

Post and Telegraph Act 1973

No. 109 of 1973

AN ACT

To amend the *Post and Telegraph Act 1901-1971*.

[Assented to 29 September 1973]

BE IT ENACTED by the Queen, the Senate, and the House of Representatives of Australia, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Post and Telegraph Act 1973*.

(2) The *Post and Telegraph Act 1901-1971** is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Post and Telegraph Act 1901-1973*.

Commence-
ment.

2. This Act shall come into operation on 1 October 1973.

Declarations
to be taken
by officers.

3. Section 9 of the Principal Act is amended by inserting after the words "a justice of the peace" the words "or a postmaster".

* Act No. 12, 1901, as amended by No. 25, 1909; Nos. 24 and 28, 1910; No. 30, 1912; No. 23, 1913; No. 14, 1916; No. 17, 1923; No. 43, 1934; No. 77, 1946; No. 35, 1949; No. 80, 1950; No. 85, 1960; No. 64, 1961; No. 143, 1965; No. 7, 1966; Nos. 32, 33 and 120, 1968; No. 63, 1970; and No. 70, 1971.

4. Section 13 of the Principal Act is amended by inserting before the words "the landing shipping or conveying" the words "the conveyance of mails or".

Officers of the Department free from tolls.

5. Section 14 of the Principal Act is amended by adding at the end thereof the following sub-section:—

"(2) For the purposes of sub-section (1), Papua New Guinea shall be treated as a foreign country."

Arrangements may be made for British or foreign mails.

6. After section 20 of the Principal Act, the following section is inserted:—

"21. (1) The Postmaster-General may make an arrangement with a person under which the postage payable in respect of postal articles to which the arrangement applies posted by that person is to be paid by that person after the articles have been posted.

Arrangements for postage to be other than prepaid.

"(2) Subject to sections 6, 6A and 6B of the *Post and Telegraph Rates Act 1902-1973*, the Postmaster-General may make an arrangement with a person under which the postage payable in respect of postal articles to which the arrangement applies posted by another person is to be paid by the first-mentioned person after the articles have been posted.

"(3) Postal articles to which an arrangement under this section applies may be transmitted and delivered before the postage has been paid."

7. Section 22 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Redirection.

"(3) For the purposes of this section, where a postal article to which an arrangement under section 21 applies is re-addressed, the postage payable in respect of the article before it was re-addressed shall be deemed to have been prepaid."

8. Section 23 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Letters, &c., insufficiently prepaid.

"(2) For the purposes of this section, postage payable in respect of postal articles to which an arrangement under section 21 applies shall be deemed to be fully prepaid."

9. Section 29 of the Principal Act is amended—

Registration of newspapers.

(a) by omitting from paragraph (a) of sub-section (2A) the word "and";

(b) by inserting after paragraph (b) of sub-section (2A) the following word and paragraph:—

"; and

(ba) application for its registration was made before 1 October 1973;"

(c) by adding at the end of sub-paragraph (ii) of paragraph (c) of sub-section (2A) the word "or";

- (d) by omitting from sub-paragraph (ii) of paragraph (d) of sub-section (2A) the word "or" (last occurring);
- (e) by omitting paragraph (e) of sub-section (2A);
- (f) by omitting from sub-section (2AB) all the words after the word "motorists" and substituting the words "organization or an organization of employees";
- (g) by inserting after sub-section (2AB) the following sub-sections:—

"(2ABA) A publication referred to in paragraph (c) of sub-section (2A) shall not be registered in the part of the register kept for the registration of Category A newspapers unless—

- (a) the publication is, and at all times from and including 20 August 1973 has been, printed and published in a country area within the meaning of that paragraph; or
- (b) a substantial proportion of the copies of each number of the publication are posted by the proprietor, printer or publisher of the publication to *bona fide* subscribers in a country area within the meaning of that paragraph.

"(2ABB) Where—

- (a) a publication of a kind referred to in paragraph (e) of sub-section (2A) of section 29 of the *Post and Telegraph Act 1901–1971*; or
- (b) a publication that, by virtue of sub-section (2ABA), is not to be registered as a Category A newspaper,

was, immediately before the commencement of this sub-section, registered as a Category A newspaper, its registration is not affected by the omission of that paragraph by the *Post and Telegraph Act 1973* or affected by the provisions of sub-section (2ABA) but, if it is still so registered immediately before 1 March 1974, its registration shall, on that date, be transferred to the part of the register kept for the registration of Category B newspapers.”;

- (h) by inserting after sub-section (2AC) the following sub-sections:—

"(2ACA) A publication shall not be registered in the part of the register kept for the registration of Category B newspapers if—

- (a) being a publication other than a publication to which paragraph (c) of sub-section (2A) applies, it is published in more than three numbers per week; or
- (b) it is published by an organization of employers or an organization of persons engaged in, or connected with, a profession or professions.

"(2ACB) Where a publication to which sub-section (2ACA) applies was, immediately before the commencement of this sub-section, registered as a Category B newspaper, its registration is not affected by the provisions of that sub-section but, if it is still so registered immediately before 1 March 1974, its registration shall, on that date, be transferred to the part of the register kept for the registration of Category C newspapers.”;

- (i) by omitting from sub-section (2B) the words “, of his own motion or upon application being made under either of the next two succeeding sub-sections,”; and
- (j) by omitting sub-sections (2C) and (2CA).

10. Section 50 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2) For the purposes of this section, postage payable in respect of postal articles to which an arrangement under section 21 applies shall be deemed to be fully prepaid.”

Opened postal articles not containing anything of value, how dealt with.

11. Section 55 of the Principal Act is repealed.

Letters of insolvents to be delivered to official assignee.

12. Section 130 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

“(a) wilfully and without lawful excuse destroys, damages or removes a telegraph;”.

Injuries to telegraphs.

13. After section 153A of the Principal Act the following section is inserted:—

“153B. Where, as the result of information supplied by a person, the Postmaster-General learns the identity of a person who has wilfully damaged or defaced property that is under the control of the Postmaster-General, the Postmaster-General may pay to the person who supplied the information, by way of reward, a sum not exceeding One hundred dollars.”

Rewards for information as to damage to property.

14. Section 155 of the Principal Act is amended by adding after the words “the State” the words “or Territory”.

Arbitration in accordance with law of State or Territory.

15. The Principal Act is amended as set out in the Schedule.

Minor amendments.

SCHEDULE

Section 15

PART I—AMENDMENTS RELATING TO METRIC CONVERSION

| Provision | Amendment |
|------------------------------|---|
| Section 80 | Omit " twelve feet ", substitute " 3.7 metres ". |
| Section 83 | Omit " sixteen feet ", substitute " 4.9 metres ". |
| Section 85 | (a) Omit " sixteen feet ", substitute " 4.9 metres ". |
| | (b) Omit " twelve feet " (wherever occurring), substitute " 3.7 metres ". |
| | (c) Omit " eight feet ", substitute " 2.4 metres ". |
| Section 87 (1) | Omit " twenty feet ", substitute " 6 metres ". |
| Section 88 (1) and (3) | Omit " ten feet ", substitute " 3 metres ". |
| Section 98 (3) (a) | Omit " sixteen ounces ", substitute " 500 grams ". |
| Section 143 (1) | (a) Omit " ten yards ", substitute " 9 metres ". |
| | (b) Omit " six feet ", substitute " 2 metres ". |
| | (c) Omit " three feet ", substitute " 0.9 metres ". |

PART II—FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act or of another Act and substituting that number expressed in figures:—

Sections 81A, 91, 96A (1) and (2), 96B (2), 96C (1) (d) and 96L (2) (d).

2. The following provisions of the Principal Act are amended by omitting the words " of this Act " and " of this section " (wherever occurring):—

Sections 81A (1), 96C (3) (a) and 96L (2) (d).

3. The Principal Act is further amended as set out in the following table:—

| Provision | Amendment |
|----------------------------|---|
| Section 2 | Omit " the First Schedule to this Act ", substitute " Schedule 1 ". |
| Section 9 | Omit " the Second Schedule to this Act ", substitute " Schedule 2 ". |
| Section 29 (2AC) (c) | Omit " the thirty-first day of December, One thousand nine hundred and seventy-one ", substitute " 31 December 1971 ". |
| Section 39 | Omit " the Second Schedule to this Act ", substitute " Schedule 2 ". |
| Section 48 | Omit " forty-six of this Act ", substitute " 46 ". |
| Section 49 | Omit " the Second Schedule to this Act ", substitute " Schedule 2 ". |
| Section 50 | Omit " forty-six of this Act ", substitute " 46 ". |
| Section 74 (2) | Omit " a Territory of the Commonwealth not forming part of the Commonwealth, including the Territory of Nauru," substitute " an external Territory ". |
| Section 96C (1) (a) | Omit " the first day of July, One thousand nine hundred and sixty-eight," substitute " 1 July 1968 ". |
| First Schedule | Omit " FIRST SCHEDULE," substitute " SCHEDULE 1 ". |
| Second Schedule | Omit " SECOND SCHEDULE," substitute " SCHEDULE 2 ". |