Australian Postal Corporation Act 1989

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About this compilation

This compilation

This is a compilation of the *Australian Postal Corporation Act 1989* that shows the text of the law as amended and in force on 18 October 2023 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to the Australian Postal Corporation

Part 1—Preliminary

1 Short title

This Act may be cited as the *Australian Postal Corporation Act 1989*.

2 Commencement

(1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.

(2) If this Act does not commence under subsection (1) within the period of 6 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of the period.

3 Interpretation—definitions

In this Act, unless the contrary intention appears:

ACCC means the Australian Competition and Consumer Commission.

article means any matter or thing, and includes, for example:

(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 an amount of money); and

(e) a message, information, or direction to pay an amount of money, that is not in written form.

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Australia, when used in a geographical sense, includes the external Territories to which this Act extends.

Australia Post means the Australian Postal Corporation.

Board means the Board of Directors of Australia Post.

borrow includes raise money or credit.

carry, in relation to an article, means:

(a) carry the article from one place to another by physical means; or

(b) if the article is an unwritten communication—transmit the article from one place to another by electromagnetic or other non-physical means;

and includes:

(c) in the case of the carriage of an article from one place to another by physical means—collect or receive the article for carriage and deliver the article after carriage; and

(d) in the case of the transmission of an unwritten communication from one place to another by electromagnetic or other non-physical means—collect or receive the communication (whether in written or unwritten form) for transmission and deliver the communication (whether in written or unwritten form) after transmission.

carry by post, in relation to an article, has the meaning given by section 4.

Chairperson means the Chairperson of the Board.

community service obligations means obligations under section 27.

convention means a convention to which Australia is a party or an agreement or arrangement between Australia and a foreign country.

Deputy Chairperson means the Deputy Chairperson of the Board.

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director means a director of the Board and includes the Chairperson, the Deputy Chairperson and the Managing Director.

Federal Court means the Federal Court of Australia.

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

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; and

(c) any unenclosed written communication that is directed to a particular person or address.

Managing Director means the Managing Director of Australia Post.

office, in relation to Australia Post, means an office (in Australia or outside Australia):

(a) established by Australia Post for the supply of postal services; or

(b) conducted by an agent of Australia Post.

ordinary post, in relation to the carrying of an article, has the meaning given by section 5.

postage, in relation to a postal article, means the amount payable for the carrying of the article by post (including any special charge or additional fee payable for special services supplied in relation to the carrying of the article).

postage stamp includes an imprinted or printed mark, label or design authorised by Australia Post for the purpose of paying postage for a postal article.

postal article means an article of a kind that, under the terms and conditions on which Australia Post supplies postal services, may be carried by post.

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registered charity means an entity that is registered under the *Australian Charities and Not-for-profits Commission Act 2012* as the type of entity mentioned in column 1 of item 1 of the table in subsection 25-5(5) of that Act.

reserved services means the activities that Australia Post has, because of section 29, the exclusive right to engage in.

standard postal article means, subject to the regulations, a postal article that satisfies all of the following criteria:

(a) it does not weigh more than 250 grams;

(b) it is not more than 5mm thick;

(c) its other 2 dimensions form a rectangle:

(i) 2 of whose sides are shorter than the other sides; and

(ii) the shorter sides of which are not more than 122 mm long; and

(iii) the longer sides of which are not more than 237 mm long; and

(iv) the adjacent sides of which are in the ratio of 1 to at least 1.414.

subsidiary has the meaning given by section 6.

the letter service means the service supplied by Australia Post under section 27.

thing includes a living thing.

unwritten communication includes a message, information, or direction to pay an amount of money, that is not in written form.

4 Interpretation—meaning of carry by post

For the purposes of this Act, an article is carried by post if it is carried by or through Australia Post.

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5 Interpretation—meaning of carry by ordinary post

For the purposes of this Act, an article is carried by ordinary post if the article is carried by means of the letter service in such a way as will not involve the supply of a special service for which a special charge or additional fee is payable in relation to the carrying of the article.

6 Interpretation—meaning of subsidiary

For the purposes of this Act, a body corporate is a subsidiary of another body corporate if, under the *Corporations Act 2001*, the first body corporate is a subsidiary of the other body corporate.

7 Extraterritorial operation of Act

This Act applies both within and outside Australia.

8 Extension of Act to external Territories

This Act extends to the external Territories.

9 Extension of Act to offshore areas

(1) Subject to subsection (2), this Act applies in relation to the offshore areas of the States and Territories as if references to Australia (when used in a geographical sense) included references to the offshore areas.

(2) The application of this Act in relation to the offshore areas of the States and Territories extends only in relation to acts, matters and things touching, concerning, arising out of or connected with the exploration of, or the exploitation of the resources of, the continental shelf of Australia.

(3) Without limiting subsection (2), the application of this Act in relation to the offshore areas of the States and Territories because of subsection (1) extends in relation to all acts done by or in relation to, and all matters, circumstances and things affecting, any

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person who is in the offshore area of a State or Territory for a reason touching, concerning, arising out of or connected with the exploration of, or the exploitation of the resources of, the continental shelf of Australia.

(4) In this section:

offshore area:

(a) of a State or a Territory other than the Northern Territory, has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and

(b) of the Northern Territory, has the same meaning as Principal Northern Territory offshore area has in that Act.

10 Act binds the Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

11 Act subject to Radiocommunications Act and Telecommunications Act etc.

This Act has effect subject to the *Radiocommunications Act 1992*, the *Telecommunications Act 1997* and the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

11A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

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Part 2—Australia Post and its Board

Division 1—Constitution, functions and powers of Australia Post

12 Australia Post continues in existence

The Australian Postal Corporation continues in existence.

13 Australia Post continues to be body corporate etc.

The Australian Postal Corporation:

(a) continues to be a body corporate;

(b) shall have a seal; and

(c) may sue and be sued in its corporate name.

Note: The *Public Governance, Performance and Accountability Act 2013* applies to Australia Post. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

14 Functions—the principal function

The principal function of Australia Post is to supply postal services within Australia and between Australia and places outside Australia.

15 Functions—subsidiary function

A subsidiary function of Australia Post is to carry on, outside Australia, any business or activity relating to postal services.

16 Functions—incidental businesses and activities

(1) The functions of Australia Post include the carrying on, within or outside Australia, of any business or activity that is incidental to:

(a) the supplying of postal services under section 14; or

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(b) the carrying on of any business or activity under section 15.

(2) Without limiting subsection (1), the functions of Australia Post include the carrying on, within or outside Australia, of any business or activity that is capable of being conveniently carried on:

(a) by the use of resources that are not immediately required in carrying out Australia Post's principal or subsidiary function; or

(b) in the course of:

(i) supplying postal services under section 14; or

(ii) carrying on any business or activity under section 15.

17 General powers

(1) Australia Post has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Subsection (1) is not limited by any other provision of this or any other Act that confers a power on Australia Post.

18 Specific postal and postal related powers

Australia Post has power, for or in connection with the performance of its functions:

(a) to supply packet and parcel carrying services; and

(b) to supply philatelic and associated services; and

(c) to supply courier services; and

(d) to supply electronic mail services; and

(da) to supply:

(i) carriage services (within the meaning of the *Telecommunications Act 1997*); and

(ii) content services (within the meaning of that Act); and

(e) to supply document exchange services and contract mail management services; and

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(ea) to supply mail house services (which may include, for example, the provision of a mail order service and the doing of things incidental to the provision of such a service); and

(f) to supply funds transfer services; and

(g) to supply postal services (including philatelic and associated services) for Norfolk Island, Christmas Island, Cocos (Keeling) Islands and foreign countries; and

(h) to supply any services other than postal services to or on behalf of the Commonwealth, the States and Territories, foreign countries and other persons; and

(j) to manufacture postage stamps and other goods for use in connection with postal services.

19 Other powers

(1) Australia Post has, for or in connection with the performance of its functions, all the powers of a natural person, and may, for example:

(a) enter into contracts;

(b) acquire, hold and dispose of real and personal property;

(c) appoint agents and attorneys, and act as agent for other persons;

(d) form, and participate in the formation of, companies;

(e) subscribe for and purchase shares in, and debentures and other securities of, companies;

(f) participate in partnerships, trusts, unincorporated joint ventures and other arrangements for the sharing of profits;

(g) issue debentures and grant floating charges on its property;

(h) make charges and fix terms and conditions for work done, or services, goods and information supplied, by it;

(j) engage consultants;

(k) accept gifts, grants, bequests and devises made to it, and act as trustee of money and other property vested in it on trust;

(m) offer and pay rewards;

(n) deal in futures and other contracts;

(p) provide consultancy and project management services; and

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(q) do such other things as it is authorised to do by or under this Act or any other law of the Commonwealth or any law of a State or Territory.

(2) Australia Post has, in addition to its other powers, power to do all things necessary or convenient to be done for, or in connection with, the performance of its obligation under section 26, and may, for example:

(a) purchase and otherwise acquire land and buildings that it may require;

(b) sell and otherwise dispose of land and buildings that it does not require;

(c) develop land and buildings to enable their more efficient utilisation;

(d) develop and lease land and buildings not immediately required by it; and

(e) develop land and buildings for the purpose of sale.

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Division 2—Australia Post's Board and Managing Director

20 The Board

There shall be a Board of Directors of Australia Post.

21 The Managing Director

There shall be a Managing Director of Australia Post.

22 Constitution of the Board

The Board consists of:

(a) the Chairperson;
(b) the Deputy Chairperson;
(c) the Managing Director; and
(d) not more than 6 other directors.

23 Role of the Board

It is the role of the Board:

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

24 Duties of the Managing Director

(1) The Managing Director shall, under the Board, manage Australia Post.

(2) All acts and things done in the name of, or on behalf of, Australia Post by the Managing Director shall be taken to have been done by Australia Post.

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Part 3—Australia Post's obligations and reserved services

Division 1—Obligations

25 Obligations generally

Australia Post has the following obligations:

(a) its commercial obligation under section 26;

(b) its community service obligations under section 27;

(c) its general governmental obligations under section 28.

26 Commercial obligation

Australia Post shall, as far as practicable, perform its functions in a manner consistent with sound commercial practice.

27 Community service obligations

(1) Australia Post shall supply a letter service.

(2) The principal purpose of the letter service is, by physical means:

(a) to carry, within Australia, letters that Australia Post has the exclusive right to carry; and

(b) to carry letters between Australia and places outside Australia.

(3) Australia Post shall make the letter service available at a single uniform rate of postage for the carriage within Australia, by ordinary post, of letters that are standard postal articles.

(4) Australia Post shall ensure:

(a) that, in view of the social importance of the letter service, the service is reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business; and

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(b) that the performance standards (including delivery times) for the letter service reasonably meet the social, industrial and commercial needs of the Australian community.

(5) In this section:

Australia includes Norfolk Island, Christmas Island and Cocos (Keeling) Islands, but does not include any other external Territory to which this Act extends.

28 General governmental obligations

Australia Post shall perform its functions in a way consistent with:

(a) any government policy orders that apply in relation to Australia Post under section 22 of the *Public Governance, Performance and Accountability Act 2013*;

(b) any directions given by the Minister under section 49; and

(c) Australia's obligations under any convention.

28A Australia Post may return letters received from foreign postal authorities

(1) This section applies to letters and other postal articles received by Australia Post from a foreign postal authority, whether they are for delivery within Australia or not.

(2) Subject to subsection (3), if, under a convention, Australia is permitted to return a letter or postal article, Australia Post may return the article in accordance with the convention despite its obligations under this Division.

(3) The Minister may give written directions to the Board, consistent with the convention, about how the power to return articles should be exercised (including whether that power should be exercised in particular circumstances).

(4) The Board must ensure that Australia Post complies with any directions under subsection (3).

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(5) If the Minister gives a direction under subsection (3), the Minister must cause a copy of the direction to be laid before each House of the Parliament within 15 sitting days of that House after giving the direction.

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Division 1A—Performance standards and audits

28B Interpretation

In this Division:

performance audit report means a report under section 28D.

prescribed performance standards has the meaning given by subsection 28C(1).

28C Performance standards to be met by Australia Post

(1) The regulations may prescribe performance standards (the ***prescribed performance standards***) to be met by Australia Post.

(2) The prescribed performance standards must relate to:
  (a) the frequency, speed or accuracy of mail delivery; or
  (b) the availability or accessibility of:
    (i) post-boxes or other mail lodgement points; or
    (ii) offices of Australia Post or other places from which Australia Post products or services may be purchased.

(3) Without limiting subsection (1), the prescribed performance standards may relate to methods of determining the level of mail delivery service for a particular area.

28D Auditor-General to report on compliance with prescribed performance standards

(1) The Auditor-General must, in relation to the financial year starting on 1 July 1994 and each later financial year, audit, and report on, the extent to which, during the financial year, Australia Post met the prescribed performance standards that were in force.

(2) The audit must be conducted in accordance with the methodology that the Auditor-General determines is consistent with prevailing performance audit methodology, and a statement of the

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methodology used in conducting the audit must be included in the report.

(3) The Auditor-General may request Australia Post to supply information that the Auditor-General considers is reasonably necessary to perform the audit, and Australia Post must comply with the request.

(4) The Auditor-General must give the report to the Minister on or before 1 November in the next financial year.

(5) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

28E Service improvement plans

(1) If, in a performance audit report, the Auditor-General reports that Australia Post has not met a prescribed performance standard, Australia Post must, unless the Minister determines, by legislative instrument, that it is unnecessary in the circumstances, prepare a service improvement plan to ensure it meets that prescribed performance standard as soon as practicable.

(2) The service improvement plan must be given to the Minister on or before 1 March in the financial year after the financial year to which the performance audit report relates.

(3) The Minister must cause a copy of the service improvement plan to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

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Division 2—Reserved services

29 Services reserved to Australia Post etc.

(1) Subject to section 30, Australia Post has the exclusive right to carry letters within Australia, whether the letters originated within or outside Australia.

(2) The reservation of services to Australia Post under subsection (1) extends to:
  (a) the collection, within Australia, of letters for delivery within Australia; and
  (b) the delivery of letters within Australia.

(3) Australia Post also has the exclusive right to issue postage stamps within Australia.

30 Exceptions to reserved services

(1) The reserved services do not include any of the following:
  (a) the carriage of a letter weighing more than 250 grams unless the letter consists of an envelope, packet, parcel, container or wrapper containing 2 or more separate letters;
  (b) the carriage of a letter relating to goods that is sent and delivered with the goods;
  (c) the carriage of a newspaper, magazine, book, catalogue or leaflet, whether or not directed to a particular person or address and whether or not enclosed in any sort of cover;
  (d) the carriage of a letter otherwise than for reward;
  (e) the carriage of a letter within Australia for a charge or fee that is at least 4 times the then rate of postage for the carriage within Australia of a standard postal article by ordinary post;
  (g) the carriage of a letter by the sender or an officer or employee of the sender;

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(ga) the carriage of a letter from an office of the individual or organisation sending the letter to another office of that individual or organisation;

(h) the carriage of a letter to or from:

(i) the nearest office of Australia Post; or

(ii) another office of Australia Post authorised by it;

(ha) the carriage of a letter to an office of Australia Post where it is then lodged for delivery under a bulk interconnection service (within the meaning of section 32A);

(hb) the carriage of a letter to the provider of an aggregation service, for the purposes of aggregation in order to use a bulk interconnection service (within the meaning of section 32A);

(j) the carriage of a letter on behalf of Australia Post under an agreement with it;

(k) the carriage of a letter that, under the terms and conditions on which Australia Post supplies postal services, is not a postal article;

(m) the carriage of writs, warrants or other documents required or permitted to be served, given or sent under the practice and procedure of any court or tribunal;

(ma) the carriage of a letter, in the course of a document exchange service:

(i) from one service centre of the service to another service centre of the service; or

(ii) within a service centre of the service; or

(iii) from a member of the service to a service centre of the service (subject to subsection (1C)); or

(iv) from a service centre of the service to a member of the service (subject to subsections (1C) and (1D));

(n) the carriage of a letter solely by any electromagnetic or other non-physical means;

(p) the carriage of letters by or on behalf of a foreign country under a convention;

(q) any service that, under the regulations, is not reserved to Australia Post.

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(1A) For the purpose of paragraph (1)(ga):

(a) the reference to an ***office*** of an individual or organisation includes a reference to any place where the individual or organisation carries on business or conducts operations; and

(b) a place where a business is conducted under a franchise agreement or arrangement is an ***office*** of the franchisee but is not, merely because that business is conducted there, an office of the franchisor; and

(c) subject to paragraph (d), the reference to an ***organisation*** is a reference to:

(i) a body corporate; or

(ii) a partnership; or

(iii) a Department of State of the Commonwealth or of a State; or

(iv) a Department or administrative unit of the Public Service of a Territory; or

(v) a body, authority, agency or service, whether incorporated or not, established by the Commonwealth or a State or Territory, or by or under a law of the Commonwealth or a State or Territory; or

(vi) any other unincorporated body; and

(d) if a body, authority, agency or service covered by subparagraph (c)(v) is also part of a Department or administrative unit covered by subparagraph (c)(iii) or (iv), the body, authority, agency or service is taken to be an organisation that is separate from the organisation constituted by that Department or administrative unit.

(1AA) For the purposes of paragraph (1)(hb), an ***aggregation service*** is a service:

(a) that aggregates letters from different senders; and

(b) that is offered in order to allow the senders to use a bulk interconnection service (within the meaning of section 32A).

(1B) For the purposes of paragraph (1)(ma), a ***service centre*** of a document exchange service is a place conducted by, or under the control of, the provider of the service where, under the terms of the

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service, all persons who, under those terms, are entitled to use the service may:

(a) deposit documents for carriage by the service; and

(b) collect documents carried by the service.

(1C) Carriage of a letter between a service centre of a document exchange service and a person who is a member of the service is only covered by subparagraph (1)(ma)(iii) or (iv) if, at the time of the carriage, all of the following apply:

(a) the person chose to become a member of the service by applying directly to the provider of the service;

(b) the terms and conditions on which the service is provided require the person to pay a fee periodically (at least annually) to remain a member;

(c) the person has a unique identifier that:

(i) is not a postal address; and

(ii) does not include a street name;

for the purposes of sending and receiving letters carried by the service;

(d) the person is entitled to send and receive letters carried by the service;

(e) there is a separate receptacle at a service centre of the service for the lodgment and collection of letters carried by the service that are sent to the person or sent by the person;

(f) the person:

(i) is a registered charity; or

(ii) is a government agency, partnership, educational institution, health or community service provider or other person carrying on a business or other undertaking not of a private or domestic nature, but is not a charity.

(1D) Carriage of a letter from a service centre of a document exchange service to a person who is a member of the service is not covered by subparagraph (1)(ma)(iv) if the sender has addressed the letter using only a postal address.

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(2) A regulation made for the purposes of paragraph (1)(q) may not commence earlier than the day after the last day on which the regulation may be disallowed under Part 2 of Chapter 3 of the *Legislation Act 2003*.

30A Enforcement for infringement of reserved services

(1) A person shall not engage in conduct that involves an infringement of Australia Post's exclusive right to undertake the reserved services.

(2) If the Federal Court is satisfied that a person has contravened subsection (1), the Court may order the person to pay to the Commonwealth such pecuniary penalty, in respect of each contravention, as the Court determines to be appropriate.

(3) In determining the pecuniary penalty, the Court must have regard to all relevant matters, including:
  (a) the nature and extent of the contravention; and
  (b) the nature and extent of any loss or damage suffered as a result of the contravention; and
  (c) the circumstances in which the contravention took place; and
  (d) whether the person has previously been found by the Court in proceedings under this Act to have engaged in any similar conduct.

(4) The pecuniary penalty payable under subsection (2) by a body corporate is not to exceed $250,000 for each contravention.

(5) The pecuniary penalty payable under subsection (2) by a person other than a body corporate is not to exceed $50,000 for each contravention.

(6) The Minister or the ACCC may institute a proceeding in the Federal Court for the recovery on behalf of the Commonwealth of a pecuniary penalty referred to in subsection (2).

(7) A proceeding under subsection (6) may be commenced within 6 years after the contravention.

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(8) For the avoidance of doubt, the remedy in this section is in addition to that provided in section 31 of this Act.

31 Actions for infringement of reserved services etc.

(1) Where a person has engaged, or is proposing to engage, in conduct that involves, or would involve, an infringement of Australia Post's exclusive right to undertake the reserved services, Australia Post may apply to the Federal Court for relief.

(2) The relief that may be granted includes an injunction and, at the option of Australia Post, either damages or an account of profits.

(3) Where, in the opinion of the Federal Court, it is desirable to do so, the Court may grant an interim injunction pending determination of an application under subsection (1).

(4) The power of the Federal Court to grant an injunction restraining a person from engaging in conduct may be exercised:

(a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind;

(b) whether or not the person has previously engaged in conduct of that kind; and

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

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Part 4—Australia Post's operations

Division 1—Terms and conditions applying to services

32 Terms and conditions generally

(1) Subject to any express provision of this or any other Act, the terms and conditions of a service supplied by Australia Post for a person are:

(a) so far as Australia Post and the person agree on terms and conditions for the supply of the service—the agreed terms and conditions; and

(b) so far as Australia Post and the person do not agree on terms and conditions—the terms and conditions determined by the Board that are applicable to the supply of the service.

(2) Without limiting subsection (1), the terms and conditions determined by the Board may make provision with respect to:

(a) the kinds of articles that may be carried by post and the means by which different kinds of articles may be carried; and

(b) the carriage of letters and other postal articles; and

(c) rates of postage; and

(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) the carriage of letters to or from an office of Australia Post; and

(f) undelivered letters and other articles (including the forfeiture and destruction of such articles).

(3) The Board shall ensure that copies of a determination made by it under this section are made available for inspection and purchase at all offices of Australia Post as soon as practicable after it is made.

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(4) A contravention of subsection (3) in relation to a determination does not affect the validity of the determination.

(5) This section has effect subject to section 33 of this Act and to Part VIIA of the *Competition and Consumer Act 2010*.

32A Terms and conditions—bulk interconnection service

(1) This section applies to a service supplied by Australia Post (a ***bulk interconnection service***) under which bulk quantities of letters are delivered within Australia at reduced rates provided that:
  (a) they are lodged at an office of Australia Post specified as mentioned in paragraph (2)(a); and
  (b) they have, before being lodged, been sorted in accordance with the terms and conditions of the service.

(2) The terms and conditions of a bulk interconnection service must:
  (a) specify the offices of Australia Post at which letters must be lodged for delivery under the service; and
  (b) allow letters to be lodged for delivery under the service at any office so specified; and
  (c) provide for the rate reduction mentioned in subsection (1) to include a component that is Australia Post's estimate of the average transport costs per letter avoided by Australia Post in respect of letters lodged for delivery under the service.

(3) The terms and conditions of a bulk interconnection service are not required to be limited to the matters mentioned in this section.

32B Regulations may provide for inquiries into certain disputes about bulk services

(1) The regulations may provide:
  (a) for the ACCC:
    (i) to inquire into a dispute, between Australia Post and a person who is obtaining or who wishes to obtain a rate reduction for the delivery of bulk quantities of letters by Australia Post in return for performing functions in

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relation to the letters that may be performed by Australia Post, about the terms and conditions on which a rate reduction is or would be provided to the person (including the amount of the rate reduction); and

(ii) to make a recommendation to the Minister about those terms and conditions; and

(b) procedures for persons to notify the ACCC of a dispute of the kind referred to in paragraph (a); and

(c) for the conduct of inquiries, and for the making of recommendations, provided for under paragraph (a); and

(d) for the provision of information by Australia Post to the ACCC in connection with the exercise of powers conferred on the ACCC under paragraph (a); and

(da) for the ACCC to use for the purposes described in paragraph (a) information obtained under Part VIIA of the *Competition and Consumer Act 2010*;

(e) for the matters to be taken into account by the ACCC in exercising powers conferred under paragraph (a); and

(f) that, despite section 49, the Minister may, if the Minister thinks fit and after consultation with the Board, direct Australia Post to act in accordance with a recommendation made by the ACCC under subparagraph (a)(ii); and

(g) for the matters to be taken into account by the Minister in deciding whether to give a direction provided for under paragraph (f); and

(h) for the notification of:

(i) directions given by the Minister as provided for under paragraph (f); and

(ii) decisions of the Minister not to give such directions; and

(i) in relation to the operation of directions given by the Minister as provided for under paragraph (f).

(1A) Regulations made under paragraph (1)(f) must not authorise the making of directions that are inconsistent with subsection 32A(2).

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(2) The regulations may provide as specified in subsection (1) in spite of anything in the *Competition and Consumer Act 2010*.

32C Terms and conditions—incoming overseas mail service

(1) This section applies to a service supplied by Australia Post (an ***incoming overseas mail service***) under which letters received by Australia Post from a country or place outside Australia are carried and delivered within Australia.

(2) The terms and conditions of an incoming overseas mail service must, so far as they relate to charges for the service, comply with whichever of the following paragraphs applies:

(a) if a convention applies to the service—the charges must be determined in accordance with the convention;

(b) if paragraph (a) does not apply—the charges must be the same as those that would apply to the provision of a like service by Australia Post for the carriage and delivery within Australia of letters collected within Australia.

(3) The terms and conditions of an incoming overseas mail service are not required to be limited to the matters mentioned in this section.

32D Exemption from Part IIIA of the Competition and Consumer Act

Part IIIA of the *Competition and Consumer Act 2010* does not apply in relation to the supply of a service (including a bulk interconnection service and an incoming overseas mail service) by Australia Post.

33 Certain postage charges subject to Ministerial review

(1) This section applies to the rate of postage for the carriage within Australia of standard postal articles by ordinary post.

(2) Before making a determination under section 32 fixing or varying rates of postage to which this section applies, the Board shall give the Minister written notice of the proposed determination.

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(3) The Minister may, within 30 days after receiving notice of a proposed determination, give the Board written notice disapproving it.

(4) In exercising powers under subsection (3), the Minister shall have regard to:

(a) Australia Post's obligations under this Act; and

(aa) changes in the Consumer Price Index as published by the Australian Statistician from time to time; and

(b) any other matters the Minister considers appropriate.

(5) The Board may make a determination under section 32 fixing or varying rates of postage to which this section applies only if 30 days have elapsed since the Minister received notice of it and the Minister has not, within that period, given the Board a notice disapproving it.

33A Postage stamps not to be sold etc. for less than usual retail price

(1) A person authorised by Australia Post to sell postage stamps must not:

(a) sell a valid Australian stamp for less than its usual retail price; or

(b) give away a valid Australian stamp free of charge.

(2) Australia Post must not sell a valid Australian stamp for less than its usual retail price unless the sale is pursuant to an agreement between Australia Post and another person under which the person buys the stamp for the purpose of re-selling it at its usual retail price.

(3) If a person has engaged, or is proposing to engage, in conduct that involves, or would involve, an infringement of subsection (1), Australia Post may apply to the Federal Court for relief.

(4) The relief that may be granted includes an injunction and, at the option of Australia Post, either damages or an account of profits.

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(5) The Federal Court may grant an interim injunction pending determination of an application under subsection (3) if, in the Court's opinion, it is desirable to do so.

(6) The power of the Federal Court to grant an injunction restraining a person from engaging in conduct may be exercised:

(a) whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind; and

(b) whether or not the person has previously engaged in conduct of that kind; and

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

(6A) The following conduct is authorised for the purposes of subsection 51(1) of the *Competition and Consumer Act 2010*:

(a) making and carrying out an agreement described in subsection (2) of this section;

(b) applying to the Federal Court under subsection (3) of this section.

(7) For the purposes of the application of this section to a postage stamp that consists of an imprinted or printed mark (for example a mark produced by a franking machine):

(a) the mark is taken to be issued within Australia by Australia Post if Australia Post has authorised the use of the mark for the purpose of paying postage for postal articles; and

(b) the mark is sold if a charge is made for the imprinting or printing of the mark onto the cover, or onto a label to be fixed to the cover, of a postal article; and

(c) the usual retail price of the mark is the amount Australia Post usually charges for the imprinting or printing of the mark.

(8) In this section:

Australia Post does not include an agent of Australia Post.

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valid Australian stamp means:

(a) a postage stamp issued within Australia by Australia Post that is still valid; or

(b) an envelope, or other postal stationery, issued within Australia by Australia Post on which a postage stamp that is still valid is imprinted.

34 Immunity from certain actions

(1) An action or proceeding does not lie against Australia Post or any other person in relation to any loss or damage suffered, or that may be suffered, by a person because of any act or omission (whether negligent or otherwise) by or on behalf of Australia Post in relation to the carriage of a letter or other article by means of the letter service.

(2) Subsection (1) does not apply if Australia Post provides the sender with a receipt for the article.

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Division 2—Corporate plans

38 Matters to be considered in setting financial target

In preparing or revising a financial target for inclusion in a corporate plan for Australia Post under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the Board shall have regard to:

(a) the need to earn a reasonable rate of return on Australia Post's assets; and

(b) the need to maintain the extent of the Commonwealth's equity in Australia Post; and

(c) the expectation of the Commonwealth that Australia Post will pay a reasonable dividend; and

(d) the need to maintain Australia Post's financial viability; and

(e) the need to maintain a reasonable level of reserves, especially to make provision for:

(i) any estimated future demand for postal services; and

(ii) any need to improve the accessibility of, and performance standards for, the letter service; and

(f) any other commercial matters the Board considers appropriate; and

(g) the cost of carrying out Australia Post's community service obligations; and

(h) the cost of performing Australia Post's functions in a manner consistent with any government policy orders that apply in relation to Australia Post under section 22 of the *Public Governance, Performance and Accountability Act 2013*; and

(j) the cost of implementing any directions given by the Minister under section 49; and

(k) the cost of any other obligations of Australia Post under this or any other Act that require it to act otherwise than in accordance with normal commercial practice.

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40 Minister may direct certain variations of corporate plans

(1) If the Minister receives a corporate plan for Australia Post under section 35 of the *Public Governance, Performance and Accountability Act 2013*, the Minister may, within 60 days and after consultation with the Board, direct the Board to vary either or both of the following:

(a) the statement included in the plan of the strategies and policies that Australia Post is to follow to carry out its community service obligations;

(b) a financial target under a plan.

(2) In exercising powers under paragraph (1)(b), the Minister shall have regard to:

(a) the matters referred to in section 38 (other than the matter referred to in paragraph (f)); and

(b) any other matters the Minister considers appropriate.

(3) A direction under subsection (1) shall be in writing and shall set out the Minister's reasons for the direction.

(4) If the Minister gives a direction under subsection (1), the Minister must cause a copy of the direction to be laid before each House of the Parliament within 15 sitting days of that House after giving the direction.

(5) Australia Post must comply with a direction under subsection (1) and must inform the Minister of the changes made to the plan to comply with the direction.

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Division 3—Other accountability requirements

43 Extra general matters to be included in annual reports

(1) The annual report on Australia Post given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must also:

(d) include an outline of the strategies and policies that Australia Post is following to carry out its community service obligations; and

(e) if the Minister has, under subsection 40(1), directed the Board to vary the statement included in the corporate plan of Australia Post's strategies and policies to carry out its community service obligations—include an outline of the strategies and policies that the Minister directed the Board to vary; and

(f) include an assessment of the appropriateness and adequacy of the strategies and policies that Australia Post is following to carry out its community service obligations; and

(fa) include a statement about compliance, during the period, with the performance standards referred to in paragraph 27(4)(b) (these standards relate to Australia Post's community service obligations); and

(g) include particulars of:

(i) any government policy orders that apply in relation to Australia Post under section 22 of the *Public Governance, Performance and Accountability Act 2013* for the period;

(ii) any directions given by the Minister under section 49 that are applicable to the period; and

(h) deal specifically with the effect on Australia Post's operations during the period of:

(i) each such policy and direction; and

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(ii) any other obligations of Australia Post under this or any other Act that require it to act otherwise than in accordance with normal commercial practice; and

(j) if the Minister has, under subsection 33(3), disapproved a proposed determination by the Board fixing or varying rates of postage—set out particulars of the proposed determination; and

(k) include particulars of:

(i) companies that Australia Post and its subsidiaries formed, and companies in whose formation Australia Post and its subsidiaries participated, during the period;

(ii) companies that became or ceased to be subsidiaries of Australia Post and its subsidiaries during the period; and

(iii) interests in partnerships, trusts, unincorporated joint ventures and other arrangements for the sharing of profits that Australia Post and its subsidiaries acquired or disposed of during the period; and

(m) include an outline of:

(i) shares that Australia Post subscribed for, purchased or disposed of during the period;

(ii) other business interests that Australia Post and its subsidiaries acquired or disposed of during the period; and

(iii) other activities of Australia Post's subsidiaries during the period; and

(n) include an outline of the exercise during the period by Australia Post and its employees of any powers to open, or examine the contents of, articles carried by post; and

(o) include, in relation to:

(i) each subsection of section 90J (other than subsections 90J(2) and (4)); and

(ii) each subsection of section 90K;

a record of the number of times during the period that information or documents were disclosed in reliance on that subsection and of the persons, authorities or bodies to which information or documents were so disclosed.

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(2) In this section:

corporate plan means the corporate plan for Australia Post under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

44 Extra financial matters to be included in annual reports

(1) The annual report on Australia Post given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must also:

(a) specify the financial targets applicable to the period under the corporate plan; and

(b) if the Minister has, under subsection 40(1), directed the Board to vary a financial target—specify the financial target that the Minister directed the Board to vary and set out the reasons given to the Board by the Minister for the direction; and

(c) include an assessment of Australia Post's progress in achieving the financial targets under the corporate plan; and

(d) specify the dividend paid or proposed to be paid to the Commonwealth for the period; and

(e) if the Minister has, under subsection 54(3), directed the payment of a dividend, or a different dividend, for the period—specify the recommendation made by the Board to the Minister in relation to the dividend for the period; and

(f) include particulars of any amounts of capital repaid to the Commonwealth during the period; and

(g) include an assessment of:

(i) the cost of carrying out Australia Post's community service obligations;

(ii) the cost of performing Australia Post's functions in a way consistent with any government policy orders that apply in relation to Australia Post under section 22 of the *Public Governance, Performance and Accountability Act 2013* for the period; and

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(iii) the cost of implementing any directions given by the Minister under section 49; and

(iv) the cost of any other obligations of Australia Post under this or any other Act that require it to act otherwise than in accordance with normal commercial practice; and

(h) include the financial information that the Minister requests in relation to each of the following categories of Australia Post's activities:

(i) the reserved services (taken as a whole);

(ii) its other activities (taken as a whole).

(2) A request under paragraph (1)(h) must be made by notice in writing given to Australia Post.

(3) In this section:

corporate plan means the corporate plan for Australia Post under section 35 of the *Public Governance, Performance and Accountability Act 2013*.

49 Minister may give directions to the Board

(1) Subject to subsection (2), the Minister may, after consultation with the Board, give to the Board such written directions in relation to the performance of Australia Post's functions as appear to the Minister to be necessary in the public interest.

(2) The Minister shall not give a direction under subsection (1) in relation to:

(a) rates of postage; or

(b) amounts to be charged for work done, or services, goods or information supplied, by Australia Post.

(3) Where the Minister gives a direction under subsection (1), the Minister shall cause a copy of the direction to be laid before each House of the Parliament within 15 sitting days of that House after giving the direction.

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50 Australia Post and Board not otherwise subject to government direction

Except as otherwise provided by or under this or any other Act, Australia Post and its Board are not subject to direction by or on behalf of the Australian Government.

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Part 4A—Monitoring of Australia Post

Division 2—Role of the ACCC

50H ACCC may require Australia Post to keep records

(1) The ACCC may require Australia Post to keep records:
  (a) about the matters specified by the ACCC; and
  (b) in the manner and form specified by the ACCC.

(2) Without limiting subsection (1), the ACCC must require Australia Post to keep records about its reserved services.

(3) Australia Post must give the ACCC:
  (a) copies of records kept under subsections (1) and (2); or
  (b) details about information contained in those records;
on request by the ACCC:
  (c) in the manner and form specified by the ACCC; and
  (d) within the time specified by the ACCC.

(4) The ACCC may only require Australia Post to keep records under subsection (1) about matters that are relevant to the following:
  (a) the performance of the ACCC's functions in relation to prices surveillance and to section 32B of this Act;
  (b) the financial relationship between parts of Australia Post's business that relate to reserved services and parts that do not;
  (c) the financial relationship between different parts of Australia Post's business that relate to reserved services.

50I ACCC may publish reports analysing records

The ACCC may prepare and publish reports analysing information given to the ACCC under subsection 50H(3).

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50J Minister may direct ACCC to report

(1) The Minister may direct the ACCC to do either or both of the following:

(a) prepare;

(b) publish;

a report analysing the information in records kept under subsections 50H(1) and (2).

(2) The ACCC must comply with a direction under subsection (1).

50K Publication of confidential information

A report published under section 50I or 50J may include information that Australia Post claims is commercial-in-confidence information if the ACCC is satisfied:

(a) that the claim is not justified; or

(b) that it is in the public interest to publish the information.

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Part 5—Finance

51 Determination of Australia Post's initial capital under Act

(1) The Minister shall, as soon as practicable after the commencement of this Act and after consultation with the Board, determine the amount of Australia Post's initial capital under this Act.

(2) In making the determination, the Minister shall have regard to any relevant advice that the Board has given to the Minister.

(3) The determination shall be made in writing.

52 Australia Post's capital

(1) Australia Post's capital is equal to the sum of:

(a) the amount of Australia Post's initial capital under this Act (as determined by the Minister under subsection 51(1));

(b) any part of Australia Post's liabilities to the Commonwealth at the commencement of this Act that is subsequently converted into capital at the direction of the Minister;

(c) any amounts paid to Australia Post after the commencement of this Act out of money appropriated by the Parliament for the purpose of providing capital; and

(d) any part of Australia Post's reserves that, after the commencement of this Act, is converted into capital at the direction of the Minister after consultation with the Board;

less any amounts of capital repaid under subsection (2).

(2) Interest is not payable to the Commonwealth on Australia Post's capital, but the capital is repayable to the Commonwealth at such times, and in such amounts, as the Minister directs after consultation with the Board.

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(3) In giving such a direction, the Minister shall have regard to any advice that the Board has given to the Minister in relation to Australia Post's financial affairs.

(4) A direction under this section shall be given in writing.

53 Revaluation of assets

The Board shall ensure that, at least once every 5 years, Australia Post's assets are revalued in accordance with normal commercial practice.

54 Payments of dividends to Commonwealth

(1) The Board shall, within 4 months after the end of each financial year, by written notice to the Minister, recommend that Australia Post pay a specified dividend, or not pay a dividend, to the Commonwealth for the financial year.

(2) In making the recommendation, the Board shall have regard to the matters referred to in section 38 (other than the matter referred to in paragraph (a)).

(3) The Minister shall, within 45 days after receiving the recommendation, by written notice to the Board, either:

(a) approve the recommendation; or

(b) direct the payment of a dividend or a different specified dividend, as the case requires.

(4) In exercising powers under subsection (3), the Minister shall have regard to:

(a) the matters referred to in section 38 (other than the matters referred to in paragraphs (a) and (f)); and

(b) any other matters the Minister considers appropriate.

(4A) If the Minister gives a direction under paragraph (3)(b), the Minister must cause a copy of the direction to be laid before each House of the Parliament within 15 sitting days of that House after giving the direction.

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(5) Australia Post's dividend for a financial year shall not exceed its profit for the year, after provision has been made for income tax.

(6) Subject to section 55, the dividend payable for a financial year shall be paid within 6 months after the end of the financial year or such further period as the Minister directs after consultation with the Board.

(7) In exercising powers under subsection (6), the Minister shall have regard to any recommendation of the Board in relation to the time of payment of the dividend.

(8) A direction under subsection (6) shall be given in writing.

55 Interim dividends

(1) The Board must, within 60 days after 31 December in each financial year, by written notice to the Minister, recommend that Australia Post pay a specified amount, or not pay any amount, to the Commonwealth on account of the dividend that may become payable under section 54 for the financial year.

(3) The Minister shall, within 45 days after receiving the recommendation, by written notice to the Board, either:

(a) approve the recommendation; or

(b) give directions to the Board in relation to the payment of amounts to the Commonwealth on account of the dividend that may become payable under section 54 for the financial year.

(4) In exercising powers under subsection (3), the Minister shall have regard to:

(a) the matters referred to in section 38 (other than the matters referred to in paragraphs (a) and (f)); and

(b) any other matters the Minister considers appropriate.

(5) If the Minister gives a direction under paragraph (3)(b), the Minister must cause a copy of the direction to be laid before each

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House of the Parliament within 15 sitting days of that House after giving the direction.

56 Reimbursement of cost of complying with directions

(1) Where Australia Post satisfies the Minister that it has suffered financial detriment as a result of complying with a direction given by the Minister under section 49, Australia Post is entitled to be reimbursed by the Commonwealth the amount that the Minister determines, after consultation with the Board, to be the amount of the financial detriment.

(2) In making such a determination, the Minister shall have regard to any advice that the Board has given to the Minister as to the amount of the financial detriment.

(3) The reference in subsection (1) to suffering financial detriment includes a reference to:

(a) incurring costs that are greater than would otherwise have been incurred; or

(b) forgoing revenue that would otherwise have been received.

(4) A determination under subsection (1) shall be made in writing.

56A Recovery of costs incurred by the ACCC

Minister may estimate costs for financial year

(1) The Minister may, during a financial year:

(a) estimate the ACCC's costs for that financial year; and

(b) notify Australia Post of the Minister's estimate.

Minister may determine actual costs for previous financial year

(2) The Minister may, in a financial year, determine the ACCC's actual costs for the previous financial year.

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Minister may direct Australia Post to pay adjusted estimated costs to ACCC

(3) The Minister may, in a financial year, direct Australia Post to pay to the ACCC, on behalf of the Commonwealth, the Minister's estimate of the ACCC's costs for that financial year, adjusted in accordance with subsection (7) or (8).

Adjustment for ACCC

(7) If:

(a) in the previous financial year, the Minister directed Australia Post to pay an amount to the ACCC; and

(b) the Minister determines that the ACCC's actual costs for that previous financial year exceed the costs the Minister estimated for the ACCC that year;

the amount the Minister may direct Australia Post to pay to the ACCC under subsection (3) is increased by that excess.

(8) If:

(a) in the previous financial year, the Minister directed Australia Post to pay an amount to the ACCC; and

(b) the Minister determines that the ACCC's actual costs for that previous financial year fall short of the costs the Minister estimated for the ACCC that year;

the amount the Minister may direct Australia Post to pay to the ACCC under subsection (3) is reduced by that shortfall.

Note: Because the ACCC is a Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*, its officials are required to deal with amounts received under subsection (3) in accordance with that Act.

Costs

(9) In this section:

ACCC's costs means the costs of the ACCC in performing its functions under this Act.

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costs means an amount that, in accordance with accrual-based accounting principles, is treated as a cost.

57 Expenditure of Australia Post's money

(1) Australia Post's money may be expended only:

(a) in payment of amounts properly payable in the performance of its functions;

(b) in payment of remuneration and allowances payable under this Act; and

(c) in making any other payments that Australia Post is authorised or required to make by or under this or any other Act.

(2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of Australia Post.

60 Borrowings from Commonwealth

The Finance Minister may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to Australia Post on such terms and conditions as the Finance Minister determines in writing.

61 Borrowings from persons other than Commonwealth

(1) Australia Post may borrow money from persons other than the Commonwealth.

(2) Money may be borrowed wholly or partly in foreign currency.

62 Security for borrowings

Australia Post may give security over the whole or any part of its assets for the due performance of obligations incurred by it under section 61.

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63 Liability to taxation

(1) Australia Post is subject to taxation under the laws of the Commonwealth and the States and Territories.

(2) Australia Post is not a public authority for the purposes of section 50-25 of the *Income Tax Assessment Act 1997*.

(3) Subsection (1) has effect subject to the regulations and to Division 2 of Part 9 of the *Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989*.

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Part 6—Directors of Australia Post

Division 1—Meetings of the Board

64 Interpretation—meaning of *the required minimum number of directors*

In this Division:

the required minimum number of directors means:

(a) if there are 9 directors—5 directors; and

(b) in any other case—4 directors.

65 Times and places of meetings

(1) Subject to subsection (2), meetings of the Board shall be held at such times and places as the Board determines.

(2) The Chairperson:

(a) may at any time convene a meeting; and

(b) shall convene a meeting when requested by at least the required minimum number of directors.

66 Presiding at meetings

(1) The Chairperson shall preside at all meetings at which the Chairperson is present.

(2) If the Chairperson and Deputy Chairperson are not present at a meeting, the directors present shall appoint one of the directors present to preside.

67 Quorum and voting at meetings

(1) At a meeting of the Board:

(a) subject to subsection (2), the required minimum number of directors constitute a quorum;

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(b) a question shall be decided by a majority of votes of the directors present and voting; and

(c) the director presiding has a deliberative vote and, if there is an equality of votes, also has a casting vote.

(2) If, because of rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*, a director is not present at a meeting of the Board during a deliberation of the Board in relation to a matter, but there would be a quorum if the director were present, the remaining directors present constitute a quorum for the purpose of any deliberation or decision of the Board at the meeting in relation to the matter.

68 Conduct of meetings

(1) The Board may, subject to this Division, regulate its proceedings as it considers appropriate.

(2) Without limiting subsection (1), the Board may permit directors to participate in a particular meeting, or all meetings, by:

(a) telephone;

(b) closed-circuit television; or

(c) any other means of communication.

(3) A director who participates in a meeting of the Board under a permission under subsection (2) shall be taken to be present at the meeting.

(4) Without limiting subsection (1), the Board may invite a person to attend a meeting for the purpose of advising or informing it on any matter.

69 Resolutions without meetings

(1) If at least the required minimum number of directors sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the Board held on the day on which the document is signed or, if the directors

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do not sign it on the same day, on the day on which the last director signs the document.

(2) If a resolution is, under subsection (1), taken to have been passed at a meeting of the Board, each director shall immediately be advised of the matter and given a copy of the terms of the resolution.

(3) For the purposes of subsection (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more directors, shall be taken to constitute one document.

70 Minutes

The Board shall keep minutes of its proceedings.

71 Disclosure not required in relation to publicly available goods or services

Section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) and any rules made for the purposes of that section do not apply to a matter relating to the supply of goods or services for a director if the goods or services are, or are to be, available to members of the public on the same terms and conditions.

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Division 2—Provisions relating to directors other than the Managing Director

72 Division applies to directors other than Managing Director

This Division applies in relation to the directors other than the Managing Director.

73 Appointment of directors

(1) The directors are to be appointed by the Governor-General on the nomination of the Minister.

(2) The Minister must consult with the Chairperson before nominating a person for appointment as a director.

(3) In nominating persons for appointment as directors, the Minister must have regard to the need to ensure that the directors collectively possess an appropriate balance of expertise and, in particular, include a person who the Minister, after consultations with representatives of industrial organisations representing employees, is satisfied has an appropriate understanding of the interests of employees.

(4) The appointment of a person as a director is not invalid merely because of a defect or irregularity in relation to the appointment.

74 Term of appointment

(1) A director holds office, subject to this Act, for such term as is specified in the instrument of appointment.

(2) The term specified must be 5 years or less.

75 Directors hold office on part time basis

Directors hold office on a part time basis.

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76 Remuneration and allowances

(1) A director shall be paid such remuneration as is determined by the Remuneration Tribunal.

(2) If no determination of that remuneration by the Tribunal is in operation, the director shall be paid such remuneration as is prescribed.

(3) A director shall be paid such allowances as are prescribed.

(4) This section has effect subject to the *Remuneration Tribunal Act 1973*.

77 Leave of absence

The Board may grant leave of absence to a director on such terms and conditions as the Board considers appropriate.

78 Resignation

A director may resign by writing signed and delivered to the Governor-General.

79 Termination of appointment

(1) The Governor-General may terminate the appointment of a director for misbehaviour or physical or mental incapacity.

(2) If a director:

(a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or

(c) is absent, without the Board's leave and without reasonable excuse, from 3 consecutive meetings of the Board;

the Governor-General shall terminate the director's appointment.

Note: The appointment of a director may also be terminated under section 30 of the *Public Governance, Performance and Accountability*

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Act 2013 (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

(3) Where:

(a) the Minister is of the opinion that the performance of the Board or Australia Post has been unsatisfactory for a significant period of time; and

(b) the Minister proposes that the appointment of all directors or specified directors be terminated;

the Governor-General shall terminate the appointment of all directors or the specified directors, as the case may be.

(4) Where:

(a) the Minister is of the opinion that the performance of a particular director has been unsatisfactory for a significant period of time; and

(b) the Minister proposes that the appointment of the director be terminated;

the Governor-General shall terminate the appointment of the director.

(5) If:

(a) the Minister is of the opinion that the Board has failed to comply with an obligation under section 19 of the *Public Governance, Performance and Accountability Act 2013*; and

(b) the Minister proposes that the appointment of all directors or specified directors be terminated;

the Governor-General is to terminate the appointment of all directors, or the specified directors, as the case may be.

80 Terms and conditions of appointment not provided for by Act

A director holds office on such terms and conditions (if any) in relation to matters not provided for by this Act as are determined by the Minister in writing.

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81 Deputy Chairperson

When:

(a) the office of Chairperson is vacant; or

(b) the Chairperson is absent from Australia or is, for any reason, unable to attend meetings of the Board or otherwise unable to perform the duties of the office;

the Deputy Chairperson shall act as Chairperson.

Note: For rules that apply to persons acting as the Chairperson, see section 33A of the *Acts Interpretation Act 1901*.

82 Acting appointments

(1) The Minister may appoint a director to act as Deputy Chairperson:

(a) during a vacancy in the office of Deputy Chairperson; or

(b) during any period, or during all periods, when the Deputy Chairperson is acting as Chairperson or is unable, for any reason, to attend meetings of the Board.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

(2) The Minister may appoint a person to act as a director referred to in paragraph 22(d):

(a) during a vacancy in the office of such a director; or

(b) during any period, or during all periods, when such a director is acting as Deputy Chairperson or is unable, for any reason, to attend meetings of the Board.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

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Division 3—Provisions relating to the Managing Director

83 Appointment

(1) The Managing Director is to be appointed by the Board.

(2) The Board must not appoint the Chairperson, the Deputy Chairperson or a director referred to in paragraph 22(d) as Managing Director.

(3) The appointment of a person as Managing Director is not invalid merely because of a defect or irregularity in relation to the appointment.

84 Managing Director holds office during Board's pleasure

(1) The Managing Director holds office during the Board's pleasure.

(2) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to the Managing Director despite subsection 30(6) of that Act.

85 Managing Director holds office on full time basis

The Managing Director holds office on a full time basis.

86 Terms and conditions of appointment not provided for by Act

The Managing Director holds office on such terms and conditions (including terms and conditions relating to remuneration and allowances) in relation to matters not provided for by this Act as are determined by the Board.

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87 Disclosure of interests

(1) The Managing Director shall give written notice to the Chairperson of all direct and indirect pecuniary interests that the Managing Director has or acquires in any business or in any body corporate carrying on any business.

(2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

88 Acting Managing Director

The Board may appoint a director or another person to act as Managing Director:

(a) during a vacancy in the office of Managing Director; or

(b) during any period, or during all periods, when the Managing Director is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

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Part 7—Australia Post's staff

89 Staff

(1) Australia Post may engage such employees as are necessary for the performance of its functions.

(2) The terms and conditions of employment shall be determined by Australia Post.

90 Australia Post as employer

Australia Post shall endeavour to achieve and maintain high standards as an employer in relation to terms and conditions of employment, occupational health, industrial safety, industrial democracy, non-discriminatory employment practices and other matters.

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Part 7A—Application of State and Territory laws

90A Australia Post not entitled to immunities or privileges of Commonwealth

For the purposes of the laws of the Commonwealth, or of a State or Territory, Australia Post is not entitled to any immunity or privilege of the Commonwealth except so far as express provision is made by this Act or any other law of the Commonwealth, or by a law of the State or Territory.

90B Discriminatory laws do not apply

A law of a State or Territory does not apply to Australia Post if, apart from this section, it would:

(a) apply to Australia Post; and

(b) so apply as to discriminate against Australia Post.

90C State or Territory laws do not apply retrospectively before 1 January 1991

A law of a State or Territory that, apart from this section, would:

(a) operate retrospectively back to a time before 1 January 1991; and

(b) as so operating, apply to Australia Post;

only applies to Australia Post on and after that day.

90D Laws relating to buildings, structures and facilities do not apply

(1) This section applies to a building that is the property of Australia Post if, immediately before 1 January 1991:

(a) the building was the property of Australia Post and was occupied or in use by Australia Post; or

(b) the building was under construction, alteration or demolition by, or on behalf of, Australia Post.

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(2) While this section applies to the building, laws of the States and Territories that deal with any of the following matters do not apply to the building:

(a) the standards applicable to the design or the construction of buildings;

(b) the approval of the construction of buildings;

(c) the occupancy or use of buildings;

(d) the alteration or demolition of buildings.

(3) In this section:

building includes a structure or facility.

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Part 7B—Dealing with articles and their contents

Division 1—Interpretation

90E Definitions

In this Part:

ASIO means the Australian Security Intelligence Organisation.

ASIO Act means the *Australian Security Intelligence Organisation Act 1979*.

authorised ASIO officer has the meaning given by section 90F.

authorised discloser has the meaning given by section 90FA.

authorised examiner has the meaning given by section 90FB.

compliance agency means any of the following:

(a) the Immigration and Border Protection Department;
(b) the Agriculture Department (within the meaning of the *Biosecurity Act 2015*);
(c) an entity for which a quarantine inspection officer of a prescribed State/Territory exercises quarantine powers or performs quarantine functions;
(d) a consumer protection agency;
(e) another prescribed agency.

Comptroller-General of Customs means the person who is the Comptroller-General of Customs in accordance with subsection 11(3) or 14(2) of the *Australian Border Force Act 2015*.

consumer protection agency means any of the following:

(a) the ACCC;
(b) the Australian Securities and Investments Commission;
(c) the Office of Fair Trading of New South Wales;

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(d) the Office of Fair Trading and Business Affairs of Victoria;
(e) the Department of Fair Trading of Queensland;
(f) the Department of Consumer and Employment Protection of Western Australia;
(g) the Office of Consumer and Business Affairs of South Australia;
(h) the Office of Consumer Affairs and Fair Trading of Tasmania;
(i) the Office of Fair Trading of the Australian Capital Territory;
(j) the Office of Consumer and Business Affairs of the Northern Territory;
(k) another prescribed agency.

consumer protection law means:
(a) the *Competition and Consumer Act 2010*; or
(b) the *Australian Securities and Investments Commission Act 2001*; or
(c) the *Corporations Act 2001*; or
(d) a State Fair Trading Act; or
(e) a State Sale of Goods Act; or
(f) another prescribed Act.

customs duty means any duty of customs imposed under a law of the Commonwealth.

customs officer means an officer of Customs within the meaning of the *Customs Act 1901*.

employee of Australia Post, when used in this Division (other than section 90FB) or in Division 2, 4 or 5, includes a person who performs services for or on behalf of Australia Post and an employee of such a person.

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999*.

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Immigration and Border Protection Department means the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

information includes suspicions, suppositions or opinions.

in the course of post, in relation to an article, means the article:

(a) is being carried by post; or

(b) has been collected or received by Australia Post for carriage by post, but has not been delivered by Australia Post.

prescribed State/Territory means any of the following that is prescribed by regulations:

(a) a State;

(b) the Australian Capital Territory;

(c) the Northern Territory.

quarantine inspection officer of a prescribed State/Territory means a person who exercises quarantine powers or performs quarantine functions under a law of the prescribed State/Territory.

quarantine material means anything in relation to which a quarantine inspection officer of a prescribed State/Territory may exercise quarantine powers or perform quarantine functions under a law of the prescribed State/Territory.

scam mail means an article that it is reasonable to suspect is one of a batch sent in breach of a consumer protection law.

specially protected has the meaning given by subsections 90G(2) and (3).

State Fair Trading Act means the following Acts for each State and Territory or another prescribed Act:

Item	State or Territory	Act
1	New South Wales	*Fair Trading Act 1987*
2	Victoria	*Fair Trading Act 1999*

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Item	State or Territory	Act
3	Queensland	*Fair Trading Act 1989*
4	South Australia	*Fair Trading Act 1987*
5	Western Australia	*Fair Trading Act 1987*
6	Tasmania	*Fair Trading Act 1990*
7	Northern Territory	*Consumer Affairs and Fair Trading Act 1990*
8	Australian Capital Territory	*Fair Trading Act 1992*

State Sale of Goods Act means the following Acts for each State and Territory or another prescribed Act:

Item	State or Territory	Act
1	New South Wales	*Sale of Goods Act 1923*
2	Victoria	*Goods Act 1958*
3	Queensland	*Sale of Goods Act 1896*
4	South Australia	*Sale of Goods Act 1895*
5	Western Australia	*Sale of Goods Act 1895*
6	Tasmania	*Sale of Goods Act 1896*
7	Northern Territory	*Sale of Goods Act 1972*
8	Australian Capital Territory	*Sale of Goods Act 1954*

taxable importation has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999*.

Universal Postal Union means the specialised agency of the United Nations established in accordance with Articles 57 and 63 of the United Nations Charter.

UPU instrument means any Act, Additional Protocol, regulation, agreement, resolution, decision, recommendation, formal opinion or other instrument made under the authority of the Congress of the Universal Postal Union.

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wine tax has the same meaning as in the *A New Tax System (Wine Equalisation Tax) Act 1999*.

90F Meaning of *authorised ASIO officer*

(1) For the purposes of Division 2, an ***authorised ASIO officer*** is a person authorised in writing by a person mentioned in subsection (2) to receive disclosures under this Part.

(2) These are the persons who may give an authorisation:
  (a) the Director-General of Security;
  (b) a person authorised in writing by the Director-General of Security to give authorisations for the purposes of this section.

90FA Meaning of *authorised discloser*

For the purposes of a provision of Division 2, an ***authorised discloser*** is an employee of Australia Post appointed in writing by Australia Post to make disclosures under that provision.

90FB Meaning of *authorised examiner*

(1) For the purposes of a provision of Division 3, an ***authorised examiner*** is a person appointed under subsection (2) or (3) to exercise powers under that provision.

(2) Australia Post may, by writing, appoint an employee of Australia Post to exercise powers under a provision of Division 3 (including section 90P).

(3) Australia Post may, by writing, appoint a person who is not an employee of Australia Post to exercise powers under section 90P.

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Division 2—Limits on use or disclosure of information and documents

Subdivision A—Use or disclosure by current employees of Australia Post

90G Application of Subdivision

(1) This Subdivision applies to a person who is an employee of Australia Post and to information or a document acquired or received by the person if:

(a) the person acquired or received the information or document in the course of his or her employment as an employee of Australia Post; and

(b) the information or document:

(i) is, or relates to, an article, or some or all of the contents or substance of an article, that has been carried by post or is in the course of post; or

(ii) relates to services supplied, or intended to be supplied, to another person by Australia Post; or

(iii) relates to the affairs or personal particulars (including name or address) of another person.

(2) Subject to subsection (3), the information or document is ***specially protected*** if subparagraph (1)(b)(i) is satisfied in relation to the information or document, whether or not subparagraph (1)(b)(ii) or (iii) is also satisfied in relation to it.

(3) The information or document is not ***specially protected*** if:

(a) in the case of information—the information is clearly visible on, or through, the outside of the cover of the article; or

(b) in the case of a document—the document consists of the outside of the cover of the article.

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90H Prohibition on use or disclosure by current employees

(1) For the purposes of this section, the use or disclosure of the information or document by the person is ***prohibited conduct*** if the use or disclosure is not permitted by section 90J, 90K or 90L.

(2) If the person engages in prohibited conduct, the person commits an offence punishable, on conviction, by imprisonment for a period not exceeding 2 years.

(3) For the purposes of a prosecution for an offence against subsection (2) relating to the use or disclosure of the information or document:

(a) the use or disclosure is to be taken not to have been permitted by section 90J, 90K or 90L unless the defendant presents or points to evidence that suggests a reasonable possibility that the use or disclosure was permitted by a provision (the ***authorising provision***) of one of those sections; and

(b) if the defendant does so produce or point to evidence—the use or disclosure is to be taken to be permitted by the section that contains the authorising provision unless the prosecution proves, beyond reasonable doubt, that the use or disclosure was not permitted by the authorising provision.

90J Permitted use or disclosure whether or not information or document is specially protected

Application of section

(1) This section applies to the use or disclosure of the information or document whether or not it is specially protected.

Disclosure in performance of duties

(2) The person may use or disclose the information or document in the performance of duties as an employee of Australia Post.

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Disclosure under warrants

(3) The person may disclose the information or document as required by or under a warrant issued under a law of the Commonwealth or of a State or Territory.

Disclosure as a witness

(4) The person may disclose the information or document as a witness summonsed to give evidence, or to produce documents, in a court of law.

Disclosure under a law of the Commonwealth

(5) The person may disclose the information or document as required by or under a law of the Commonwealth.

Disclosure under certain laws establishing Commissions

(6) The person may disclose the information or document as required by or under:

(a) the *New South Wales Crime Commission Act 1985* of New South Wales; or

(b) the *Independent Commission Against Corruption Act 1988* of New South Wales; or

(ba) the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic.); or

(c) the *Crime and Corruption Act 2001* of Queensland; or

(ca) the *Independent Commission Against Corruption Act 2012* (SA); or

(d) any other prescribed law of a State or Territory that establishes a Commission or other body to conduct investigations or inquiries.

Disclosure under Australian Crime Commission legislation

(6A) The person may disclose the information or document as required by or under a law of a State if the Australian Crime Commission performs a duty or function, or exercises a power, under that law in

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accordance with section 55A of the *Australian Crime Commission Act 2002*.

Disclosure to reduce threat to life or health

(7) The person may disclose the information or document to an officer or employee of a police force or service, fire service, ambulance service or other organisation providing emergency services if the person believes, on reasonable grounds, that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person.

Disclosure of suspicions to authorised ASIO officers

(8) The person may disclose the information to an authorised ASIO officer if:
   (a) the person is an authorised discloser; and
   (b) the information is a reasonable suspicion that an article consists of or contains anything that is or may be relevant to security within the meaning of the ASIO Act.

Disclosure of suspicions where reasonably necessary for enforcement of criminal law

(9) The person may disclose the information if:
   (a) the person is an authorised discloser; and
   (b) the information is a reasonable suspicion that an article consists of or contains anything that is or may be evidence of an offence.

Disclosure of suspicions to consumer protection agencies

(10) The person may disclose the information to one or more consumer protection agencies if:
   (a) the person is an authorised discloser; and
   (b) the information is either:
      (i) a reasonable suspicion that an article in the course of post consists of, or contains, scam mail; or

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(ii) any information or document on the basis of which the person forms a reasonable suspicion that an article in the course of post consists of, or contains, scam mail.

Disclosure in circumstances permitted by UPU instrument

(11) The person may disclose the information if the disclosure is:
(a) to a postal administration of a foreign country; and
(b) in circumstances permitted under a UPU instrument and in accordance with that instrument.

Disclosure to Sport Integrity Australia

(12) The person may disclose the information to the Chief Executive Officer of Sport Integrity Australia for the purposes of the administration of the NAD scheme (within the meaning of the *Sport Integrity Australia Act 2020*).

90K Extra situations in which use or disclosure is permitted if information or document is not specially protected

Application of section

(1) This section only applies to the use or disclosure of the information or document if it is not specially protected.

Disclosure to assist in notification of next of kin

(2) The person may disclose the information or document to an officer or employee of a police force or service, fire service, ambulance service or other organisation providing emergency services if the person believes, on reasonable grounds, that the disclosure is necessary to assist in the notification of the next of kin of a person who is seriously injured or who has died.

Note: See also subsection (6).

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Disclosure to customs officers

(3) The person may disclose the information or document to a customs officer if:
  (a) the person is an authorised discloser; and
  (b) there are reasonable grounds for believing that the information or document relates to anything:
    (i) on which customs duty is payable; or
    (ii) the importation of which into Australia is a taxable importation on which GST is payable; or
    (iia) on which wine tax is payable; or
    (iii) that is being carried in contravention of a law of the Commonwealth relating to importing things into, or exporting things from, Australia.

Disclosure to authorised ASIO officers

(4) The person may disclose the information or document to an authorised ASIO officer if the person is an authorised discloser.

Disclosure for the enforcement of laws or protection of public revenue

(5) The person may disclose the information or document if:
  (a) the person is an authorised discloser; and
  (b) the disclosure is reasonably necessary for:
    (i) the enforcement of the criminal law; or
    (ii) the enforcement of a law imposing a pecuniary penalty; or
    (iii) the protection of the public revenue.

Next of kin

(6) In determining for the purposes of subsection (2) whether a person is next of kin of another person, the following persons are also to be taken into account:

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(a) a de facto partner of the person within the meaning of the *Acts Interpretation Act 1901*;
(b) someone who is the child of the person, or of whom the person is the child, because of subsection (7);
(c) anyone else who would be a relative of the person because someone mentioned in paragraph (a) or (b) is taken into account.

(7) For the purposes of paragraph (6)(b), someone is the ***child*** of a person because of this subsection if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

90L Disclosure of personal information by consent

If the information relates to the affairs or personal particulars (including name or address) of another person, the person may disclose the information (whether or not it is specially protected) if the disclosure:

(a) is made with the other person's consent given in writing on a form obtained from an office of Australia Post; and
(b) is made to a person or an organisation covered by the consent; and
(c) is recorded by Australia Post.

Subdivision B—Use or disclosure by former employees of Australia Post

90LA Application of Subdivision

(1) This Subdivision applies to a person who was an employee of Australia Post and to information or a document acquired or received by the person if:

(a) the person acquired or received the information or document in the course of his or her employment as an employee of Australia Post; and
(b) the information or document:

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(i) is, or relates to, an article, or some or all of the contents or substance of an article, that has been carried by post or is in the course of post; or

(ii) relates to services supplied, or intended to be supplied, to another person by Australia Post; or

(iii) relates to the affairs or personal particulars (including name or address) of another person.

(2) Subject to subsection (3), the information or document is ***specially protected*** if subparagraph (1)(b)(i) is satisfied in relation to the information or document, whether or not subparagraph (1)(b)(ii) or (iii) is also satisfied in relation to it.

(3) The information or document is not ***specially protected*** if:

(a) in the case of information—the information is clearly visible on, or through, the outside of the cover of the article; or

(b) in the case of a document—the document consists of the outside of the cover of the article.

90LB Prohibition on use or disclosure by former employees

(1) For the purposes of this section, the use or disclosure of the information or document by the person is ***prohibited conduct*** if the use or disclosure is not permitted by section 90LC or 90LCA.

(2) If the person engages in prohibited conduct, the person commits an offence punishable, on conviction, by imprisonment for a period not exceeding 2 years.

(3) For the purposes of a prosecution for an offence against subsection (2) relating to the use or disclosure of the information or document:

(a) the use or disclosure is to be taken not to have been permitted by section 90LC or 90LCA, unless the defendant presents or points to evidence that suggests a reasonable possibility that the use or disclosure was permitted by a provision (the ***authorising provision***) of one of those sections; and

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(b) if the defendant does so produce or point to evidence—the use or disclosure is to be taken to be permitted by the section that contains the authorising provision unless the prosecution proves, beyond reasonable doubt, that the use or disclosure was not permitted by the authorising provision.

90LC Permitted use or disclosure whether or not information or document is specially protected

Application of section

(1) This section applies to the use or disclosure of the information or document whether or not it is specially protected.

Disclosure under warrants

(2) The person may disclose the information or document as required by or under a warrant issued under a law of the Commonwealth or of a State or Territory.

Disclosure as a witness

(3) The person may disclose the information or document as a witness summonsed to give evidence, or to produce documents, in a court of law.

Disclosure under a law of the Commonwealth

(4) The person may disclose the information or document as required by or under a law of the Commonwealth.

Disclosure under certain laws establishing Commissions

(5) The person may disclose the information or document as required by or under:
(a) the *New South Wales Crime Commission Act 1985* of New South Wales; or
(b) the *Independent Commission Against Corruption Act 1988* of New South Wales; or

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(ba) the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic.); or

(c) the *Crime and Corruption Act 2001* of Queensland; or

(ca) the *Independent Commission Against Corruption Act 2012* (SA); or

(d) any other prescribed law of a State or Territory that establishes a Commission or other body to conduct investigations or inquiries.

Disclosure under Australian Crime Commission legislation

(6) The person may disclose the information or document as required by or under a law of a State if the Australian Crime Commission performs a duty or function, or exercises a power, under that law in accordance with section 55A of the *Australian Crime Commission Act 2002*.

90LCA Extra situations in which use or disclosure is permitted if information or document is not specially protected

Application of section

(1) This section only applies to the use or disclosure of the information or document if it is not specially protected.

Disclosure to authorised ASIO officers

(2) The person may disclose the information or document to an authorised ASIO officer.

Disclosure for the enforcement of laws or protection of public revenue

(3) The person may disclose the information or document if the disclosure is reasonably necessary for:

(a) the enforcement of the criminal law; or

(b) the enforcement of a law imposing a pecuniary penalty.

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Subdivision C—Secondary use or disclosure by other people

90LD Application of Subdivision

(1) Subject to subsection (2), this Subdivision applies to a person and to information or a document acquired or received by the person if:

(a) the person acquired or received the information or document directly, or indirectly through one or more persons, from an employee or former employee of Australia Post who acquired or received the information or document in the course of his or her employment as an employee of Australia Post; and

(b) the information or document:

(i) is, or relates to, some or all of the contents or substance of an article that has been carried by post or is in the course of post; or

(ii) relates to services supplied, or intended to be supplied, to another person by Australia Post; or

(iii) relates to the affairs or personal particulars (including any address) of another person; and

(c) Subdivision A does not apply to the person and the information or document.

(2) This Subdivision does not apply to a person and to information or a document acquired or received by the person if:

(a) the person is an ASIO employee (within the meaning of the ASIO Act) or an ASIO affiliate (within the meaning of that Act) and the information or document is or may be relevant to security (within the meaning of that Act); or

(b) the person acquired or received the information as a result, whether direct or indirect, of a disclosure of the information or document to a court.

90LE Prohibition on secondary use or disclosure by other people

(1) For the purposes of this section, the use or disclosure of the information or document by the person is ***prohibited conduct*** if the use or disclosure is not permitted by section 90LF.

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(2) If the person engages in prohibited conduct, the person commits an offence punishable, on conviction, by imprisonment for a period not exceeding 2 years.

90LF Secondary use or disclosure permitted if for same purpose as original disclosure or use

(1) This section applies to the use or disclosure of the information or document if the person acquired or received the information or document as a result, whether direct or indirect, of a disclosure or use (the ***original disclosure***) of the information or document that was permitted under section 90J, 90K, 90LC or 90LCA.

(2) The person may use or disclose the information or document if the use or disclosure is for the same purpose as the purpose for which the original disclosure was made.

Subdivision D—Miscellaneous

90LG Division does not authorise opening or examining

Nothing in this Division authorises a person to open, or examine the contents of, an article that has been carried by post or that is in the course of post.

90LH Division does not affect powers etc. in relation to things other than information or documents

This Division only applies to the use or disclosure of information or documents. It does not affect the powers and duties of Australia Post and employees of Australia Post in relation to articles or their contents so far as they consist of or contain things other than information or documents.

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Division 3—Limits on opening and examining articles

90M Articles to which Division applies

(1) Subject to subsection (2), this Division applies to an article while it is in the course of post.

(2) This Division does not apply to an article while it is out of the control (whether temporarily or otherwise) of Australia Post.

90N Prohibition on opening or examining article

(1) For the purposes of this section, the opening of the article, or the examination of its contents, is ***prohibited conduct*** if:

(a) the opening or examination is not permitted by any of sections 90P to 90U or section 90UB; or

(b) the opening or examination is permitted by section 90Q or 90S but occurs otherwise than at a place determined in writing by the Board for the purpose of opening or examining the article, or a class of articles that includes the article.

(2) A person who engages in prohibited conduct commits an offence punishable, on conviction, by imprisonment for a period not exceeding 2 years.

90P Examining without opening

An authorised examiner may examine the article or its contents by any means that does not involve unfastening or physically interfering with the cover of the article. For example, the article or its contents may be examined by X-ray, metal detector or odour detector.

90Q Undeliverable articles

(1) This section applies to the article if it:

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(a) cannot be delivered to the intended recipient because it is not addressed, or it is inadequately or incorrectly addressed; and

(b) cannot be returned to the sender because it does not bear the sender's address, or because the sender's address is not shown, or is inadequately or incorrectly shown.

(2) An authorised examiner may open the article and examine its contents for the purpose of obtaining sufficient information to:

(a) deliver the article to the intended recipient; or

(b) return the article to the sender.

(3) Subject to section 90X, after an authorised examiner has opened and examined the article, he or she must:

(a) if sufficient information is found to deliver the article to the intended recipient—close up the article and return it to the normal course of carriage; or

(b) if paragraph (a) does not apply but sufficient information is found to return the article to the sender—close up the article and return it to the sender; or

(c) otherwise—deal with the article in accordance with the applicable provisions of the terms and conditions determined under section 32.

90R Repair

(1) An authorised examiner may open the article for the purpose of repairing it or its contents so that the article may be made safe for carriage by post.

(2) Subject to section 90X, after an authorised examiner has made the repairs (if any) to the article or its contents that he or she thinks appropriate, the authorised examiner must close up the article and return it to the normal course of carriage.

90S Articles on which customs duty is payable etc.

(1A) In this section:

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Australia does not include the external Territories.

(1) This section applies if:

(a) the article is in the course of post between Australia and a place outside Australia; and

(aa) the article is not an article to which section 90T applies; and

(b) either or both of the following conditions is or are satisfied:

(i) a customs officer has requested an authorised examiner to open the article;

(ii) there are reasonable grounds for believing that the article consists of, or contains, anything:

(A) on which customs duty is payable; or

(B) the importation of which into Australia is a taxable importation on which GST is payable; or

(BA) on which wine tax is payable; or

(C) that is being carried in contravention of a law of the Commonwealth relating to the importation into, or exportation from, Australia of that thing.

(2) An authorised examiner may open the article in the presence of a customs officer.

(3) A customs officer in whose presence the article is opened may examine the article to check whether it consists of or contains anything described in sub-subparagraph (1)(b)(ii)(A), (B), (BA) or (C).

(4) Subject to section 90X, if the article is found not to consist of or contain anything referred to in sub-subparagraph (1)(b)(ii)(A), (B), (BA) or (C), the authorised examiner must close up the article and return it to the normal course of carriage.

(5) Subject to section 90X, if the article is found to consist of or contain anything referred to in sub-subparagraph (1)(b)(ii)(A), (B), (BA) or (C), the article and its contents must be dealt with in accordance with any applicable laws of the Commonwealth

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relating to customs duty, GST, wine tax or imports or exports, as the case requires.

90T Articles reasonably believed to consist of, or contain, certain drugs or other chemical compounds

(1) This section applies to any article weighing 25 grams or more:
  (a) that is in the course of post between Australia and a place outside Australia; and
  (b) that is reasonably believed by a customs officer to consist of, or contain, drugs or other chemical compounds that are being carried in contravention of a law of the Commonwealth relating to their importation into, or exportation from, Australia.

(2) The customs officer may remove the article to which this section applies from the normal course of carriage and give it to a second customs officer, following the procedures (if any) that are prescribed for the purposes of this section.

(3) That second customs officer may open the article if:
  (a) the second customs officer performs duties at a higher classification than the first customs officer; and
  (b) the second customs officer reasonably believes that the article consists of, or contains, drugs or other chemical compounds that are being carried in contravention of a law of the Commonwealth relating to their importation into, or exportation from, Australia; and
  (c) the opening takes place in the presence of a third customs officer.

(4) Having opened the article, that second customs officer may, in the presence of that third customs officer, examine the article to check whether it consists of, or contains, such drugs or other chemical compounds.

(5) Subject to section 90X, if the article is found not to consist of, or contain:

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(a) such drugs or other chemical compounds; or

(b) any other thing:

(i) on which Customs duty is payable; or

(ii) the importation of which into Australia is a taxable importation on which GST is payable; or

(iia) on which wine tax is payable; or

(iii) that is being carried in contravention of a law of the Commonwealth relating to its importation into, or exportation from, Australia;

the customs officer who opened the article must close up the article, and return it to the normal course of carriage following such procedures (if any) as are prescribed for the purposes of this section.

(6) Subject to section 90X, if the article is found to consist of, or contain, such drugs or other chemical compounds or such other thing, the article and its contents must be dealt with in accordance with any applicable laws of the Commonwealth relating to customs duty, GST, wine tax or imports or exports, as the case requires.

(7) Regulations may be made for the purposes of this section that determine the procedure:

(a) for removing an article from the normal course of carriage for the purpose of its examination by a customs officer; and

(b) for the return of an article to the normal course of carriage.

(8) The Comptroller-General of Customs must establish and maintain, in accordance with regulations made for the purposes of this section, a record setting out, in respect of each article that is removed from the normal course of carriage and opened for the purpose of its examination by a customs officer:

(a) particulars of the article; and

(b) particulars of the nature of the examination of the article and its contents; and

(c) whether the article and its contents were, following the examination, dealt with according to law or returned to the normal course of carriage.

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(9) Regulations made for the purposes of subsection (8) must specify:
  (a) the place or places at which the record referred to in that subsection is required to be established and maintained; and
  (b) the manner in which the record is to be kept; and
  (c) the uses that can be made of information contained in the record.

90U Articles consisting of, or containing, quarantine material

(1) This section applies if:
  (a) the article is in the course of post to a prescribed State/Territory from a place within Australia but outside the prescribed State/Territory; and
  (b) a quarantine inspection officer of the prescribed State/Territory has reasonable grounds for believing that the article consists of, or contains, quarantine material in relation to the prescribed State/Territory.

(2) However, this section does not apply if the carriage of the article mentioned in paragraph (1)(a) is undertaken by Australia Post engaging in the reserved services.

(3) The quarantine inspection officer may request an authorised examiner to open the article.

(4) If such a request is made, the authorised examiner may remove the article from the normal course of carriage and open the article in the presence of the quarantine inspection officer, following the procedures (if any) that are prescribed for the purposes of this section.

(5) The quarantine inspection officer may then examine the article to check whether it consists of, or contains, quarantine material.

(6) Subject to section 90X, if the article is found not to consist of, or contain, quarantine material, the authorised examiner must close up the article and return it to the normal course of carriage, following the procedures (if any) that are prescribed for the purposes of this section.

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(7) Subject to section 90X, if the article is found to consist of, or contain, quarantine material:

(a) the article and its contents must be dealt with in accordance with the relevant law of the prescribed State/Territory or the Commonwealth, as the case requires; and

(b) the quarantine inspection officer must, as soon as is practicable after examination of the article, cause written notice to be given to the intended recipient and the sender (if the sender's name and address is ascertainable):

(i) advising that the article has been removed from the normal course of carriage; and

(ii) advising that the article will be dealt with in accordance with the relevant law of the prescribed State/Territory or the Commonwealth, as the case requires; and

(iii) stating what the article contained.

(8) Regulations may be made for the purposes of this subsection that determine the procedure:

(a) for removing an article from the normal course of carriage for the purpose of its examination by a quarantine inspection officer; and

(b) for the return of an article to the normal course of carriage.

(9) A prescribed person or body must establish and maintain, in accordance with regulations made for the purposes of this subsection, a record setting out, in respect of each article that has been found to consist of, or contain, quarantine material:

(a) particulars of the article; and

(b) particulars of the nature of the examination of the article and its contents; and

(c) whether the article and its contents were, following the examination, dealt with according to the relevant law of the prescribed State/Territory or the Commonwealth, or returned to the normal course of carriage.

(10) Regulations made for the purposes of subsection (9) must specify:

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(a) the place or places at which the record referred to in that subsection is required to be established and maintained; and
(b) the manner in which the record is to be kept; and
(c) the uses that can be made of information contained in the record.

90UA Removing scam mail from the normal course of carriage

Removing scam mail on Australia Post's initiative

(1) Australia Post may remove a batch of articles from the normal course of carriage if it is reasonable to suspect that the batch consists of, or contains, scam mail.

(2) If a batch of articles is removed from the normal course of carriage under subsection (1), Australia Post must notify one or more of the following agencies of its removal, as soon as is practicable after its removal:
(a) the ACCC;
(b) the Australian Securities and Investments Commission;
(c) the consumer protection agency for the State or Territory in which the batch of articles has been removed from the normal course of carriage;
(d) another agency that is prescribed by regulations made for the purposes of the definition of ***consumer protection agency*** in section 90E.

Removing scam mail on request of consumer protection agencies

(3) Australia Post may remove batches of articles of a particular kind from the normal course of carriage if:
(a) a consumer protection agency gives written notice to Australia Post that:
(i) articles of that kind may be in the course of post; and
(ii) the articles may consist of, or contain, scam mail; and
(b) the consumer protection agency provides Australia Post with a means of identifying the articles.

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(4) If a batch of articles is removed from the normal course of carriage on the request of a consumer protection agency under subsection (3), Australia Post must notify the consumer protection agency of its removal as soon as is practicable after its removal.

90UB Opening and examining scam mail

(1) This section applies if:

(a) a batch of articles has been removed from the normal course of carriage under section 90UA; and

(b) a consumer protection agency has been notified of the removal.

(2) The consumer protection agency may:

(a) make arrangements with Australia Post for access to the batch of articles; and

(b) open and examine one or more articles within the batch.

(3) If no consumer protection agency opens and examines an article within a batch of articles within the decision period, Australia Post must return the batch to the normal course of carriage, following the procedures (if any) that are prescribed for the purposes of this section.

(4) Subsection (3) has effect subject to section 90X.

(5) In opening and examining articles under subsection (2), a consumer protection agency must comply with any law of the Commonwealth or of the State or Territory that applies to the consumer protection agency and that relates to the performance of functions or the exercise of powers by the consumer protection agency when dealing with the articles.

(6) In this section:

decision period means the period of 10 business days, or such longer period as is prescribed, starting on the last day on which a consumer protection agency is notified under section 90UA of the removal of the batch of articles from the normal course of carriage.

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90UC Dealing with or returning scam mail

(1) If, after opening and examining one or more articles within a batch of articles under section 90UB, a consumer protection agency believes on reasonable grounds that the batch consists of, or contains, scam mail, the agency must deal with the articles within the batch in accordance with the laws of the Commonwealth or of the State or Territory applicable to the articles.

(2) If the consumer protection agency believes on reasonable grounds that the article or articles that have been opened by the consumer protection agency do not consist of, or contain, scam mail, the consumer protection agency must:
  (a) close up any article within the batch that has been opened by the consumer protection agency; and
  (b) return the batch, as soon as is practicable, to Australia Post.

(3) If the batch is returned to Australia Post, Australia Post must return the batch to the normal course of carriage, following the procedures (if any) that are prescribed for the purposes of this section.

(4) Subsections (1) and (3) have effect subject to section 90X.

90V Articles to carry notice of opening etc.

(1) This section applies if:
  (a) an article has been opened as permitted by a provision of this Division; and
  (b) the article is to be returned to the normal course of carriage.

(2) If the article is opened by an authorised examiner (whether in the presence of a customs officer or a quarantine inspection officer or not), then, before the article is returned to the normal course of carriage, Australia Post must 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 Australia Post and that explains briefly (by reference to a provision of this Division or otherwise) the purpose for which the article was opened.

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(2A) If the article is opened under section 90T by a customs officer, then, before the article is returned to the normal course of carriage, the customs officer must 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 a customs officer and that explains briefly (by reference to section 90T or otherwise) the purpose for which the article was opened.

(2B) If the article is opened and examined by a consumer protection agency under section 90UB, but not dealt with under subsection 90UC(1), then, before the article is returned to Australia Post, the consumer protection agency must 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 and examined by the consumer protection agency and that explains briefly (by reference to section 90UB or otherwise) the purposes for which the article was opened and examined.

(3) A failure to comply with subsection (2), (2A) or (2B) does not make the opening of the article an offence.

90W Permitted or required dealings are not prohibited by section 90H, 90LB or 90LE

Nothing that a person does by way of dealing with an article as permitted or required by this Division constitutes a use or disclosure of information or a document to which section 90H, 90LB or 90LE applies.

90X Articles may be dealt with under other provisions despite obligations under this Division

(1) If section 90Z or 90ZA applies to an article opened or examined under this Division, the article may be dealt with under that section despite any provision of this Division that says what must happen to the article after being opened or examined.

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(2) If regulations dealing with the forfeiture of articles carried by post apply to an article opened or examined under this Division, the article may be dealt with under those regulations despite any provision of this Division that says what must happen to the article after being opened or examined.

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Division 4—Dealing with dangerous, offensive etc. articles

90Y Articles to which Division applies

(1) Subject to subsection (2), this Division applies to an article while it is in the course of post.

(2) This Division does not apply to an article while it is out of the control (whether temporarily or otherwise) of Australia Post.

90Z Dealing with dangerous or deleterious things

If an employee of Australia Post knows, or has reasonable grounds for suspecting, that the article contains something that is or could be explosive, dangerous or deleterious, the article may be dealt with in accordance with the applicable provisions of the terms and conditions agreed or determined under section 32.

90ZA Destruction of physically offensive things

(1) If the article is physically offensive it may be destroyed immediately by an employee of Australia Post.

(2) Australia Post must 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;
  (c) what the article contains.

(3) If the sender's name and address has been recorded, Australia Post must, as soon as practicable after the article's destruction, cause written notice to be given to the sender:
  (a) advising of the article's destruction and the reasons for its destruction; and
  (b) stating the following information, if it has been recorded:

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(i) the intended recipient's name and address;
(ii) what the article contained.

(4) If the sender's name and address has not been recorded but the intended recipient's name and address has been recorded, Australia Post must, as soon as practicable after the article's destruction, cause written notice to be given to the intended recipient:
(a) advising of the article's destruction and the reasons for its destruction; and
(b) stating what the article contained, if that information has been recorded.

(5) Words, pictures or graphics in the article, regardless of their nature, do not make the article physically offensive for the purposes of this section.

90ZB Permitted dealings are not prohibited by section 90H, 90LB, 90LE or 90N

Nothing that a person does by way of dealing with an article as permitted by this Division constitutes:
(a) a use or disclosure of information or a document to which section 90H, 90LB or 90LE applies; or
(b) an opening or examination of the article to which section 90N applies.

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Division 5—Miscellaneous

90ZC Australia Post and employees not liable for actions in good faith under this Part

(1) Neither Australia Post, nor an employee of Australia Post, is liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of a power or duty under this Part.

(2) For the avoidance of doubt, the reference in subsection (1) to an act done or omitted to be done in good faith in the exercise or performance, or the purported exercise or performance, of a power or duty under this Part includes a reference to an act done or omitted to be done in good faith by:

(a) a customs officer in the exercise or performance, or the purported exercise or performance, of a power or duty under section 90T or of a duty under subsection 90V(2A); or

(b) a quarantine inspection officer in the exercise or performance, or the purported exercise or performance, of a power or duty under section 90U; or

(c) a person acting on behalf of a consumer protection agency in the exercise or performance, or purported exercise or performance, of a power or duty under section 90UB or section 90UC or of a duty under subsection 90V(2B).

91 Giving Australia Post information about articles removed from the normal course of carriage

(1) Australia Post may request a compliance agency to give Australia Post some or all of the following information, in relation to an article:

(a) the name and address of the sender of the article;

(b) the name and address of the intended recipient of the article;

(c) a description of the contents of the article;

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(d) whether the article was dealt with by the compliance agency and, if so, the reason for dealing with it;
(e) any unique identifier on the article;
(f) any other information in relation to the article that is prescribed in regulations made for the purposes of this paragraph.

(2) The compliance agency may:
(a) if the compliance agency has examined the article—comply with the request in full or in part despite any other law; or
(b) refuse the request (whether or not the compliance agency has examined the article).

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Part 8—Miscellaneous

93 Delegation of Australia Post's powers

(1) An authorised person may, in writing, delegate all or any of Australia Post's powers to an employee of Australia Post.

(2) In subsection (1):

authorised person means:

(a) the Managing Director; or

(b) an employee of Australia Post who is, for the time being, authorised by the Board for the purposes of this section.

94 Delegation of Board's powers

(1) The Board may, by resolution, delegate all or any of its powers (other than its powers under section 93 and Division 3 of Part 6) to a director or an employee of Australia Post.

(2) The delegate is, in the exercise of a delegated power, subject to the directions of the Board.

(3) A delegation of a power under subsection (1):

(a) may be revoked by resolution of the Board (whether or not constituted by the persons who constituted the Board when the power was delegated); and

(b) continues in force in spite of a change in the membership of the Board.

(4) A certificate signed by the Chairperson stating any matter in relation to a delegation of a power under subsection (1) is *prima facie* evidence of the matter.

(5) A document purporting to be a certificate under subsection (4) shall, unless the contrary is established, be taken to be such a certificate and to have been properly given.

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95 Post-boxes

(1) Australia Post may erect, maintain and use post-boxes in any public road, street or highway or in any other public place.

(2) Subject to subsection (3), Australia Post shall keep in good order all post-boxes erected by it.

(3) Australia Post may remove any post-box erected by it.

96 Australia Post's seal

(1) Australia Post's seal shall be kept in such custody as the Board directs and shall be used only as authorised by the Board.

(2) All courts, judges and persons acting judicially shall take judicial notice of the imprint of Australia Post's seal appearing on a document and shall presume that the document was properly sealed.

97 Confirmation of contracts and authentication and execution of documents

(1) So far as concerns the formalities of making, varying or discharging a contract, a person acting under Australia Post's express or implied authority may make, vary or discharge a contract in the name of, or on behalf of, Australia Post in the same manner as if the contract were made, varied or discharged by a natural person.

(2) The making, varying or discharging of a contract in accordance with subsection (1) is effectual in law and binds Australia Post and other parties to the contract.

(3) A contract or other document executed, or purporting to have been executed, under Australia Post's seal is not invalid merely because a person attesting the affixing of the seal is in any way (whether directly or indirectly) interested in the contract or other document or in the matter to which the contract or other document relates.

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(4) This section does not prevent Australia Post from making, varying or discharging a contract under its seal.

(5) This section does not affect the operation of any law that requires some consent or sanction to be obtained, or some procedure to be complied with, in relation to the making, varying or discharging of a contract.

98 Unclaimed money

(1) If:

(a) an amount has been received by Australia Post for carriage to a person; and

(b) the amount has not been claimed within one year after becoming payable to the person;

the amount shall be paid into an account kept by Australia Post called the Unclaimed Money Fund.

(2) If Australia Post is satisfied that a person is entitled to an amount that is in the Unclaimed Money Fund, Australia Post shall pay the amount to the person from the Fund.

(3) Amounts that have remained in the Unclaimed Money Fund for a period of 2 years shall be paid out of the Fund into Australia Post's general money.

(4) If an amount has, under subsection (3), been paid out of the Unclaimed Money Fund, Australia Post is not required to pay the amount to any person, but may, if it is satisfied that special reasons exist for doing so, pay the amount to any person who satisfies Australia Post that, but for this subsection, he or she would be entitled to the amount.

99 Lands Acquisition Act

(1) The *Lands Acquisition Act 1989* does not apply in relation to the acquisition of land, or an interest in land, by Australia Post by agreement.

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(1A) The *Lands Acquisition Act 1989* does not apply in relation to the disposal of, or other dealing in, land, or an interest in land, by Australia Post.

(2) In this section:

interest, in relation to land, means:

(a) a legal or equitable estate or interest in the land; or

(b) a right, power or privilege over, or in relation to, the land.

100 Public Works Committee Act

The *Public Works Committee Act 1969* does not apply in relation to Australia Post.

101 Articles carried by post to be taken to be Australia Post's property

For the purpose of any legal proceeding or action in relation to an article carried by post or under the control of Australia Post, the article shall be taken to be, while it is being carried by post or under the control of Australia Post, the property of Australia Post.

102 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act;

and may, for example, make regulations:

(c) with respect to the arrangements for collecting duties of customs and other duties payable in relation to articles carried by post; and

(d) with respect to dealing with articles that may contain goods on which duties of customs or other duties are payable; and

(da) prescribing Acts for the purposes of the following definitions in section 90E:

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(i) ***consumer protection law***;

(ii) ***State Fair Trading Act***;

(iii) ***State Sale of Goods Act***; and

(db) prescribing agencies for the purposes of the following definitions in section 90E:

(i) ***compliance agency***;

(ii) ***consumer protection agency***; and

(dc) prescribing States and Territories for the purposes of the definition of ***prescribed State/Territory*** in section 90E; and

(dd) prescribing a period for the purposes of the definition of ***decision period*** in subsection 90UB(6); and

(e) with respect to the making of deductions from amounts due to any of Australia Post's employees on account of judgment debts; and

(g) with respect to the forfeiture and destruction of articles carried by post; and

(h) prescribing fines not exceeding $1,000 for offences against the regulations.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Postal Corporation Act 1989	64, 1989	19 June 1989	1 July 1989 (s 2(1) and gaz 1989, No S230)	
Transport and Communications Legislation Amendment Act (No. 2) 1989	23, 1990	17 Jan 1990	s 12, 13: 17 Jan 1990 (s 2(1))	—
Telecommunications (Transitional Provisions and Consequential Amendments) Act 1991	99, 1991	27 June 1991	Sch 1: 1 July 1991 (s 2(2))	—
Transport and Communications Legislation Amendment Act (No. 2) 1992	71, 1992	26 June 1992	s 10–12: 26 June 1992 (s 2(1))	—
Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992	167, 1992	11 Dec 1992	Sch: 1 July 1993 (s 2)	—
Transport and Communications Legislation Amendment Act 1993	4, 1994	18 Jan 1994	Sch: 18 Jan 1994 (s 2(1))	—
Australian Postal Corporation Amendment Act 1994	142, 1994	5 Dec 1994	s 4(a), (f), 14(c), (d) and 16(a): 1 Jan 1995 (s 2(2)) s 4(b)–(e), (g), 5–13, 14(a), (b), 15, 16(b), 17–33: 5 Dec 1994 (s 2(1))	s 22(2), 23(2), (3), 24(2), 27(2), 28(2) and 32(2)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Competition Policy Reform Act 1995	88, 1995	20 July 1995	Sch 2: 17 Aug 1995 (s 2(1)(a)) Sch 3: 6 Nov 1995 (s 2(2) and gaz 1995, No S423)	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Sch 2 (item 18): 5 Dec 1994 (s 2(2))	—
Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997	59, 1997	3 May 1997	Sch 1 (items 5, 6): 1 July 1997 (s 2(2)(d))	—
Tax Law Improvement Act 1997	121, 1997	8 July 1997	s 4: 8 July 1997 (s 2(1)) Sch 3 (item 64): 1 July 1997 (s 2(2), (3))	s 4
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Sch 2 (items 447–474): 1 Jan 1998 (s 2(2))	—
Customs and Excise Legislation Amendment Act (No. 1) 1998	8, 1998	31 Mar 1998	Sch 2: 31 Mar 1998 (s 2(1))	—
Telecommunications Legislation Amendment Act 1999	52, 1999	5 July 1999	Sch 3 (item 6): 2 Aug 1999 (s 2(4))	—
Corporate Law Economic Reform Program Act 1999	156, 1999	24 Nov 1999	Sch 10 (items 49–52): 13 Mar 2000 (s 2(2)(c) and gaz 2000, No S114)	—
Australian Security Intelligence Organisation Legislation Amendment Act 1999	161, 1999	10 Dec 1999	Sch 3 (items 1, 18, 19): 10 Dec 1999 (s 2(1)(2))	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Customs Legislation Amendment (Criminal Sanctions and Other Measures) Act 2000	23, 2000	3 Apr 2000	Sch 1: 26 May 2000 (s 2(1) and gaz 2000, No S269)	—
Communications and the Arts Legislation Amendment (Application of Criminal Code) Act 2001	5, 2001	20 Mar 2001	s 4 and Sch 1 (items 13–17): 24 May 2001 (s 2(1)(a))	s 4
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	s 4–14 and Sch 3 (item 62): 15 July 2001 (s 2(3))	s 4–14
Trade Practices Legislation Amendment Act 2003	134, 2003	17 Dec 2003	Sch 2 (items 28–30): 1 Mar 2004 (s 2(1) item 2)	—
Australian Crime Commission Amendment Act 2004	30, 2004	2 Apr 2004	Sch 2 (items 2, 3): 2 Apr 2004 (s 2(1) item 4)	—
Postal Services Legislation Amendment Act 2004	69, 2004	22 June 2004	Sch 1 (items 7, 11–18, 21–24): 22 June 2004 (s 2)	s 4
Offshore Petroleum (Repeals and Consequential Amendments) Act 2006	17, 2006	29 Mar 2006	Sch 2 (items 6–9): 1 July 2008 (s 2(1) item 2)	—
Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006	101, 2006	14 Sept 2006	Sch 2 (item 19), Sch 5 (items 25–31) and Sch 6 (items 1, 5–11): 14 Sept 2006 (s 2(1) items 2, 4)	Sch 6 (items 1, 5–11)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Postal Corporation Amendment (Quarantine Inspection and Other Measures) Act 2007	156, 2007	24 Sept 2007	Sch 1: 24 Mar 2008 (s 2(1) item 2) Remainder: 24 Sept 2007 (s 2(1) items 1, 3)	Sch 1 (item 25)
Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008	117, 2008	21 Nov 2008	Sch 3 (item 3): 22 Nov 2008 (s 2(1) item 4)	—
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008	144, 2008	9 Dec 2008	Sch 3 (items 1, 2): 10 Dec 2008 (s 2(1) item 12)	—
Customs Legislation Amendment (Name Change) Act 2009	33, 2009	22 May 2009	Sch 2 (items 9–11): 23 May 2009 (s 2)	—
Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010	103, 2010	13 July 2010	Sch 6 (items 1, 32–37): 1 Jan 2011 (s 2(1) item 3)	—
Financial Framework Legislation Amendment Act 2010	148, 2010	17 Dec 2010	Sch 3: 18 Dec 2010 (s 2(1) item 4)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 5 (items 36, 37): 19 Apr 2011 (s 2(1) item 13)	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 228–233) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 3, 12)	Sch 3 (items 10, 11)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012	169, 2012	3 Dec 2012	Sch 2 (items 151, 152): 3 Dec 2012 (s 2(1) item 7)	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 3 (items 33, 343): 29 June 2013 (s 2(1) item 16)	Sch 3 (item 343)
Australian Sports Anti-Doping Authority Amendment Act 2013	126, 2013	29 June 2013	Sch 2 (items 1, 4(1)): 1 Aug 2013 (s 2(1) item 2)	Sch 2 (item 4(1))
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 6 (items 10–12, 23): 24 June 2014 (s 2(1) item 9)	Sch 6 (item 23)
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 7 (items 364–394) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
as amended by				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
National Security Legislation Amendment Act (No. 1) 2014	108, 2014	2 Oct 2014	Sch 1 (items 31–33, 78–87): 30 Oct 2014 (s 2(1) item 2)	Sch 1 (items 78–87)
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 1 (item 8): 25 Mar 2015 (s 2(1) item 2)	—
Customs and Other Legislation Amendment (Australian Border Force) Act 2015	41, 2015	20 May 2015	Sch 5 (items 11–21) and Sch 9: 1 July 2015 (s 2(1) items 2, 7)	Sch 5 (item 21) and Sch 9
as amended by				
Australian Border Force Amendment (Protected Information) Act 2017	115, 2017	30 Oct 2017	Sch 1 (item 26): 1 July 2015 (s 2(1) item 2)	—
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 2 (item 74): 1 July 2016 (s 2(1) item 5) Sch 2 (items 356–396): 18 June 2015 (s 2(1) item 6)	Sch 2 (items 356–396)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2015	Sch 2: 24 Mar 2016 (s 2(1) item 2)	—
Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015	62, 2015	16 June 2015	Sch 2 (item 3) and Sch 4: 16 June 2016 (s 2(1) items 2, 4) Sch 3: 16 June 2015 (s 2(1) item 3)	Sch 3 and Sch 4
as amended by				
Statute Update (Winter 2017) Act 2017	93, 2017	23 Aug 2017	Sch 2 (item 9): 20 Sept 2017 (s 2(1) item 4)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 56): 5 Mar 2016 (s 2(1) item 2)	—
Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015	153, 2015	26 Nov 2015	Sch 15 (items 1, 2): 27 Nov 2015 (s 2(1) item 3)	—
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 26): 10 Mar 2016 (s 2(1) item 6)	—
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 5 (items 13–16): 1 July 2016 (s 2(1) item 7)	—
Law Enforcement Legislation Amendment (State Bodies and Other Measures) Act 2016	86, 2016	30 Nov 2016	Sch 2 (items 1–3): 1 Dec 2016 (s 2(1) item 5)	Sch 2 (item 3)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019	57, 2019	7 Aug 2019	Sch 1 (item 3): 30 Aug 2019 (s 2(1) item 2) Sch 2 (item 2): awaiting commencement (s 2(1) item 3)	—
Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020	11, 2020	6 Mar 2020	Sch 2 (items 3, 4) and Sch 4 (items 2–7): 1 July 2020 (s 2(1) items 2, 5)	Sch 4 (items 2–7)
Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023	74, 2023	20 Sept 2023	Sch 4 (items 9, 10): 18 Oct 2023 (s 2(1) item 3)	—

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Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 3	am No 142, 1994; No 152, 1997; No 69, 2004; No 5, 2011; No 169, 2012; No 62, 2014
s 6	rs No 142, 1994
	am No 55, 2001
s 8	am No 71, 1992; No 33, 2016
s 9	am No 71, 1992; No 17, 2006; No 117, 2008; No 33, 2016; No 57, 2019 (Sch 2 item 2)
s 10	am No 59, 2015
s 11	am No 99, 1991; No 167, 1992; No 59, 1997; No 52, 1999
s 11A	ad No 5, 2001
Part 2	
Division 1	
s 13	am No 152, 1997; No 62, 2014
s 18	am No 142, 1994; No 59, 1997
Division 2	
s 23	am No 142, 1994
Part 3	
Division 1	
s 27	am No 71, 1992; No 142, 1994; No 33, 2016
s 28	am No 152, 1997; No 148, 2010; No 62, 2014
s 28A	ad No 142, 1994
Division 1A	
Division 1A	ad No 142, 1994
s 28B	ad No 142, 1994
s 28C	ad No 142, 1994
	am No 156, 2007
s 28D	ad No 142, 1994
s 28E	ad No 142, 1994

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Endnote 4—Amendment history

Provision affected	How affected
	am No 156, 2007
Division 2	
s 29	am No 142, 1994
s 30	am No 142, 1994; No 43, 1996; No 69, 2004; No 169, 2012; No 103, 2013; No 126, 2015
s 30A	ad No 69, 2004
s 31	am No 142, 1994
Part 4	
Division 1	
s 32	am No 142, 1994; No 134, 2003; No 103, 2010
s 32A	ad No 142, 1994
s 32B	ad No 142, 1994
	am No 88, 1995; No 134, 2003; No 69, 2004; No 103, 2010
s 32C	ad No 142, 1994
s 32D	ad No 88, 1995
	am No 103, 2010
s 33	am No 142, 1994
s 33A	ad No 142, 1994
	am No 88, 1995; No 103, 2010
Division 2	
s 35–37	rep No 152, 1997
s 38	am No 152, 1997; No 148, 2010; No 62, 2014
s 39	rep No 152, 1997
s 40	am No 142, 1994; No 152, 1997; No 62, 2014
s 41	rep No 152, 1997
Division 3	
s 42	rep No 152, 1997
s 43	am No 142, 1994; No 152, 1997; No 148, 2010; No 62, 2014
s 44	am No 142, 1994; No 152, 1997; No 148, 2010; No 62, 2014
s 45–48	rep No 152, 1997
s 50	am No 148, 2010

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Endnote 4—Amendment history

Provision affected	How affected
Part 4A	
Part 4A	ad No 69, 2004
Division 2	
s 50H–50K	ad No 69, 2004
Part 5	
s 54, 55	am No 142, 1994
s 56A	ad No 69, 2004
	am No 62, 2014
s 57	am No 152, 1997; No 62, 2014
s 58, 59	rep No 152, 1997
s 60	am No 5, 2011
s 63	am No 121, 1997; No 101, 2006
Part 6	
Division 1	
s 67	am No 152, 1997; No 156, 1999; No 62, 2014
s 69	am No 23, 1990
s 71	rs No 152, 1997
	am No 156, 1999; No 62, 2014
Division 2	
s 73, 74	rs No 142, 1994
s 79	am No 142, 1994; No 152, 1997; No 156, 1999; No 62, 2014
s 81	am No 31, 2014
s 82	am No 46, 2011
Division 3	
s 83	am No 142, 1994
s 84	am No 62, 2014
s 87	am No 62, 2014
s 88	am No 142, 1994; No 46, 2011
Part 7A	
Part 7A	ad No 142, 1994
s 90A–90D	ad No 142, 1994

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Endnote 4—Amendment history

Provision affected	How affected
Part 7B	
Part 7B	ad No 142, 1994
Division 1	
s 90E	ad No 142, 1994
	am No 161, 1999; No 101, 2006; No 156, 2007; No 33, 2009; No 103, 2010; No 46, 2011; No 41, 2015; No 62, 2015
s 90F	ad No 142, 1994
	am No 108, 2014
s 90FA, 90FB	ad No 142, 1994
Division 2	
s 90G	ad No 142, 1994
s 90H	ad No 142, 1994
	am No 5, 2001; No 4, 2016
s 90J	ad No 142, 1994
	am No 30, 2004; No 69, 2004; No 156, 2007; No 126, 2013; No 5, 2015; No 153, 2015; No 86, 2016; No 11, 2020; No 74, 2023
s 90K	ad No 142, 1994
	am No 101, 2006; No 156, 2007; No 144, 2008
s 90L	ad No 142, 1994
s 90LA	ad No 142, 1994
s 90LB	ad No 142, 1994
	am No 5, 2001; No 4, 2016
s 90LC	ad No 142, 1994
	am No 30, 2004; No 69, 2004; No 5, 2015; No 153, 2015; No 86, 2016; No 74, 2023
s 90LCA	ad No 142, 1994
s 90LD	ad No 142, 1994
	am No 108, 2014
s 90LE	ad No 142, 1994
	am No 5, 2001; No 4, 2016
s 90LF–90LH	ad No 142, 1994

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Provision affected	How affected
Division 3	
s 90M	ad No 142, 1994
s 90N	ad No 142, 1994
	am No 23, 2000; No 5, 2001; No 156, 2007; No 4, 2016
s 90P–90R	ad No 142, 1994
s 90S	ad No 142, 1994
	am No 8, 1998; No 23, 2000; No 101, 2006; No 156, 2007
s 90T	ad No 23, 2000
	am No 101, 2006; No 156, 2007; No 33, 2009; No 41, 2015
s 90U	ad No 156, 2007
s 90UA–90UC	ad No 156, 2007
s 90V	ad No 142, 1994
	am No 23, 2000; No 156, 2007; No 33, 2009; No 41, 2015
s 90W, 90X	ad No 142, 1994
Division 4	
s 90Y, 90Z	ad No 142, 1994
s 90ZA, 90ZB	ad No 142, 1994
Division 5	
s 90ZC	ad No 142, 1994
	am No 23, 2000; No 156, 2007; No 41, 2015
s 91	rep No 142, 1994
	ad No 156, 2007
Part 8	
s 92	am No 4, 1994
	rep No 142, 1994
s 98	am No 142, 1994
s 99	am No 23, 1990
s 102	am No 142, 1994; No 156, 2007

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