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G.N.No. 710/2022

NAURU (RPC) CORPORATION (MANAGEMENT AND SERVICE FEES) REGULATIONS 2022

SL No. 9 of 2022

Notified: 30th June 2022

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G.N.No. 710/2022 (Cont'd)

The Cabinet makes the following Regulations under Sections 19(1) and 34 of the *Nauru (RPC) Corporation Act 2017*:

1 Citation

These Regulations may be cited as the *Nauru (RPC) Corporation (Management and Service Fees) Regulations 2022*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Definitions

In these Regulations:

'authorised contract' for the purposes of these Regulations, refers to the contract between the Commonwealth of Australia represented by the Department of Home Affairs and Canstruct International Pty Ltd authorised by the Cabinet under Section 24 of the Act:

- (a) on 29 October 2017 and endorsed by the Secretary for Multicultural Affairs on 31 October 2017; and
- (b) which contract:
 - (i) was extended to 30 April 2019 by a Deed of Variation, authorised by Cabinet on 12 October 2018 and endorsed by the Secretary for Multicultural Affairs on 23 October 2018;
 - (ii) was further extended to 31 July 2019 by the Cabinet on 30 April 2019 and endorsed by the Secretary for Multicultural Affairs on 30 April 2019;
 - (iii) was extended to 30 June 2020, which was subsequently extended to 31 December 2020;
 - (iv) was extended to 30 June 2021;
 - (v) was extended to 31 December 2021;
 - (vi) was extended to 30 June 2022; and
 - (vii) is further extended to 30 September 2022;

'authorised service provider' means Canstruct International Pty Ltd or any successor commercial service provider appointed by the Commonwealth of Australia; and

'management and services fees' have the same meaning given to it under the Act and shall be paid into the Treasury Fund in accordance with Section 19(2) of the Act.

G.N.No. 710/2022 (Cont'd)

4 Management and service fees

For the period commencing from 1 July 2022 to 31 December 2022, the total management and service fees payable under these Regulations shall be \$10,000,000, which sum shall be paid in accordance with Regulations 5 and 6.

5 Payment of management and service fees by Canstruct International Pty Ltd

- (1) For the purposes of Section 19(1) of the Act, Canstruct International Pty Ltd, as the authorised service provider, shall pay management and service fees for the facilitation and administration of services at the Regional Processing Centres and Settlements or in relation to protected persons for the period commencing from 1 July 2022 until 30 September 2022 in the sum of \$5,000,000.
- (2) The fee referred to in subregulation (1), shall be charged once only for the period commencing from 1 July 2022 and continues until 30 September 2022.
- (3) The Corporation shall charge and recover its management and service fees from the authorised service provider which shall be:
 - (a) \$1,666,667 on or before 1 July 2022; and
 - (b) \$1,666,667 per month with effect from 1 July 2022 until the total sum of \$5,000,000 is paid and payable on the 1st day of each successive month.

6 Payment of management and service fees of a successor commercial service provider

- (1) In the event, on or after 1 October 2022, another service provider is appointed by the Commonwealth of Australia in place of Canstruct International Pty Ltd and is duly authorised under the Act, the new service provider shall comply with the requirements of the Act.
- (2) During the period from 1 October 2022 to 31 December 2022, the Commonwealth of Australia shall facilitate the payment of management and service fees for and on behalf of the newly appointed authorised service provider in the sum of \$5,000,000.
- (3) The sum of \$5,000,000 under subregulation (2), shall be paid as follows:
 - (a) \$1,666,667 on or before 1 October 2022; and
 - (b) \$1,666,667 per month with effect from 1 October 2022 until the total sum of \$5,000,000 is paid and payable on the 1st day of each successive month.

7 Regulations not to apply

These Regulations shall not apply to Eigigu Solutions Corporation.

8 Regulations repealed

The *Nauru (RPC) Corporation (Canstruct International Pty Ltd Engagement) Regulations No. 2 2021* SL No. 36 notified on 30th December 2021 are hereby repealed.