49.-(1.) Where a pensioner becomes an inmate of a hospital for the insane, her pension shall, without further or other authority than this section, be suspended.

(2.) When the pensioner is discharged from the hospital for the insane, payment of her pension shall, subject to this Part, be resumed and she shall be entitled to payment of pension in respect of the period during which her pension was so suspended, but not in any case in respect of a period longer than four weeks.

Pension to  
cease if  
pensioner  
leaves  
Nauru.

50.-(1.) A pension shall cease to be payable in respect of any period during which the pensioner is absent from Nauru unless the Council is satisfied that the absence is of a temporary nature, in which case payment may be continued in respect of the period of that absence, but not in any case in respect of a period longer than twelve weeks.

(2.) Payment of an instalment of a pension shall not in any event be made to a person outside Nauru.

(3.) For the purposes of this section, a person shall be deemed not to be absent from, or outside, Nauru while that person is temporarily in the Commonwealth or in New Zealand.

Restrictions  
as to dual  
pensions.

51. A woman is not entitled to receive at the same time a pension under this Part and under Part III.

Imprisonment  
of pensioner.

52. If a pensioner is imprisoned following upon her conviction for an offence -

(a) the Council may suspend her pension during the term of imprisonment or may forfeit any instalment of the pension falling due during the term of imprisonment; and

(b) where the pensioner has a child under the age of sixteen years dependent on her -



the Council may authorize the payment of the whole or any portion of -

- (i) any instalment of the pension which would have been payable to the pensioner if her pension had not been suspended; or
- (ii) any instalment of the pension so forfeited, as the case may be, to some person approved by the Council for the benefit of the child.

PART V. - CHILD ENDOWMENT.

Interpretation. 53.-(1.) In this Part, unless the contrary intention appears -

- "child" means a child under the age of sixteen years;
- "claimant" means a person claiming an endowment;
- "endowee" means a person to whom an endowment has been granted;
- "endowment" means an endowment under this Part.

(2.) Where a husband has the custody, care and control of a child, the child shall, except where the husband and his wife are living apart, be deemed, for the purposes of this Part, to be in the custody, care and control of the wife.

(3.) For the purposes of the last preceding subsection, "husband" and "wife" have the respective meanings that they would have if this Part were included in Part III.

(4.) Where a child is an inmate of a hospital for the insane and a person is making a reasonable contribution towards the expense of maintaining that child -

- (a) the Council may, in its discretion, determine that, for the purposes of this Part, that person shall be deemed to have the custody, care and control of that child; or

- (b) if that person is a married man not living apart from his wife, the Council may, in its discretion, determine that, for the purposes of this Part, that person's wife shall be deemed to have the custody, care and control of that child.

Child  
endowment.

54. Subject to this Part, a person -

- (a) who has the custody, care and control of one or more children; and

- (b) who -

(i) is granted an age pension, an invalid pension or a widow's pension under

this Ordinance; or

(ii) is the wife of a person who is granted an age pension or an invalid pension under this Ordinance,

is qualified to receive an endowment of Ten shillings per week in respect of each child.

Qualification  
for endowment.

55. An endowment shall not be granted in respect of a child unless both the claimant and the child are, on the date on which the claimant lodges his claim for the endowment, residing in Nauru.

Endowment  
periods.

56. Subject to this Part, endowments are payable in respect of endowment periods as determined by the Council.

Date from which  
endowment is  
payable.

57. The endowment granted to a person shall be payable -

- (a) if the claim for the endowment is lodged within six months after the date on which the claimant became eligible to claim the endowment or, in special circumstances, within such further period as the Council allows - from the commencement of the next endowment period after that date; and
- (b) in any other case - from the commencement of the next endowment period after the date on which the claim for the endowment is lodged.

Payment of  
endowment.

58.-(1.) An endowment shall be paid -

(a) to the endowee; or

(b) on behalf of the endowee -

(i) to such other person as the endowee

appoints in accordance with a form

approved by the Council; or

(ii) to such other person to whom payment of

the pension has been authorized by the

Council under the next succeeding section.

(2.) An endowment shall be paid in such manner as  
the Council determines.

Payment to a  
person other  
than the  
endowee.

59. Where the Council is satisfied that, having  
regard to the age, infirmity, ill-health or improvidence  
of an endowee, or to any other special circumstances, it  
is expedient that payment of the endowment should be made  
to some other person on behalf of the endowee, the  
Council may authorize payment of the endowment to that  
person.

Endowment to  
cease in  
certain cir-  
stances.

60.-(1.) An endowment in respect of a child is not  
payable in respect of any period after -

(a) the endowee ceases to have the custody, care or  
control of the child;

(b) the endowee or the child ceases to reside in  
Nauru, unless his absence from Nauru is  
temporary only;

(c) the child reaches the age of sixteen years;

(d) the child dies; or

(e) in the case of a female child, she marries  
before reaching the age of sixteen years.

(2.) Where an endowment ceases to be payable by  
reason of an event specified in the last preceding sub-  
section, it shall cease to be paid as from the end of  
the endowment period during which the event occurred.

Application  
of endowment.

61. An endowment shall be applied, by the person to whom it is paid, to the maintenance, training and advancement of the child in respect of whom it is granted.

PART VI. - MISCELLANEOUS.

Benefits to be  
absolutely  
inalienable.

62. Subject to this Ordinance, a pension, allowance or endowment under this Ordinance is absolutely inalienable whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.

Offences.

63.-(1.) A person shall not -

(a) make, either orally or in writing, a false or misleading statement -

(i) in connexion with, or in support of, a claim, whether for himself or for any other person;

(ii) to deceive a person performing duties, or exercising powers or functions, under, or in relation to, this Ordinance; or

(iii) to affect the rate of a pension, allowance or endowment payable under this Ordinance

(b) obtain payment of a pension, allowance or endowment under this Ordinance, or of an instalment of such a pension, allowance or endowment, which is not payable;

(c) obtain payment of a pension, allowance or endowment under this Ordinance, or of an instalment of such a pension, allowance or endowment, by means of a false or misleading statement or by means of impersonation or a fraudulent device; or

(d) make or present to a person performing duties or exercising powers or functions under, or in relation to, this Ordinance a statement or

document which is false in any particular.

Penalty: Twenty-five pounds or imprisonment for three months.

(2.) A person convicted of an offence against this section may, in addition to the penalty imposed for the offence, be ordered to repay to the Council any amount paid by way of pension, allowance or endowment in consequence of the act, failure or omission in respect of which he was convicted.

recovery of  
payments.

64.-(1.) Where, in consequence of a false statement or representation, or in consequence of a failure or omission to comply with a provision of this Ordinance, an amount has been paid by way of pension, allowance or endowment which would not have been paid but for the false statement or representation, failure or omission, the amount so paid is recoverable in a court of competent jurisdiction from the person to whom, or on whose account, the amount was paid, or from the estate of that person, as a debt due to the Council.

(2.) Notwithstanding anything contained in this Ordinance, where, for any reason, an amount has been paid by way of pension, allowance or endowment which should not have been paid, and the person to whom, or on whose account, that amount was paid is receiving, or is entitled to receive, some other pension or allowance (other than child endowment under Part V.), that amount may, if the Council in its discretion so determines, be deducted from that other pension or allowance.

payment of  
pension, etc.,  
death of  
pensioner, etc.

65. Any amount of pension, allowance or endowment under this Ordinance which has accrued and is unpaid at the date of the death of the person to whom that pension, allowance or endowment is payable, or which would have been payable to a claimant if the claimant had not died,

may, on application made within six months after the date of death of the person or claimant, as the case may be, or within such further period as the Council, in special circumstances, allows, be paid to the person who, in the opinion of the Council, is best entitled to receive it and neither the Administrator nor the Council is liable to any action, claim or demand for any further payment in respect of that pension, allowance or endowment.

66. The Council may, with the approval of the Administrator, make rules, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, for prescribing penalties not exceeding a fine of Ten pounds for offences against the rules.

Dated this 18<sup>th</sup> day of September, 1956.



Administrator of the Island of Nauru.