



REPUBLIC OF NAURU

NAURU FIBRE CABLE CORPORATION BILL 2017

No. of 2017

A Bill for an Act to establish the Nauru Fibre Cable Corporation and for 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 Nauru Fibre Cable Corporation Act 2017.

2 Commencement

This Act commences upon certification by the Speaker.

3 Purpose

The purposes of this Act are to:

- (a) ensure efficient international internet services are provided by the Nauru Fibre Cable Corporation;
- (b) enable the Corporation to operate efficiently and independently while allowing for necessary oversight by the Cabinet to ensure the Corporation is financially viable and performs its functions fully and effectively to maximise the benefits to its customers; and
- (c) ensure the powers and functions of the Corporation are exercised and performed according to best practices and industry standards.

4 Definitions

In this Act, unless the context otherwise requires:

'auditor' means the Auditor General appointed under the Audit Act 1974;

'Board' means the Board of directors established under section 7;

'Chief Executive Officer' means the person from time to time holding or occupying the office of Chief Executive Officer of the Corporation as appointed in section 6(1);

'Corporation' means the Nauru Fibre Cable Corporation established under section 5;

'customers' means persons to whom the Corporation supplies a product or provides a service under an agreement between the person and the Corporation;

'director' means a member of the Board of directors;

'estimates' means the budget estimates referred to in section 17;

'fee' means a fee determined under section 16(1)(e);

'Minister' means the Minister responsible for the administration of this Act;

'prescribed' means prescribed by regulations;

'product' means internet services provided by the Corporation;

'staff member' means a person engaged under section 22.

PART 2 – NAURU FIBRE CABLE CORPORATION

Division 1 – General matters

5 Establishment of Corporation

- (1) The Nauru Fibre Cable Corporation is hereby established.
- (2) The Corporation:
 - (a) is a body corporate with perpetual succession;
 - (b) has a common seal;
 - (c) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property; and
 - (d) may sue or be sued in its corporate name.
- (3) All courts, judges and persons acting judicially must:
 - (a) take judicial notice of the common seal of the Corporation affixed to a document; and
 - (b) presume the seal was duly affixed.

6 Chief Executive Officer

- (1) The Cabinet shall appoint a person to be the Chief Executive Officer of the Corporation.
- (2) The Chief Executive Officer holds office for the period and on the terms and conditions determined by the Cabinet at the time of the appointment.
- (3) The Chief Executive Officer is responsible:
 - (a) for the day to day management and control of the Corporation and for the implementation of Board policies; and
 - (b) to the Board for the efficient carrying out of the functions of the Corporation.

7 Board of directors

- (1) A Board of Directors is established as the governing body of the Corporation.
- (2) The Board is to consist of 3 directors appointed by the Cabinet and 2 *ex officio* members.
- (3) The Cabinet will appoint one director to be Chairman of the Board.
- (4) The *ex officio* members of the Board must be:
 - (a) a senior officer currently employed with the Department of Finance; and
 - (b) a senior officer currently employed with the Department of Justice and Border Control.
- (5) A director shall be appointed for a term not exceeding three years and shall be eligible for reappointment.
- (6) Subject to this section, a director shall be appointed on such terms and conditions approved by the Cabinet.
- (7) The Cabinet shall appoint a member to be the Chairman of the Board and who shall exercise such powers and functions as are prescribed.

8 Vacation of office

- (1) The Cabinet may at any time revoke the appointment of any member of the Board appointed by it.
- (2) The Cabinet shall, by notice in the Gazette, declare the office of a member vacant, where the member:
 - (a) becomes bankrupt, applies to take the benefits of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit;
 - (b) resigns from office by writing to the Minister;
 - (c) is absent, except on leave granted by the Minister, from three successive meetings of the Board;
 - (d) fails to comply with obligations under the Act;
 - (e) is considered by a Board of not less than two legally qualified medical practitioners, appointed by the Minister, to be incapable of performing his or her duties efficiently; or