



REPUBLIC OF NAURU

NAOERO POSTAL SERVICES CORPORATION BILL 2018

No. of 2018

A Bill for an Act to establish the Naoero Postal Services Corporation and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short Title

This Act may be cited as the *Naoero Postal Services Corporation Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Definitions

In this Act:

‘Corporation’ means the Corporation established under section 4;

‘employee’ means an officer of the Corporation;

‘indecent article’ means any book, newspaper, picture, film, video, DVD, electronic device, photograph, print or writing and, any paper or other thing of any description whatsoever, which has printed or impressed upon it, or otherwise attached thereto or appearing, shown or exhibited in any manner whatsoever thereon, any indecent word, statement, significant sign, or any indecent picture, illustration, or representation, or which unduly emphasises matters of sex, horror, crime, cruelty or violence;

‘Minister’ means the President of the Republic;

‘postage’ in relation to a postal article, means the amount payable for the carrying of the article by post;

‘postage stamp’ includes an imprinted or printed mark, label or design authorised by the Corporation for the purpose of paying postage for a postal article and any other purpose as required by the Corporation and bearing the words “Republic of Nauru”;

‘postal article’ means an article of a kind that under the terms and conditions on which the Corporation supplies postal services, may be carried by post;

‘post box’ means any receptacle established by the Corporation for the lodgement, receipt or handling of postal articles;

PART 2 – NAOERO POSTAL SERVICES CORPORATION

4 Establishment of Corporation

- (1) There shall be established a Corporation to be known as the Naoero Postal Services 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 powers, functions, duties and responsibilities of a Corporation under the Corporations Act 1972.

(4) The affixing of the seal of the Corporation shall be authenticated by the signature of the Chief Executive Officer or in his or her absence, an authorised officer.

5 Functions of the Corporation

The functions of the Corporation are to:

- (a) provide postal services for the Republic;
- (b) provide commercial postal services as it considers appropriate; and
- (c) make recommendations and advise the Minister on matters connected with its functions.

6 Powers of the Corporation

(1) 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 objects.

(2) Without limiting the generality of subsection (1), the Corporation has the power for or in connection with the performance of its functions to supply:

- (a) packet and parcel carrying services;
- (b) philatelic and associated services;
- (c) courier services;
- (d) electronic mail services; and
- (e) funds transfer services.

7 Board of Directors

(1) The Board shall consist of 3 members who shall be appointed by the Cabinet on the recommendation of the Minister.

(2) The Cabinet on the recommendation of the Minister shall appoint a member to be the Chairperson of the Board.

- (3) The Directors shall be appointed for a term not exceeding 2 years and may be eligible for reappointment.
- (4) The Directors shall be appointed on such terms and conditions as approved by the Cabinet.

8 Qualification of Directors

- (1) The Cabinet in appointing Directors shall have regard to whether the Directors of the Board will collectively possess the appropriate knowledge, skills, and experience to assist the Corporation to perform its functions effectively.
- (2) A person is disqualified to be or from being a Director if he or she is:
 - (a) an undischarged bankrupt or an individual who has an arrangement with any of his or her creditors;
 - (b) an individual who has been sentenced to imprisonment for a term of 12 months or more by a Court of the Republic or any other country and has not received a pardon in or outside of the Republic;
 - (c) an individual who lacks capacity in respect of his or her duties as a Director within the meaning of the Mentally-disordered Persons Act 1963; or
 - (d) a holder of an elected office.

9 Role of the Board

The Board shall:

- (a) in consultation with the Cabinet, decide the objectives, strategies and policies to be followed by the Corporation; and
- (b) ensure that the Corporation performs its functions in a manner that is proper, efficient and, as far as practicable, consistent with sound commercial practice.

10 Meetings of the Board

- (1) Subject to this Act the Board shall regulate its own procedure for meetings.
- (2) The Board is to hold such meetings as are necessary for performing its functions.
- (3) The Chairperson shall appoint the times and places of the meetings of the Board and the secretary may serve written notice of such meetings to all the Directors.
- (4) A meeting of the Board may be held by a quorum of two Directors, being assembled together at the time and place appointed for the meeting.