



Statutory Rules

1975 No. 130

REGULATIONS UNDER THE POSTAL SERVICES ACT 1975.*

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Postal Services Act 1975*.

Dated this thirtieth day of June, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

R. BISHOP
Postmaster-General.

POSTAL SERVICES REGULATIONS

PART I—PRELIMINARY

1. These Regulations may be cited as the Postal Services Regulations. Citation.
2. These Regulations shall come into operation on the date fixed by Proclamation under sub-section 2 (2) of the Act. Commencement.
3. In these Regulations, unless the contrary intention appears— Definitions.
 - “Council” means the Consultative Council established by sub-section 113 (1) of the Act;
 - “disciplinary appeal” means an appeal under section 65 of the Act;
 - “officer of Customs” has the same meaning as in the *Customs Act 1901-1975*;
 - “promotion appeal” means an appeal under section 54 of the Act;
 - “Review Tribunal” means a Review Tribunal established under regulation 31;
 - “Senior Chairman” means the Chairman of a Promotions Appeal Board appointed by the Minister under regulation 8 to be the Senior Chairman;
 - “the Act” means the *Postal Services Act 1975*.

* Notified in the *Australian Government Gazette* on 30 June 1975.

Postal Services Regulations

PART II—PRESERVATION OF RIGHTS

Preservation
of rights.

4. (1) This regulation applies to—

- (a) a person appointed to the office of Managing Director, Chief General Manager or full-time Chairman of a Promotions Appeal Board; and
- (b) a person appointed or deemed to have been appointed as an officer.

(2) Where a person to whom this regulation applies was, immediately before he was so appointed, or became an officer, an officer of the Australian Public Service—

- (a) he retains all his existing and accruing rights; and
- (b) for the purpose of determining those rights, his service under the Act shall be taken into account as if it were service in the Australian Public Service.

Modification
of Public
Service Act.

5. For the purpose of enabling a person to whom regulation 4 applies to apply for promotion to an office in the Australian Public Service or appeal against a promotion to an office in that Service, section 50 of the *Public Service Act* 1922-1975 shall be read as if each reference in that section to an officer included a reference to such a person.

PART III—PROMOTIONS APPEAL BOARDS

Prescribed
circumstances
under sub-
section 54 (3)
of the Act.

6. For the purposes of sub-section 54 (3) of the Act, an officer is absent from duty in prescribed circumstances if he is absent from duty on leave granted under by-law 54 or 55 of the Postal (Staff) By-laws.

Appropriate
organization.

7. (1) Subject to sub-regulation (2), the appropriate organization for the purposes of paragraph 56 (2) (c) of the Act in respect of a promotion appeal is the organization the rules of which provide that an officer who occupies the position to which the provisional promotion has been made is eligible for membership of that organization.

(2) Where each of 2 or more organizations has rules that provide that an officer who occupies the position to which a provisional promotion has been made is eligible for membership of that organization, the appropriate organization for the purposes of paragraph 56 (2) (c) of the Act in respect of a promotion appeal is the organization the membership of which includes the larger or largest number of officers occupying positions of the class to which the provisional promotion has been made.

Senior
Chairman.

8. (1) One of the persons appointed by the Minister under sub-section 55 (1) of the Act to be a Chairman of a Promotions Appeal Board shall be appointed by the Minister to be the Senior Chairman.

(2) In addition to his duties as the Chairman of a Promotions Appeal Board, the Senior Chairman shall—

- (a) exercise general supervision over all Promotions Appeal Boards in Australia and be responsible for their effective operation;
- (b) act as he considers necessary as the Chairman of a Promotions Appeal Board established to deal with a promotion appeal against a promotion to a senior position;
- (c) act as required as the Chairman of a Promotions Appeal Board established to act as a central Promotions Appeal Board; and
- (d) perform such other functions as are provided by these Regulations.

Postal Services Regulations

9. (1) A promotion appeal shall be made by letter or telegram posted or delivered to the appropriate office within the period that commences on the date on which the notification of the provisional promotion is published in the *Gazette* and ends at the close of business at that office on the twenty-first day after that date. Procedure on appeal.

(2) The letter or telegram referred to in sub-regulation (1) shall specify the ground of appeal.

(3) Upon the expiration of the period referred to in sub-regulation (1), the person in charge of the appropriate office shall advise the Commission whether a promotion appeal has been lodged within that period and, if a promotion appeal has been so lodged, shall inform the Commission of the name of the appellant.

(4) For the purposes of sub-regulation (1), the appropriate office is the office of a Promotions Appeal Board for the State or Territory in which the office to which the provisional promotion is made is situated.

10. Subject to these Regulations, in the conduct of an inquiry by a Promotions Appeal Board— Conduct of inquiries.

- (a) the Board may inform itself in such manner as it thinks fit;
- (b) the procedure to be followed shall be as determined by the Board;
- (c) the Board is not bound by the rules of evidence; and
- (d) the Board shall proceed without regard to legal forms or solemnities.

11. (1) Subject to regulations 12 and 14, where the parties to a promotion appeal perform their duties in more than one State or Territory, a Promotions Appeal Board shall be established in each such State or Territory to inquire into the claims of the party or parties performing duties in that State or Territory. Parties in different States, &c.

(2) Each Promotions Appeal Board referred to in sub-regulation (1) shall make a full inquiry into the claims of the party or parties, as the case requires, and shall furnish a report to the Promotions Appeal Board established to act as a central Promotions Appeal Board for the purposes of the appeal.

12. Where the Senior Chairman considers it desirable, he may, if it would not be contrary to the interests of any party to a promotion appeal, determine that a party to the appeal shall be deemed to perform his duties in such State as the Senior Chairman specifies. Duty in a State.

13. (1) The Commission shall, from time to time as required, arrange for the establishment of a Promotions Appeal Board to act as a central Promotions Appeal Board. Central Promotions Appeal Boards.

(2) A person shall not be a member of a Promotions Appeal Board acting as a central Promotions Appeal Board if that central Promotions Appeal Board is to examine a report made to it by a Promotions Appeal Board of which he was a member.

(3) A Promotions Appeal Board acting as a central Promotions Appeal Board shall, after examining the reports made to it by the several Promotions Appeal Boards referred to in regulation 11 and making such further inquiries (if any) as it thinks necessary into the claims of all the parties to the promotion appeal, determine the appeal.

14. The Senior Chairman may direct that a promotion appeal shall be wholly dealt with and determined by a Promotions Appeal Board acting as a central Promotions Appeal Board for the purposes of the appeal. Direction by Senior Chairman.

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PART IV—DISCIPLINARY APPEAL BOARDS

**Nomination
of member.**

15. For the purposes of paragraph 66 (2) (c) of the Act, each person to be nominated to represent officers shall be a person nominated by the Council as a member of a Disciplinary Appeal Board under sub-regulation 16 (2).

**Selection of
nominee.**

16. (1) Each appropriate organization shall, from time to time as required, submit to the Council a list containing the names of not more than 2 persons selected by the organization as candidates for nomination under sub-regulation (2).

(2) The representatives of organizations of officers and employees on the Council shall, from time to time as required, nominate, from the candidates referred to in sub-regulation (1), a person as a member of a Disciplinary Appeal Board to represent officers.

(3) In this regulation, “appropriate organization” means an organization whose members include officers.

Form of appeal.

17. A disciplinary appeal shall be made in writing and shall specify the ground of appeal.

**Procedure on
lodging appeal.**

18. (1) A disciplinary appeal shall be made by letter or telegram posted or delivered to the appropriate office not later than 14 days after the date on which the appellant received notice of the decision, direction or refusal from which he is appealing.

(2) The Commission shall, within 7 days after receipt of a disciplinary appeal, refer the appeal to the Chairman of a Disciplinary Appeal Board and shall furnish the Chairman with the name of the officer nominated by the Commission to be the member of the Board referred to in paragraph 66 (2) (b) of the Act with respect to that appeal.

(3) Subject to sub-regulation (4), as soon as possible, and in any event not later than 7 days after the date of receipt of information of a disciplinary appeal, the Chairman of a Disciplinary Appeal Board shall fix a date, time and place for hearing the appeal and shall notify the Commission, the other members of the Board with respect to the appeal and the appellant of the date, time and place so fixed.

(4) The Chairman of a Disciplinary Appeal Board shall, in fixing the date for the hearing of a disciplinary appeal, take into consideration the time that will necessarily be taken by the appellant in travelling to the place of hearing and the time that can reasonably be expected it will take for the appellant to receive the notification referred to in sub-regulation (3).

(5) For the purposes of sub-regulation (1), the appropriate office is the principal office of the Commission in the State or Territory in which the appellant performs his duties.

**Conduct of
appeal.**

19. Subject to these Regulations, in the hearing of a disciplinary appeal by a Disciplinary Appeal Board—

- (a)** the Board may inform itself in such manner as it thinks fit;
- (b)** the procedure to be followed shall be as determined by the Board;
- (c)** the Board is not bound by the rules of evidence; and
- (d)** the Board shall proceed without regard to legal forms or solemnities.

**Public and
private
hearings.**

20. A Disciplinary Appeal Board may direct that a disciplinary appeal shall be heard either in public or in private.

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21. (1) For the purposes of the hearing of a disciplinary appeal, the ~~Witness.~~
Chairman of a Disciplinary Appeal Board may—

- (a) by writing under his hand, summon a person to appear at the hearing to give evidence and to produce such documents (if any) as are referred to in the summons; and
- (b) administer an oath or affirmation.

(2) An officer shall not, without reasonable excuse—

- (a) fail to attend at the hearing of a disciplinary appeal as required by a summons served on him;
- (b) refuse or fail to be sworn or to make an affirmation;
- (c) refuse or fail to answer a question that he is required to answer by the Chairman of the Disciplinary Appeal Board hearing the appeal; or
- (d) refuse or fail to produce a document that he was required to produce at the hearing by a summons served on him.

Penalty: \$40.

(3) After payment or tender to him of an amount for his reasonable expenses, a person, not being an officer, shall not, without reasonable excuse—

- (a) fail to attend at the hearing of a disciplinary appeal as required by a summons served on him;
- (b) refuse or fail to be sworn or to make an affirmation;
- (c) refuse or fail to answer a question that he is required to answer by the Chairman of the Disciplinary Appeal Board hearing the appeal; or
- (d) refuse or fail to produce a document that he was required to produce at the hearing by a summons served on him.

Penalty: \$40.

(4) Nothing in this regulation shall be construed as requiring a person to answer a question where the answer would tend to incriminate him.

22. At the hearing of a disciplinary appeal, the appellant or the Commission may be represented by counsel, a solicitor or agent who may examine witnesses and address the Disciplinary Appeal Board hearing the appeal on his or its behalf. Representation at hearing.

23. (1) Where, by reason of the appellant or a witness residing or performing duties outside Australia or in a remote locality in Australia, or by reason of the expense, inconvenience or delay that would result, it appears to the Disciplinary Appeal Board hearing a disciplinary appeal that it is undesirable to require the appellant or witness to attend before the Board to give evidence at the hearing of the appeal, the Board may, by writing under the hand of the Chairman of the Board, appoint a fit and proper person to take the evidence of the appellant or witness. Evidence taken outside hearing.

(2) A person so appointed shall take the evidence of the appellant or witness on oath or affirmation, and for that purpose shall have all the powers of the Chairman of a Disciplinary Appeal Board.

(3) The appellant or the Commission shall be entitled to be represented by counsel, a solicitor or agent before a person appointed under sub-regulation (1) to take evidence for the purposes of the disciplinary appeal.

(4) Evidence taken under this regulation shall be certified under the hand of the person taking it and forwarded by him to the Disciplinary Appeal Board hearing the disciplinary appeal.

Postal Services Regulations

Copy documents to be furnished or inspected.

24. (1) Copies of all documents intended to be used at the hearing of a disciplinary appeal shall, where practicable, be furnished to the appellant by the Commission not later than 7 days before the date fixed for the commencement of the hearing.

(2) Where a copy of a document intended to be used at the hearing of a disciplinary appeal is not furnished to the appellant in accordance with sub-regulation (1), he is entitled to inspect that document.

Address of appellant unknown.

25. If the address for the time being of an appellant is unknown to the Commission and the Disciplinary Appeal Board hearing or to hear the disciplinary appeal, all notices, orders or other documents that are required under these Regulations to be furnished or given to the appellant shall be posted to the last-known address of the appellant, and compliance with this regulation shall be regarded as sufficient compliance with these Regulations.

Notification of finding.

26. As soon as practicable after a disciplinary appeal has been heard by a Disciplinary Appeal Board, the Chairman of the Board shall, in writing, notify the Commission of the decision, and the Commission shall forthwith, in writing, inform the appellant of the decision.

Officer's expenses.

27. Where a disciplinary appeal is allowed by a Disciplinary Appeal Board, the Board may recommend to the Commission that the Commission pay the reasonable expenses, or a specified part of the reasonable expenses, incurred by the appellant in relation to the appeal, and where the Board so recommends, an amount equal to those expenses, or that part of those expenses, as the case may be, shall be paid by the Commission to the appellant.

Witnesses' expenses.

28. (1) A witness at the hearing of a disciplinary appeal, not being an officer summoned on behalf of the Commission, shall, with the approval of the Chairman of the Disciplinary Appeal Board hearing the appeal, be paid an allowance by the Commission.

(2) The allowance referred to in sub-regulation (1) shall be an amount equal to the amount of salary or wages lost by the witness for the day or days of attendance at the hearing or, if the witness is not in receipt of salary or wages, an amount which would be reasonable having regard to the occupation of the witness and the time lost in attendance.

(3) Subject to sub-regulation (4), in addition to the allowance referred to in sub-regulation (1), a witness shall be entitled to be paid the cost of his conveyance to the hearing and reasonable travelling expenses.

(4) Subject to sub-regulation (5), the Commission shall not be required to pay travelling expenses or any other expenses incurred by a witness summoned by or on behalf of an appellant.

(5) Sub-regulation (4) does not apply in a case where the Disciplinary Appeal Board hearing the disciplinary appeal finds that the appellant was innocent of a charge made against him and the evidence given by the witness summoned by or on behalf of the appellant was, in the opinion of the Chairman of the Board, material.

(6) All claims for witnesses' expenses in connection with the hearing of a disciplinary appeal shall be submitted to the Chairman of the Disciplinary Appeal Board hearing the appeal who shall furnish to the Commission certificates as to attendance and such other particulars as may be necessary to enable the Commission to assess the amounts to be paid under this regulation.

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29. If a Board is of the opinion that a disciplinary appeal was frivolous or vexatious, it may order that the appellant pay to the Commission an amount to be determined by the Board, such amount not to exceed the costs of the hearing as assessed by the Board, and the amount so ordered to be paid shall be recoverable from the appellant as a debt due to the Commission in any court of competent jurisdiction or may be deducted from salary otherwise payable to the appellant.

Costs.

30. The provisions of this Part extend, with necessary changes, to and in relation to an employee who—

Application to employees.

- (a) has been in contiguous employ of the Commission for a period of not less than one year; or
- (b) has been engaged by the Commission to serve for a period of not less than one year,

as if he were an officer.

PART V—REVIEWS UNDER DIVISION 5 OF PART V OF THE ACT

31. For the purposes of the reviews of decisions of the Commission under section 58 or 59 of the Act, the Commission shall, from time to time, arrange for the establishment of such Review Tribunals as are required.

Review Tribunals.

32. (1) A Review Tribunal shall, in relation to an application by an officer for a review of a decision of the Commission under section 58 or 59 of the Act, be constituted by—

Constitution of Tribunal.

- (a) a Chairman, being a person who holds the office of Chairman of a Promotions Appeal Board;
- (b) an officer nominated by the Commission for the purposes of the review; and
- (c) an officer nominated, for the purposes of the review, by the organization that is the appropriate organization in respect of the review.

(2) An officer shall not be nominated by the Commission as a member of a Review Tribunal if that officer has been directly concerned with the decision that is the subject of the review.

(3) Subject to sub-regulation (4), the appropriate organization for the purposes of paragraph (1) (c) in respect of a review is the organization the rules of which provide that officers of the class to which the officer applying for the review belongs are eligible for membership of that organization.

(4) Where each of 2 or more organizations has rules that provide that officers of the class to which the officer applying for the review belongs are eligible for membership of that organization, the appropriate organization for the purposes of paragraph (1) (c) in respect of the review is the organization the membership of which includes the larger or largest number of officers of that class.

33. An officer affected by a decision of the Commission under section 58 or 59 of the Act may, within 14 days after he receives notice of the decision, apply in writing addressed to the person in charge of the office of a Promotions Appeal Board for the State or Territory in which he performs his duties for a review of the decision.

Application or review.

Postal Services Regulations

Proceedings
before Tribunal.

34. (1) A Review Tribunal shall undertake a full review of the decision of the Commission under section 58 or 59 of the Act in relation to which the application for the review was made.

(2) Subject to this Part, in the conduct of a review by a Review Tribunal—

- (a) the Tribunal may inform itself in such manner as it thinks fit;
- (b) the procedure to be followed is within the discretion of the Tribunal;
- (c) the Tribunal is not bound by the rules of evidence; and
- (d) the Tribunal shall proceed without regard to legal forms or solemnities.

(3) A Review Tribunal shall, in conducting a review, take into account—

- (a) whether it would be practicable and desirable to retrain the officer for some other position in the Service; and
- (b) whether it would be practicable and desirable to retain the officer in the Service, having regard to the normal loss of staff employed by the Commission.

Recommendation
by
Tribunal.

35. (1) Where a Review Tribunal is of the opinion that any action taken under section 58 or 59 of the Act should receive further consideration by the Commission, it may recommend accordingly to the Commission and may advise the Commission of any action which, in its opinion, should be taken by the Commission in order to do justice to the merits of the application.

(2) The Commission shall, upon receipt of a recommendation and advice from a Review Tribunal under sub-regulation (1), give further consideration to the matter and may confirm the decision previously made by it or take such other action as it considers appropriate to give effect to the recommendation or advice of the Tribunal.

PART VI—OPENING AND EXAMINATION OF POSTAL ARTICLES

Meaning of
undeliverable
postal article.

36. In this Part, a reference to an undeliverable postal article is a reference to a postal article that, without it first being opened in accordance with this Part, cannot be delivered to the addressee or the person for whom it is intended or returned to the sender.

Appointment
of offices.

37. The Commission shall nominate offices or places for the opening and examination of postal articles in accordance with this Part.

Undeliverable
postal articles.

38. (1) Subject to sub-regulation (3), an undeliverable postal article shall be opened and examined by 2 authorized persons.

(2) If, after opening and examining a postal article under sub-regulation (1), the authorized persons are unable to ascertain the whereabouts of the addressee or the person for whom the article is intended, or the address of the sender, the article shall be dealt with in accordance with regulation 46.

(3) This regulation does not apply to a postal article posted as a registered publication.

Undeliverable
registered
publications.

39. An undeliverable postal article, being a postal article that was posted as a registered publication, shall, unless the Commission ascertains the whereabouts of the addressee or the person for whom it is intended, be dealt with in accordance with regulation 46.

Postal Services Regulations

40. (1) A postal article that -

- (a) was or may have been posted;
- (b) was or may have been lodged for transmission by the courier service; or
- (c) contains or may contain a thing,

Articles posted
in contravention
of any Act or
the By-laws.

in contravention of the Act, these Regulations or the By-laws, or any other Act or Regulations or By-laws made under that other Act, may be opened and examined by 2 authorized persons.

(2) If, upon such an examination, the article is found to be a postal article that was so posted or lodged or contains such a thing, the article shall be dealt with in accordance with regulation 46.

41. (1) A letter received from a country or place outside Australia, being a letter that may contain goods—

Letters
containing
dutiable or
prohibited
goods.

- (a) on which duties of customs are payable; or
- (b) the importation of which is prohibited under a law of Australia,

shall, upon a request by the Commission, before delivery to the addressee, be opened by the addressee or his representative in the presence of an authorized person and an officer of Customs for examination by the officer of Customs.

(2) A letter posted in a postal receptacle or box or at any office of the Commission for transmission to a country or place outside Australia, being a letter that may contain goods—

- (a) on which duties of customs are payable; or
- (b) the exportation of which is prohibited under a law of Australia,

shall, upon a request by the Commission, before transmission to that country or place, be opened by the sender or his representative in the presence of an authorized person and an officer of Customs for examination by the officer of Customs.

(3) A letter that is—

- (a) received from a country or place outside Australia; or
- (b) posted in a postal receptacle or box or at any office of the Commission for transmission to a country or place outside Australia,

and bears on the envelope, wrapping or other cover a statement indicating that the letter contains an enclosure on which duties of customs may be payable, may be opened by an authorized person in the presence of an officer of Customs for examination by the officer of Customs.

(4) Goods on which duties of customs are payable shall not be delivered or transmitted, as the case may be, until the duty as assessed by an officer of Customs has been paid.

(5) Where the addressee or his representative, or the sender or his representative, as the case may be, fails to comply, within a reasonable time, with a request by the Commission under this regulation, or refuses to pay duty as so assessed, the goods on which duties of Customs are payable shall be dealt with in accordance with regulation 46.

42. (1) A postal article (other than a letter)—

- (a) that is received from a country or place outside Australia; or
- (b) that is posted for transmission to a country or place outside Australia,

Dutiable postal
articles other
than letters.

being a postal article that may contain goods on which duties of customs are payable, may be opened by an authorized person in the presence of an officer of Customs for examination by the officer of Customs

Postal Services Regulations

(2) Goods on which duties of Customs are payable shall not be delivered or transmitted, as the case may be, until the duty as assessed by an officer of Customs has been paid.

(3) Where the addressee or the sender of the article, as the case may be, refuses to pay duty as so assessed, the goods shall be dealt with in accordance with regulation 46.

Article posted
free or at
concessional
rate, &c.

43. A postal article that is posted for transmission free of charge, at a concessional rate of postage determined by the Commission or otherwise in circumstances that require that it be open for inspection may, if it is sealed against inspection, be opened and examined by an authorized person for the purpose of ascertaining whether the requirements of the Act, these Regulations and the By-laws in relation to the posting of the article have been complied with.

Opening of
broken articles
&c.

44. (1) A postal article the contents of which are leaking or escaping may be opened and, if practicable, repacked by an authorized person.

(2) Where the outer envelope, wrapping or other cover of a postal article is torn, broken or otherwise damaged, an authorized person may remove, restore, replace or otherwise deal with the envelope, wrapping or other cover to facilitate transmission of the article if practicable.

Certain over-
seas mail from
Australian
resident.

45. Where a postal article received from a country or place outside Australia was or may have been posted by or on behalf of a person who is a resident of Australia—

- (a) as part of a large quantity of similar postal articles that were received from that country or place having been posted by or on behalf of that person; or
- (b) with a view to benefiting from rates of postage applicable to that country or place, being rates that are lower than the rates of postage determined by the Commission under sub-section 18 (1) or (2) of the Act,

the postal article may be opened and examined by 2 authorized persons.

Forfeiture and
disposal of
postal articles.

46. (1) Subject to sub-regulation (2) and regulations 54 and 55, a postal article or goods that is or are, under this Part, to be dealt with in accordance with this regulation shall be dealt with as follows:—

- (a) if not found to be, or to contain, something of value—the article and its contents, or the goods, shall be forfeited and shall be destroyed or disposed of as the Commission directs;
- (b) if found to be, or to contain, money—the article and its contents, or the goods, shall be forfeited, the money shall be paid into the Consolidated Revenue Fund and the remainder of the article and its contents, or goods, shall be destroyed or disposed of as the Commission directs; or
- (c) if found to be, or to contain, a valuable or saleable security or item—the article and its contents, or the goods, shall be forfeited, the security or item may be sold, converted into money or otherwise disposed of as the Commission directs, the proceeds of any sale or conversion into money shall be paid into the Consolidated Revenue Fund and the remainder of the article and its contents, or goods, shall be destroyed or disposed of as the Commission directs.

Postal Services Regulations

(2) Where a postal article or its contents may constitute evidence of the commission of an offence against a law of Australia, the article and its contents may be retained in such custody as the Commission directs until the completion of any proceedings that have been or may be instituted in respect of that offence.

47. (1) A person who opens or examines a postal article, not being a registered publication, in accordance with this Part shall not disclose information relating to the contents of the article to any person. **Offences.**

Penalty: \$200 or imprisonment for 6 months, or both.

(2) Sub-regulation (1) does not prohibit the disclosure of any information by a person—

- (a) in the performance of his duties as an authorized person or as an officer of Customs;
- (b) as a witness summoned to give evidence or to produce documents in a court; or
- (c) in pursuance of the requirements of a law of Australia.

48. Where—

- (a) a postal article has been opened in accordance with this Part (otherwise than by the addressee or his representative or by the sender or his representative); and
- (b) the article is to be delivered to the addressee or the person for whom it is intended, or returned to the sender,

Notice of opening.

the Commission shall, before the article is so delivered or returned, as the case may be, cause a notification that the article was so opened to be endorsed on, or affixed to, the outside of the envelope, wrapping or other cover of the article.

PART VII - MISCELLANEOUS

49. (1) For the purposes of paragraph 14 (5) (b) of the Act, a postal article **Goods for use of the blind.** that contains—

- (a) an aid for the teaching of Braille to the blind;
- (b) a plate for embossing literature for the blind;
- (c) special paper intended solely for the use of the blind; or
- (d) any form of speech recording for the use of the blind.

and does not weigh more than 7 kilograms is a prescribed kind of postal article for the use of the blind.

(2) For the purposes of paragraph 14 (5) (b) of the Act, Braille and Moon postal articles and other postal articles referred to in sub-regulation (1) shall be posted as follows:—

- (a) the article shall be sent by or addressed to a blind person or an institution or organization recognized by the Commission as an institution or organization that serves the needs of blind people;
- (b) the envelope, wrapping or other cover of the article shall not be sealed against postal inspection; and
- (c) the words "Material for the use of the blind" or similar words, and the name and address of the sender, shall appear on the outside of the envelope, wrapping or other cover of the article.

Postal Services Regulations

Electoral
papers.

50. For the purposes of section 213 of the *Commonwealth Electoral Act* 1918-1975, the transmission through the post free of charge of all electoral papers provided for by that Act is subject to the following conditions:—

- (a) the papers shall be transmitted to or from an electoral officer within the meaning of that Act;
- (b) the words "Electoral Papers Only, Post Free" or similar words shall be endorsed on the envelope, wrapping or other cover in which the papers are enclosed or, if the papers are not enclosed in an envelope, wrapping or other cover, on the papers; and
- (c) if the papers are transmitted from such an electoral officer—the name and address of the electoral officer shall be endorsed on the envelope, wrapping or other cover in which the papers are enclosed or, if the papers are not enclosed in an envelope, wrapping or other cover, on the papers.

Powers relating
to collection
&c., of postal
articles.

51. (1) Notwithstanding any provision in a law of a State or Territory, for the purpose of—

- (a) collecting postal articles from an office of the Commission or other place at which postal articles may be posted or from which postal articles transmitted through the post may be delivered, or from a receptacle or box for the reception of postal articles; or
- (b) delivering postal articles to an office of the Commission or other place at which postal articles may be posted or from which postal articles transmitted through the post may be delivered,

an officer or employee, or a contractor to the Commission or an employee of such a contractor, may—

- (c) stop, and leave standing, upon any street, road or other public place any vehicle used by him for that purpose; and
- (d) carry or place postal articles upon a street, road or other public place or upon a footway (whether the footway is a public place or not).

(2) Sub-regulation (1) does not authorize an officer or employee, or a contractor to the Commission or an employee of such a contractor, to refuse to comply with a direction given to him by a member of the police force of a State or Territory, being a direction with which the officer, employee, contractor or employee of the contractor, as the case may be, is required by the law of that State or Territory to comply.

Use of words
"Australia
Post".

52. (1) The Commission may, in connexion with the performance of its functions, operate under the name "Australia Post".

(2) A person shall not assume or use the words "Australia Post" or any words resembling those words in connexion with any trade, business, calling, profession or undertaking or as the name or part of the name of any institution, premises, vehicle, vessel or craft.

Penalty: \$200.

(3) Without limiting the generality of sub-regulation (2), the words "Australia Post" shall be deemed to have been assumed or used in connexion with a trade, business, calling, profession or undertaking if—

- (a) they are used as the name or part of the name of any firm or company registered or incorporated in Australia; or
- (b) they are applied (whether as a trade mark or otherwise) to any goods manufactured, produced, sold or offered for sale.

Postal Services Regulations

(4) The Registrar of Trade Marks, the Registrar of Designs, or the authority of a State or Territory who, under the law of that State or Territory, performs functions relating to the incorporation or registration of companies or business names, shall not register as a trade mark or as a design, or as the name of or part of the name of a company, or as or as part of a business name, as the case may be, the words the assumption or use of which would constitute an offence against sub-regulation (2).

53. A person shall not knowingly send by post or by the courier service an article consisting of or containing matter not solicited by the person to whom the article is sent, being matter that advises, notifies or advertises the existence or availability of matter of an indecent, obscene or offensive nature.

Prohibition on sending certain unsolicited matter.

Penalty: \$200 or imprisonment for 6 months, or both.

54. A postal article that contains or may contain an article or thing that is or could be explosive, dangerous or deleterious may be dealt with in such manner as the Commission directs.

Disposal of dangerous, etc. thing.

55. A postal article that is or has become physically offensive may be destroyed by an authorized person forthwith.

Disposal of physically offensive postal article.