

NAOERO POSTAL SERVICES CORPORATION

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Naoero Postal Services Corporation Act 2018

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Naoero Postal Services Corporation Act 2018

TABLE OF AMENDMENTS

The Naoero Postal Services Corporation Act 2018 No 4 was certified and commenced on 26 January 2018 (GN No 84/2018; Gaz 15/2018).

Amending Legislation	Certified	Date of Commencement
Public Enterprises Act 2019 No 11	11 June 2019	Sch 2 clause 2: 11 June 2019
Naoero Postal Services Corporation (Amendment) Act 2020 No 19	23 October 2020	23 October 2020
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

An Act to establish the Naoero Postal Services 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 *Naoero Postal Services Corporation Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker and came into effect on 26 January 2018.

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 Minister appointed as the Responsible Minister for the Corporation under the *Public Enterprises Act 2019*;

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

‘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” or “Nauru”;

[def am Act 19 of 2020 s 4, opn 23 Oct 2020]

‘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’ includes any pillar box, wall box, parcel locker or any other box or receptacle provided by the Post Office for the purposes of providing postal services; and

[def subst Act 19 of 2020 s 4, opn 23 Oct 2020]

‘postal service’ means transmission of any postal article by post, any system of collection, despatch, conveyance, handling and delivering of a postal article.

[def insrt Act 19 of 2020 s 4, opn 23 Oct 2020]

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 may from time to time determine.

[subs (1) am Act 11 of 2019 Sch 2 Clause 2, opn 11 June 2019]

- (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 shall include, to:

- (a) establish post offices, post boxes, postal stations, parcel lockers and collection or delivery points;
- (b) provide postal services and any other incidental services;
- (c) provide value added postal services such as electronic mail, electronic exchange, money order, money transfers, giro services;
- (d) operate a Post shop;
- (e) operate an e-Post shop or online retail and delivery services;
- (f) provide philatelic and associated services;
- (g) supply packet and parcel carrying and delivery services;
- (h) establish and operate courier services;
- (i) establish and operate funds transfer and related services;
- (j) establish and operate personal and business insurance services, including intermediary insurance services;
- (k) carry on procurement, logistics, agencies and warehousing services;
- (l) establish and operate a customs brokerage and clearance agency; and
- (m) perform such other functions as the Board with the consent of the Minister may assign.

[s 5 subst Act 19 of 2020 s 5, opn 23 Oct 2020]

6 Powers of the Corporation

The Corporation has the power to do all things necessary, convenient or appropriate to be done, whether in the Republic or elsewhere, for the performance of its functions including the power to:

- (a) determine and fix the charges for the services and goods delivered by the Corporation; and

- (b) determine terms and conditions for the provision of any postal service, any related or ancillary service or good.

[s 6 subst Act 19 of 2020 s 6, opn 23 Oct 2020]

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 2, opn 11 June 2019]

8 Qualification of Directors

[s 8 rep Act 11 of 2019 Sch 2 Clause 2(d), opn 11 June 2019. S 38 of the Public Enterprises Act 2019 applies]

9 Role of the Board

[s 9 rep Act 11 of 2019 Sch 2 Clause 2(d), opn 11 June 2019. S7(2) of the Naoero Postal Services Corporation Act 2018 applies]

10 Meetings of the Board

- (1) [subs (1) rep Act 11 of 2019 Sch 2 Clause 2(e), opn 11 June 2019. Part 6, Division 3 of the Public Enterprises Act 2019 applies]
- (2) [subs (2) rep Act 11 of 2019 Sch 2 Clause 2(e), opn 11 June 2019. Part 6, Division 3 of the Public Enterprises Act 2019 applies]
- (3) [subs (3) rep Act 11 of 2019 Sch 2 Clause 2(e), opn 11 June 2019. Part 6, Division 3 of the Public Enterprises Act 2019 applies]
- (4) [subs (4) rep Act 11 of 2019 Sch 2 Clause 2(e), opn 11 June 2019. Part 6, Division 3 of the Public Enterprises Act 2019 applies]
- (5) [subs (5) rep Act 11 of 2019 Sch 2 Clause 2(e), opn 11 June 2019. Part 6, Division 3 of the Public Enterprises Act 2019 applies]
- (6) [subs (6) rep Act 11 of 2019 Sch 2 Clause 2(e), opn 11 June 2019. Part 6, Division 3 of the Public Enterprises Act 2019 applies]
- (7) The Chief Executive Officer or in his or her absence an authorised officer of the Corporation shall be required to attend meetings of the Board.
- (8) The Board shall appoint an officer to be the secretary of the Corporation.
- (9) The secretary shall maintain records of all minutes, records and proceedings of Board meetings.

11 Responsibilities and duties of Directors

[s 11 rep Act 11 of 2019 Sch 2 Clause 2(f), opn 11 June 2019. Part 6, Division 2 of the Public Enterprises Act 2019 applies]

12 Vacation of office

[s 12 rep Act 11 of 2019 Sch 2 Clause 2(f), opn 11 June 2019. S 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 2(f), opn 11 June 2019. S 46 of the Public Enterprises Act 2019 applies]

14 Liability of Directors

[s 14 rep Act 11 of 2019 Sch 2 Clause 2(f), opn 11 June 2019. Part 6, Division 3 of the Public Enterprises Act 2019 applies]

PART 3 — ACCOUNTS AND AUDIT

[Repealed]

[Pt 3 rep Act 11 of 2019 Sch 2 Clause 2(g), opn 11 June 2019. Part 7, Division 1 of the Public Enterprises Act 2019 applies]

PART 4 — CHIEF EXECUTIVE OFFICER AND OFFICERS

[Repealed]

[Pt 4 rep Act 11 of 2019 Sch 2 Clause 2(g), opn 11 June 2019. Part 6. Division 3 of the Public Enterprises Act 2019 applies]

PART 5 — POSTAL SERVICE

21 Postage stamps

- (1) The Corporation shall have the exclusive right to create, design and impress any postage stamp.
- (2) The postage stamp may be endorsed with the monetary value on the face of it, which shall be the price for the postage stamp.
- (3) The Corporation may by itself or may authorise other persons to sell or supply postage stamps at no less than their face value.
- (4) The Corporation shall have the power to limit the production and sale of the postage stamps by:
 - (a) quantity; or
 - (b) duration, in which case the production, sale and supply of such postage stamps shall cease.
- (5) No person shall:
 - (a) make or supply any envelope, wrapper, card or any other form of packaging to be used as postage stamps; or
 - (b) make or knowingly sell or supply any fictitious or illegally issued postage stamp.
- (6) A person who contravenes subsection (5), commits an offence and upon conviction is liable to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding 2 years or to both.

[s 21 subst Act 19 of 2020 s 7, opn 23 Oct 2020]

22 Terms and conditions of postal service

- (1) Subject to any express provision of this Act or any other written law, the terms and conditions of a postal service supplied to a person by the Corporation are:
 - (a) so far as the Corporation and the person agree on terms and conditions for the supply of the service, the agreed terms and conditions; and
 - (b) so far as the Corporation and the person do not agree on terms and conditions, the terms and conditions determined by the Corporation that are applicable to the supply of the service.
- (2) Without limiting subsection (1), the terms and conditions determined by the Corporation may make provision in relation to:
 - (a) the kind of articles that may be carried by post and the means by which different kinds of articles may be carried;
 - (b) the carriage of letters and other postal articles;
 - (c) rates of postage;
 - (d) the payment of postage, including the issue and sale of postage stamps, the pre-stamping of postal articles and the use of franking machines; and
 - (e) undelivered letters and other articles including the forfeiture and destruction of such articles.

23 Pricing policy

[s 23 rep Act 19 of 2020 s 8, opn 23 Oct 2020]

24 Operating procedures

- (1) The Board shall prepare guidelines setting out the operating procedures of the Corporation in relation to:
 - (a) the destruction of postage stamps that are damaged or excess to requirements;
 - (b) the opening and destruction of undeliverable mail;
 - (c) the opening and destruction of mail suspected of carrying illegal or dangerous material; and
 - (d) any other prescribed matter.
- (2) The Guidelines prepared under subsection (1) shall be submitted to the Cabinet for approval.

PART 6 — DETENTION AND EXAMINATION OF POSTAL ARTICLES

25 Detention of postal articles

- (1) Where any employee has reasonable cause to believe that any postal article is in contravention or has been posted in contravention of:
 - (a) the *Illicit Drugs Control Act 2004*;
 - (b) the *Agricultural Quarantine Act 1999*; or
 - (c) the *Customs Act 2014*,that employee may detain the postal article for opening and examination in accordance with subsection (2).
- (2) Every postal article detained under subsection (1), may be opened and examined by:
 - (a) 2 or more persons specially authorised for the purpose by the Corporation; or
 - (b) such authorised person in the presence of:
 - (i) another employee of the Corporation; or
 - (ii) a Customs officer,and except as provided in any other written law, shall not be opened or examined otherwise.
- (3) Where a postal article has been opened under subsection (2), before the article is returned to the normal course of carriage, the Corporation shall cause to be endorsed on the cover of the article or on a label affixed to its cover, a notification that the article has been opened by the Corporation and explains the purpose for which the article was opened.

26 Postal articles found to be in contravention of this Act

- (1) Where any postal article:
 - (a) is detained by the Corporation; and
 - (b) on being opened or examined under this Act, is found to have been posted in contravention of this Act,the Corporation may seize the postal article and in any such case, the provisions of subsections (2) to (6) apply.
- (2) Subject to subsections (3) and (5), the postal article shall be retained by the Corporation pending the outcome of any proceedings against any person for the offence in respect of which the postal article was seized.
- (3) Where the employee believes on reasonable grounds:
 - (a) that the postal article is likely to die, rot, spoil, or otherwise perish; or
 - (b) that the postal article is or is about to become dangerous and that it is necessary in order to avoid the threat of harm to any person or property, to destroy or otherwise dispose of the postal article immediately,the employee may destroy or otherwise dispose of the postal article as the employee thinks fit.
- (4) The Corporation shall ensure that before the article is destroyed, the following information is recorded to the extent to which it is evident without unfastening or physically interfering with the article's cover:
 - (a) the sender's name and address;

- (b) the intended recipient's name and address; and
- (c) what the article contains.
- (5) Where proceedings are taken against any person for the offence in respect of which the postal article was seized, and, when the proceedings are completed or abandoned, the Corporation shall deliver to the person who is entitled to the postal article, unless, where the court enters a conviction, the postal article is forfeited to the Republic.
- (6) Where no such proceedings are taken within 6 months after seizure under subsection (5), the Corporation shall cause the article to be delivered to the person who appears to be entitled to the postal article.
- (7) Where in any case to which subsection (5) or (6) applies, the person who appears to the Corporation to be entitled to the postal article cannot be found or there is no such person, the postal article is forfeited to the Corporation and may be destroyed or otherwise disposed of as the Corporation thinks fit.

27 Postal articles believed to be in contravention of other written laws

- (1) This Section applies to any postal article that:
 - (a) is detained under Section 25 by the Corporation; and
 - (b) on being opened or examined under this Act, is believed, on reasonable grounds, to be in contravention or to have been posted in contravention, of any other written law other than this Act.
- (2) Where this Section applies to any postal article, the following provisions apply:
 - (a) where the postal article is believed to be in contravention or to have been posted in contravention of the *Illicit Drugs Control Act 2004*, the Corporation shall deliver the postal article to the Commissioner of Police or to such other person as the Commissioner directs and the postal article shall be dealt with in accordance with that Act;
 - (b) where the postal article is believed to be in contravention or to have been posted in contravention of the *Agricultural Quarantine Act 1999*, the Corporation shall deliver the postal article to the Director of Quarantine as if the postal article were unauthorised goods that had been seized pursuant to that Act on the date of that delivery;
 - (c) where the postal article is believed to be in contravention of or to have been posted in contravention of the *Customs Act 2014*, the Corporation shall deliver the postal article to the Chief Collector of Customs and the postal article shall be dealt with in accordance with that Act; and
 - (d) where the postal article is believed to be in contravention or to have been posted in contravention of any other written law other than this Act:
 - (i) the Corporation shall notify the appropriate department and shall comply with any lawful direction given by that department with respect to the postal article; and
 - (ii) the Corporation may continue to detain the postal article for not more than 2 working days.

28 Valuable postal articles to be kept safely

- (1) Where a postal article is detained by the Corporation and on being opened

or examined under this Act, is found to contain any valuable or saleable enclosure, the postal article shall be kept safe unless subject to disposal under Section 26.

- (2) An employee shall keep and maintain:
 - (a) a list of all postal articles that are detained; and
 - (b) in relation to each such postal article, a memorandum of its contents.

29 Record of postal articles detained and opened

- (1) The Corporation shall make and keep a record of each occasion on which a postal article is detained and is opened or examined under this Act.
- (2) The record shall include brief details of:
 - (a) the reason why the postal article was detained;
 - (b) the contents of the postal article; and
 - (c) how the postal article and its contents were dealt with by the employee after the postal article was opened or examined.
- (3) The records required by this Section shall be kept either in written form or in a form that enables the records to be readily accessible and readily converted into written form.

30 Opening of postal articles to effect delivery

- (1) This Section applies to any postal article:
 - (a) that a Corporation is unable to deliver to the addressee because:
 - (i) the postal article bears no address, or bears a wrong or an incomplete or an illegible address; or
 - (ii) the addressee cannot be located; and
 - (b) that does not bear a return address, or that bears a return address that is wrong, incomplete or illegible.
- (2) An authorised employee may open a postal article to which this Section applies for the purpose of identifying the addressee or sender of the postal article.
- (3) A postal article may be opened under this Section only at the Corporation outlet by:
 - (a) 2 or more persons specially authorised for the purpose by the Corporation; or
 - (b) one such authorised person in the presence of:
 - (i) another employee of the Corporation; or
 - (ii) a Customs officer.
- (4) Subject to subsection (5), if a postal article is opened under this Section, the employee shall give notice to that effect and of the reason for opening the postal article to the person to whom the postal article is delivered.
- (5) Where any postal article on being opened under this Section:
 - (a) is found to have been posted in contravention of Section 27; or
 - (b) is believed, on reasonable grounds, to be in contravention or to have been posted in contravention of any other written law other than this Act,the provisions of this Act apply as if the postal article had been detained.

PART 7 — UNDELIVERABLE POSTAL ARTICLES

31 Undeliverable postal articles

- (1) This Section applies to any postal article that the Corporation is unable to deliver to the intended recipient by reason of:
 - (a) the postal article bears no address, or bears a wrong or an incomplete or an illegible address; or
 - (b) the intended recipient cannot be located.
- (2) An authorised employee may open the postal article and examine its contents for the purpose of obtaining sufficient information to:
 - (a) deliver the postal article to the intended recipient; or
 - (b) return the postal article to the sender.
- (3) After an authorised employee has opened and examined the postal article, he or she shall:
 - (a) where sufficient information is found to deliver the postal article to the intended recipient, close up the postal article and return it to the normal course of carriage;
 - (b) where paragraph (a) does not apply but sufficient information is found to return the postal article to the sender, close up the postal article and return it to the sender; or
 - (c) otherwise deal with the article under subsection (4).
- (4) Where the Corporation does not know who sent the postal article, the Corporation shall keep the postal article in safe custody for at least 3 months or until it is claimed, whichever happens first.

32 Disposal of unclaimed postal articles

Where the Corporation has kept a postal article to which Section 30 applies in safe custody for at least 3 months but the postal article remains unclaimed, the employee may destroy or otherwise dispose of the postal article as the employee thinks fit.

PART 8 — OFFENCES RELATING TO POSTAL ARTICLES

33 Wrongful divulgence of information

- (1) Subject to subsection (3), an employee of the Corporation shall not without sufficient cause disclose to any person any information as to the contents of a postal article obtained in the course of the employee's duties.
- (2) Subject to subsection (3), a Customs, police or Quarantine officer shall not disclose without reasonable and sufficient cause any information from or as to the contents of a postal article obtained in the course of the officer's duties.
- (3) Subsections (1) and (2) do not apply where the disclosure is:
 - (a) reasonably necessary for the enforcement of the criminal laws of the Republic;
 - (b) reasonably necessary for the protection of the public revenue; or
 - (c) required or authorised by any other written law.
- (4) A person who contravenes this Section, commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

34 Posting of objectionable items

- (1) A person shall not post or cause to be posted any postal article containing any noxious substance or thing or any dead animal.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

35 Posting of indecent articles

- (1) A person shall not post or cause to be posted any postal article containing any indecent article or representation of any kind.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

36 Posting of dangerous items

- (1) No person shall post or cause to be posted any postal article:
 - (a) containing any explosive, dangerous, or destructive substance or fluid;
or
 - (b) containing any matter or thing capable, as packed, of causing injury to any person.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months.

37 Unlawful opening of postal articles

- (1) A person shall not open or cause to be opened any postal articles, unless he or she is:

- (a) the addressee or authorised representative of the addressee;
 - (b) an employee of the Corporation authorised for that purpose and acting in accordance with the Corporation's operating procedures; or
 - (c) a Customs officer, police officer or Quarantine Officer.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

38 Theft of postal articles

- (1) A person shall not dishonestly appropriate a postal article including a postal article that appears to have been lost or wrongly delivered by or on behalf of the Corporation or lost in the course of the delivery to the Corporation with the intention of permanently depriving another person of that postal article.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

39 Opening, defacing post box or postal property

- (1) A person shall not without any authority:
- (a) affix any placard, advertisement or notice on;
 - (b) write, paint or deface; or
 - (c) damage or destroy,
- the Post Office, post box or any other property belonging to or used by the Corporation.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 6 months or to both.

[s 39 subst Act 19 of 2020 s 9, opn 23 Oct 2020]

40 Obstruction of employee of Corporation

- (1) A person shall not intentionally obstruct an employee of the Corporation authorised to act for the Corporation in the execution of his or her duty.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

40A Funds of the Corporation

All monies payable to and received by the Corporation shall be paid into an account with a commercial bank in or outside the Republic as the Cabinet may approve.

[s 40A insrt Act 19 of 2020 s 10, opn 23 Oct 2020]

PART 9 — MISCELLANEOUS

41 **Protection from liability**

The Corporation and its employees shall not be liable in any suit, action or proceeding for anything done or omitted to be done in the *bona fide* exercise or the purported exercise of a power or function under this Act.

42 **Breach of confidentiality**

[s 42 rep Act 11 of 2019 Sch 2 Clause 2(h), opn 11 June 2019. S 52 of the Public Enterprises Act 2019 applies]

43 **Election candidates — Board of Directors**

[s 43 rep Act 11 of 2019 Sch 2 Clause 2(h), opn 11 June 2019. S 43 of the Public Enterprises Act 2019 applies]

44 **Jurisdiction of court**

The District Court shall have jurisdiction to hear and determine all offences under this Act and, shall have power to impose the penalty or punishment in respect of the offences under this Act.

45 **Regulations**

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

46 **Repeal**

This Act repeals:

- (a) the *Post and Telegraphy Act 1901*; and
- (b) the *Law Adoption (Post and Telegraph) Act 1952*.

Naoero Postal Services Corporation (Postcode) Regulations 2019

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Definition
4	Designation of postcode
5	Postcode
6	Requirement for correct postal address
	SCHEDULE

Naoero Postal Services Corporation (Postcode) Regulations 2019

TABLE OF AMENDMENTS

The Naoero Postal Services Corporation (Postcode) Regulations 2019 SL 5 was notified and commenced on 19 February 2019 (GN No 526/2019; Gaz 30/2019).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

The Cabinet makes the following Regulations under Section 45 of the *Naoero Postal Services Corporation Act 2018*:

1 Citation

These Regulations may be cited as the *Naoero Postal Services Corporation (Postcode) Regulations 2019*.

2 Commencement

These Regulations come into effect on the date of notification in the Gazette.

3 Definition

In these Regulations:

'postcode' means a series of numbers or letters or combination of both which are added to a postal address as the universally applicable postcode for the Republic.

4 Designation of postcode

- (1) There shall be established a national postcode for the Republic.
- (2) The postcode in subregulation (1) shall be **'NRU68'**.

5 Postcode

The Corporation shall:

- (a) enlist the postcode with the International Bureau Addressing Unit of the Universal Postal Union; and
- (b) deliver or receive all such postal articles which bear the postcode in the ordinary course of business.

6 Requirement for correct postal address

For the purposes of these Regulations, the correct postal address shall be in the form contained in the Schedule.

SCHEDULE

[Regulation 6]

Addressee identification or name

P.O. Box (*number*)

(*Name of District*)

Postcode: NRU68

REPUBLIC OF NAURU

