



REPUBLIC OF NAURU

REGISTRATION OF ASSOCIATIONS BILL 2020

No. of 2020

A Bill for an Act to create an enabling environment for the registration of associations, to make provision for corporate governance, financial accountability, to regulate and promote cooperation with other local or international organisations, communities and the Government and to monitor their activities and for other related purposes.

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 - PRELIMINARY

1 Short title

This Act may be cited as the *Registration of Associations Act 2020*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Objectives

The objectives of this Act are to:

- (a) establish an administrative and regulatory framework within which associations which are not capable of being registered under any other laws or carrying out non profitable activities may register and conduct their affairs;
- (b) promote and require associations to maintain high standards of governance, transparency and accountability;
- (c) promote a spirit of mutual cooperation and shared responsibility between different associations, agencies of the Government and international organisations and bodies;
- (d) provide for the development of strong associations and to facilitate the foundation of effective function for organisational or public benefit;
- (e) promote and strengthen the capacity of associations that is sustainable and able to deliver professional services without any fees or remuneration; and
- (f) promote the development of self-regulation among associations.

4 Interpretation

In this Act:

'associate non-profit organisation' includes foreign branches of international non-profit organisations;

'association' includes a society, club, institution, civil society or non-Government organisation or similar body, which is not formed for any pecuniary gain or profit;

'body' includes any group of persons joined together for a common purpose which are not capable of being incorporated or registered under any other written law;

'beneficial owner' means a natural person:

- (a) who has ultimate control, directly or indirectly, over a legal entity;
- (b) who ultimately owns, directly or indirectly, the legal entity; or
- (c) on whose behalf a legal entity is created;

'beneficiary' means a natural person, or group of natural persons who receive charitable, humanitarian or other type of assistance through the services of a non-profit organisation;

'civil society' means a non-profit organisation which includes a community based organisation but excludes any political parties or activities of political parties;

'certificate' means a certificate of registration or a certificate of compliance issued under this Act;

'certificate of compliance' means the certificate of compliance issued by the Registrar under *Section 30*;

'certificate of registration' means the certificate of registration issued by the Registrar under *Section 16*;

'Court' means the Supreme Court, unless stated otherwise;

'dissolution' means when an association ceases to operate, either voluntarily or compulsorily by an order of the Court;

'domestic regulatory authority' means a body or agency established by or under a law of the Republic that:

- (a) grants or issues under that law or any other law licences, permits, certificates, registrations or other equivalent permissions; and
- (b) performs any other regulatory function related to a matter referred to in paragraph (a), including developing, monitoring or enforcing compliance with standards or obligations prescribed by or under that law or any other law;

'donor' means a legal person or arrangement or organisation which provides source of funds for capital or general operation of an association;

'eligible association' means an association established or formed not for pecuniary gain and meets the requirement under *Section 6* of this Act;

'executive' means the decision making body of an association or office bearers, that is established by the instrument of creation of an association;