

# Constitutional Convention Ordinance 1967

## THE TERRITORY OF NAURU

### CONSTITUTION CONVENTION ORDINANCE 1967

No. 23 of 1967

#### AN ORDINANCE

*To provide for a Constitutional Convention for the purpose of establishing a Constitution for Nauru*

(Assented to: 21 November 1967.)

Be it ordained by the Legislative Council for the Territory of Nauru, in pursuance of the powers conferred by the *Nauru Act* 1965, as follows:-

#### **Short title.**

1. This Ordinance may be cited as the [\*Constitutional Convention Ordinance 1967\*](#).

#### **Interpretation**

2. In this Ordinance, unless the contrary intention appears-

"candidate" means a person nominated for election as a representative for an Electoral District;

"Electoral District" has the same meaning as in the *Electoral Ordinance* 1965;

"electoral roll" means a roll of electors kept in accordance with section 6 of the *Electoral Ordinance* 1965;

"Nauru Independence Day" has the same meaning as in the *Nauru Independence Act* 1967 of the Commonwealth;

"representative" means a person elected under this Ordinance as a representative for an Electoral District;

"the Chairman" means the person appointed under section 10 of this Ordinance as Chairman of the Constitutional Convention and includes the person appointed under that section as Deputy Chairman of the Constitutional Convention and any other person who is for the time being authorised to preside at meetings of the Constitutional Convention;

"the Constitutional Convention" or "the Convention" means the Constitutional Convention established by section 3 of this Ordinance; and

"the Public Service Commissioner" means the person for the time being acting as Public Service Commissioner under the provisions of the *Public Service Ordinance* 1961-1966.

### **Constitutional Convention.**

3. There shall be a Constitutional Convention for Nauru for the purpose of establishing a Constitution for Nauru.

### **Constitution may be adopted before Nauru Independence Day.**

4. It is hereby declared that no law in force in Nauru prevents the Constitutional Convention from adopting, before Nauru Independence Day, a Constitution for Nauru to come into force on and from that day.

### **First elections**

5.-(1) The Constitutional Convention may, before Nauru Independence Day, authorise the holding of elections to elect members of the legislature of Nauru to take office on and from that day.

(2) The result of an election referred to in the last preceding sub-section shall be determined in accordance with the method specified in section 8 of this Ordinance.

## **Membership of Convention**

**6.** The membership of the Constitutional Convention shall consist of the following persons:-

- (a) the elected members of the Legislative Council holding office at the date of commencement of this Ordinance and any other person who subsequently becomes an elected member of the legislature of Nauru;
- (b) three representatives selected for each of the Electoral Districts of Aiwo, Boe, Yaren, Meneng and Buada;
- (c) three representatives elected for the Electoral District comprising the Districts of Anabar, Anibare and Ijuw;
- (d) three representatives elected for the Electoral District comprising the Districts of Anetan and Ewa; and
- (e) six representatives elected for the Electoral District comprising the Districts of Baiti, Denigomodu, Nibok and Uaboe.

## **Election of Representatives.**

**7.**(1) The representatives for an Electoral District shall be elected by the persons whose names appear on an electoral roll for that Electoral District.

(2) A person is not qualified to be a candidate for election as a representative for an Electoral District unless his name appears on an electoral roll for that Electoral District.

## **Determination of results of elections.**

**8.**(1) The result of an election of representatives for an Electoral District shall be determined in accordance with the provisions of sub-sections (5.), (6.), (7.), (8.), (9.) and (10.) of section 135 of the *Commonwealth Electoral Act 1918-1966* of the Commonwealth.

(2) For the purposes of the sub-sections referred to in the last preceding sub-section, a reference to the Commonwealth Electoral Officer shall be deemed to be a reference to the Returning Officer appointed under this Ordinance.

**Returning Officer.**

9.-(1) The Administrator in Council may, by notice in the *Gazette*, appoint a person to be the Returning Officer for elections held under this Ordinance.

(2) The Returning Officer may appoint a person to act as Presiding Officer at each polling place.

(3) A Returning Officer and a Presiding Officer respectively shall exercise such powers and shall perform such functions as may be prescribed.

**Chairman of the Convention.**

10.-(1) The persons who are members of the Constitutional Convention by virtue of paragraph (a) of section 6 of this Ordinance shall appoint two of their own number to be the Chairman and the Deputy Chairman respectively of the Constitutional Convention.

(2) The Chairman shall preside at meetings of the Constitutional Convention.

**Meetings of the Convention.**

11.-(1) The first meeting of the Constitutional Convention shall be held at a time and a place fixed by the Administrator in Council by notice in the *Gazette*.

(2) Subsequent meetings of the Constitutional Convention shall be held at the times and the places which the Chairman may from time to time appoint.

**Procedure.**

12. Subject to this Ordinance, the Constitutional Convention shall determine its own procedure.

**Allowances to members.**

13.-(1) The Public Service Commissioner shall grant to an officer or employee in the Public Service leave with pay without deduction from leave for recreation for periods necessary to enable him to attend meetings of the Constitutional Convention.

(2) A member of the Constitutional Convention who is not in receipt of salary, stipend or wages for any day at which he is present at a meeting of the Constitutional Convention shall be paid an allowance of five dollars for his attendance at the Convention on that day.

(3) The Public Moneys of the Territory are appropriated to the extent necessary for the purposes of the last preceding sub-section.

**Regulations.**

14. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters necessary or convenient to be prescribed for or in connection with the election of representatives.

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