

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

POSTAL AND TELECOMMUNICATIONS AMENDMENT BILL 1983

(Circulated by the Minister for Communications,

the Honourable Michael Duffy, MP)

POSTAL AND TELECOMMUNICATIONS AMENDMENT BILL 1983

OUTLINE OF BILL

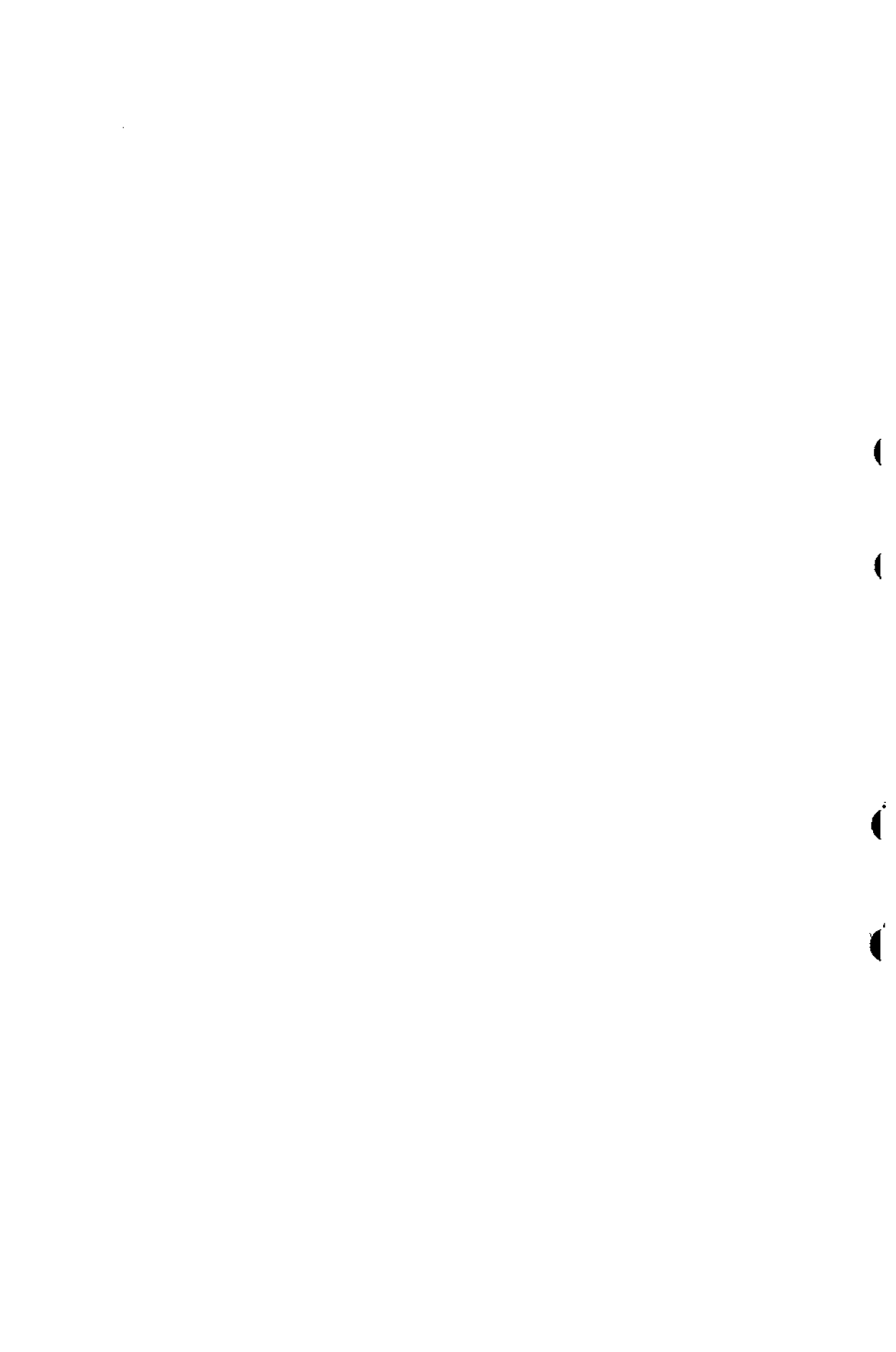
The Bill is designed to put into effect those Government decisions made after consideration of aspects of the operation of postal services.

The most important of these are that the Australian Postal Commission, trading as "Australia Post", should be authorised to operate electronic mail services and agency services on behalf of private as well as public sector principals; and that the postal courier service, authorised to be operated by Australia Post since its inception in 1975 but removed in 1981 by a decision of the then Government, should be reinstated.

The Bill will also extend the existing powers of the Commission to deal in land and improve the flexibility of the Commission with respect to its meetings, along the lines of the Parliament House Construction Authority Act 1979. The voluntary retirement age of officers of the Commission will be lowered from 60 to 55, to extend to the Commission this right which is already enjoyed by the Australian Public Service.

Existing provisions granting the Commission the exclusive right to carry letters for reward are clarified and the provision for rewards for information about theft or damage of Commission property are strengthened.

Certain machinery changes are included and the By-law making powers of the Commission and the Australian Telecommunications Commission clarified.



NOTES ON CLAUSES

Clause 1 - Short title, etc.

Clause 1 provides for the citation of the Bill and for the Postal Services Act 1975 to be referred to as the Principal Act.

Clause 2 - Commencement

Clause 2 provides that the proposed Act will come into operation on Royal Assent.

Clause 3 - Interpretation

Clause 3 amends the definition of "postal article" in the Principal Act to include the courier service and the electronic mail service.

Clause 4 - Powers of the Commission

Clause 4 amends the Principal Act to give the Commission greater flexibility with respect to its dealings in land.

Clause 5 - Courier Service and Electronic Mail

Clause 5 inserts two sections into the Principal Act; section 10 dealing with the Courier Service and section 10A dealing with Electronic Mail.

Proposed new section 10 "Courier Service" is based on the previous provisions in the Principal Act with respect to the courier service which were deleted in 1981. The essence of the service is that a person may request the collection of an article from a place nominated by that person for delivery to another place nominated by that person.

Proposed new section 10A "Electronic Mail" grants the Commission power to operate electronic mail services, defined as services for the transmission of information partly by electromagnetic energy and partly by physical transmission of "hard copy".

Clause 6 - Commission may act as agent, etc.

Clause 6 amends the Principal Act to extend the existing powers of the Commission to act as an agent for State or Territory Governments or Government Authorities to the private sector. These powers are expressed to be subject to the limits on Commonwealth Constitutional powers.

Clause 7 - When postage need not be pre-paid

Clause 7 amends the Principal Act to extend the existing powers of the Commission with respect to special provisions for the payment of postage to the courier service and electronic mail.

Clause 8 - Special charges

Clause 8 amends the Principal Act to extend the existing powers of the Commission with respect to agreements for special charges to the courier service and electronic mail.

Clause 9 - Meetings of the Commission

Clause 9 amends the Principal Act to grant the Commission greater flexibility with respect to its meetings. The amendment means that meetings of the Commission may in some circumstances pass valid resolutions without the necessity of the Commissioners being physically present together. These provisions are the same as those in the Parliament House Construction Authority Act 1979 and are also proposed for the Australian Telecommunications Commission ("Telecom Australia") in the Statute Law (Miscellaneous Provisions) Bill (No. 2) 1983.

Clause 10 - Tenure of Office

Clause 10 amends the Principal Act by reducing the minimum retiring age of an officer of the Commission from 60 to 55 years. This provision is also proposed for the Australian Telecommunications Commission in the Statute Law (Miscellaneous Provisions) Bill (No. 2) 1983.

Clause 11 - Letters not to be carried for reward

Clause 11 amends the Principal Act to clarify the provisions of existing section 85, which grants to the Commission the exclusive right to carry letters for reward. The proposed amendments will allow others to carry letters for reward provided the amount payable is at least 10 times the current standard letter rate.

Clause 12 - Fraudulently removing stamps

Clause 13 - Retaining or secreting postal articles

Clause 14 - Improperly obtaining postal articles

Clause 15 - Wrongful delivery of postal articles

Clause 16 - Stealing postal articles

Clause 17 - Tampering with the mail

Clause 18 - Explosives

Clause 19 - Hoax explosives

Clauses 12 to 19 extend the existing provisions with respect to these matters in "Part VII - Offences" of the Principal Act to the courier service and electronic mail.

Clause 20 - Repeal of sections 101 and 101A

Clause 20 repeals section 101 "Superannuation" and section 101A "Officers' Rights Declaration Act" because other superannuation legislation has made section 101 redundant and the Officers' Rights Declaration Act has itself been repealed, its provisions now being dealt with by the Public Service Act.

Clause 21 - Protection from actions

Clause 21 extends the existing protection from suit enjoyed by the Commission for any delay or loss in the mail to electronic mail and the courier service. Existing protection from suit is

also extended to mail in the case of the transmission of money by electronic mail, except where an officer of the Commission has been guilty of fraud.

Clause 22 - Reward for information as to theft of property, etc.

Clause 22 inserts a section into the Principal Act; proposed new section 105A "Reward for information as to theft of property, etc" provides for a reward by the Commission of up to \$10,000 for information on the identity of a person who has stolen Commission property or broken into Commission premises.

Clause 23 - Reward for information as to damage to property

Clause 23 amends the Principal Act to increase the reward payable by the Commission for information on the identity of a person who destroys or damages Commission property.

Clause 24 - By-Laws

Clause 24 provides that the Commission may make By-Laws with respect to the courier service and electronic mail.

Clause 25 - Regulations

Clause 25 provides that regulations may be made with respect to certain aspects of the courier service and electronic mail.

Clause 26 - Formal amendments

Clause 26 makes certain formal drafting amendments to conform with current drafting practice.

Clauses 27, 28 and 29 - By-laws

Clauses 27, 28 and 29 clarify and restate the powers of the Commission and the Australian Telecommunications Commission to make By-laws.

