

CENPAC CORPORATION

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Cenpac Corporation Act 2018

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Cenpac Corporation Act 2018

TABLE OF AMENDMENTS

The Cenpac Corporation Act 2018 No 20 was certified and commenced on 10 May 2018 (GN No 339/2018; Gaz 68/2018).

Amending Legislation	Certified	Date of Commencement
Public Enterprises Act 2019 No 11	11 June 2019	Sch 2 clause 1: 11 June 2019
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

An Act to establish the Cenpac Corporation and for related purposes.

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Cenpac Corporation Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker and came into effect on 10 May 2018.

3 Definitions

In this Act:

‘*Board*’ has the same meaning as is defined in the *Public Enterprises Act 2019*;

‘*Corporation*’ means the Cenpac Corporation established under Section 4; and

‘*Minister*’ means the Minister appointed as the Responsible Minister for the Corporation under the *Public Enterprises Act 2019*.

[def subst Act 11 of 2019 Sch 2 clause 1, opn 11 June 2019]

PART 2 — CENPAC CORPORATION

4 Establishment of Corporation

- (1) There shall be established a corporation to be known as the Cenpac Corporation consisting of a Board, Chief Executive Officer and such number of staff as the Board in consultation with the Minister may from time to time determine.
- (2) The Corporation is a body corporate with perpetual succession and shall have a common seal.
- (3) The Corporation may:
 - (a) sue and be sued;
 - (b) enter into contracts and other legal obligations;
 - (c) acquire, hold, manage and dispose of real or personal properties; and
 - (d) perform all such powers, functions, duties and responsibilities of a corporation under the *Corporations Act 1972*.
- (4) The affixing of the common seal of the Corporation shall be authenticated by the signature of the Chief Executive Officer.

5 Functions of the Corporation

The functions of the Corporation as a commercial entity are to:

- (a) establish, operate, manage and invest in communication services;
- (b) establish, operate and manage a network for accessing the world wide web and international gateway for communication to and from the Republic;
- (c) establish and operate as an internet service provider for wholesale and retail purposes;
- (d) register, assign and allocate domain names under the Republic's internet country code to –level – domain (ccTLD) “.nr”;
- (e) establish and operate a commercial business associated with the communication and broadcasting sector or such other activities as the Corporation deems appropriate;
- (f) make prudent and secured investments to ensure the viability of the Corporation;
- (g) perform such other functions or exercise such other powers conferred on the Corporation under this Act; and
- (h) make recommendations and advise the Minister on matters connected with its functions.

6 Powers of the Corporation

Subject to this Act, the Corporation has the power to do all things necessary, convenient or appropriate to be done, whether in the Republic or elsewhere, for the fulfilment of its functions.

7 Board of Directors

- (1) The Corporation shall have a Board of directors appointed and holding office in accordance with the *Public Enterprises Act 2019*.

(2) The business, operations and affairs of the Corporation shall be managed by, or under the direction or supervision of, the Board.

[s 7 subst Act 11 of 2019 Sch 2 clause 1, opn 11 June 2019. Section 37 of the Public Enterprises Act 2019 applies.]

8 Qualification of Directors

[s 8 rep Act 11 of 2019 Sch 2 clause 1(c), opn 11 June 2019. Section 38 of the Public Enterprises Act 2019 applies.]

9 Role of the Board

[s 9 rep Act 11 of 2019 Sch 2 clause 1(c), opn 11 June 2019. Part 6, Div 2 of the Public Enterprises Act 2019 applies.]

10 Meetings of the Board

[s 10 rep Act 11 of 2019 Sch 2 clause 1(c), opn 11 June 2019. Part 6, Div 3 of the Public Enterprises Act 2019 applies.]

11 Responsibilities and duties of Directors

[s 11 rep Act 11 of 2019 Sch 2 clause 1(c), opn 11 June 2019. Part 6, Div 2 of the Public Enterprises Act 2019 applies.]

12 Vacation of office

[s 12 rep Act 11 of 2019 Sch 2 clause 1(c), opn 11 June 2019. Section 41 of the Public Enterprises Act 2019 applies.]

13 Remuneration of the Board of Directors

[s 13 rep Act 11 of 2019 Sch 2 clause 1(c), opn 11 June 2019. Part 6, Div 1 of the Public Enterprises Act 2019 applies.]

14 Liability of Directors

[s 14 rep Act 11 of 2019 Sch 2 clause 1(c), opn 11 June 2019. Part 6, Div 2 of the Public Enterprises Act 2019 applies.]

PART 3 — ACCOUNTS AND AUDIT

15 Account keeping

[s 15 rep Act 11 of 2019 Sch 2 clause 1(d), opn 11 June 2019. Part 7, Div 1 of the Public Enterprises Act 2019 applies.]

16 Funds of the Corporation

All monies payable to and received by the Corporation shall be paid into an account with a financial institution that has been approved for that purpose by the Cabinet.

17 Audit of accounts

[s 17 rep Act 11 of 2019 Sch 2 clause 1(d), opn 11 June 2019. Part 7, Div 1 of the Public Enterprises Act 2019 applies.]

18 Annual report and accounts

[s 18 rep Act 11 of 2019 Sch 2 clause 1(d), opn 11 June 2019. Part 7, Div 1 of the Public Enterprises Act 2019 applies.]

PART 4 — CHIEF EXECUTIVE OFFICER, OFFICERS AND OPERATIONS

19 Chief Executive Officer

[s 19 rep Act 11 of 2019 Sch 2 clause 1(e), opn 11 June 2019. Section 64 of the Public Enterprises Act 2019 applies.]

20 Officers

- (1) The Corporation may employ such persons as may be necessary for the operations of the Corporation.
- (2) The terms and conditions of employment of the officers shall be determined by the Board on the recommendation of the Chief Executive Officer.

21 Operational manual

- (1) Subject to subsection (2), the Board shall establish an operational manual for the conduct of the business of the Corporation.
- (2) The operational manual shall be approved by the Minister.

[subs (2) subst Act 11 of 2019 Sch 2 clause 1, opn 11 June 2019]

PART 5 — ASSETS AND LIABILITIES

22 Assets and liabilities

- (1) Cenpac Inc Corporation is a corporation incorporated under the *Corporations Act 1972* and subject to this Act, shall continue its operations as a corporation under this Act.
- (2) The Cenpac Inc Corporation is novated and reconstituted as a corporation under this Act with the following consequences:
 - (a) all funds previously in the custody, possession or control of Cenpac Inc Corporation shall vest in the Corporation;
 - (b) all property, assets, charges and interests of Cenpac Inc Corporation, whether within or outside the Republic, shall vest in the Corporation;
 - (c) all liability for the payment of loans and funds borrowed from creditors by Cenpac Inc Corporation, whether within or outside the Republic, shall be the debts of and be paid by the Corporation;
 - (d) all contracts and agreements with Cenpac Inc Corporation which are in force shall be deemed to have been novated to the Corporation established under this Act;
 - (e) all obligations of Cenpac Inc Corporation under any written law of the Republic is transferred to the Corporation by this enactment; and
 - (f) subject to subparagraph (c), the Corporation shall not be liable or responsible for any debt or liability of the Cenpac Inc Corporation other than such debt or liability duly approved by the Cabinet.

PART 6 — MISCELLANEOUS

23 Breach of confidentiality

[s 23 rep Act 11 of 2019 Sch 2 clause 1(g), opn 11 June 2019. Section 52 of the Public Enterprises Act 2019 applies.]

24 Election candidates — Board of Directors

[s 24 rep Act 11 of 2019 Sch 2 clause 1(g), opn 11 June 2019. Section 43 of the Public Enterprises Act 2019 applies.]

25 Regulations

The Cabinet may make regulations prescribing all matters necessary or convenient to be prescribed for giving effect to this Act.

