



REPUBLIC OF NAURU

NAURU (RPC) CORPORATION (AMENDMENT) BILL 2017

No. of 2017

An Act to amend the *Nauru (RPC) Corporation Act 2017*

Certified:

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Nauru (RPC) Corporation (Amendment) Act 2017*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of Nauru (RPC) Corporation Act 2017

The Nauru (RPC) Corporation Act 2017 is amended by the provisions of this Act.

4 Amendment of section 24

Section 24 is omitted and substituted with the following:

24 Prohibition on the provision of commercial services

(1) No person shall provide or render any commercial services at the regional processing centres and settlements unless:

- (a) there is in place a contract authorised by the Cabinet;
- (b) the authorised contract has either been executed by the Republic under section 16(1) of the Asylum Seekers (Regional Processing Centre) Act 2012, or where the Republic is not a party, it has been endorsed by the Secretary under this Act;
- (c) the authorised contract has been endorsed by the Secretary under paragraph (b) and executed by a representative or nominee or agent authorised by the Commonwealth of Australia;
- (d) a current business licence is produced; and
- (e) a tax identification number issued under the Revenue Administration Act 2014 is produced.

(2) A person commits an offence under subsection (1) if he or she attempts, induces, colludes, conspires or enters into an arrangement or understanding with another person or persons to provide or render commercial services at the Regional Processing Centres and settlements.

- (3) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$500,000 or to a term of imprisonment not exceeding 5 years or both.
- (4) The Secretary may issue a certificate declaring that the services are pursuant to an authorised contract under the Act and which shall be:
 - (a) conclusive evidence of the contract being in compliance with this Act; and
 - (b) admissible as evidence in any Court.
- (5) If the Cabinet proposes to withdraw or revoke its authorisation of a contract under subsection (1)(a) or, the Secretary proposes to withdraw or revoke the endorsement of a contract under subsection (1)(c), 3 months' written notice shall be given to each affected party of the proposal to withdraw or revoke authorisation or endorsement.
- (6) Where a service provider appointed under subsection (1)(c) breaches or fails to comply with the terms and conditions of an authorised contract endorsed by the Secretary under subsection 1(b), the Corporation may issue a notice under section 25(2) or initiate proceedings under section 26(1) if it receives a written request from the Commonwealth of Australia.
- (7) Save for subsection (1)(c), the Cabinet may make such Regulations for the purposes of this section as necessary including specifically authorising other persons to execute or endorse such contracts.