

Nauru

No. 115 of 1965

An Act to provide for the Government of the Territory of Nauru.

[Assented to 18 December, 1965]

WHEREAS the General Assembly of the United Nations Preamble. by resolution dated the first day of November, One thousand nine hundred and forty-seven, approved the placing of the Territory of Nauru under the International Trusteeship System on terms of Trusteeship set out in the Trusteeship Agreement for the Territory of Nauru, being the Agreement a copy of which is set out in the First Schedule to this Act:

AND WHEREAS the Government of the Commonwealth of Australia, the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland have, by an Agreement, being the Agreement a copy of which is set out in the Second Schedule to this Act, made further arrangements for the government of the Territory of Nauru in accordance with the Trusteeship Agreement referred to in the last preceding paragraph:

AND WHEREAS it is necessary that the Parliament of the Commonwealth should make provision for the government of the Territory in accordance with the Agreements referred to in the last two preceding paragraphs:

BE it therefore enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Nauru Act 1965*.

Short title.

2.—(1.) Parts I. and III. shall come into operation on the day on which this Act receives the Royal Assent. Commencement.

(2.) Parts II., IV., V., VI. and VIII. shall come into operation on a date to be fixed by Proclamation, being the appointed day within the meaning of the Nauru Agreement.

(3.) Part VII. shall come into operation on a date to be fixed by Proclamation, being a date not before the date fixed under the last preceding sub-section.

Parts.**3. This Act is divided into Parts, as follows:—**

Part I.—Preliminary (Sections 1–5).

Part II.—The Administrator (Sections 6–8).

Part III.—Establishment of the Legislative Council (Sections 9–25).

Part IV.—Powers of the Legislative Council (Sections 26–33).

Part V.—Legislative Powers of the Governor-General (Sections 34–38).

Part VI.—The Executive Council (Sections 39–46).

Part VII.—The Judicial System.

Division 1.—The Courts and Appeals to the High Court (Sections 47–54).

Division 2.—The Judges and Magistrates (Sections 55–60).

Part VIII.—Miscellaneous.

Division 1.—Laws in Force in the Territory (Sections 61–64).

Division 2.—General (Sections 65–69).

Definitions.**4. In this Act, unless the contrary intention appears—**

“Ordinance” means an Ordinance made under, or an ordinance continued in force by, this Act;

“the Administrator” means the Administrator of the Territory appointed under section 6 of this Act and includes a person acting in the office of Administrator;

“the Central Court” means the Central Court of the Island of Nauru established by section 49 of this Act;

“the Court of Appeal” means the Court of Appeal of the Island of Nauru established by section 47 of this Act;

“the Executive Council” means the Executive Council for the Territory of Nauru;

“the Legislative Council” means the Legislative Council for the Territory of Nauru;

“the Nauru Agreement” means the Agreement a copy of which is set out in the Second Schedule to this Act;

“the Territory” means the Territory of Nauru being the Territory specified in Article 1 of the Agreement set out in the First Schedule to this Act;

“the *Territory Gazette*” means the *Territory of Nauru Gazette*.

Saving.

5. Nothing in this Act affects any power to make, before the date fixed under sub-section (2.) of section 2 of this Act, ordinances for the peace, order and good government of the Island of

Nauru, including ordinances necessary or convenient for the purpose of enabling Parts II., IV., V., VI., and VIII. to come into operation on that date or of enabling Part VII. to come into operation on the date fixed under sub-section (3.) of that section.

PART II.—THE ADMINISTRATOR.

6.—(1.) There shall be an Administrator of the Territory, who shall be appointed by the Governor-General by commission, to administer the Territory on behalf of the Government of the Commonwealth of Australia, the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland.

Office of
Administrator.

(2.) The Administrator holds office during the Governor-General's pleasure.

(3.) The Administrator shall exercise his powers and perform his functions in accordance with any instructions given to him by the Minister.

7.—(1.) The Governor-General may appoint a person to act in the office of Administrator during any vacancy in the office of Administrator or whenever the Administrator is, or is about to be, absent from the Territory or is unable by reason of illness or incapacity to exercise the powers and perform the functions of his office.

Acting
Administrator.

(2.) Whenever—

- (a) there is a vacancy in the office of Administrator or the Administrator is, or is about to be, absent from the Territory or is unable by reason of illness or incapacity to exercise the powers and perform the functions of his office; and
- (b) there is no acting Administrator holding office in pursuance of the last preceding sub-section or the acting Administrator so holding office is, or is about to be, absent from the Territory or is unable by reason of illness or incapacity to act in the office of Administrator,

the Governor-General may appoint a person to act in the office of Administrator during the period of the vacancy or of the absence or inability of the Administrator.

(3.) If in the circumstances specified in the last preceding sub-section an appointment has not been made in pursuance of that sub-section, the senior official member of the Legislative Council present in the Territory and able to act in the office of Administrator shall act in that office during the period of the vacancy or of the absence or inability of the Administrator.

(4.) A person acting as Administrator in pursuance of either of the last two preceding sub-sections ceases to be empowered so to act when a person appointed in pursuance of sub-section (1.) of this section notifies in writing the person so acting that he is ready to assume duty as acting Administrator, and a person acting as Administrator in pursuance of the last preceding sub-section ceases to be empowered so to act when a person appointed in pursuance of sub-section (2.) of this section notifies in writing the person so acting that he is ready to assume duty as acting Administrator.

(5.) A person acting in the office of Administrator of the Territory has, and may exercise, all the powers and perform all the functions of the Administrator.

(6.) The exercise of the powers and the performance of the functions of the Administrator by a person acting in the office of Administrator during the absence of the Administrator from the Territory does not prevent the exercise of those powers or the performance of those functions by the Administrator himself.

(7.) The appointment of a person to act in the office of Administrator, and any act done by an acting Administrator as such, shall not, in any proceedings, be questioned on the ground that the occasion for his appointment, or for the exercise of his powers or the performance of his functions, had not arisen or had ceased.

Oath to be
taken by the
Administrator.

8.—(1.) The Administrator shall, before entering on the duties of the office of Administrator, make and subscribe an oath or affirmation in accordance with the form in the Third Schedule to this Act.

(2.) The last preceding sub-section does not apply to a person who acts in the office of Administrator in pursuance of sub-section (3.) of the last preceding section.

(3.) An oath or affirmation under this section shall be made and subscribed before the Governor-General, a judge of a court created by the Parliament or a person authorized by the Governor-General to administer the oath or affirmation.

PART III.—ESTABLISHMENT OF THE LEGISLATIVE COUNCIL.

Legislative
Council.

9.—(1.) There is hereby established a legislative council, to be known as the Legislative Council for the Territory of Nauru and to consist of fifteen members, as follows:—

- (a) the Administrator;
- (b) nine persons, to be known as elected members, elected as provided by or under this Act; and
- (c) five persons, to be known as official members, appointed by the Governor-General on the nomination of the Administrator.

(2.) Elected members of the Legislative Council shall be elected—

(a) in the case of the first general election—by members of the Nauruan Community as defined by ordinance made in pursuance of the power to make ordinances referred to in section 5 of this Act who are qualified, and enrolled, as electors as provided by ordinance so made; and

(b) in any other case—by members of the Nauruan Community as defined by Ordinance who are qualified, and enrolled, as electors as provided by Ordinance.

(3.) The enrolment of a person as an elector or the right of a person to vote at an election shall not, in any legal proceedings, be questioned on the ground that the person was not a member of the Nauruan Community in accordance with the last preceding sub-section.

10.—(1.) A person is not qualified to be a candidate for election as an elected member of the Legislative Council unless—

Candidates for election and elections.

(a) in the case of the first general election—he is a member of the Nauruan Community, and is qualified, and enrolled, in accordance with paragraph (a) of sub-section (2.) of the last preceding section; and

(b) in any other case—he is a member of the Nauruan Community, and is qualified, and enrolled, in accordance with paragraph (b) of that sub-section,

and such a candidate is subject to such other disqualifications as are provided by this Act or by Ordinance.

(2.) The elected members of the Legislative Council shall be elected—

(a) in the case of the first general election of members of the Legislative Council—as provided by ordinance made in pursuance of the power to make ordinances referred to in section 5 of this Act; and

(b) in any other case—as provided by Ordinance.

11.—(1.) Subject to this Act, an elected member holds office for a period commencing—

Term of office of members of the Legislative Council.

(a) in the case of a member elected at the first general election of members of the Legislative Council—on the date fixed under sub-section (2.) of section 2 of this Act; or

(b) in any other case—on the day of his election, and ending on the day before the day on which he is re-elected or on which his successor is elected.

(2.) Subject to this Act, an official member holds office during the Governor-General's pleasure.

Oath of
office.

12.—(1.) A member of the Legislative Council other than the Administrator shall, before taking his seat, make and subscribe an oath or affirmation in accordance with the form in the Fourth Schedule to this Act.

(2.) An oath or affirmation under this section shall be made and subscribed before the Administrator or a person authorized by the Administrator to administer the oath or affirmation.

Disqualification
for membership
of, or voting
in, the
Legislative
Council.

13.—(1.) A person is not qualified to continue as an elected member of the Legislative Council unless he is qualified in accordance with sub-section (2.) of section 9 of this Act to elect members of the Legislative Council.

(2.) A person is not qualified to be elected, or to continue, as an elected member of the Legislative Council if he is the head of a department of the Public Service of the Territory.

(3.) A person is not qualified to be elected or appointed, or to continue, as a member of the Legislative Council if—

- (a) he is an undischarged bankrupt or is insolvent; or
- (b) he has been convicted and is under sentence, or is subject to be sentenced, for an offence punishable under the law of the Territory by death or by imprisonment for one year or longer.

(4.) A person is not qualified to continue as a member of the Legislative Council if—

- (a) he is absent at all times during each of three consecutive meetings of the Legislative Council, and permission has not been granted to him by the Legislative Council to be absent from any of those meetings; or
- (b) except as authorized by this Act or by Ordinance, he directly or indirectly takes or agrees to take any fee or honorarium for services rendered in the Legislative Council.

(5.) For the purposes of paragraph (a) of the last preceding sub-section, a meeting of the Legislative Council commences when the Legislative Council first sits following a general election, the termination of a session or an adjournment of the Legislative Council for a period of seven days or more, and ends when next a session of the Legislative Council is either terminated or adjourned for a period of seven days or more.

(6.) A member of the Legislative Council who is directly or indirectly interested, otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons, in a contract made, or proposed to be made, by or on behalf of the Commonwealth or of the Administration of the Territory under which goods or services are to be supplied to the Commonwealth or to the

Administration shall not take part in a discussion of a matter, or vote on a question, in the Legislative Council if the matter or question relates directly or indirectly to that contract.

(7.) All questions concerning the application of the last preceding sub-section shall be decided by the Legislative Council and a failure to comply with that sub-section does not affect the validity of anything done by the Legislative Council.

14.—(1.) A member of the Legislative Council other than the Administrator may resign his office by instrument of resignation signed by him and delivered to the Administrator who shall transmit the instrument to the Minister and the resignation of an elected member of the Legislative Council becomes effective on the day on which his instrument of resignation is so delivered. Vacancies

(2.) The resignation of an official member of the Legislative Council is not effective until his resignation has been accepted by the Governor-General.

(3.) In the event of the occurrence of a vacancy in the office of an elected member, an election shall be held, at the time and in the manner provided by or under Ordinance, for the election of a member to fill the vacant office.

(4.) The holding of an election as required by the last preceding sub-section shall not be proceeded with if, before the day on which a candidate is declared elected unopposed or the poll is taken, whichever first occurs, the Administrator directs the holding of a general election under section 16 of this Act.

15.—(1.) A question in connexion with the qualification of a member of the Legislative Council, or in connexion with a vacancy in the Legislative Council, not being a question of a disputed election or of a disputed return in connexion with an election, may be determined by the Legislative Council or may be referred by resolution of the Legislative Council to the Central Court which shall hear and determine the question. Determinations of questions in connexion with qualifications or vacancies.

(2.) When a question is referred to the Central Court under the last preceding sub-section, there shall be transmitted to the Central Court a statement of the question upon which the determination of the Court is desired together with any record of proceedings and any papers, reports or documents relating to the question in the possession of the Legislative Council.

16.—(1.) The Administrator may, at any time, by notice in the *Territory Gazette*, direct the holding of a general election. General elect. o.as.

(2.) A general election shall be held—

(a) in the case of the first general election—at the time and in the manner provided by or under ordinance made in pursuance of the power to make ordinances referred to in section 5 of this Act; and

(b) in any other case—at the time and in the manner provided by or under Ordinance.

(3.) The Administrator shall ensure that general elections are held at intervals not exceeding three years.

Sessions of the
Legislative
Council.

17.—(1.) Subject to this section, the Administrator may, by notice in the *Territory Gazette*, appoint such times for holding sessions of the Legislative Council as he thinks fit, and may also, from time to time, in a similar manner, terminate a session of the Legislative Council.

(2.) After a general election, the Legislative Council shall be summoned to meet not later than six months after the last day on which a candidate at the election is declared elected.

(3.) There shall be a session of the Legislative Council once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislative Council in one session and its first sitting in the next session.

(4.) Where—

(a) the Legislative Council is not in session; and

(b) there is delivered to the Administrator a request that complies with the next succeeding sub-section for the holding of a session,

he shall, by notice published in the *Territory Gazette*, appoint a time for the holding of a session of the Legislative Council, being a time before the expiration of fourteen days after the request is delivered.

(5.) A request referred to in the last preceding sub-section—

(a) shall be in writing;

(b) shall be signed by at least six members of the Legislative Council; and

(c) shall set out particulars of the matters proposed to be discussed at the session of the Legislative Council.

Administrator
to preside.

18. The Administrator is the President of the Legislative Council and shall preside at its meetings.

Quorum.

19.—(1.) The presence of at least six members of the Legislative Council, of whom at least four are elected members, is necessary to constitute a meeting of the Legislative Council for the exercise of its powers and the performance of its functions.

(2.) For the purposes of this section, the Administrator is to be counted as a member present at the meeting.

Voting.

20.—(1.) Subject to the next succeeding sub-section, questions arising in the Legislative Council are to be determined by a majority of votes other than that of the Administrator.

(2.) The Administrator shall not vote unless the numbers are equal, and then he has a casting vote.

21. Subject to this Act, the Legislative Council may make rules and orders in respect of the order and conduct of its business and proceedings. Rules and orders.

22. The Legislative Council shall cause minutes of its proceedings to be kept and the Administrator shall cause a copy of the minutes relating to each meeting to be forwarded to the Minister. Minutes of proceedings.

23. The members of the Legislative Council shall be paid in respect of their services as members such fees, allowances and expenses as the Minister determines. Fees, allowances and expenses.

24.—(1.) The official members of the Legislative Council have such seniority as the Governor-General assigns to them. Seniority of official members.

(2.) Subject to the last preceding sub-section, an official member of the Legislative Council appointed on a date earlier than the date on which another member was appointed is senior to the other member.

(3.) Subject to sub-section (1.) of this section, where two or more official members of the Legislative Council are appointed by the same instrument, they have seniority according to the order in which their names appear in the instrument.

25. Where a person who has purported to sit or vote as a member of the Legislative Council at a meeting of the Legislative Council or as a member of a committee of the Legislative Council at a meeting of such a committee— Validation of acts of the Legislative Council.

(a) was not duly qualified to be elected or appointed or to continue as a member of the Legislative Council; or

(b) had vacated his office as a member of the Legislative Council,

all things done or purporting to have been done by the Legislative Council or by that committee, as the case may be, shall be deemed to have been as validly done as if that person had, when so sitting or voting, been duly qualified to be elected or appointed or to continue as a member of the Legislative Council or had not vacated his office, as the case may be.

PART IV.—POWERS OF THE LEGISLATIVE COUNCIL.

26. Subject to this Act, the Legislative Council may make Ordinances for the peace, order and good government of the Territory except Ordinances with respect to— Legislative powers of the Legislative Council.

(a) defence;

(b) external affairs;

- (c) the phosphate industry (including the operation, ownership and control of that industry);
- (d) phosphate royalties; and
- (e) the ownership and control of phosphate-bearing land.

Powers,
privileges and
immunities of
Legislative
Council.

27. The power of the Legislative Council to make Ordinances conferred by the last preceding section includes power to make Ordinances—

- (a) declaring the powers (other than legislative powers), privileges and immunities of the Legislative Council, and of its members and committees, but so that the powers, privileges and immunities so declared do not exceed the powers, privileges and immunities of the House of Commons of the Parliament of the United Kingdom or of the members or committees of that House, respectively, on the first day of January, One thousand nine hundred and one; and
- (b) providing for the manner in which powers, privileges and immunities so declared may be exercised or upheld.

Ordinances
to be
assented to.

28. An Ordinance passed by the Legislative Council does not have any force or effect until it has been assented to as provided by this Part.

Presentation of
Ordinances to
Administrator.

29.—(1.) An Ordinance passed by the Legislative Council shall be presented to the Administrator for assent.

(2.) Subject to this Part, the Administrator shall declare, according to his discretion—

- (a) that he assents to the Ordinance;
- (b) that he withholds assent; or
- (c) that he reserves the Ordinance for the Governor-General's consideration.

Certain
Ordinances to
be reserved.

30.—(1.) The Administrator shall reserve for the Governor-General's consideration an Ordinance—

- (a) that appears to him to contain provisions with respect to a matter with respect to which the Legislative Council has no power to make Ordinances;
- (b) that alters the jurisdiction, or affects the practice or procedure, of the Court of Appeal or of the Central Court;
- (c) that establishes a court;
- (d) that relates to the public service of the Territory;
- (e) by which a grant of money or of an interest in land is made to the Administrator; or

(f) that contains a provision that is the same, or that has substantially the same effect, as a provision of an Ordinance, or of a part of an Ordinance, assent to which has been withheld by the Governor-General or that the Governor-General has disallowed, under this Part.

(2.) Notwithstanding the last preceding sub-section, the Administrator may assent to an Ordinance in relation to which that sub-section applies on instructions to do so given by the Minister.

31.—(1.) Where the Administrator reserves an Ordinance for the Governor-General's consideration, the Governor-General shall, subject to this section, within six months after the day on which the Administrator declares that he so reserves the Ordinance, declare that he assents to the Ordinance or that he withholds assent.

Assent to reserved Ordinances.

(2.) The Governor-General may, before or after the expiration of the period specified in the last preceding sub-section, return to the Administrator, with such amendments as he recommends, an Ordinance that has been reserved for his consideration.

(3.) The Legislative Council shall consider the amendments recommended by the Governor-General and the Ordinance, with or without amendments, shall be again presented to the Administrator, who shall reserve it for the Governor-General's consideration.

(4.) As soon as practicable after the Governor-General has made a declaration that he assents to an Ordinance, or that he withholds assent, the Administrator shall publish in the *Territory Gazette* a notification of the declaration.

(5.) The assent of the Governor-General to an Ordinance under this section has no force or effect until notification of the Governor-General's declaration in respect of the Ordinance is published by the Administrator in the *Territory Gazette*.

32.—(1.) Subject to this section, the Governor-General may, within six months after the Administrator's declaration of assent to an Ordinance, disallow the Ordinance or a part of the Ordinance.

Disallowance of Ordinances assented to.

(2.) The Governor-General may, within six months after the Administrator's declaration of assent to an Ordinance, recommend to the Administrator any amendments of the laws of the Territory, being amendments that may be made by the Legislative Council under this Part and being amendments that the Governor-General considers to be desirable arising out of his consideration of the Ordinance.

(3.) Where the Governor-General makes a recommendation under the last preceding sub-section, the time within which the Governor-General may disallow the Ordinance the consideration of which gave rise to the recommendation, or a part of the Ordinance, is extended until the expiration of six months after the date of the Governor-General's recommendation.

(4.) Upon publication in the *Territory Gazette* of notice of the disallowance under this section of an Ordinance, or of a part of an Ordinance, the disallowance has, subject to the next succeeding sub-section, the same effect as a repeal of the Ordinance or of the part of the Ordinance.

(5.) If a provision of a disallowed Ordinance, or a provision of a disallowed part of an Ordinance, amended or repealed a law in force immediately before the commencement of that provision, the disallowance revives the previous law from and including the date of publication of the notice of disallowance and the previous law has effect from that date as if the disallowed provision had not been made.

Certain
Ordinances to
be laid before
the Parliament.

33.—(1.) The Minister shall cause a copy of each Ordinance assent to which has been withheld by the Governor-General or by the Administrator, together with a statement of the reasons for withholding assent, to be laid before each House of the Parliament within fifteen sitting days of that House after the date on which assent was withheld.

(2.) Where the Governor-General disallows an Ordinance in whole or in part, the Minister shall cause a statement of the reasons for disallowance to be laid before each House of the Parliament within fifteen sitting days of that House after the disallowance.

PART V.—LEGISLATIVE POWERS OF THE GOVERNOR-GENERAL.

Legislative
powers of the
Governor-
General.

34. Subject to this Act, the Governor-General may make Ordinances for the peace, order and good government of the Territory with respect to—

- (a) defence, internal security and the maintenance of peace and order;
- (b) external affairs;
- (c) the phosphate industry (including the operation, ownership and control of that industry);
- (d) phosphate royalties; and
- (e) the ownership and control of phosphate-bearing land.

35.—(1.) An Ordinance made under the last preceding section shall be notified in the *Territory Gazette*, and such an Ordinance shall, unless the contrary intention appears in the Ordinance, come into operation on the date of publication of the notification.

Publication
of Ordinances.

(2.) For the purposes of the last preceding sub-section, an Ordinance may be notified by the publication of a notice to the effect that the Ordinance has been made and that copies may be obtained at a place specified in the notice.

(3.) This section does not authorize the making of an Ordinance imposing a penalty in respect of an act that was done or an omission that was made before the date of notification of the Ordinance in the *Territory Gazette*.

36.—(1.) A copy of an Ordinance proposed to be made under this Part shall be given by the Minister to the Administrator who shall cause it to be laid before the Legislative Council.

Consideration
of Ordinances
by the
Legislative
Council.

(2.) The Legislative Council may, if it thinks fit, make representations in writing to the Administrator in relation to the proposed Ordinance, and the Administrator shall forthwith forward the representations to the Minister together with such written observations (if any) as he thinks fit to make in relation to the representations.

(3.) The Minister shall take into consideration any representations of the Legislative Council in relation to the proposed Ordinance and any observations of the Administrator received by him within a period of thirty days after the date on which a copy of the proposed Ordinance was laid before the Legislative Council.

(4.) Where it appears to the Minister in relation to an Ordinance proposed to be made under this Part that, on account of urgency or for any other special reason, compliance with the preceding provisions of this section is not practicable, a copy of the Ordinance shall, as soon as possible after it has been made, be given by the Minister to the Administrator who shall cause it to be laid before the Legislative Council.

(5.) The Legislative Council may, if it thinks fit, make representations in writing to the Administrator in relation to an Ordinance in relation to which the last preceding sub-section applies and the Administrator shall forthwith forward the representations to the Minister, together with such written observations (if any) as he thinks fit to make in relation to the representations and those representations and observations shall be taken into consideration by the Minister.

Tabling of
Ordinances in
Parliament.

37.—(1.) A copy of an Ordinance made under this Part shall be laid before each House of the Parliament within fifteen sitting days of that House after the making of the Ordinance, and, if it is not so laid before each House of the Parliament, has no force or effect.

(2.) If either House of the Parliament, in pursuance of a motion of which notice has been given within fifteen sitting days after a copy of an Ordinance has been laid before that House, passes a resolution disallowing the Ordinance or a part of the Ordinance, the Ordinance or the part so disallowed shall thereupon cease to have any force or effect.

(3.) If, at the expiration of fifteen sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament, being notice given within fifteen sitting days after the Ordinance has been laid before that House—

(a) the notice has not been withdrawn and the motion has not been called on; or

(b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of, the Ordinance or the part, as the case may be, specified in the motion shall thereupon be deemed to have been disallowed.

(4.) If, before the expiration of fifteen sitting days after notice of a motion to disallow an Ordinance or a part of an Ordinance has been given in a House of the Parliament—

(a) that House is dissolved or, being the House of Representatives, expires, or the Parliament is prorogued; and

(b) at the time of the dissolution, expiry or prorogation, as the case may be—

(i) the notice has not been withdrawn and the motion has not been called on; or

(ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

the Ordinance shall, for the purposes of the last two preceding sub-sections, be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.

(5.) Where an Ordinance or a part of an Ordinance is disallowed, or is to be deemed to have been disallowed, under this section, the disallowance has the same effect as a repeal of the Ordinance or the part of the Ordinance, as the case may be, except that, if a provision of the Ordinance or the part of the Ordinance amended or repealed a law in force immediately before that provision came into operation, the disallowance revives the

previous law from and including the date of the disallowance and the previous law has effect as if the disallowed provision had not been made.

(6.) If an Ordinance or a part of an Ordinance is disallowed, or is to be deemed to have been disallowed, under this section, and an Ordinance containing a provision being the same or the same in substance as a provision so disallowed or to be deemed to have been disallowed is made within six months after the date of the disallowance, the first-mentioned provision has no force or effect, unless—

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance or a part of an Ordinance, to be deemed to have been disallowed—the House of the Parliament in which the notice of the motion to disallow that Ordinance or part was given approves, by resolution, the making of a provision the same or the same in substance as the provision to be deemed to have been disallowed.

38. When an Ordinance made under Part IV., an instrument made under such an Ordinance or a law continued in force under section 61 of this Act is inconsistent with an Ordinance made under this Part, the latter prevails, by virtue of this section, and the former is, to the extent of the inconsistency, inoperative so long as the latter remains in force.

Inconsistency
of Ordinances.

PART VI.—THE EXECUTIVE COUNCIL.

39.—(1.) There is hereby established a council, to be known as the Executive Council for the Territory of Nauru and to consist of five members, as follows:—

Executive
Council.

- (a) the Administrator;
- (b) two persons who are elected members of the Legislative Council; and
- (c) two persons who are official members of the Legislative Council.

(2.) Each of the persons referred to in paragraph (b) of the last preceding sub-section shall be appointed by the Governor-General on the nomination of a majority of the elected members of the Legislative Council.

(3.) Each of the persons referred to in paragraph (c) of sub-section (1.) of this section shall be appointed by the Governor-General on the nomination of the Administrator.

(4.) Subject to this section, a member of the Executive Council other than the Administrator holds office during the Governor-General's pleasure.

(5.) A member of the Executive Council other than the Administrator ceases to hold office at the expiration of a period of three months commencing on the date on which he ceases to be a member of the Legislative Council unless, within that period, he again becomes a member of the Legislative Council.

(6.) The Administrator shall preside at meetings of the Executive Council.

Deputy
member.

40.—(1.) The Administrator may, by instrument in writing under his hand, appoint a person to be the deputy of a member of the Executive Council referred to in paragraph (b) or (c) of sub-section (1.) of the last preceding section during the absence of that member of the Executive Council from the Territory or during a period during which a member of the Executive Council is unable by reason of illness or incapacity to perform his duties.

(2.) A deputy of a member of the Executive Council is, in the event of the absence from a meeting of the Executive Council of that member, entitled to attend that meeting and, while so attending or in respect of his attendance, shall be deemed to be a member of the Executive Council.

(3.) A person other than an elected member of the Legislative Council shall not be appointed as the deputy of a person referred to in paragraph (b) of sub-section (1.) of the last preceding section and a person other than an official member of the Legislative Council shall not be appointed as the deputy of a person referred to in paragraph (c) of that sub-section.

(4.) The appointment of a person under this section, and an act done by a person so appointed, shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

Voting.

41.—(1.) Questions arising in the Executive Council shall be determined by a majority of votes of the members present and voting.

(2.) The Administrator has a deliberative vote and, where the numbers are equal, a second or casting vote.

Procedure.

42. Subject to this Act, the Executive Council shall determine its own procedure.

43. The functions of the Executive Council are—

- (a) the functions conferred on it by or under Ordinance; and
- (b) to advise the Administrator in relation to any matter referred by him to the Executive Council.

Functions of the Executive Council.

44. The Executive Council shall cause minutes of its proceedings to be kept and shall cause a copy of the minutes relating to each meeting to be forwarded to the Minister.

Minutes of proceedings.

45. A member of the Executive Council other than the Administrator shall, before entering on the duties of his office, make and subscribe before the Administrator or a person authorized by the Administrator an oath or affirmation in accordance with the form in the Fifth Schedule to this Act.

Oath of members of the Executive Council.

46.—(1.) A member of the Executive Council other than the Administrator may resign his office by an instrument of resignation signed by him and delivered to the Administrator who shall transmit the instrument to the Minister and the resignation of a member of the Executive Council who is an elected member of the Legislative Council becomes effective on the day on which his instrument of resignation is so delivered.

Resignation.

(2.) The resignation of a member of the Executive Council who is an official member of the Legislative Council is not effective until his resignation has been accepted by the Governor-General.

(3.) The performance of the functions of the Executive Council is not affected by reason of a vacancy in the membership of the Council.

PART VII.—THE JUDICIAL SYSTEM.

Division 1.—The Courts and Appeals to the High Court.

47.—(1.) There is hereby established a court of appeal, to be known as the Court of Appeal of the Island of Nauru and to consist of a judge or judges appointed in accordance with this Part.

Court of Appeal.

(2.) The Court of Appeal is a superior court of record.

(3.) The jurisdiction of the Court of Appeal may be exercised—

- (a) by one judge sitting in court; and
- (b) to the extent and in the cases provided by or under Ordinance, by one judge sitting in chambers.

(4.) The senior judge may, from time to time, make arrangements as to which judge is to exercise the jurisdiction of the Court of Appeal.

(5.) The Court of Appeal constituted by one judge may sit and exercise the jurisdiction of the Court notwithstanding that the Court constituted by another judge is at the same time sitting and exercising the jurisdiction of the Court.

(6.) The exercise of the jurisdiction of the Court of Appeal by a judge is not invalidated and shall not be called in question on the ground that it is not in accordance with arrangements made in pursuance of this section.

Jurisdiction
of the Court
of Appeal.

48. Subject to this Act and to regulations made under section 69 of this Act in relation to sittings of the Court of Appeal outside the Territory, the jurisdiction, practice and procedure of the Court of Appeal shall be as provided by or under Ordinance.

Central Court.

49.—(1.) There is hereby established a central court, to be known as the Central Court of the Island of Nauru and to consist of a judge appointed in accordance with this Part and of such magistrates as are so appointed.

(2.) The Central Court is a superior court of record.

(3.) The jurisdiction of the Central Court may be exercised—

(a) in the case of all matters referred to it under section 15 of this Act, or involving the interpretation of this Act, or as provided by Ordinance, by the judge sitting, subject to paragraph (c) of this sub-section, in court;

(b) subject to the next succeeding paragraph, in all other cases by the judge, or by not less than three magistrates appointed in accordance with this Part, sitting in court; and

(c) to the extent and in the cases provided by or under Ordinance, by the judge, or by not less than three magistrates so appointed, sitting in chambers.

Jurisdiction
of the Central
Court.

50. Subject to this Act, the jurisdiction, practice and procedure of the Central Court are as provided by or under Ordinance.

Transitional.

51.—(1.) The Court of Appeal of the Island of Nauru and the Central Court of the Island of Nauru as established by law immediately before the commencement of this Part are abolished.

(2.) Subject to any directions given by the Court of Appeal or by the Central Court with respect to matters of practice and procedure—

(a) all proceedings in the former Court of Appeal and in the former Central Court, whether civil or criminal (including proceedings by way of appeal) that were

pending or incomplete at the commencement of this Part may be continued and completed in the Court of Appeal or the Central Court, as the case may be, as if they had been instituted in that Court; and

- (b) where, in relation to a judgment of a court of the Territory given or pronounced before the commencement of this Part, an appeal lay, at the commencement of this Part, to the former Court of Appeal or to the former Central Court (whether or not subject to conditions as to leave to appeal or other conditions) a like appeal, subject to the like conditions (if any) lies to the Court of Appeal or the Central Court, as the case may be, and for that purpose the Court of Appeal or the Central Court may exercise any power or jurisdiction that belonged to the former Court of Appeal or the former Central Court, respectively.

(3.) All judgments of the former Court of Appeal or of the former Central Court subsisting at the commencement of this Part continue in force, and this Act and all other laws in force in the Territory apply in relation to them as if they were judgments of the Court of Appeal or of the Central Court, respectively.

52. Where any Act or Ordinance that was in force immediately before the commencement of this Part contained a reference to the former Court of Appeal or the former Central Court, or an expression that included a reference to one of those Courts, that reference or expression shall, from and including the commencement of this Part be read as a reference to the Court of Appeal or the Central Court, or as including a reference to the Court of Appeal or the Central Court, as the case may be.

Interpretation
of references
to former
Courts.

53.—(1.) Subject to Ordinance, the District Court of the Island of Nauru that was, immediately before the commencement of this Part, in existence by virtue of section 8 of the *Judiciary Ordinance 1957–1965* of the Territory is, by force of this section and subject to this Act, continued in existence.

District
Courts.

(2.) The constitution, jurisdiction, practice and procedure of the District Court shall be as provided by or under Ordinance.

54.—(1.) The High Court has jurisdiction to hear and determine appeals from all judgments, decrees, orders and sentences of the Court of Appeal, not being a judgment, decree or order given or made by consent.

Appeals to
High Court.

(2.) An appeal does not lie from a judgment, decree, order or sentence as provided by the last preceding sub-section except by leave of the High Court.

Division 2.—The Judges and Magistrates.

Judges of the
Court of
Appeal.

55.—(1.) The Governor-General may, by commission, appoint a person who is or persons each of whom is a judge of another court created by the Parliament to be a judge or judges of the Court of Appeal.

(2.) The judges of the Court of Appeal have seniority according to the dates of their commissions.

(3.) A judge of the Court of Appeal shall be remunerated with the salary that he receives as a judge of the other court, or other courts, of which he is a judge.

(4.) A judge of the Court of Appeal shall be paid such travelling expenses as the Governor-General approves.

Judges of the
Central Court.

56.—(1.) The Governor-General may, by commission, appoint a person who—

(a) is a judge of another court created by the Parliament or is a judge of a court of a State or is a barrister or solicitor of the High Court or of the Supreme Court of a State or Territory of the Commonwealth of not less than five years' standing; and

(b) has not reached the age of sixty-five years,
to be the judge of the Central Court.

(2.) The judge of the Central Court shall be paid such remuneration (if any) and travelling expenses as the Governor-General approves.

(3.) The remuneration (if any) of the judge of the Central Court shall not be diminished during his continuance in office.

(4.) The judge of the Central Court—

(a) may be removed from office on the ground of proved misbehaviour or incapacity, but shall not otherwise be removed from office; and

(b) ceases to hold office on reaching the age of sixty-five years.

Oath of
allegiance and
of office.

57.—(1.) Before proceeding to discharge the duties of his office, a judge of the Court of Appeal or the judge of the Central Court shall make and subscribe an oath or affirmation in accordance with the form in the Third Schedule to this Act.

(2.) An oath or affirmation under the last preceding sub-section shall be made and subscribed before the Governor-General or a person authorized by him.

58.—(1.) The Governor-General may appoint a person (being Acting judge a person who is qualified to be appointed as the judge of the Central Court) to be acting judge of the Central Court—

- (a) while the judge of the Central Court is absent on leave or is for any other reason unable for the time being to discharge the duties of his office; or
- (b) until the appointment of a judge in place of the judge of the Central Court who has died or has otherwise ceased to hold office.

(2.) An acting judge of the Central Court has the jurisdiction and powers of, and may exercise all the authorities that are vested in, or may be exercised by, the judge of the Central Court.

(3.) The appointment of a person to be acting judge during the absence, or inability to act, of the judge of the Central Court is not determined by the death or resignation of that judge, but, unless the Governor-General otherwise directs, continues, subject to this section, until a judge is appointed in place of the judge who has died or resigned.

(4.) An acting judge of the Central Court who holds office by virtue of paragraph (b) of sub-section (1.), or of sub-section (3.), of this section ceases to hold office at the expiration of a period of twelve months commencing on the date of his appointment.

59. A person may be a Judge of the Court of Appeal or of the Central Court notwithstanding that he is also a judge of another court created by the Parliament, or is also the holder of a judicial office in relation to a Territory of the Commonwealth other than the Territory of Nauru, by virtue of an appointment made either before or after his appointment as a judge of the Court of Appeal or of the Central Court. Holding of other judicial office.

60.—(1.) The Administrator may, by commission, appoint a person who has not reached the age of sixty-five years to be a magistrate of the Central Court. Magistrates of the Central Court.

(2.) A magistrate of the Central Court—

- (a) may be removed from office by the Administrator on the ground of proved misbehaviour or incapacity or on the ground that he has ceased to reside permanently in the Territory; and
- (b) ceases to hold office on reaching the age of sixty-five years.

(3.) Before proceeding to discharge the duties of his office, a magistrate of the Central Court shall take before the Administrator an oath or affirmation in accordance with the form in the Sixth Schedule to this Act.

PART VIII.—MISCELLANEOUS.

Division 1.—Laws in Force in the Territory.

Continuance of
existing laws.

61. Subject to this Act and to any other Act that extends to the Territory (whether passed before or after the commencement of this Part), all laws in force, immediately before the commencement of this Part, as laws of the Territory continue in force.

Amendment
and repeal of
existing laws.

62. Nothing in the last preceding section prevents a law continued in force by that section being amended or repealed under this Act.

Application of
Commonwealth
Acts.

63.—(1.) An Act or a provision of an Act is not in force as such in the Territory unless that Act expressly provides that the Act or the provision extends to Nauru or the Island of Nauru.

(2.) The application of its own force in, or in relation to, the Territory of an Act or of a regulation made under an Act, or of a provision of an Act or of a regulation made under an Act, is not to be affected by an Ordinance.

(3.) A reference in an Act (whether passed before or after the commencement of this Part) to the Territories of the Commonwealth or to a Territory of the Commonwealth shall not, unless expressed to include Nauru or the Island of Nauru, be deemed to include a reference to the Territory of Nauru.

Governor-
General may
apply Acts
to Nauru by
Proclamation.

64.—(1.) Notwithstanding the last preceding section, the Governor-General may, by Proclamation, declare—

(a) that a specified Act extends to the Territory; or

(b) that a specified reference in an Act to the Territories of the Commonwealth or to a Territory of the Commonwealth includes a reference to the Territory of Nauru.

(2.) In this section, “ Act ” means an Act whether passed before or after the commencement of this Part.

Division 2.—General.

65.—(1) The Administrator may, by warrant under his hand, grant to any offender convicted by a court exercising criminal jurisdiction in the Territory (not being an offender sentenced to death) either a free or conditional pardon, or a remission or commutation of sentence, or a respite of the execution of the offender's sentence for such period as he thinks fit, and may remit any fines, penalties and forfeitures, due or accrued under the law of the Territory. Grant of pardon, remission, &c.

(2) The Governor-General may, by warrant under his hand, grant to an offender sentenced to death by a court exercising criminal jurisdiction in the Territory either a free or conditional pardon, or a remission or commutation of sentence, or a respite of the execution of the offender's sentence for such period as he thinks fit.

(3) Where an offence has been committed in the Territory, or where an offence has been committed outside the Territory for which the offender may be tried in the Territory, the Administrator may, by warrant under his hand, grant a pardon to any accomplice who gives evidence that leads to the conviction of the principal offender or any of the principal offenders.

66.—(1) Public moneys of the Territory shall not be expended except in accordance with appropriations made by Ordinance and with warrants under the hand of the Administrator. Public moneys.

(2) A proposed Ordinance for the appropriation of public moneys of the Territory shall not be passed by the Legislative Council unless the purpose of the appropriation has been recommended by message of the Administrator to the Legislative Council.

(3) The receipt and expenditure of public moneys of the Territory shall be regulated as provided by Ordinance.

67. Notwithstanding the last preceding section, the salary of the Administrator is payable without appropriation by Ordinance. Administrator's salary.

68. The accounts of the Territory are subject to inspection and audit by the Auditor-General for the Commonwealth. Audit.

69. The Governor-General may make regulations, not inconsistent with this Act, making provision for and in relation to sittings of the Court of Appeal in a State or in a Territory of the Commonwealth other than the Territory of Nauru. Regulations.

THE SCHEDULES

FIRST SCHEDULE

Preamble.

TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF NAURU, APPROVED
BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON
1 NOVEMBER 1947

In pursuance of a Mandate conferred upon His Britannic Majesty the Territory of Nauru has been administered in accordance with Article 22 of the Covenant of the League of Nations by the Government of Australia on the joint behalf of the Governments of Australia, New Zealand, and the United Kingdom of Great Britain and Northern Ireland.

The Charter of the United Nations, signed at San Francisco on 26 June 1945, provides by Article 75 for the establishment of an International Trusteeship System for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements.

His Majesty desires to place the Territory of Nauru under the Trusteeship System, and the Governments of Australia, New Zealand and the United Kingdom undertake to administer it on the terms set forth in the present Trusteeship Agreement.

Therefore the General Assembly of the United Nations, acting in pursuance of Article 85 of the Charter,

Approves the following terms of Trusteeship for the Territory of Nauru, in substitution for the terms of the Mandate under which the Territory has been administered:

Article 1

The Territory to which this Trusteeship Agreement applies (hereinafter called "the Territory") consists of the island of Nauru (Pleasant Island), situated approximately 167° longitude East and approximately 0° 25' latitude South, being the Territory administered under the Mandate above referred to.

Article 2

The Governments of Australia, New Zealand and the United Kingdom (hereinafter called "the Administering Authority") are hereby designated as the joint Authority which will exercise the administration of the Territory.

Article 3

The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter and in such a manner as to achieve in the Territory the basic objectives of the International Trusteeship System, which are set forth in Article 76 of the Charter.

Article 4

The Administering Authority will be responsible for the peace, order, good government and defence of the Territory, and for this purpose, in pursuance of an Agreement made by the Governments of Australia, New Zealand and the United Kingdom, the Government of Australia will, on behalf of the Administering Authority and except and until otherwise agreed by the Governments of Australia, New Zealand and the United Kingdom, continue to exercise full powers of legislation, administration and jurisdiction in and over the Territory.

Article 5

The Administering Authority undertakes that in the discharge of its obligations under article 3 of this Agreement:

1. It will co-operate with the Trusteeship Council in the discharge of all the Council's functions under Articles 87 and 88 of the Charter;

FIRST SCHEDULE—*continued*

2. It will, in accordance with its established policy:
- (a) Take into consideration the customs and usages of the inhabitants of Nauru and respect the rights and safeguard the interests, both present and future, of the indigenous inhabitants of the Territory; and in particular ensure that no rights over native land in favour of any person not an indigenous inhabitant of Nauru may be created or transferred except with the consent of the competent public authority;
 - (b) Promote, as may be appropriate to the circumstances of the Territory, the economic, social, educational and cultural advancement of the inhabitants;
 - (c) Assure to the inhabitants of the Territory, as may be appropriate to the particular circumstances of the Territory and its peoples, a progressively increasing share in the administrative and other services of the Territory and take all appropriate measures with a view to the political advancement of the inhabitants in accordance with Article 76 b of the Charter;
 - (d) Guarantee to the inhabitants of the Territory, subject only to the requirements of public order, freedom of speech, of the press, of assembly and of petition, freedom of conscience and worship and freedom of religious teaching.

Article 6

The Administering Authority further undertakes to apply in the Territory the provisions of such international agreements and such recommendations of the specialized agencies referred to in Article 57 of the Charter as are, in the opinion of the Administering Authority, suited to the needs and conditions of the Territory and conducive to the achievement of the basic objectives of the Trusteeship System.

Article 7

In order to discharge its duties under Article 84 of the Charter and article 4 of the present Agreement, the Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for the maintenance of international peace and security.

SECOND SCHEDULE

Preamble, section 4.

NAURU AGREEMENT 1965

AGREEMENT BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA, THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE TERRITORY OF NAURU.

WHEREAS the Government of the Commonwealth of Australia, the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland have, conformably with the Trusteeship Agreement for the Territory of Nauru and after consultation with the Nauruan people, agreed that further provision should be made for the government of the Territory and in particular that there should be established a Legislative Council and an Executive Council in order to enable the Nauruan people to participate more fully in the government of the Territory and for this purpose have agreed to modify the existing Agreements between the three Governments:

AND WHEREAS the three Governments have agreed that the modifications so made should have effect until, conformably with the Trusteeship Agreement and after consultation with the Nauruan people, the three Governments otherwise agree:

NOW THEREFORE IT IS AGREED by the Government of the Commonwealth of Australia, the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland as follows:—

Article 1

(1.) A Legislative Council, a majority of the members of which are to be elected by the Nauruan people, is to be established as from the appointed day.

SECOND SCHEDULE—*continued*

(2.) Without affecting the powers of the Commonwealth Parliament to make laws for the government of the Territory—

(a) the Legislative Council is to have power to make Ordinances for the peace, order and good government of the Territory except Ordinances with respect to—

- (i) defence;
- (ii) external affairs;
- (iii) the phosphate industry (including the operation, ownership and control of that industry);
- (iv) phosphate royalties; and
- (v) the ownership and control of phosphate-bearing land; and

(b) the Governor-General is to have power as from the appointed day to make Ordinances for the peace, order and good government of the Territory with respect to—

- (i) defence, internal security and the maintenance of peace and order;
- (ii) external affairs;
- (iii) the phosphate industry (including the operation, ownership and control of that industry);
- (iv) phosphate royalties; and
- (v) the ownership and control of phosphate-bearing land.

(3.) Ordinances made by the Legislative Council are not to have the force of law until assented to by the Administrator, or, if reserved by the Administrator for the Governor-General's consideration, by the Governor-General. The Administrator is to have a general discretion to reserve Ordinances for the Governor-General's consideration. The Administrator is, if required by an Act of the Commonwealth Parliament to do so in specified cases, to reserve Ordinances for the Governor-General's consideration.

(4.) The Governor-General is to have power to disallow an Ordinance that has been assented to by the Administrator.

(5.) Ordinances made by the Governor-General are to be subject to disallowance by either House of the Commonwealth Parliament as provided by Act of that Parliament.

(6.) The application of its own force, in or in relation to the Territory, of an Act of the Commonwealth Parliament, or of a regulation under such an Act, is not to be affected by an Ordinance.

Article 2

(1.) An Executive Council is to be established, consisting of—

- (a) the Administrator; and
- (b) members appointed by the Governor-General.

(2.) The members appointed by the Governor-General are to include persons appointed from amongst the members of the Legislative Council elected by the Nauruan people. A person is not to be appointed as a member of the Executive Council from amongst the members of the Legislative Council elected by the Nauruan people unless he has been nominated for the purpose by a majority of those members of the Legislative Council.

(3.) The Executive Council is to have such powers and functions as are conferred on it by law, including the function of tendering advice on any matter referred to it by the Administrator for advice.

Article 3

Subject to the provisions of this Agreement, the administration of the Territory is, on and after the appointed day, to be vested in an Administrator appointed by the Government of the Commonwealth of Australia.

Article 4

Upon the expiration of the day last preceding the appointed day, the Administrator is to cease to have power to make Ordinances for the peace, order and good government of the Territory, but all Ordinances made before the appointed day and not repealed before that day are, subject to laws made on or after the appointed day, to continue in force in the Territory.

SECOND SCHEDULE—*continued**Article 5*

(1.) A Central Court and a Court of Appeal for the Territory are to be established to replace the existing Central Court and Court of Appeal.

(2.) The Central Court and the Court of Appeal are to be constituted as provided by, and are to have such jurisdiction as is conferred by or under, Act of the Commonwealth Parliament.

(3.) Subject to any Act of the Commonwealth Parliament and to any Ordinance, the District Court exercising jurisdiction in or in relation to the Territory is to continue in existence with the same jurisdiction as it now has.

(4.) An appeal is to lie from a judgment of the Court of Appeal to the High Court of Australia by leave of the High Court.

Article 6

The Government of the Commonwealth of Australia will submit to the Commonwealth Parliament legislation to give effect to this Agreement and to make such other provisions in relation to the government of the Territory as the Government of the Commonwealth of Australia deems necessary or convenient.

Article 7

At the commencement of the appointed day, Article 1 of the Agreement concerning Nauru dated the second day of July, 1919 between His Majesty's Government in London, His Majesty's Government of the Commonwealth of Australia and His Majesty's Government of the Dominion of New Zealand and the whole of the supplementary Agreement concerning Nauru dated the thirtieth day of May, 1923 between those Governments will cease to have effect.

Article 8

For the purposes of this Agreement—

- ‘ Administrator ’ includes a person appointed by the Government of the Commonwealth of Australia to act as Administrator during any illness or absence of the Administrator;
- ‘ the appointed day ’ means the day fixed by the Governor-General by Proclamation published in the Commonwealth of Australia Gazette as the appointed day for the purposes of this Agreement;
- ‘ the Commonwealth Parliament ’ means the Parliament of the Commonwealth of Australia;
- ‘ the Governor-General ’ means the Governor-General of the Commonwealth of Australia, or a person administering the Government of the Commonwealth of Australia, acting, in either case, with the advice of the Federal Executive Council, and includes any person for the time being appointed by the Governor-General or by the person administering the Government of the Commonwealth of Australia to be a deputy of the Governor-General or of that person, as the case may be, so acting;
- ‘ The Territory ’ means the Territory of Nauru.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Canberra this twenty-sixth day of November, One thousand nine hundred and sixty-five in one original which shall be deposited in the archives of the Commonwealth of Australia. Certified copies of this Agreement shall be transmitted by the Government of the Commonwealth of Australia to the other two signatory Governments.

For the Government of the Commonwealth of Australia:

C. E. BARNES

For the Government of New Zealand:

J. LUKE HAZLETT

For the Government of the United Kingdom of Great Britain and Northern Ireland:

C. H. JOHNSTON

THIRD SCHEDULE

Sections 8 and 57 (1.).

OATH

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, that I will well and truly serve Her in the office of _____ and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

So HELP ME GOD!

AFFIRMATION

I, _____, do solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, that I will well and truly serve Her in the office of _____ and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

FOURTH SCHEDULE

Section 12.

OATH

I, _____, do swear that I will render true and faithful service as a member of the Legislative Council for the Territory of Nauru.

So HELP ME GOD!

AFFIRMATION

I, _____, do solemnly and sincerely promise and declare that I will render true and faithful service as a member of the Legislative Council for the Territory of Nauru.

FIFTH SCHEDULE

Section 45.

OATH

I, _____, do swear that, except as required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my membership of the Executive Council for the Territory of Nauru.

So HELP ME GOD!

AFFIRMATION

I, _____, do solemnly and sincerely promise and declare that, except as required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my membership of the Executive Council for the Territory of Nauru.

SIXTH SCHEDULE

Section 60 (3.).

OATH

I, _____, do swear that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

So HELP ME GOD!

AFFIRMATION

I, _____, do solemnly and sincerely promise and declare that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.