

2016

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Australian Postal Corporation (Unsolicited Political Communications) Bill 2016

EXPLANATORY MEMORANDUM

and

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Circulated by authority of

Andrew Wilkie MP

Australian Postal Corporation (Unsolicited Political Communications) Bill 2016

OUTLINE

This bill seeks to prevent Australia Post from delivering unaddressed political material to a premises if there is a sign displayed at that premises specifically requesting that unaddressed or political material not be delivered. This bill is in response to community concern about unsolicited political communication and to close the loophole that currently sees political material classified as a “community notice” under “Schedule 3 – Unaddressed Mail Service Terms and Conditions” of the *Australia Post Terms and Conditions*.

FINANCIAL IMPACT

The bill will have no financial impact.

NOTES ON CLAUSES

Clause 1: Short Title

1. This clause is a formal provision and specifies the short title of the Bill as the *Australian Postal Corporation (Unsolicited Political Communications) Bill 2016*.

Clause 2: Commencement

2. This clause provides for the commencement of Sections 1 to 3 of the Act the day the Act receives Royal Assent, and the commencement of Schedule 1 of the Act on 1 July 2017.

Clause 3: Schedules

3. This clause establishes that, as the intent of the Bill is to be realised through amendments to another Act, the Schedules of this Bill will amend that Act accordingly.

Schedule 1

Australian Postal Corporation Act 1989

Item 1: At the end of section 32A

1. Item 1 inserts a subsection 4 into section 32A of the Act that specifies that Australia Post must not, while supplying an unaddressed mail service, deliver a piece of political material to a premises where a sticker or sign contains the words “addressed mail only”, “no unaddressed mail” or “no political material”.
2. Subclauses (b)(i) to (b)(iv) define “political material” as being material from or about a registered political party, a candidate in a House of Representatives or a Senate election, a Member of the House of Representatives, or a Senator for a State or Territory.

Item 2: Constitutional matters

3. Item 2 specifies that the amendments made by item 1 do not apply to the extent that they would limit the constitutional doctrine of freedom of political communications or amount to an acquisition of property from a person other than on just terms.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Australian Postal Corporation (Unsolicited Political Communications) Bill 2016

This bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the bill

This bill seeks to prevent Australia Post from delivering unaddressed political material to a premises if there is a sign displayed at that premises specifically requesting that unaddressed or political material not be delivered.

Human rights implications

This bill strengthens the rights enshrined in article 17 of the International Covenant on Civil and Political Rights (ICCPR) to allow a person to live without arbitrary or unlawful interference to their privacy, family, home or correspondence.

To the extent that this bill engages with the freedom to impart information in writing or in print outlined in article 19 of the ICCPR, any restrictions on this are considered fair and reasonable in order to protect the rights of others.

Conclusion

This bill is compatible with human rights because it does not diminish human rights.

Andrew Wilkie MP