



REPUBLIC OF NAURU

# NATIONAL HERITAGE BILL 2017

---

No. of 2017

---

A Bill for an Act to repeal the *Antiquities Act 1935* to provide for the protection and conservation of places and Nauru objects of heritage and the registration of such places and objects; and for related purposes

Certified: [ ]

## Table of Contents

<b>PART 1- PRELIMINARY.....</b>	<b>1</b>
1 SHORT TITLE .....	1
2 COMMENCEMENT .....	1
3 DEFINITIONS .....	1
4 OBJECTS OF THE ACT .....	2
<b>PART 2- DIRECTOR OF NATIONAL HERITAGE .....</b>	<b>2</b>
5 DIRECTOR OF NATIONAL HERITAGE .....	2
6 NATIONAL HERITAGE REGISTER .....	3
7 FUNCTIONS OF THE DIRECTOR .....	3
8 POWERS OF THE DIRECTOR .....	4
<b>PART 3- VESTING OF NAURU HERITAGE OBJECTS TO THE REPUBLIC.....</b>	<b>5</b>
9 OBJECTS OF HERITAGE VESTS IN THE REPUBLIC.....	5
10 AMNESTY PERIOD FOR COLLECTION OF NAURU OBJECTS OF HERITAGE .....	5
11 ACQUISITION AND SAFE KEEPING OF OBJECTS OF HERITAGE .....	5

12	DISCOVERIES OF OBJECTS OF HERITAGE TO BE REPORTED .....	6
	<b>PART 4 – PROTECTION OF AREA OF OBJECT OF HERITAGE .....</b>	<b>6</b>
13	PROTECTION OF AREA OF OBJECT OF HERITAGE .....	6
14	PROHIBITION ON APPROACHING SITES .....	7
	<b>PART 5 – PROHIBITION ON THE REMOVAL OF OBJECTS OF HERITAGE .....</b>	<b>7</b>
15	PROHIBITION ON REMOVAL OF OBJECT OF HERITAGE .....	7
16	PROCEDURE TO REMOVE OBJECTS OF HERITAGE.....	7
17	FORFEITURE OF OBJECT OF HERITAGE.....	8
18	PROHIBITED ON ACQUISITION .....	8
19	LICENCE FOR EXCAVATION OPERATION.....	8
	<b>PART 6 – OFFENCES AND PENALTIES.....</b>	<b>9</b>
20	OFFENCE OF INTENTIONALLY MODIFYING OR DESTROYING OBJECTS OF HERITAGE ...	9
21	OFFENCE OF REFUSING ACCESS, ETC. ....	9
22	OTHER OFFENCES.....	10
23	OFFENCES BY CORPORATIONS .....	10
	<b>PART 7 – MISCELLANEOUS .....</b>	<b>11</b>
24	ACTS OF EMERGENCY .....	11
25	JURISDICTION OF COURT .....	11
26	REGULATIONS .....	11
27	REPEAL.....	11

Enacted by the Parliament of Nauru as follows:

## PART 1- PRELIMINARY

### 1 Short title

This Act may be cited as the *National Heritage Act 2017*.

### 2 Commencement

This Act commences upon certification by the Speaker.

### 3 Definitions

In this Act:

**'Director'** means the Director of National Heritage appointed under section 5;

**'excavation'** means any operation or act designed to aid in the recovery of an object lying in or on the ground;

**'export'** means to take or cause to be taken out of Nauru;

**'heritage'** includes places and objects of heritage significance;

**'heritage significance'** means archaeological, architectural, cultural, scientific or social significance, antiquities, objects, sites, or war relics;

**'licence'** means a licence granted by the Minister under section 19;

**'Minister'** means the Minister to whom the responsibility of this Act is assigned;

**'Nauru antiquities'** includes Nauru relics and curios and articles of ethnological and anthropological interest or value and articles manufactured by the natives according to Nauru methods and historical remains of any description, and such other articles or things of historical or scientific value or interest and relation to Nauru as may be prescribed;

**'National Heritage site'** means a site having a value that has been registered by the Republic as being of national importance to the cultural heritage or history of the Republic;

**'objects of heritage'** means any movable article of heritage significance and includes but not limited to archaeological objects, antiquities and war relics;

**'prohibited area'** means an area declared under section 14;

**'protected area'** means an area declared under section 13;

**'site'** means an area declared by an order under section 13 or section 14 which includes any area of land or sea bed on which such object is situated;

**'war relic'** includes any object or artefact brought into the Republic by or for the use of any combatants in World War II.

#### **4 Objects of the Act**

The objects of the Act are to:

- (a) establish an office to implement the objects of this Act;
- (b) preserve objects of heritage and places of heritage significance which have lasting value and provide evidence of the origins of Nauruans as a distinct society;
- (c) promote for the benefit of all Nauruans, objects of heritage of every description, that has a significant cultural, national, historical importance or interest;
- (d) protect and maintain all Nauruan Heritage Site and objects of heritage;
- (e) provide for the establishment and maintenance of such Nauruan objects of heritage, for the benefit of the future generations of Nauru; and
- (f) provide sanctions for breaches of this Act.

### **PART 2- DIRECTOR OF NATIONAL HERITAGE**

#### **5 Director of National Heritage**

- (1) There shall be an office of the Director of National Heritage.
- (2) The person appointed to be the Director shall have sound knowledge of and is willing to undertake all that is necessary to establish an office and Register of all Nauruan Heritage sites and objects of heritage.
- (3) The Director shall:
  - (a) maintain the Register;
  - (b) perform other duties under this Act; and
  - (c) do all things as are necessary to be done for the proper administration of this Act.

- (4) The Director has the powers expressly conferred by this Act or any other written law to be able to perform his or her functions and exercise powers under this Act.
- (5) The Minister acting on the recommendation of the Chief Secretary may appoint a Deputy Director of National Heritage.
- (6) The Deputy Director may perform such functions and exercise such powers as the Registrar may in writing from time to time direct or authorise him or her to do.

## **6 National Heritage Register**

- (1) The Director shall be responsible for establishing and maintaining a Register of National Heritage under this Act.
- (2) Upon payment of prescribed fees:
  - (a) the Register shall be made available for inspection by any person during business hours; and
  - (b) certified copies of the entries in the Register shall be provided.

## **7 Functions of the Office of the Director**

- (1) The responsibilities and duties of the Office of the Director shall be:
  - (a) to identify, record, investigate, assess, list, protect and conserve historic places, historic areas, or enter such places which have heritage value;
  - (b) to keep permanent records of objects of heritage and providing support for persons with a legal or equitable interest in such places and areas;
  - (c) to continue and maintain the Nauru's National Heritage List;
  - (d) to advocate the conservation and protection of historic places, and areas;
  - (e) to foster public interest and involvement in historic places and areas and in identifying, recording, investigating, assessing, protecting, for conserving and, maintaining the Nauru's Heritage List;
  - (f) to issue directives in accordance with this Act;
  - (g) to manage, administer, and control historic places, buildings, and other properties the Nauru National Heritage shall control or is vested in it to ensure their protection, preservation, and conservation; and