



REPUBLIC OF NAURU

Nauru Lands Committee Act 1956

As in force from 15.4.11 to 9.10.12

This compilation comprises Ordinance No. 3 of 1956 as amended and in force from 15 April 2011 to 9 October 2012 (being the day before the commencement of the *Nauru Lands Committee (Amendment) Act 2012*). This version of the Act was **superseded** on 10 October 2012 and is now of historical relevance only.

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.

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.

This compilation is prepared and published in a legislation database by the Nauru Parliamentary Counsel under the *Legislation Publication Act 2011*.

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REPUBLIC OF NAURU

Nauru Lands Committee Act 1956

An Act to provide for the establishment of a Nauru Lands Committee, and for other purposes

1 Short title

This Act may be cited as the *Nauru Lands Committee Act 1956*.

2 Definitions

In this Act, unless the contrary intention appears:

'Nauruan' and **'Pacific Islanders'** have, respectively, the same meanings as those expressions have in the *Nauruan Community Ordinance 1956*;¹

'the Committee' means the Nauru Lands Committee established under this Act.

3 Establishment of Nauru Lands Committee

- (1) There shall be a committee to be called the Nauru Lands Committee.
- (2) The Committee shall consist of not less than five, or more than nine, members, all of whom shall be Nauruans.
- (3) The members of the Committee:
 - (a) shall be appointed by the Cabinet; and
 - (b) hold office during the pleasure of the Cabinet.

¹ See Notes on Definitions at the end of this compilation.

4 Procedure, etc., of Committee

Subject to the last preceding section, the constitution and procedure of the Committee shall be as determined by the Cabinet.

5 Remuneration of members of Committee

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

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.
- (2) Subject to the next succeeding section, the decision of the Committee is final.

7 Appeals from decisions of Committee

- (1) A person who is dissatisfied with a decision of the Committee may, within twenty-one days after the decision is given, appeal to the Supreme Court against the decision.
- (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.
- (3) Notwithstanding anything contained in any other law, a judgment of the Supreme Court given on an appeal under this section is final.

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;
 - (b) decisions of the pre-independence Administrator made on further appeal from the former Central Court.

Notes for Nauru Lands Committee Act 1956

Tables of Constituent Legislation

Ordinances and Orders

Citation	Number	Made	Gazettal*	Commencement
<i>Nauru Lands Committee Ordinance 1956</i>	1956/03	23.08.1956	—	23.08.1956
<i>Nauru Lands Committee Ordinance 1963</i>	1963/05	25.10.1963	25.10.1963	25.10.1963
<i>Adaptation of Laws Order 1969</i>	GN 188/1969	09.10.1969	13.10.1969	31.01.1968

* Gazettal date is of no legal significance for Ordinances made before 30.08.1956 (commencement of the *Interpretation Ordinance 1956*).

Acts

Citation	Number	Certification	Commencement
<i>Statute Law Revision Act 2011</i>	2011/08	15.04.2011	15.04.2011

Table of Amendments

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

Provision affected	How affected
Long title	Am. by Act 2011/08.
Section 1	Citation rs. by Ord. 1963/05. Rs. by Act 2011/08.
Section 2	Am. by Act 2011/08.
Section 3	Subs. (1) os. by Ord. 1963/05. Subs. (3) os. by Ord. 1963/05, am. by Act 2011/08.
Section 4	Am. by Ord. 1963/05, Act 2011/08.
Section 5	Rs. by Ord. 1963/05, am. by Act 2011/08.
Section 7	Subs. (1) am. by GN 188/1969. Subs. (2) am. by GN 188/1969. Subs. (7) am. by GN 188/1969.
Section 8	Am. by GN 188/1969, rs. by Act 2011/08.

Notes on Definitions

Note 1: Section 2 of the *Nauru Lands Committee Act 1956* defines 'Nauruan' and 'Pacific Islander' by reference to the meanings those expressions have in the *Nauruan Community Ordinance 1956*. The *Nauruan Community Ordinance 1956-1997* ('the 1956 Ordinance') was repealed by the *Naoero Citizenship Act 2005*. Section 2(1) of the 1956 Ordinance provided in part:

'**Nauruan**' means a person included in one of the classes of persons who constitute the Nauruan community;

'**Pacific Islander**' means a person ordinarily resident in the Island of Nauru who is a descendant of the aboriginal natives of an island or archipelago in the Pacific Ocean other than:

- (a) the Island of Nauru;
- (b) an island or archipelago which appertains geographically to Asia, the Americas, Australia, New Zealand, Indonesia or Japan,

and includes a person partly descended from those aboriginal natives who, before residing in the Island of Nauru, followed, adhered to, or adopted the customs, or lived after the manner, of those aboriginal natives, but does not include a Nauruan;'

Note 2: Section 4 of the 1956 Ordinance provided:

'4. For the purposes of the laws in force in the Island of Nauru, the following persons constitute the Nauruan Community:

- (a) persons who, immediately before the commencement of this Ordinance, were, or were deemed to be, aboriginal natives of the island of Nauru by virtue of the institutions, customs and usages of the aboriginal natives of the Island of Nauru;
- (b) except as provided in section six of this Ordinance, Pacific Islanders married, before the first day of January, One thousand nine hundred and fifty-four, to persons who were, or were deemed to be, aboriginal natives of the Island of Nauru by virtue of the institutions, customs and usages of the aboriginal natives of the Island of Nauru;
- (c) Pacific Islanders who are admitted to the Nauruan community in pursuance of the next succeeding section;
- (d) children born after the commencement of this Ordinance whose parents are included in any of the classes of persons who constitute the Nauruan community; and
- (e) except as provided in section 7 of this Ordinance, children born in the Island of Nauru after the commencement of this Ordinance of a marriage between a person included in one of the classes of persons who constitute the Nauruan community and a Pacific Islander.'

Note 3: Sections 6 and 7 of the 1956 Ordinance, referred to in section 4, above, provided for certain persons to make an election not to be automatically included in the Nauruan community in certain cases.