



REPUBLIC OF NAURU

Nauru Utilities Corporation Bill 2011

Serial No. 8 of 2011

Contents

PART 1 – PRELIMINARY MATTERS	1
1 Short title	1
2 Commencement	1
3 Purposes	1
4 Definitions	2
PART 2 – NAURU UTILITIES CORPORATION	3
Division 1 – General matters	3
5 Establishment of Corporation	3
6 Chief executive officer	3
7 Advisory committee	3
Division 2 – Powers and functions of Corporation	5
8 Functions of Corporation – electricity	5
9 Functions of Corporation – water	5
10 Functions of Corporation – fuel	6
11 Powers and functions of Corporation – general	6
12 Outsourcing arrangements	6
13 Fees for products and services	6
Division 3 – Financial management	7
14 Money of Corporation	7
15 Approval of budget estimates	7
16 Approval required for certain contracts and transactions	8

Nauru Utilities Corporation Bill 2011

17	Account keeping.....	8
18	Audit of accounts.....	9
Division 4 – Reporting requirements		9
19	Annual report.....	9
Division 5 – Administrative and legal matters.....		10
20	Directions by Minister	10
21	Staff members.....	10
22	Power of entry	10
23	Delegation	11
24	Protection from liability	11
25	Corporation must not indemnify CEO.....	11
PART 3 – MISCELLANEOUS MATTERS		12
26	Safety standards	12
27	Regulations	12
PART 4 –TRANSITIONAL PROVISIONS		13
28	Definitions	13
29	Assets and liabilities of the Corporation	13
30	References to NUA	14
31	CEO of Corporation.....	14
32	Staff of Corporation	14
33	Transitional regulations	14



REPUBLIC OF NAURU

Nauru Utilities Corporation Bill 2011

Serial No. 8 of 2011

A Bill for:

An Act to establish the Nauru Utilities Corporation and for related purposes

Certified on....

Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY MATTERS

1 Short title

This Act may be cited as the *Nauru Utilities Corporation Act 2011*.

2 Commencement

This Act commences on 1 August 2011.

3 Purposes

The purposes of this Act are to:

- (a) ensure essential utilities services are provided by the Nauru Utilities Corporation; and

- (b) enable the Corporation to operate efficiently and independently while allowing for necessary oversight by the Minister to ensure the Corporation is financially viable and performs its functions fully and in a way that is not detrimental to customers; and
- (c) ensure the powers and functions of the Corporation are exercised and performed in a safe way.

4 Definitions

In this Act:

'approved auditor', see section 18(1);

'CEO' means the person from time to time holding or occupying the office of chief executive officer of the Corporation mentioned in section 7(1);

'Corporation' means the Nauru Utilities Corporation established by section 5(1);

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

'estimates', see section 15(1);

'fee' means a fee determined under section 13(1)(a);

'fuel' means petrol, diesel or aviation fuel;

'post-paid customer' means a customer who receives a product or service before the customer pays fees for the product or service;

'prescribed' means prescribed by regulation;

'product' means electricity, water or fuel;

'staff member' means a person engaged under section 21;

PART 2 – NAURU UTILITIES CORPORATION

Division 1 – General matters

5 Establishment of Corporation

- (1) The Nauru Utilities Corporation is established.
- (2) The Corporation:
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of suing and being sued.
- (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 Minister, with the consent of Cabinet, must appoint a person to be the chief executive officer of the Corporation.
- (2) The CEO holds office for the period and on the terms and conditions determined by the Minister.
- (3) The CEO is responsible for the operation of the Corporation.
- (4) The CEO must exercise the powers and perform the functions of the Corporation.

7 Advisory committee

- (1) An advisory committee is established to advise the Minister about matters related to the operations of the Corporation, including whether, in the opinion of the committee, the powers and functions of the Corporation are being carried out adequately.