

NAURU PHOSPHATE ROYALTIES TRUST

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Nauru Phosphate Royalties Trust Act 1968

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Nauru Phosphate Royalties Trust Act 1968

TABLE OF AMENDMENTS

The Nauru Phosphate Royalties Trust Act 1968 No 6 was made on 25 January 1968 and commenced on 28 January 1968 (s 34, as inserted by Nauru Phosphate Royalties Trust (Amendment) Act 1990 No 4).

Amending Legislation	Certified	Date of Commencement
Nauru Phosphate Royalties Trust (Amendment) Act 1990 No 4*	16 October 1990	16 October 1990
Nauru Local Government Council Dissolution Act 1992 No 1*	2 March 1992	2 March 1992
Nauru Phosphate Royalties Trust (Amendment) Act 1997 No 19	21 November 1997	1 June 1997
Nauru Phosphate Royalties Trust (Amendment) Act 2001 No 2*	15 June 2001	15 June 2001 (except s 2: 1 June 2001)
Nauru Phosphate Royalties (Payment and Investment) (Amendment) Act 2005 No 8*	5 October 2005	30 September 2005
Nauru Phosphate Royalties Trust (Amendment) Act 2009 No 3	16 April 2009	16 April 2009
RONWAN Consolidation Act 2014 No 23**	29 October 2014	19 December 2013
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

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

** As amended by:

Ronwan Consolidation (Amendment) Act 2016 No 35, which was certified and commenced on 10 June 2016; and
Ronwan Consolidation (Amendment) No 2 Act 2016 No 38, which was certified and commenced on 19 July 2016.

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

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title and commencement

This Act may be cited as the *Nauru Phosphate Royalties Trust Act 1968* and came into effect on 28 January 1968.

2 Parts

[s 2 omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]

3 Definitions

(1) In this Act:

‘acting member’ means an acting member of the Trust;

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

‘the Chairperson’ means the Chairperson of the Trust; and

‘the Trust’ means the Nauru Phosphate Royalties Trust established by this Act.

(2) In this Act, 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 Cabinet, be read as a reference to the Cabinet.

PART 2 — 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
 - (d) may sue and be sued in its corporate name.
- (3) All courts 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

Prior to the Transition Date:

- (1) (a) The Trust shall consist of 4 members appointed by the Cabinet from time to time.
- (b) For the purposes of Part 2:
 - (i) Any reference to ‘the person by whom the member was appointed’ and any like phrase shall be deemed to be a reference to the Cabinet.
 - (ii) Any reference to ‘the person by whom the member or acting member was appointed’ and any like phrase shall be deemed to be a reference to the Cabinet.
 - (iii) Any reference to ‘*Administrator*’ shall be deemed to be a reference to the Cabinet.
 - (iv) Any reference to ‘*Administrator in Council*’ shall be deemed to be a reference to the Cabinet.

[subs (1) subst Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016]

- (2) Subject to this Act, a member holds office for such period, not exceeding 3 years, as is fixed, at the time of his or her appointment, by the person by whom he or she is appointed.

- (3) Subject to Section 13A, a member is eligible for re-appointment.

[subs (3) am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016]

- (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.

[s 5 am Act 1 of 1992, opn 2 Mar 1992; Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

6 Acting trustees

- (1) Until the Transition Date 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.

[subs (1) am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

- (2) An acting member has, during the period of the inability of the member in relation to whom he or she 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 or her appointment as a member or acting member.
- (2) Where the appointment of a member is terminated under subsection (1) 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

[s 8 rep Act 23 of 2014 s 39, opn 19 Dec 2013]

9 Resignation of members

- (1) A member or acting member may, by writing under his or her hand addressed to the person by whom he or she was appointed, tender his or her resignation as a member or acting member, as the case may be.
- (2) Where a member or acting member tenders his or her resignation, the resignation has effect upon being accepted by the person by whom he or she was appointed or upon the expiration of 3 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 or she shall notify the member or acting member, and, unless the member is the Chairperson, shall also notify the Chairperson, of his or her 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 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 Chairperson of the Trust

Until the Transition Date:

- (1) The Cabinet shall appoint one of the members to be the Chairperson of the Trust.

- (2) The Chairperson holds office as Chairperson until the appointment of another member to be the Chairperson, until the expiration of the period of his or her appointment as a member or until he or she otherwise ceases to be a member, whichever first occurs.
- (3) Where a member appointed to be the Chairperson is, upon ceasing to be the Chairperson by virtue of the expiration of the period of his or her appointment as a member, re-appointed a member, he or she is eligible for re-appointment as the Chairperson.

[s 12 am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

13 Acting Chairperson

Until the Transition Date:

- (1) In the event of the appointment of an acting member in place of a member who is the Chairperson or of the office of Chairperson becoming vacant, the Administrator in Council may appoint one of the members to act as Chairperson while the acting member holds office or until a Chairperson is appointed, as the case may be.
- (2) An acting Chairperson has, while holding office as acting Chairperson, all the powers, functions and duties conferred by this Act on the Chairperson.

[s 13 am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

13A Effect of Transition Date on office holders

On the Transition Date the office of all members and any acting members including the office of the Chairperson and any acting Chairperson shall cease and be at an end.

[s 13A insrt Act 23 of 2014 s 49, opn 10 June 2016; am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

13B Cabinet to perform functions and powers of Trust

- (1) From the Transition Date, subject to the powers and functions of any liquidator appointed pursuant to Section 50 of the *Ronwan Consolidation Act 2014*, all of the functions, and powers of the Trust including without limitation the conducting of meetings, deliberations and decisions and the execution of documents, shall be directly discharged, executed and performed by the Cabinet.
- (2) No member of the Cabinet shall receive or be entitled to receive any remuneration nor profit by virtue of the Cabinet discharging, executing and performing such functions and powers.

[s 13B insrt Act 23 of 2014 s 49, opn 10 June 2016; am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

PART 3 — 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

Until the Transition Date:

- (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 Chairperson:
 - (a) shall convene such meetings of the Trust as he or she 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 Chairperson shall ensure that a meeting of the Trust is held at least once in any period of 3 calendar months.

[s 15 am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

16 Presiding at meetings

Until the Transition Date:

- (1) The Chairperson shall preside at a meeting of the Trust at which he or she is present.
- (2) In the event of the absence of the Chairperson from a meeting of the Trust:
 - (a) if the acting Chairperson is present at the meeting, the acting Chairperson 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, not preside at the meeting.

[s 16 am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

17 Procedure at meetings

Until the Transition Date:

- (1) At a meeting of the Trust:
 - (a) 3 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 Act, 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.

- (4) Meetings of the Trust may be conducted by telephone, voice over Internet Protocol, circulation of a written Resolution or by any other means the members shall think fit.

[subs (4) insrt Act 23 of 2014 s 40, opn 19 Dec 2013]

[s 17 am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

17A Cabinet to decide meetings of Trust

From the Transition Date meetings of the Trust shall be held at the unfettered discretion of the Cabinet and the procedures of such meetings including the keeping and any release of any records of such proceedings shall be determined by the Cabinet in its unfettered discretion.

[s 17A insrt Act 23 of 2014 s 49, opn 10 June 2016; am Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

PART 4 — FUNDS

18 Nauruan community long term investment fund

[s 18 rep Act 8 of 2005, opn 30 Sep 2005]

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.

[subs (2) subst Act 9 of 1997 s 2, opn 1 June 1997]

(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.

[subs (3) subst Act 4 of 1990, opn 16 Oct 1990]

(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.

[subs (4) subst Act 4 of 1990, opn 16 Oct 1990]

(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.

[subs (5) subst Act 4 of 1990, opn 16 Oct 1990]

(6) (a) Subject to paragraph (b), 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.

[subs (6) subst Act 4 of 1990, opn 16 Oct 1990]

(7) (a) A beneficiary of the Fund over the age of 18 years may, at any time, charge his or her 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 subsection (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.

[subs (7) subst Act 4 of 1990, opn 16 Oct 1990]

- (8) The Trust may recover in the District Court any monies paid by mistake to a person whether that person is a beneficiary or not.

[subs (8) insrt Act 4 of 1990, opn 16 Oct 1990]

- (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.

[subs (9) insrt Act 4 of 1990, opn 16 Oct 1990]

- (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.

[subs (10) insrt Act 4 of 1990, opn 16 Oct 1990]

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 or she 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 or her order may direct.
- (2) The Trust shall upon receipt of an order of the President made in accordance with subsection (1), give effect to the order.

[s 19A insrt Act 4 of 1990, opn 16 Oct 1990]

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 Act.

[subs (1) am Act 1 of 1992, opn 2 Mar 1992]

- (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 subsection (1), and monies in the fund shall not be expended otherwise than for those purposes and as determined by the Cabinet.

[subs (2) am Act 1 of 1992, opn 2 Mar 1992]

21 Payment into a fund

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

- (a) the monies 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) Act 1968*;
- (b) any other monies allocated by the Cabinet to the fund or for the purposes of the fund;
- (c) interest from the investment of monies standing to the credit of the fund; and
- (d) such other monies as are paid to the Trust for the purposes of the fund.

PART 5 — 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 1968* and administered by the Trust;
- (c) a fund established by the Cabinet and placed by the Cabinet under the administration of the Trust; or
- (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.

[s 22 subst Act 4 of 1990, opn 16 Oct 1990; am Act 1 of 1992, opn 2 Mar 1992]

23 Function of the Trust

- (1) The function of the Trust is to administer the funds.
- (2) For the purposes of performing its function under this Act, the Trust has the powers conferred on it by this Act and such other powers as are necessary for the performance of its function.

24 Bank accounts

- (1) The Trust shall open and maintain an account, with a bank approved by the Cabinet, for each fund.
- (2) The Trust shall pay all monies 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 monies into the account opened for a fund under this Section shall be deemed to be payment of the monies into the fund.

25 Investment of funds

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

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

26 Report concerning investments

- (1) The Trust shall, before the thirtieth day of June in each year, submit to the Minister 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 12 months next following that date; and
 - (c) the manner in which the Trust proposes to invest monies paid into the fund during that period.

- (2) The Minister shall submit the report furnished to him or her in accordance with subsection (1) to the Cabinet at the next meeting of the Cabinet that is held after the date on which the report is received by him or her.

27 Secretary to the Trust

- (1) Until the Transition Date, the Trust shall appoint a member or some other person to be the Secretary to the Trust.

[subs (1) am Act 3 of 2009 s 3, opn 16 Apr 2009; Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016 and Act 38 of 2016 s 6, opn 19 July 2016]

- (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 Act.
- (2) The terms and conditions of employment (including remuneration) of persons employed under this Section are such as are determined by the Trust.

PART 6 — 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 Cabinet.
- (2) The auditor shall inspect and audit the accounts and records of the Trust and draw the Cabinet'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 or her doing so.
- (3) The auditor, or a person authorised by him or her, 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 monies by the Trust.
- (4) The auditor, or a person authorised by him or her, 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 or her 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 Act, and that person shall comply with the requirement.
- (6) In subsection (5), '*auditor*' shall be read as including a reference to a person authorised 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.

[subs (7) insrt Act 4 of 1990, opn 16 Oct 1990]

- (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 12 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 12 months, and such report shall:
 - (i) be signed by the Chairperson 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.

[subs (8) insrt Act 4 of 1990, opn 16 Oct 1990]

(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 or her 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 or she may require to verify the accuracy of the records of the Trust.

[subs (9) insrt Act 4 of 1990, opn 16 Oct 1990]

30 Annual report by the Trust

- (1) The Trust shall, not later than the 30th day of September in each year, submit to the Minister a report relating to the administration, including the investment, of all funds administered by the Trust.
- (2) The Minister shall:
 - (a) submit the report referred to in subsection (1) to the Cabinet at the next meeting of the Cabinet that is held after the date on which the report is received by him or her;
 - (b) lay that report before the Parliament at the next meeting of the Parliament that is held after the date on which the report is received by him or her;
 - (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 Section 29.

31 Trust to furnish information

The Trust shall furnish to the Minister and to the Parliament such information relating to its operations as the Cabinet or Parliament from time to time requires.

PART 7 — 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 subsection (4).
- (6) Until 30 June 2014 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 monies appropriated by Parliament from the Treasury Fund.

[subs (6) am Act 23 of 2014 s 41, opn 19 Dec 2013]

- (7) After 30 June 2014, if the Trust has insufficient income to meet costs and expenses, the outstanding balance of such costs and expenses shall be paid from monies at hand in respect of the capital or corpus of Fund 2 held by the Trust.

[subs (7) insrt Act 23 of 2014 s 41, opn 19 Dec 2013]

[s 32 subst Act 3 of 2009 s 4, opn 16 Apr 2009]

32A Personal liability of members and Cabinet

- (1) 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.
- (2) The President and every other member of the Cabinet shall not be liable howsoever for any act or omission done or omitted to be done in the *bona fide* exercise or purported exercise of any function or power in relation to the Trust or any Fund administered by the Trust.

[s 32A subst Act 23 of 2014 s 49 as amended by Act 35 of 2016 s 6, opn 10 June 2016]

32B Confidentiality of records of beneficiaries

[s 32B rep Act 23 of 2014 s 5, opn 19 Dec 2013]

33 Regulations

The Cabinet may make regulations prescribing any matter or thing required or authorised by this Act to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[s 33 subst Act 23 of 2014 s 41A as amended by Act 38 of 2016 s 5, opn 19 July 2016]

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.

[s 34 insrt Act 4 of 1990, opn 16 Oct 1990]

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 Chairperson 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 shall be accompanied by a letter or statement from the Bank of Nauru certifying the monies 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) Where 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) 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.

[s 35 insrt Act 2 of 2001, opn 1 June 2001]

36 Sunset Provision

The obligations imposed under this Act shall cease to be binding as from 30 June 2014.

[s 36 insrt Act 23 of 2014 s 42, opn 19 Dec 2013]