



REPUBLIC OF NAURU

Nauru Phosphate Royalties Trust Act 1968

As in force from 16 April 2009

This compilation comprises Ordinance No. 6 of 1968 as amended and in force from 16 April 2009 (being, at the time the compilation was prepared on 16 May 2011, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions. For this compilation, there is also a special Note on terminology.

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

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REPUBLIC OF NAURU

Nauru Phosphate Royalties Trust Act 1968

An Ordinance to establish a Trust to administer certain funds consisting of moneys paid out of Phosphate Royalties, in pursuance of the *Nauru Phosphate Royalties (Payment and Investment) Ordinance 1968*, and for purposes connected therewith

PART I — PRELIMINARY

1 Short title

This Ordinance may be cited as the *Nauru Phosphate Royalties Trust Act 1968*.

2 Parts

This Ordinance is divided into Parts, as follows:

Part I — Preliminary (Sections 1-3).

Part II — Establishment and Constitution of the Trust (Sections 4-13)

Part III — Meetings of the Trust (Sections 14-17).

Part IV — Funds (Sections 18-21).

Part V — Functions and Powers of the Trust (Sections 22-28).

Part VI — Audit and Reports (Sections 29-31).

Part VII — Miscellaneous (Sections 32-33).

3 Definitions

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

'acting member' means an acting member of the Trust;

'member' means a member of the Trust, but does not include an acting member;

'the Chairman' means the Chairman of the Trust;

'the Trust' means the Nauru Phosphate Royalties Trust established by this Ordinance.

- (2) In this Ordinance, a reference to the person by whom a member or acting member was appointed or is to be appointed shall, in the case of a member or acting member who was appointed or is to be appointed by the Council, be read as a reference to the Council.¹

PART II — ESTABLISHMENT AND CONSTITUTION OF THE TRUST

4 Establishment of Trust

- (1) A body corporate is hereby established, under the name of the Nauru Phosphate Royalties Trust.
- (2) The Trust:
- (a) has perpetual succession;
 - (b) shall have a common seal;
 - (c) may acquire, hold and dispose of real and personal property; and

¹ The *Nauru Local Government Council Dissolution Act 1992* amended section 5 of this Act to substitute 'Cabinet' for 'Council', but did not amend the interrelated reference to the Council in section 3(2). In any event, Section 2(7) of the *Interpretation Act 1971* provides:

'Subject to the *Nauru Island Council Act 1992*, a reference to the Nauru Local Government Council established under the *Nauru Local Government Council Ordinance 1951-1967*, the Head Chief, the Deputy Head Chief, a Councillor of the Nauru Local Government Council in any written law, including the principal Act, means a reference to the Republic, the Cabinet, the Chairman of the Cabinet, or a Cabinet Minister as the case may be.'

(d) may sue and be sued in its corporate name.

- (3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the trust affixed to a document and shall presume that it was duly affixed.

5 Constitution of the Trust

- (1) The Trust shall consist of four members, namely:
- (a) one person appointed by the Governor-General;²
 - (b) one person appointed by the Administrator;³ and
 - (c) two persons appointed by the Cabinet.
- (2) Subject to this Ordinance, a member holds office for such period, not exceeding three years, as is fixed, at the time of his appointment, by the person by whom he is appointed.
- (3) A member is eligible for re-appointment.
- (4) The performance of the functions or the exercise of the powers of the Trust is not affected by reason only of there being a vacancy or vacancies in the membership of the Trust.

6 Acting trustees

- (1) In the event of the inability of a member to attend meetings of the Trust (whether on account of illness or otherwise), the person by whom the member was appointed may appoint a person to be an acting member during the period of that inability.

² Clause 86(1) of the *Constitution of Nauru* provides (in part):

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to ... the Governor-General of the Commonwealth of Australia ... shall, unless the context otherwise requires, be read as a reference to the President.'

³ Clause 86(2) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the President or where responsibility for the administration of that law is assigned to a Minister under Article 23, to that Minister.'

- (2) An acting member has, during the period of the inability of the member in relation to whom he is appointed, all the powers and duties of a member.

7 Removal of acting members

- (1) The person by whom a member or acting member was appointed may, at any time, by notice in writing to the member or acting member, terminate his appointment as a member or acting member.
- (2) Where the appointment of a member is terminated under the last preceding subsection during a period during which the member is unable to attend meetings of the Trust and another person has been appointed to be an acting member during the period of that inability, the termination of the appointment of the member terminates the appointment of the acting member.

8 Appointment by the Administrator

- (1) The Administrator shall not appoint a person to be a member or an acting member unless the person is an actuary or a person who is experienced in respect of the investment of moneys.
- (2) *[Repealed]*

9 Resignation of members

- (1) A member or acting member may, by writing under his hand addressed to the person by whom he was appointed, tender his resignation as a member or acting member, as the case may be.
- (2) Where a member or acting member tenders his resignation, the resignation has effect upon being accepted by the person by whom he was appointed or upon the expiration of three months after the day on which the resignation is tendered, whichever first occurs.
- (3) Where the person by whom a member or acting member was appointed accepts the resignation of the member or acting member, he shall notify the member or acting member, and, unless the member is the Chairman, shall also notify the Chairman, of his acceptance of the resignation.

10 Remuneration of members

A member or acting member shall be paid such remuneration, by way of fees or otherwise, and such allowances as are prescribed.

11 Notification of appointment, etc

Notice of the appointment of a person to be a member or acting member or of the termination of the appointment or resignation of a member or acting member shall be published in the Gazette.

12 Chairman of the Trust

- (1) The Administrator in Council⁴ shall appoint one of the members to be the Chairman of the Trust.
- (2) The Chairman holds office as Chairman until the appointment of another member to be the Chairman, until the expiration of the period of his appointment as a member or until he otherwise ceases to be a member, whichever first occurs.
- (3) Where a member appointed to be the Chairman is, upon ceasing to be the Chairman by virtue of the expiration of the period of his appointment as a member, re-appointed a member, he is eligible for re-appointment as the Chairman.

13 Acting Chairman

- (1) In the event of the appointment of an acting member in place of a member who is the Chairman or of the office of Chairman becoming vacant, the Administrator in Council may appoint one of the members to act as Chairman while the acting member holds office or until a chairman is appointed, as the case may be.

⁴ Clause 86(3) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru acting in accordance with the advice of the Executive Council of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the Cabinet.'

- (2) An acting Chairman has, while holding office as acting Chairman, all the powers, functions and duties conferred by this Ordinance on the Chairman.

PART III — MEETINGS OF THE TRUST

14 Interpretation

In this Part, unless the contrary intention appears, '*member*' includes an acting member.

15 Convening of meetings of the Trust

- (1) Subject to this section, the Trust shall determine the manner in which meetings of the Trust are to be called and the places and times at which those meetings are to be held.
- (2) The Chairman:
- (a) shall convene such meetings of the Trust as he considers necessary for the efficient conduct of its business; and
 - (b) shall, on receipt of a written request from one other member, convene a meeting of the Trust.
- (3) The Chairman shall ensure that a meeting of the Trust is held at least once in any period of three calendar months.

16 Presiding at meetings

- (1) The Chairman shall preside at a meeting of the Trust at which he is present.
- (2) In the event of the absence of the Chairman from a meeting of the Trust:
- (a) if the acting Chairman is present at the meeting — the acting Chairman shall preside at the meeting; or
 - (b) in any other case — the members present shall elect one of the members, not being an acting member, to preside at the meeting.

17 Procedure at meetings

- (1) At a meeting of the Trust:
 - (a) three members constitute a quorum;
 - (b) a question arising at the meeting shall be decided by a majority of votes of the members present and voting; and
 - (c) the person presiding at the meeting has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (2) Subject to this Ordinance, the procedure at a meeting of the Trust shall be as the Trust determines.
- (3) The Trust shall keep a record of its proceedings at meetings.

PART IV — FUNDS

18 *[Repealed]*⁵

19 Nauruan Land Owners Royalty Trust Fund

- (1) A fund is hereby established, to be known as the Nauruan Land Owners Royalty Trust Fund.
- (2) In this section the expression '**Ronwan Interest**' means the aggregate business profits, dividends, interest and rents earned by the Fund in respect of each year ending on the 30th day of June after deducting all provisions, costs and expenses necessarily and properly made or incurred in connection therewith and after taking into account any business losses incurred and any costs and expenses incurred by the Trust in accordance with section 32.

⁵ Section 18 was repealed by s. 9(1) of the *Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 2005*. Section 9(2) of that Act provides:

'Any moneys held by the Nauru Phosphate Royalties Trust under Section 18 must be paid into the Treasury Fund or to the credit of a fund established under the *Public Finances (Control and Management) Act 1997*.'

See, also, the *Long Term Investment Fund (Sequestration) Act 2004* (repealed by Act 2011/08).

- (3) The Ronwan Interest earned by the Fund after the first day of July 1989 and until 30 June 1990 and for each 12 months ending 30 June thereafter, shall be ascertained by the Trust and applied in the manner herein provided.
- (4) On or before 31 October of each year but subject to any extension granted by the Minister and notified in the Gazette, the Trust shall (upon such proof as the Trust shall with the approval of the Minister determine) issue each beneficiary, or where there is a trustee for a beneficiary, to the trustee; a statement of the beneficiary's account in such form as the Minister shall approve.
- (5) Subject to any direction given in accordance with subsection (7) the Trust shall (in such manner and upon such proof of entitlement as the Trust, with the approval of the Minister, determines) pay to each beneficiary, or where there is a trustee for a beneficiary, to the trustee, at the time of issue of the statement pursuant to subsection (4) or if the statement is issued before 31 October, not later than that date, the Ronwan Interest credited to the account of the beneficiary in respect of the preceding year ended on 30 June.
- (6) (a) Subject to paragraph (b) hereof a beneficiary of the Fund is a person who, on and after the first day of July 1967, is entitled to the beneficial interest in land in respect of which royalties for phosphate which has been or is mined on the land are held in the Fund;
- (b) A person who is entitled to a life time interest only in any land as aforesaid is, while living, a beneficiary of the Fund, in respect of the Ronwan Interest, to the exclusion of the person who has the beneficial interest in that land.
- (7) (a) A beneficiary of the Fund over the age of 18 years may, at any time, charge his entitlement to Ronwan Interest and the Trust shall take notice of and comply with any direction pursuant to such charge as to the payment of money to which he is entitled, which direction is made in writing, in a form approved by the Minister and notified in the Gazette and which is delivered to the Trust at least 14 days before the Trust completes arrangements to make payment to beneficiaries in accordance with sub-section (5).
- (b) A direction shall relate to Ronwan Interest payable subsequently to the receipt by the Trust of the direction.

- (c) A direction may be made for a time certain and may be made to be irrevocable without the written consent of the person in whose favour it is made.
- (8) The Trust may recover in the District Court any moneys paid by mistake to any person whether that person is a beneficiary or not.
- (9) For the purposes of any written law and any custom of the Nauruan people, the interest of a beneficiary in the Fund is real property and the interest of a life tenant and of a beneficiary in the Ronwan Interest of the Fund is personal property.
- (10) (a) Notwithstanding anything to the contrary herein or in any written law, upon the death of a beneficiary and before the estate of the deceased is finally distributed any payment made pursuant to subsection (5) shall be made to the Curator of Intestate Estates:
 - (b) Upon the death of a beneficiary with a life time interest only, the interest of the beneficiary in the Fund ceases forthwith but any Ronwan Interest which is payable in respect of the year ended 30 June preceding the date of death shall form part of the estate of the deceased and shall be paid accordingly.

19A Payment of principal in special circumstances

- (1) Where the President is satisfied that a beneficiary of the Nauruan Landowners Royalty Trust Fund (in this section called 'the Fund') is a person who is:
 - (a) the sole owner of a Portion of land in respect of which he is a beneficiary of the Fund; and
 - (b) has no living next of kin (other than a spouse) who would in the normal course of events have any expectation of inheriting from the estate of the beneficiary (whether according to the customs and usages of the Nauruan people or otherwise); and
 - (c) is a person of such age that the likelihood of such circumstance changing appears to the President to be remote;

the President may by order consent to a request by such beneficiary that part of the interest of the beneficiary in the Fund

be paid to the beneficiary at such time, in such amount, and at such place as the President in his order may direct.

- (2) The Trust must upon receipt of an order of the President made in accordance with subsection (1), give effect to the order.

20 Other funds

- (1) The Trust shall, if requested to do so by the Cabinet, establish another fund or other funds for the purposes of this Ordinance.
- (2) Where the Trust establishes another fund, the purposes for which the fund is established shall be the purposes determined by the Cabinet and specified in the request furnished to the Trust by the Cabinet under the last preceding subsection, and moneys in the fund shall not be expended otherwise than for those purposes and as determined by the Cabinet.

21 Payment into a fund

There is payable into a fund established by or under this Ordinance:

- (a) the moneys allocated by the Cabinet to the fund out of the net proceeds of the phosphate industry at Nauru in pursuance of the *Nauru Phosphate Royalties (Payment and Investment) Ordinance 1968*;
- (b) any other moneys allocated by the Council to the fund or for the purposes of the fund;
- (c) interest from the investment of moneys standing to the credit of the fund; and
- (d) such other moneys as are paid to the Trust for the purposes of the fund.

PART V — FUNCTIONS AND POWERS OF THE TRUST

22 Interpretation

A reference in this Part to a fund is a reference to:

- (a) a fund established by or under this Act;

- (b) a fund established by or under the *Nauru Phosphate Royalties (Payment and Investment) Act* and administered by the Trust; or
- (c) a fund established by the Council and placed by the Council under the administration of the Trust;
- (d) any other fund administered by the Trust pursuant to this Act or any other written law or any deed or declaration of trust appointing the Trust as trustee.

23 Functions of the Trust and matters to which the Trust must have regard in carrying out its functions

- (1) The Trust in dealing with any fund which constitutes moneys of the Republic, and in particular with the Long Term Investment Fund, the Nauru Rehabilitation Fund and the Nauru Housing Fund, does so for the benefit of the citizens of Nauru and is responsible to the Parliament, through Cabinet, in accordance with the provisions of this Act, for:
 - (a) the administration of the Funds; and
 - (b) the protection and preservation of the corpus of the funds.
- (2) The Trust in dealing with any fund other than a fund referred to in subsection (1) does so as trustee for the beneficiary or beneficiaries of the fund in accordance with the provisions of any applicable law or of any deed, settlement or other document establishing the fund and the appointment of the Trust as trustee thereof, and the Trust is, in accordance therewith responsible for:
 - (a) the administration of such fund; and
 - (b) the protection and preservation of the corpus thereof.
- (3) The Trust is required to exercise its powers of management and investment with the diligence, skill and fiduciary care that a prudent person of business would exercise in managing the affairs of others.
- (4) For the purposes of performing its functions under this Act, the Trust has the powers conferred upon it by this Act and such other powers as are necessary for the performance of its functions.

24 Bank accounts

- (1) The Trust shall open and maintain an account, with a bank approved by the Administrator in Council, for each fund.
- (2) The Trust shall pay all moneys received by it in respect of a fund into the account opened in accordance with the last preceding subsection for that fund.
- (3) Payment of moneys into the account opened for a fund under this section shall be deemed to be payment of the moneys into the fund.

25 Investment of funds

Moneys standing to the credit of a fund shall be invested by the Trust:

- (a) in securities of, or guaranteed by, the Commonwealth or a State;
- (b) in such other securities, or in securities included in such other classes of securities, as the Administrator in Council approves;
- (c) on fixed deposit in a bank approved by the Administrator in Council; or
- (d) in such other manner as the Administrator in Council approves.

26 Report concerning investments

- (1) The Trust shall, before the thirtieth day of June in each year, submit to the Administrator a report concerning each fund setting out:
 - (a) particulars of the investments held on behalf of the fund;
 - (b) the extent to which and the manner in which the Trust proposes to vary those investments during the period of twelve months next following that date; and
 - (c) the manner in which the Trust proposes to invest moneys paid into the fund during that period.
- (2) The Administrator shall submit the report furnished to him in accordance with the last preceding subsection to the Executive

Council⁶ at the next meeting of the Executive Council that is held after the date on which the report is received by him.

27 Secretary to the Trust

- (1) The Trust may appoint a member or some other person to be the Secretary to the Trust.
- (2) The terms and conditions of appointment (including remuneration) of a member or other person appointed to be Secretary to the Trust are such as are determined by the Trust.

28 Employment of staff

- (1) The Trust may employ such persons as it thinks necessary to enable it to exercise its powers and perform its function under this Ordinance.
- (2) The terms and conditions of employment (including remuneration) of persons employed under this section are such as are determined by the Trust.

PART VI — AUDIT AND REPORTS

29 Audit

- (1) The accounts and records of financial transactions of the Trust shall be audited by an auditor appointed by the Administrator.
- (2) The auditor shall inspect and audit the accounts and records of the Trust and draw the Administrator's attention to any irregularity revealed by the inspection and audit which, in the opinion of the auditor, is of sufficient importance to justify his doing so.
- (3) The auditor, or a person authorized by him, is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Trust relating directly or indirectly to the receipt, investment or payment of moneys by the Trust.

⁶ See Note on terminology on page 20 of this compilation.

- (4) The auditor, or a person authorized by him, may make copies of or take extracts from any such accounts, records, documents or papers.
- (5) The auditor may require a member, the Secretary or an employee of the Trust to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of an inspection or audit under this Ordinance, and that person shall comply with the requirement.
- (6) In the last preceding subsection, '**auditor**' shall be read as including a reference to a person authorized by the auditor.
- (7) The Trust shall cause the books of account of the fund or funds for which it is responsible to be audited, by the auditor appointed pursuant to subsection (1), each year as soon as practicable after the 30th day of June and shall cause the land ownership records of beneficiaries of the Nauruan Landowners Royalty Trust Fund to be audited by the auditor aforesaid or another auditor appointed in like manner.
- (8) The Trust shall before 30th September in each year (or at such later date as the Minister may approve, which approval shall be notified to Parliament on the next following sitting day of Parliament) prepare and submit to the Minister, who shall lay the same before Parliament on the next sitting day of Parliament a report on the activities of the funds in the preceding twelve months and the accounts of the funds so as to present fairly and informatively the results of the financial and other transactions and activities of the Trust in relation to the funds in the preceding twelve months, and such report shall:
 - (i) be signed by the Chairman and a member of the Trust who shall certify that in their opinion the financial statements truly and fairly present the results of the financial transactions of the funds during the financial year to which they relate and the financial position of the funds at the end of that year;
 - (ii) state whether, at the date of signing the financial statements, they were aware of any circumstances that would render any particular included in the statements misleading or inaccurate and if so, particulars of the circumstances; and
 - (iii) have annexed to it the report of the auditor or auditors.

- (9) The auditor responsible for auditing the Trust's records of land ownership in respect of beneficiaries of the Nauruan Landowners Royalty Trust Fund shall, *inter alia*, state in his report whether those records are correct and in accordance with the records of land ownership provided to the Trust and whether the records of land ownership provided to the Trust are true and correct and for this purpose the auditor shall have free access to the records of the Republic as he may require to verify the accuracy of the records of the Trust.

30 Annual report by the Trust

- (1) The Trust shall, not later than the thirtieth day of September in each year, submit to the Administrator a report relating to the administration, including the investment, of all funds administered by the Trust.
- (2) The Administrator shall:
- (a) submit the report referred to in the last preceding subsection to the Executive Council at the next meeting of the Executive Council that is held after the date on which the report is received by him;
 - (b) lay that report before the Legislative Council⁷ at the next meeting of the Legislative Council that is held after the date on which the report is received by him;
 - (c) publish or cause to be published, a summary of that report in the Gazette; and
 - (d) furnish a copy of that report to the auditor appointed under the last preceding section.

31 Trust to furnish information

The Trust shall furnish to the Administrator and to the Legislative Council such information relating to its, operations as the Administrator in Council or the Legislative Council from time to time requires.

⁷ See Note on terminology on page 20 of this compilation.

PART VII — MISCELLANEOUS

32 Annual Administration Budget

- (1) The Secretary to the Trust shall prepare an Annual Administration Budget for the Trust which shall be submitted before 30th June each year for consideration and approval by the members of the Trust.
- (2) The Annual Administration Budget shall set out the projected administration costs and related expenses of the Trust (including taxes, rates, charges, duties and other like amounts, commissions and fees) likely to be incurred by the Trust on behalf of the funds administered by the Trust in the ensuing financial year.
- (3) Following approval of the Annual Administration Budget by the Trust, the Secretary shall provide to the Minister responsible for the Trust a copy of the Annual Administration Budget.
- (4) The Annual Administration Budget may be reviewed and revised by the members of the Trust at any time before or during the financial year to which it applies.
- (5) The Trust shall inform the Minister of any revisions to the Annual Administration Budget made under clause (4) of this section.
- (6) Payment of the administration costs and related expenses of the Trust shall be sourced from or through the deduction or set-off against receipts of income earned by the funds under the administration and/or control of the Trust, except that in the event that the Trust has insufficient income to meet such costs and expenses, the outstanding balance of any such costs and expenses shall be paid from moneys appropriated by Parliament from the Treasury Fund.

32A Personal liability of members

The members of the Trust shall not be personally liable for any act or omission done or omitted to be done in the *bona fide* exercise or purported exercise of their powers and duties as members or directors or as other office-bearers of corporations with which the Trust is associated, and they shall be indemnified by the Republic in respect of any liability howsoever incurred in connection with any such act or omission.

32B Confidentiality of records of beneficiaries

- (1) Save as required under this Act or regulations made hereunder, no person who is or who has been a member of the Trust or an officer or employee of the Trust shall supply or reveal, in Nauru or elsewhere, to any person other than to a beneficiary of the Nauru Land Owners Royalty Trust Fund or as such beneficiary may direct, any information relating to the account of any such beneficiary.

Penalty: 6 months imprisonment or \$5,000

- (2) Notwithstanding the preceding subsection, a member of the Trust or an officer or employee of the Trust may supply or reveal to an auditor, or employee of any auditor, employed to audit the books of account and transactions of the Trust or to any other member of the Trust or officer or employee of the Trust such information as may be reasonably necessary to enable such person to carry out their duties as such auditor, employee of an auditor, member of the Trust, officer or employee.
- (3) Nothing herein shall prevent a member of the Trust or officer or employee of the Trust from producing in Court, in accordance with a valid subpoena or other order of the Court, or with the consent of the beneficiary concerned, any such information as aforesaid.

33 Regulations

The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters that by this Ordinance are or convenient to be prescribed for carrying out or giving effect to this Ordinance.

34 Commencement of the principal Act

- (1) The principal Act came into full force and effect on 28 January 1968.
- (2) Every court of law shall be bound by the above declaration.

35 Limited withdrawal of principal from Ronwan Fund

- (1) Notwithstanding anything to the contrary in the Principal Act, after 1st June 2001, a beneficiary may by written direction to the Chairman of the Trust, direct the Trust to pay to the Bank of Nauru in satisfaction or part satisfaction of a debt due to the

Bank by the beneficiary, being a debt incurred before 1st June 2001, part or all of the principal amount standing to the credit of the beneficiary in the Nauruan Landowners Royalty Trust Fund (hereinafter called 'the RONWAN Fund') as at 30th June 1997.

- (2) A direction must be accompanied by a letter or statement from the Bank of Nauru certifying the moneys then owing to the Bank by the beneficiary, and the amount, if any, paid since 1st July 1997 to the Bank from RONWAN Interest pursuant to a charge given by the beneficiary in accordance with Section 19(7) of the Principal Act.
- (3) Upon receipt of a direction and letter or statement from the Bank, the Trust shall pay to the Bank the amount stated in the direction or such lesser amount as may be standing to the credit of the beneficiary in the principal of the RONWAN Fund.
- (4) If an amount of RONWAN Interest has, since 1st July 1998, been paid to the Bank of Nauru in accordance with a charge given by a beneficiary in accordance with Section 19(7) of the Principal Act then if that beneficiary gives a written direction pursuant to subsection (1) of this Section to pay an amount sufficient to repay the Bank all of the indebtedness of the beneficiary immediately after being credited with the amount paid pursuant to the charge plus any interest accrued to the Bank since such payment, the beneficiary may include in that direction a further amount being an amount not more than that paid to the Bank in accordance with the charge.
- (5) This Section shall expire and cease to have any effect on 30th June 2002 but such cessation and expiration shall not affect a direction delivered to the Trust before that date but not yet given effect.

Notes for the Nauru Phosphate Royalties Trust Act 1968

Table of Constituent Legislation

Ordinance

Citation	Number	Made	Gazettal	Commencement
<i>Nauru Phosphate Royalties Trust Ordinance 1968</i>	1968/06	25.01.1968	29.01.1968	28.01.1968*

* See s. 34 (inserted by Act 1990/04).

Acts

Short title	Number	Certification	Commencement
<i>Nauru Phosphate Royalties Trust (Amendment) Act 1990</i>	1990/04	16.10.1990	16.10.1990
<i>Nauru Local Government Council Dissolution Act 1992</i>	1992/01	02.03.1992	02.03.1992
<i>Nauru Phosphate Royalties Trust Amendment Act 1997</i>	1997/19	21.11.1997	21.11.1997*
<i>Nauru Phosphate Royalties Trust (Amendment) Act 2001</i>	2001/02	15.06.2001	15.06.2001†
<i>Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 2001</i>	2005/08	05.10.2005	30.09.2005
<i>Nauru Phosphate Royalties Trust (Amendment) Act 2009</i>	2009/03	16.04.2009	16.04.2009

* S.2 is expressed to have effect from 01.06.1997.

† S.2 is expressed to have effect from 01.06.2001.

Table of Amendments

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

Provision affected	How affected
Section 5	Am. by Act 1992/01.
Section 8	Subs. (2) rep. by Act 1992/01.
Section 18	Rep. by Act 2005/08.
Section 19	Subs. (2) rs. by Act 1990/04, am. by Act 1997/19. Subs. (3) rs. by Act 1990/04. Subs. (4) rs. by Act 1990/04. Subs. (5) rs. by Act 1990/04. Subs. (6) rs. by Act 1990/04. Subs. (7) rs. by Act 1990/04.

Nauru Phosphate Royalties Trust Act 1968

Provision affected	How affected
	Subs. (8) ad. by Act 1990/04. Subs. (9) ad. by Act 1990/04. Subs. (10) ad. by Act 1990/04.
Section 19A	Ad. by Act 1990/04.
Section 20	Subs. (1) am. by Act 1992/01. Subs. (2) am. by Act 1992/01.
Section 22	Rs. by Act 1990/04. Am. by Act 1992/01.
Section 23	Rs. by Act 1990/04.
Section 29	Subs. (7) ad. by Act 1990/04. Subs. (8) ad. by Act 1990/04. Subs. (9) ad. by Act 1990/04.
Section 32	Rs. by Act 2009/03.
Section 32A	Ad. by Act 1990/04.
Section 32B	Ad. by Act 1990/04.
Section 34	Ad. by Act 1990/04.
Section 35	Ad. by Act 2001/02.

Note on terminology

The *Nauru Phosphate Royalties Trust Act 1968*, although made only one week before Nauru became independent, contains numerous references to pre-independence offices and institutions. In spite of the several amendments that have been made to the principal Ordinance, there has been no comprehensive updating of the terminology used in the Act.

Footnotes in the text to this compilation have cited interpretive or amending provisions of the Constitution and the *Interpretation Act 1971* in relation to the terms '**Administrator**', '**Administrator in Council**', and '**Council**'. There is, however, no equivalent interpretive or amending provision for the terms '**Executive Council**' and '**Legislative Council**'.

The Executive Council and the Legislative Council, both of which are referred to in the *Nauru Phosphate Royalties Trust Act 1968*, were pre-independence institutions established under the *Nauru Act 1965* (Commonwealth of Australia). As the names of the institutions suggest, they exercised executive and legislative functions under the Australian Administration of the Territory of Nauru. While there is no legislative provision for the manner in which the surviving legislative instances of these terms are now to be read, they can most sensibly be read as references to their successor executive and legislative institutions: the Cabinet and the Parliament, and the terms have, in practice, been so read.