

REPRINT

SOLOMON ISLANDS POSTAL CORPORATION ACT 1996

As in force at: 1 October 2009

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This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

AN ACT TO ESTABLISH THE SOLOMON ISLANDS POSTAL CORPORATION, TO TRANSFER TO THE CORPORATION THE POWERS AND FUNCTIONS PRESENTLY PERFORMED BY THE POSTS AND TELECOMMUNICATIONS DEPARTMENT; AND FOR OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

SOLOMON ISLANDS POSTAL CORPORATION ACT 1996

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SOLOMON ISLANDS POSTAL CORPORATION ACT 1996

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PART I PRELIMINARY

1 Short title and commencement

This Act may be cited as the *Solomon Islands Postal Corporation Act, 1996*, and shall come into operation on such date as the Minister may appoint by notice published in the *Gazette*.

2 Interpretation

In this Act, unless the context otherwise requires:

“article” means any matter or thing and includes:

- (a) a letter;
- (b) a message or information;
- (c) a direction to pay an amount of money;
- (d) an envelope, packet, parcel, container or wrapper containing any matter or thing (including a letter, message, information or direction to pay a specified amount of money); and
- (e) a message, information, or direction to pay an amount of money, that is not in written form;

“Corporation” means the Solomon Islands Postal Corporation;

“government agency” shall include any ministry or department of the government or corporation, company or other agency wholly owned by the government;

“letter” means any form of written communication that is directed to a particular person or address and includes:

- (a) any standard postal article;

- (b) any envelope, packet, parcel, container or wrapper containing such a communication;
- (c) any unenclosed written communication that is directed to a particular person or address;

“mail bag” means any bag, box, basket, parcel or other container in which postal articles in the course of transmission by post are conveyed, whether it does or does not contain any such articles;

“Minister” means the Minister who is for the time being charged with responsibility for the administration of this Act;

“person” means any individual, partnership, company, government agency or other body of person recognised as a separate legal entity;

“postage” means the charge made for transmission of an article by post and includes any special charges or fees for supplementary services supplied in connection with the transmission of an article by post;

“postal article” means any article that may be carried by post;

“post box” means any box or other receptacle provided by the corporation in a public or private place for the purpose of receiving postal articles from customers;

“post office” means any building, house, room or vehicle at which postal articles are received, despatched or otherwise processed;

“standard article” means a postal article that satisfies all of the following conditions:

- (a) it does not weigh more than 500 grammes;
- (b) it is not more than 5mm thick;
- (c) its other two dimensions form a rectangle, the shorter side of which is not more than 122mm long and the longer side of which is not more than 237mm long;

“transmission by post” includes a postal article deposited in a box until it is delivered as follows:

- (a) to the addressee at the address on the article or another address, whether or not the addressee takes delivery of it in person;
- (b) collected from the addressee's private box;
- (c) by any other means recognised in the terms and conditions of posting;
- (d) disposed of under the terms and conditions relating to undeliverable articles or other provisions of this or any other Act; and

“Vesting date” means the date on which all property, rights and liabilities of the Division of Posts in the Ministry of Communications in respect of postal services are transferred to and vested in the Corporation.

3 Exclusive rights of the Corporation

- (1) Subject to the provisions of this Act, the Corporation shall have the exclusive right:
 - (a) to convey standard letters within Solomon Islands and between Solomon Islands and places outside Solomon Islands; and
 - (b) issue postage stamps.
- (2) The provisions of this section shall not apply to:
 - (a) the carriage of a letter relating to goods which is sent and delivered with the goods;
 - (b) the carriage of catalogues and leaflets;
 - (c) the carriage of a letter otherwise than for reward;
 - (d) the carriage of a letter for which a charge in excess of ten times the basic rate of postage for a standard letter within Solomon Islands has been made;
 - (e) the carriage of a letter by the sender or an employee of the sender;

- (f) the carriage of a letter on behalf of the Corporation under an agreement with it; or
- (g) the letters carried to or from the nearest or most convenient post office.

4 Operating principles

In the exercise of its functions and powers the Corporation shall have regard to the highest principles of prudence and probity in its stewardship of funds.

PART II ESTABLISHMENT OF THE CORPORATION

FUNCTIONS AND POWERS

5 Establishment of the Solomon Islands Postal Corporation

- (1) There shall be established for the purposes of this Act, a body to be known as the Solomon Islands Postal Corporation which shall be a body corporate to which the provisions of Part VII of the *Interpretation and General Provisions Act* shall apply.
- (2) The provisions of the First Schedule shall have effect as to the constitution of the Corporation and otherwise in relation thereto.

6 Establishment of the Board of Directors

- (1) There shall be established for the purposes of this Act, a Board of Directors of the Corporation which shall, subject to the provisions of this Act, be responsible for the policy and general administration of the affairs of the Corporation.
- (2) The provisions of the Second Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

7 Functions of the Corporation

The functions of the Corporation shall be to:

- (a) provide postal services within Solomon Islands and other countries;

- (b) carry on any business or activity relating to postal services; and
- (c) carry on any business or activity which is incidental to those mentioned in paragraphs (a) and (b).

8 Powers of the Corporation

- (1) Subject to the provisions of subsection (2) the Corporation shall have powers to do anything which is calculated to facilitate the discharge of its functions or is incidental or conducive to their discharge.
- (2) Without prejudice to the generality of the provisions of subsection (1), the Corporation shall have power to:
 - (a) determine the prices of all its goods and services;
 - (b) produce postage stamps and authorise the production of postage stamps on its behalf;
 - (c) determine the terms and conditions for the provision of any postal services or goods;
 - (d) enter into contracts and agreements;
 - (e) appoint agents or attorneys and act as an agent for other persons;
 - (f) acquire, lease, hold, develop and dispose of real and personal property;
 - (g) form and participate in the formation of companies;
 - (h) participate in partnerships, trusts, unincorporated joint ventures and other arrangements for the sharing of profits;
 - (i) borrow from the government or other persons in Solomon Islands and to give securities over assets and pay interest on loans;
 - (j) invest money not immediately required for postal purposes;
 - (k) install post boxes on public land and buildings provided that they do not interfere with the ordinary movement of traffic; and

- (l) provide telecommunications, value added services including (but not limited to) electronic mail, electronic data, interchange, electronic funds, transfer services and any other appropriate or related services incidental to postal services.

9 Power of the Minister to issue general directions on matters of policy

The Minister may after consultation with the Chairman, give to the Board such directions of a general character as to the policy to be followed by the Board in the performance of its functions as appear to the Minister to be necessary and the Board shall give effect thereto.

PART III FINANCIAL

10 Share capital and increase

- (1) The authorised capital of the Corporation shall be one million dollars divided into shares of one dollar each.
- (2) The Board may from time to time, with the prior approval of the Minister, by negotiation of the shareholders, increase the share capital of the Corporation by new shares of such amount as the Board thinks expedient.

11 Redemption of share capital

The Board may, with the approval of the Minister, elect to reduce the share capital on issue, subject to the repurchase of shares being made at face value from all shareholders in proportion to their share holding.

12 Issue of shares

Subject to the provisions of this section, the Board may allot the share capital of the Corporation:

- (a) to the government, in shares equivalent, to the government's contribution to the capital of the Corporation; and
- (b) with the prior approval of the Minister to:

- (i) any body corporate established by law in Solomon Islands;
- (ii) any international financial institution; or
- (iii) any provincial or local government authority, so however that the government shall at all times hold the majority of the voting shares.

13 Disposal of shares

Shares may be sold or otherwise disposed of:

- (a) with the approval of the Minister at face value; or
- (b) in accordance with any written agreement made at the time of selling or disposing of such shares.

14 Record of ownership of shares

The General Manager shall at all times:

- (a) maintain a record of the ownership of shares;
- (b) notify the Minister and the Board of any change in the ownership of shares.

15 Liability of holder

The liability of a holder of shares in the share capital shall be limited to the amount (if any) unpaid on the shares held by him.

16 Dividends

The Board may, unless the Minister otherwise directs, distribute by way of dividends not more than half the Corporation's operating surplus from any financial year, (so however, that the Board may not distribute surpluses whilst losses from the previous years remain unrecouped).

17 Annual estimates

- (1) The Corporation shall in each financial year on or before three

months of the commencement of the next financial year submit to the Minister for his approval its estimates of revenue and expenditure for the ensuing financial year.

- (2) The estimates submitted to the Minister pursuant to subsection (1) shall as far as practicable detail domestic and overseas borrowing requirements in relation to all enterprises of the Corporation for the ensuing financial year.
- (3) The Minister may either approve such estimates subject to such reservations, if any, as he may consider necessary, or reject such estimates.
- (4) Where the Minister rejects or does not approve the estimates submitted to him before the commencement of the next financial year, the Corporation may continue its recurrent operations at the level on the previous programmes, so however, that it shall not increase levels of recurrent expenditure, or undertake any new investments or borrowing until such time as the estimates are approved by the Minister.

18 Investments

Moneys outstanding to the credit of the Corporation may from time to time be invested in securities approved either generally or specifically by the Minister.

19 Loans and overdrafts

The Corporation may borrow by way of loan or overdraft such sums of money it deems fit not exceeding an amount approved by the Minister.

20 Borrowing

- (1) The government may guarantee on such terms and conditions as it may determine, borrowings made by the Corporation from any international or foreign organisation approved by the government.
- (2) All sums payable by the government under any guarantee given under subsection (1) shall be charged on the Consolidated Fund.

21 Annual report

The Chairman of the Corporation shall after the expiry of six months after the end of the financial year submit to the Minister a report of its activities during the previous year and the Minister shall lay before Parliament a copy of the annual report.

22 Accounts and audit

- (1) The Corporation shall keep proper accounts and other records of its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which conforms with established accounting principles.
- (2) The accounts of the Corporation shall be audited annually by an auditor appointed by the Corporation and approved by the Auditor General.
- (3) The Corporation shall upon receipt of the audited statement of accounts submit to the Minister a copy of such statement together with any report made by the Auditor.
- (4) The Board shall cause a copy of the annual statement of accounts together with the auditors report to be distributed to all shareholders.
- (5) The Minister shall cause a copy of the annual statement of accounts together with the auditor's report to be laid before Parliament.

PART VI OPERATIONS

23 Undeliverable items

- (1) Where the Corporation is satisfied that it is unable to deliver any postal item, it shall open the item for the purpose of establishing the addressee or the sender and deliver the item without further delay.
- (2) The opening of all items referred to in subsection (1) shall only be carried out by an officer duly authorised to do so by the General Manager.
- (3) All undelivered items shall be held by the Corporation for six months and be recorded in a register.

- (4) In a case where no enquiries or claims are received within six months the Corporation shall:
 - (a) destroy the item or its contents and credit the amount to its operating revenue;
 - (b) sell the item or its contents and credit the amount to its operating revenue.
- (5) A record shall be kept in a register of all undelivered items which are destroyed or sold.

24 Unclaimed Money Fund

Where the Corporation receives money for transmission to a person and that money has not been claimed after twelve months, the Corporation shall pay the money into an account to be known as the Unclaimed Money Fund.

- (2) All amounts remaining in the Unclaimed Money Fund for five years shall be forfeited to the Corporation's General Revenue.
- (3) Where a person has a claim against the Fund, he shall satisfy the Minister in writing of his claim before the money is paid from the Fund.
- (4) The Corporation shall transfer to its general revenue all earnings from the Fund.

25 Liability of Corporation in respect of Postal Service

- (1) The Corporation and its employees shall not be liable in respect of any injury, loss or damage suffered by any person by reason of:
 - (a) any loss, misdelivery, delay or damage to any postal article in the course of transmission by post;
 - (b) any failure to provide or delay in providing any postal service or any equipment associated therewith or service ancillary thereto;
 - (c) any failure, interruption, suspension or restriction of any postal service or service ancillary thereto or delay of or fault in, any

communication by post;

- (d) any loss of secrecy in communication arising from the use of any postal service;
- (e) any wrong payment or delay in payment in connection with any remittance of money through the Corporation or any other irregularity in any document used in connection with the remittance.

(2) Notwithstanding the provisions of subsection (1):

- (a) where there is loss or damage to any article enclosed in or forming part of a parcel or insured postal article while in the custody of the Corporation, the Corporation may pay an indemnity in accordance with the provisions of the Acts of the Universal Postal Union or any international agreement to which Solomon Islands is a party; or
- (b) the Corporation may, in its sole discretion, pay compensation in respect of any of the events described but the payment of such compensation shall not be construed as an admission of liability.

(3) The provisions of subsection (1) shall not be construed as exempting any employee from liability:

- (a) for the consequences of any misconduct, deliberate omission or malicious act in relation to matters described in subsection (1); or
- (b) which may be imposed by the terms and conditions of employment.

PART V OFFENCES

Division 1 General Provisions

26 Definition of employee

In this Part, unless the context otherwise requires, “**employee**” shall include, in relation to the Corporation, any director, employee, agent,

contractor, franchisee or any other person authorised to supply goods or services to or on behalf of the Corporation.

27 Offences by bodies corporate

A body corporate, its managers and any officers or employees responsible for the commission of an offence under this Act shall be jointly and severally liable to punishment to the full extent of any penalty specified under this Act or any other Act for an offence in connection with postal services.

28 Aiding, abetting, conspiring or attempting to commit an offence

Any person who aids, abets, conspires or attempts to commit an offence under this or any other Act in connection with postal services shall be guilty of an offence and liable on conviction to imprisonment for three years or a fine for five thousand penalty units.

29 Forgery - general prohibitions

Any person who:

- (a) forges a postage stamp;
- (b) knowingly possess, sells, uses or attempts to use forged stamps;
- (c) knowingly possess any of the means of production of postage stamps, including paper used for the printing of postage stamps;
- (d) reproduces postage stamps without written approval of the Corporation,

shall be guilty of an offence and liable on conviction to a fine of five thousand penalty units or to imprisonment for three years or to both such fine and imprisonment and in addition to pay the equivalent of the financial loss suffered by the Corporation and in default to a further period of imprisonment for one year.

30 Other revenue offences

Any person who:

- (a) re-uses a postage stamp with intent to defraud;
- (b) removes a postage stamp from a postal article;
- (c) removes a cancellation mark from a postage stamp or knowingly possess such a stamp;
- (d) evades the due postage of any article posted by him;
- (e) sells a postage stamp below its face value or retail price;
- (f) misappropriates or steals any money of the Corporation, including money held by the Corporation as a trustee or agent; or
- (g) pays money of the Corporation that has not been properly authorised in accordance with the provisions of the Act,

shall be guilty of an offence and liable on conviction to a fine of five thousand penalty units or to imprisonment for three years or to both such fine and imprisonment and in addition to pay the equivalent of the financial loss suffered by the Corporation and in default of such payment to a further period of imprisonment for one year.

31 Revenue offences by employees

(1) Any employee who:

- (a) demands or accepts postage or any other payment due to the Corporation other than at properly authorised scales of charges; or
- (b) takes part in the decision to award a contract where he has a direct or indirect financial interest in the outcome unless authorised by the General Manager in writing,

shall be guilty of an offence and liable upon conviction to a fine of five thousand penalty units or to imprisonment for one year or both such fine and imprisonment.

- (2) The provisions of paragraph (a) of subsection (1) shall not, however, prevent an authorised employee of the Corporation offering discounts in accordance with approved policy.

32 Infringement

- (1) Where a person engages or proposes to engage in conduct that involves, or would involve, an infringement of the exclusive right, the Corporation has under section 3, the Corporation may apply to the High Court for relief.
- (2) The relief referred to in subsection (1) may include:
 - (a) an injunction;
 - (b) at the option of the Corporation, either damages or an account of profits;
 - (c) where the person is trading in Solomon Islands under a licence from another agency of the government, an order for the cancellation of that licence; or
 - (d) where the person is a company registered under the *Companies Act*, an order for the cancellation of that registration.
- (3) Where the High Court has ordered the cancellation of a licence or registration under subsection (2), the person shall not be eligible again for licensing or registration for five years from the date of cancellation of the licence or registration.
- (4) Where, in the opinion of the High Court, it is desirable to do so, the Court may grant an interim injunction pending determination of an application under subsection (1).
- (5) The power of the High Court to grant an injunction restraining a person from engaging in the conducts referred to in subsection (1) may be exercised:
 - (a) whether or not it appears to the Court that the person intends to engage again or continue to engage in conduct of that kind;
 - (b) whether or not the person has previously engaged in conduct of that kind; or

- (c) whether or not there is imminent danger of substantial damage to the Corporation if the person engages in conduct of that kind.

33 Protection of the mail

Any person who deliberately or knowingly and without authority:

- (a) steals, hides or disposes of mail;
- (b) obstructs the acceptance, carriage or delivery of mail;
- (c) obtains delivery of mail by false representation or pretences;
- (d) receives mail knowing it to be stolen;
- (e) carelessly delivers mail incorrectly;
- (f) forges or falsifies any postal article or message; or
- (g) intercepts any postal message,

shall be guilty of an offence and liable on conviction to a fine of five thousand penalty units or to imprisonment for three years or to both such fine and imprisonment.

34 Protection of postal property and information

- (1) A person shall not falsify or destroy without authority any postal documents or records.
- (2) Any person shall not knowingly and without authority damage, destroy, deface, steal or infect with a computer virus any postal property.
- (3) A person shall not disclose any information concerning commercial dealings, employee records, plans, finances or performance of the Corporation except under the following circumstances:
 - (a) by a director or employee in the course of his duties; or
 - (b) where authorised by any law in force in Solomon Islands.
- (4) A person shall not imitate the identity of the Corporation, by:

- (a) the erection of unauthorised signs purporting to be that of the Corporation or an agent, franchisee or contractor of the Corporation;
 - (b) the unauthorised use of any trading name, mark, sign, symbol uniform or other identifying feature of the Corporation; or
 - (c) claiming falsely in writing or otherwise to be an employee, agent, franchisee or contractor of the Corporation.
- (5) Any person who is guilty of an offence under this section shall be liable on conviction to a fine of five thousand penalty units or to imprisonment for three years or to both such fine and imprisonment.

35 Opening and detention of postal article

- (1) A postal article in the course of transmission by post may only be opened by an employee authorised by the Corporation or by an officer or employee of a government agency authorised to do so by law for the purposes of subsection (2).
- (2) The purposes referred to in subsection (1), shall be:
- (a) to reduce any threat to the life, health or property of any person;
 - (b) to present the contents of the article for inspection by the officer or employee of a government agency authorised under any law; or
 - (c) to detect the carriage of items prohibited under the provisions of section 40.
- (3) Any person who acts in contravention of this section shall be liable on conviction to a fine of five thousand penalty units or to imprisonment for three years or to both such fine and imprisonment.

36 Disclosure of contents of existence of postal articles

- (1) An employee shall not disclose the contents or existence of any postal article, except:
- (a) in the course of the performance of his duties as an employee;

- (b) to an authorised employee for purposes authorised by or under this Act; or
 - (c) where otherwise authorised by any law in Solomon Islands.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine of five thousand penalty units or to imprisonment for three years or to both such fine and imprisonment.

37 Mailing list

Notwithstanding the provisions of section 36, an employee may disclose a list of postal addresses provided that, in the case of each address, the owner or occupier of that address has given his consent in writing to the Corporation for such disclosure.

38 Examination without opening

An employee may examine any postal article without opening it for the purpose of the detection of items or matters prohibited for post under section 40.

39 Disposal of articles and contents after inspection

- (1) Where a postal article has been opened for inspection under the provisions of this Part, it shall be disposed of as follows:
 - (a) where nothing has been found in contravention of any law, it shall be immediately sent without delay to the addressee together with a notice advising that the article has been opened in the course of transmission by post and citing the authority under which the power was exercised;
 - (b) where an item or matter has been found which contravenes the provisions of this Act, the item may be retained by the Corporation, destroyed, sold, returned to the sender or otherwise disposed of according to procedures established by the Corporation and the addressee and sender shall be advised of the action taken without delay;
 - (c) where an item has been sold or retained under paragraph (b),

the proceeds may be retained by the Corporation; or

- (d) where an item or matter has been found which is not in contravention of this Act but in contravention of another law, the item shall be dealt with under the provisions of that law.
- (2) The Corporation and its employee shall not be liable for the consequences of any action under this section which has been performed in good faith.

Division 2 Prohibited Items

40 Prohibited items

Any person who sends by post:

- (a) any article or matter which may expose any person to danger, or soil or damage other articles or postal property or equipment;
- (b) any narcotic or psychotropic substance;
- (c) live animals;
- (d) any explosive, flammable or other dangerous substance;
- (e) any radioactive material;
- (f) any obscene or immoral article;
- (g) articles the importation or uttering of which is prohibited in the country of destination;
- (h) any coin, bank note, currency note, security payable to bearer, precious stones, jewels, or platinum, gold, silver objects except in an insured parcel; or
- (i) any communication which menaces a person,

shall be liable on conviction to a fine of ten thousand penalty units or to imprisonment for six years or to both such fine and imprisonment.

41 Hoax explosives

Any person who falsely claims to send or has a postal article containing explosive material, shall be liable on conviction to a fine of ten thousand penalty units or to imprisonment for six years or to both such fine and imprisonment.

PART VI MISCELLANEOUS

42 Regulations

The Minister may after consultation with the Board make regulations generally for the proper carrying out of the provisions and purposes of the Act, and in particular, but without prejudice to the generality of the foregoing make regulations:

- (a) for transitional arrangements for the transfer of postal services and operations from the department to the Corporation;
- (b) for collecting duties of customs and other duties payable in relation to articles carried by post;
- (c) for dealing with articles that may contain goods on which duty is payable;
- (d) for the opening and examination of articles, and the examination of the contents of articles carried by post;
- (e) the forfeiture and destruction of articles carried by post;
- (f) prescribing fines not exceeding one thousand penalty units for offences against these regulations; and
- (g) for any other matter which may be or is required to be prescribed under the provisions of this Act.

43 Repeal and savings

- (1) The *Post Office Act* (hereinafter referred to as the “repealed Act”) is hereby repealed.
- (2) Notwithstanding such repeal from and after the coming into operation of this Act:

- (a) all property movable and immovable, owned by the Post and Telecommunications Department immediately prior to that date shall be transferred to and be vested in the Corporation without further assurance, and the Corporation shall have all the powers necessary to take possession of, recover and deal with such property;
- (b) all rights, powers, privileges and interests arising in or out of such property shall be vested in the Corporation and liabilities subsisting on that date shall be deemed to be liabilities of the Corporation;
- (c) all contracts and agreements entered into for the purposes of the Posts and Telecommunications Department and subsisting on that date shall be deemed to be contracts and agreements entered into by the Corporation;
- (d) all actions and proceedings instituted by or against the Post and Telecommunications Department and pending on that date shall be deemed to be actions and proceedings instituted by or against the Corporation; and
- (e) any officer of the Post and Telecommunications Department on that date who is not offered employment with the Corporation or is not posted to any other division in the public service shall be deemed to have been terminated from services and the provisions of Part IX of the *Public Service Regulations 1979* shall *mutatis mutandis* apply.

FIRST SCHEDULE

(section 5)

THE SOLOMON ISLANDS POSTAL CORPORATION

1 Authentication

- (1) The seal of the Corporation shall be authenticated by the signature of the Chairman or a member of the Board authorised to act in that behalf and an officer of the Corporation so authorised.

- (2) All documents other than those required by law to be under seal, made by, and all decisions of the Corporation may be signified under the hand of the Chairman or any member of the Board authorised to act in that behalf or an officer of the Corporation so authorised.
- 2. The Corporation may appoint and employ on such remuneration and on such terms and such conditions as it thinks fit:
 - (a) a General Manager of the Corporation; and
 - (b) such other officers, agents and employees as it thinks necessary for the proper carrying out of its functions.

3 Expenses of the Authority

The expenses of the Corporation (including remuneration of the staff thereof, the Chairman, and directors) shall be defrayed out of the income of the Corporation.

4 Accounts, audit and estimates

The Corporation shall keep proper accounts and other records in relation to its business and prepare annual statements of accounts and reports as set out in part III of this Act.

5 Powers of the Minister require return

The Corporation shall furnish the Minister with such returns, accounts and other information as he requires with respect to its activities, and shall afford him the facilities for verifying such information in such manner and at such times as he may reasonably require.

6 Review of operations

At the end of each financial year, the Minister shall review the operations of the Corporation with a view to determining:

- (a) whether the Corporation has operated in accordance with the annual estimates and any approved operating plan; and
- (b) whether the assets of the Corporation are sufficient to meet the

liabilities of the Corporation having regard to any claims or liabilities which may arise during the ensuing year.

SECOND SCHEDULE

(section 6)

THE BOARD OF DIRECTORS OF THE CORPORATION

1 Board membership

- (1) The Board shall consist of a Chairman and five other members appointed by the Minister.

2 Appointment of alternate Chairman

In the case of the absence or inability to act of the Chairman, the Minister may appoint any other person to perform the functions of the Chairman.

3 Terms of office

- (1) The appointment of every member (other than *ex officio* members) shall be evidenced by instrument in writing, and such instrument shall state the period of office of the member, which shall not exceed two years.
- (2) Every member of the Board shall be eligible for re-appointment.
- (3) The Minister may at any time revoke the appointment of any member of the Board appointed by him.

4 Resignation

- (1) Any member of the Board other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Board.
- (2) The Chairman may at any time resign from his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such

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instrument.

5 Publication

The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

6 Vacation of office

Any member of the Board who:

- (i) is declared a bankrupt; or
- (ii) is sentenced to imprisonment for three months or more for a criminal offence; or
- (iii) without reasonable excuse fails to attend three consecutive meetings of the Board,

shall be immediately removed from the Board by the Minister.

7 Procedure, quorum and meetings

- (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, so however, that it shall not be less than four meetings in any calendar year.
- (2) The Chairman may at any time call a special meeting of the Board and shall call such meeting to be held within seven days of a written request for that purpose addressed to him by two or more members of the Board.
- (3) The Chairman shall preside at all meetings of the Board and in the case of absence of the Chairman from any meeting subject to paragraph 2, the members present and forming a quorum shall elect one of their members to preside at the meeting.
- (4) The decision of the Board shall be by a majority of votes, and in addition to an original vote, the Chairman or any other person presiding at a meeting shall have a casting vote in any case in which the vote is equal.
- (5) The General Manager, and such other officers as the Chairman

decides, shall attend meetings.

- (6) Minutes of each meeting of the Board shall be kept in a proper form.
- (7) The Board shall determine its quorum for any particular meeting.
- (8) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

8 Remuneration of members

There shall be paid to the Chairman and other members of the Board, such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

9 Protection of members

No action, suit or prosecution or other proceedings shall be brought against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of the provisions of this Act.

10 Officers not public offices

The office of the Chairman or other members of the Board shall not be public offices for the purposes of chapter XIII of the *Constitution* of Solomon Islands.

ENDNOTES

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KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

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LIST OF LEGISLATION

Solomon Islands Postal Corporation Act 1996 (No. 2 of 1996)

Assent date	3 October 1996
Gazetted	1 December 1996*
Commenced	1 December 1996*

*[*Note: The date of publication in the Gazette and the Commencement date have been verified by s4 of the Constitution (Amendment and Validation) Act 2023 and s83 of the Legislation Amendment, Repeal and Validation Act 2023]*

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

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LIST OF AMENDMENTS

s 28	amd by Act No. 14 of 2009
s 29	amd by Act No. 14 of 2009
s 30	amd by Act No. 14 of 2009
s 31	amd by Act No. 14 of 2009
s 33	amd by Act No. 14 of 2009
s 34	amd by Act No. 14 of 2009
s 35	amd by Act No. 14 of 2009
s 36	amd by Act No. 14 of 2009
s 40	amd by Act No. 14 of 2009
s 41	amd by Act No. 14 of 2009
s 42	amd by Act No. 14 of 2009