

NAURU LANDS COMMITTEE

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Nauru Lands Committee Act 1956

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Nauru Lands Committee Act 1956

TABLE OF AMENDMENTS

The Nauru Lands Committee Act 1956 No 3 was made and commenced on 23 August 1956.

Amending Legislation	Certified	Date of Commencement
Nauru Lands Committee Ordinance 1963 No 5		25 October 1963
Adaptation of Laws Order 1969 GN No 188/1969		O 3: 31 January 1968
Statute Law Revision Act 2011 No 8	15 April 2011	Sch 1[102]–[106]: 15 April 2011
Nauru Lands Committee (Amendment) Act 2012 No 9	10 October 2012	Sch[1]–[9]: 10 October 2012
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Nauru Lands Committee (Amendment) Act 2021 No 13	14 September 2021	14 September 2021
Nauru Lands Committee (Amendment) Act 2024 No 25	23 December 2024	23 December 2024

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An Act to provide for the establishment of a Nauru Lands Committee, 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 2nd 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:

[Long title am Act 8 of 2011 s 12 and Sch 1[106], opn 15 Apr 2011]

PART 1 — PRELIMINARY MATTERS

[Pt 1 heading insrt Act 9 of 2012 s 3 and Sch[1], opn 10 Oct 2012]

1 Short title and commencement

This Act may be cited as the *Nauru Lands Committee Act 1956* and came into effect on 23 August 1956.

[s 1 subst Act 8 of 2011 s 12 and Sch 1[102], opn 15 Apr 2011]

2 Definitions

In this Act:

‘Curator’ means the Curator of Intestate Estates mentioned in Section 6 of the *Succession, Probate and Administration Act 1976*;

[def insrt Act 9 of 2012 s 3 and Sch[2], opn 10 Oct 2012]

‘Nauruan’ and **‘Pacific Islanders’** have, respectively, the same meanings as those expressions have in the *Nauruan Community Act 1956*;

‘personal estate’ means the personal property to which a deceased person was entitled at the time of the person’s death and any share or interest in such property, that is:

- (a) subject to the law of the Republic; and
- (b) not real estate;

[def insrt Act 9 of 2012 s 3 and Sch[2], opn 10 Oct 2012]

‘the Committee’ means the Nauru Lands Committee established under this Act; and

[def am Act 8 of 2011 s 12 and Sch 1[106], opn 15 Apr 2011]

‘the Council’

[def rep Act 8 of 2011 s 12 and Sch 1[103], opn 15 Apr 2011]

[s 2 am Act 8 of 2011 s 12 and Sch 1[106], opn 15 Apr 2011]

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PART 2 — NAURU LANDS COMMITTEE

[Pt 2 heading insrt Act 9 of 2012 s 3 and Sch[3], opn 10 Oct 2012]

3 Establishment of Nauru Lands Committee

(1) There shall be a committee to be called the Nauru Lands Committee.

[subs (1) subst No 5 of 1963 s 2, opn 25 Oct 1963]

(2) The Committee shall consist of not less than 9 and not more than 14 members, all of whom shall be Nauruans.

[subs (2) am Act 25 of 2024 s 4, opn 23 Dec 2024]

(3) The members of the Committee:

(a) shall be appointed by the Cabinet; and

(b) may be appointed for a fixed period or until such time he or she is removed under subsection (5).

[subs (3) am No 5 of 1963 s 2, opn 25 Oct 1963; Act 8 of 2011 s 12 and Sch 1[105], opn 15 Apr 2011; Act 25 of 2024 s 4, opn 23 Dec 2024]

(4) The quorum for the Committee shall be 8 members.

[subs (4) insrt Act 25 of 2024 s 4, opn 23 Dec 2024]

(5) A member appointed shall be removed by the Cabinet where he or she:

(a) knowingly or wilfully participates and deliberates with other Committee members on the determination of a matter without declaring a conflict of interest for his or her personal benefit;

(b) commits a serious breach of the terms and conditions of appointment; or

(c) fails to perform the functions or exercise the powers under this Act.

[subs (5) insrt Act 25 of 2024 s 4, opn 23 Dec 2024]

(6) A member, who may or is likely to benefit from a decision of the Committee directly or indirectly:

(a) shall declare his or her interest to the Committee and the Secretary shall record such declaration in the minutes of the meeting; and

(b) the Committee shall make a decision as to whether the member may continue to be part of the deliberation of the Committee ensuring that any decision made by the Committee is in accordance with the law and facts.

[subs (6) insrt Act 25 of 2024 s 4, opn 23 Dec 2024]

(7) The decision of the Committee shall not be invalidated or set aside on the grounds of conflict of interest of a member, where the decision is made in accordance with the law and facts.

[subs (7) insrt Act 25 of 2024 s 4, opn 23 Dec 2024]

(8) There shall be a secretary to the Committee, who shall be appointed by the Cabinet.

[subs (8) insrt Act 25 of 2024 s 4, opn 23 Dec 2024]

(9) The functions and powers of the secretary may be prescribed.

[subs (9) insrt Act 25 of 2024 s 4, opn 23 Dec 2024]

4 Practice, Procedure and Rules of meetings

Subject to Section 3, the practice, procedure or rules of the meetings of the Committee shall be prescribed by the Cabinet.

[s 4 subst Act 25 of 2024 s 5, opn 23 Dec 2024]

5 Remuneration of members of Committee

Members of the Committee shall be paid such remuneration as the Cabinet approves.

[s 5 subst No 5 of 1963 s 4, opn 25 Oct 1963; am Act 8 of 2011 s 12 and Sch 1[105], [106], opn 15 Apr 2011]

6 Powers of Committee

(1) The Committee has power to determine questions as to the ownership of, or rights in respect of, land, being questions which arise:

- (a) between Nauruans or Pacific Islanders; or
- (b) between Nauruans and Pacific Islanders.

(1A) The Committee has power to determine the distribution of the personal estate of deceased Nauruans.

[subs (1A) insrt Act 9 of 2012 s 3 and Sch[5], opn 10 Oct 2012]

(2) Subject to Section 7, the decision of the Committee is final.

[subs (2) am Act 9 of 2012 s 3 and Sch[5], opn 10 Oct 2012]

6A Publication of decision

A decision of the Committee shall be published in the Gazette within 21 days after the decision is made.

[s 6A insrt Act 9 of 2012 s 3 and Sch[6], opn 10 Oct 2012]

7 Appeals from decisions of Committee

(1) A person who is dissatisfied with a decision of the Committee may appeal to the Supreme Court against the decision:

- (a) within 21 days after the decision is published; or
- (b) with leave of the Court.

[subs (1) subst Act 9 of 2012 s 3 and Sch[7], opn 10 Oct 2012]

(2) The Supreme Court has jurisdiction to hear and determine an appeal under this Section and may make such order on the hearing of the appeal (including, if it thinks fit, an order for the payment of costs by a party) as it thinks just.

[subs (2) am GN No 188/1969 O 3, opn 31 Jan 1968]

(3) A judgment of the Supreme Court given on an appeal under this Section is appealable to the Nauru Court of Appeal on a point of law only.

[subs (3) subst Act 13 of 2021 s 4, opn 14 Sep 2021]

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PART 3 — TRANSITIONAL PROVISIONS

[Pt 3 heading insrt Act 9 of 2012 s 3 and Sch[8], opn 10 Oct 2012]

8 Validation of decisions of Central Court and Administrator

- (1) The former Central Court is taken to have had, at all relevant times, jurisdiction to determine appeals from the Lands Committee constituted, before the date of commencement of Ordinance No 3 of 1956, in accordance with the customs and usages of the Nauruan people.
- (2) The following decisions made before the date of commencement of Ordinance No 3 of 1956 are taken to have been validly made:
 - (a) decisions of the former Central Court made on appeal from the Lands Committee; and
 - (b) decisions of the pre-independence Administrator made on further appeal from the former Central Court.

[s 8 subst Act 8 of 2011 s 12 and Sch 1[104], opn 15 Apr 2011]

9 Validation of decisions of Curator

A decision of the Curator made before the commencement of the *Nauru Lands Committee (Amendment) Act 2012* that purports to determine the distribution of the personal estate of a deceased Nauruan is taken to have been made by the Committee.

[s 9 insrt Act 9 of 2012 s 3 and Sch[9], opn 10 Oct 2012]

10 Application of Section 7(1)(b)

Section 7(1)(b) applies to any decision made or taken to have been made by the Committee, whether before or after the commencement of the *Nauru Lands Committee (Amendment) Act 2012*.

[s 10 insrt Act 9 of 2012 s 3 and Sch[9], opn 10 Oct 2012]

11 Transitional provision

- (1) Where the Committee has been constituted to consider any matter under this Act prior to the commencement of the *Nauru Lands Committee (Amendment) Act 2024*, the Committee shall continue with the considering, hearing or determining of such matter, as if the Committee was established under the *Nauru Lands Committee (Amendment) Act 2024*.
- (2) The appointment of members of the Committee under Section 3 of the Act shall continue after the commencement of the *Nauru Lands Committee (Amendment) Act 2024*.

[s 11 insrt Act 25 of 2024 s 6, opn 23 Dec 2024]

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