

REPUBLIC OF NAURU

(No. 2 of 1982)



AN ACT

To amend the Nauru Phosphate Corporation Act 1969.

(Certified: 23/2/82)

Enacted by the Parliament of Nauru as follows:-

SHORT TITLE

1. This Act may be cited as the Nauru Phosphate Corporation (Amendment) Act 1982.

THE PRINCIPAL ACT

2. In this Act "the principal Act" means the Nauru Phosphate Corporation Act 1969.-1978.

AMENDMENT OF SECTION 6 OF THE PRINCIPAL ACT

3. Section 6 of the principal Act is amended by inserting immediately after the words "Subject to this Act" the words "and any express direction which is given to the Board by the Minister and which is not inconsistent with any provision of this Act".

AMENDMENT OF SECTION 10 OF THE PRINCIPAL ACT

4. Section 10 of the principal Act is amended by deleting from it the word "prescribed" and by inserting in lieu thereof the words "approved by the Cabinet".

AMENDMENT OF SECTION 13 OF THE PRINCIPAL ACT

5. Section 13 of the principal Act is amended -

- (a) by deleting the full stop at the end of subsection (1) thereof and by inserting a colon in lieu of it;

- (b) by adding to subsection (1) thereof the following proviso -

"Provided that, if the Minister considers that it is necessary for the efficient conduct of the business of the Board or of the Corporation or is desirable in the interests of the Republic that a meeting of the Board should be held, he may direct the Chairman to convene such a meeting and the Chairman shall do so as directed"; and

- (c) by repealing subsection (4) thereof and by inserting in lieu thereof the following new subsection (4) -

"(4) The Chairman shall preside at every meeting of the Board at which he is present, and if he is absent from a meeting and the Vice-Chairman is present, the Vice-Chairman shall preside at the meeting."

AMENDMENT OF SECTION 14 OF THE PRINCIPAL ACT

6. Subsection (1) of section 14 of the principal Act is amended:-

- (a) by deleting the full stop at the end thereof and by inserting a colon in lieu thereof; and
- (b) by adding thereto the following proviso -

"Provided that, where the Chairman convenes a meeting of the Board in compliance with a direction of the Minister that he should do so, the meeting shall be held at such place as the Minister directs."

AMENDMENT OF SECTION 20 OF THE PRINCIPAL ACT

7. Section 20 of the principal Act is amended -

- (a) by inserting therein immediately after the words "unless otherwise directed by the Minister" the punctuation and words ", and shall if the Minister expressly so directs"; and
- (b) by inserting therein immediately after the words "as the Board" the words and punctuation "or the Minister, as the case may be,".

AMENDMENT OF SECTION 26 OF THE PRINCIPAL ACT

8. Section 26 of the principal Act is amended by deleting from paragraph (f) thereof the word "prescribed" and by inserting in lieu thereof the words "directed or approved by the Cabinet".

AMENDMENT OF SECTION 28 OF THE PRINCIPAL ACT

9. Section 28 of the principal Act is amended -

- (a) by inserting into subsection (1) thereof immediately after the words and punctuation "The Corporation shall," the words "not less than two months";
- (b) by deleting the full stop at the end of subsection (1) thereof and by adding at the end of that subsection the following punctuation and words ", and within the fourteen days immediately following the receipt of the same by the Minister, he shall lay it before the Cabinet for consideration.";
- (c) by repealing subsection (2) thereof and inserting the following new subsection (2) in lieu of it -

"(2) The Cabinet may approve or reject the Corporation's planned operations and budget for the financial year and, if it approves them, may do so either without variation to them or subject to such variations as the Cabinet may direct in writing"; and

(d) by adding thereto the following subsections
(4), (5) and (6) -

"(4) Where during any financial year the Board considers that the planned operations of the Corporation for that financial year approved by the Cabinet, or any part of them, cannot or should not be undertaken therein or should be changed or that the expenditure of the Corporation included in the budget for that financial year approved by the Cabinet is likely to be exceeded either in gross or in respect of any goods or services shown in that budget, the Corporation shall forthwith submit to the Minister a revised plan of operations or a revised budget or both a revised plan of operations and a revised budget, as may be appropriate, for the financial year, and that revised plan of operations or budget or that revised plan of operations and that revised budget, as the case may be, shall be subject to approval by the Cabinet, which, if it approves it or them, may do so either without variation or subject to such variations as the Cabinet may direct in writing.

(5) The Corporation shall endeavour to give effect to the plan of operations approved for the time being by the Cabinet.

(6) The Corporation shall not incur in any financial year expenditure in excess of that stated in the budget.

or the revised budget, as the case may be, approved by the Cabinet either in gross or in respect of any particular goods or services; nor shall it incur expenditure on any goods or services other than those for which expenditure is included in that budget or revised budget."

ADDITION OF A NEW SECTION 35A TO THE PRINCIPAL ACT.

10. The principal Act is amended by adding thereto, immediately after section 35, the following new section 35A -

"MINISTER TO REPORT TO THE CABINET DIRECTIONS GIVEN TO THE BOARD.

35A. Where the Minister gives any direction to the Board in exercise of his power to do under any of sections 6, 13, 14 and 20, he shall inform the Cabinet thereof at the next meeting of the Cabinet after the direction is given."

I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Nauru Phosphate Corporation (Amendment) Act, 1982, that has been made by Parliament and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.



Acting Clerk of Parliament
23rd February, 1982

Pursuant to Article 47 of the Constitution, I, REUBEN JAMES KUN, Speaker of Parliament, HEREBY CERTIFY that the Nauru Phosphate Corporation (Amendment) Act, 1982, a copy of which is attached, has been passed by Parliament.



Speaker
23rd February, 1982