

1901

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 25 July, 1901.

(Brought from the Senate.)

A BILL

FOR

An Act relating to the Postal and Telegraphic Services of the Commonwealth.

BE it enacted by the King's Most Excellent Majesty and the Senate and the House of Representatives of the Commonwealth of Australia as follows :—

1. This Act may be cited as the *Post and Telegraph Act* 1901, and shall commence on the first day of October One thousand nine hundred and one. Short title and commencement.

2. The State Acts specified in the First Schedule to this Act are repealed to the extent in the said Schedule indicated. Acts repealed.
First Schedule.

But the regulations in force in any State under any of the said State Acts shall as regards that State continue in force until revoked by the Governor-General, and rates and charges in force in any State under any of the said State Acts shall until rates and charges fixed by the Governor-General under this Act come into operation continue in force as regards that State and be applied in the same manner as if the said State Acts were not affected by this Act.

PART I.—GENERAL.

3. In this Act unless the context otherwise indicates—

“Postmaster-General” means the Minister of State for the Commonwealth charged with the administration of this Act.

“Construct” includes erect lay down and place.

[C. 7]—100/20.8.1901 (n.a.)—F.4624.

Interpretation of terms.

Qd. P. & T. Act 1891 s. 4.

N.Z. P. O. Act 1900 s. 2.

“ Customs

- “Customs Act” means any Act or Acts relating to the Customs in force within the Commonwealth and all orders and regulations made under any such Act or Acts.
- “Department” means the Department of the Postmaster-General. 5
- “Electric authority” means any State Government railway authority local authority tramway authority or person generating using or supplying electricity.
- “Electricity” includes electric current electrical energy or any like agency. 10
- “Electric line” includes all means used for the purpose of conveying transmitting transforming or distributing electricity and any casing coating covering tube tunnel pipe pillar pole post frame bracket or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith. 15
- “General Post Office” means the head office of the Department in each State.
- “Mail” includes every package receptacle or covering in which postal articles in course of transmission by post are conveyed whether it does or does not contain postal articles and loose or individual postal articles in transit. 20
- “Master of a vessel” means the person for the time being having the charge or command of a vessel but does not include the pilot. 25
- “Money order” means a money order issued under this Act or by any postal authority for payment under this Act.
- “Officer” means any officer in the service of the Department.
- “Port” includes any harbor river lake or roadstead within defined limits. 30
- “Postage” means the amount chargeable for the transmission of postal articles by post.
- “Postage stamp” or “stamp” means any stamp made or authorized by the Postmaster-General for the purpose of the payment of postage or fees to be chargeable under this Act. 35
- “Postal article” includes letters post-cards letter-cards newspapers packets or parcels and all other articles transmissible by post, and includes a telegram when transmitted by post. 40
- “Postal note” means a postal note issued under this Act or by any postal authority for payment under this Act.
- “Postmaster” means the officer in charge of a post office or post and telegraph office.

“Post office” means a house building room railway postal van or carriage place or structure where postal articles are by permission or under the authority of the Postmaster-General or a Deputy Postmaster-General received delivered sorted or made up or from which postal articles are by the authority aforesaid despatched including a pillar box or other receptacle provided for the reception of postal articles for transmission.

“Prescribed” means prescribed by this Act or the regulations.

“Regulations” means regulations under this Act.

“Telegraphic” includes telephonic.

“Telegraph” or “telegraph line” means a wire or cable used for telegraphic or telephonic communication including any casing coating tube tunnel or pipe enclosing the same and any posts masts or piers supporting the same and any apparatus connected therewith or any apparatus for transmitting messages or other communications by means of electricity.

“Telegraph office” means a house building room or other place or structure used or occupied by or under the authority of the Postmaster-General and under his control for the purposes of working a telegraph or for the receipt and delivery of telegrams.

“Telegram” means any message or communication sent to or delivered at a telegraph office or post office for transmission by telegraph for delivery or issued from a telegraph office or post office for delivery as a message or communication transmitted by telegraph.

“Vessel” includes every description of vessel employed on the high seas in harbors on rivers or on the coast or on any navigable water.

“Works” includes electric lines and also any buildings machinery engines meters lamps transformers fittings apparatus works matters or things of whatever description required to supply electricity or to carry into effect the objects of the electric authority.

4. The Department shall have control of the Postal and Telegraphic services of the Commonwealth. Department.

5. The Administration of this Act and the control of the Department are vested in the Postmaster-General. Postmaster-General.

6. There shall be a principal secretary to the Postmaster-General who under the Postmaster-General shall have the chief control of the Department throughout the Commonwealth. Principal secretary.

7. There shall in each State be a Deputy Postmaster-General who shall be the principal officer of the Department therein. Deputy Postmaster-General.

8. In

Postmaster-General
may delegate.

8. In relation to any particular matters State or District the Postmaster-General may by writing under his hand delegate any of his powers under this Act (except this power of delegation) so that the delegated power may be exercised by the delegate with respect to the matters specified or the State or District defined in the instrument of delegation, but every such delegation shall be revocable at the pleasure of the Postmaster-General. 5

Declarations to be
taken by officers
&c.

9. Every officer shall before exercising the duties of his office take and subscribe before a justice of the peace a declaration in the form A set forth in the Second Schedule to this Act. 10

Second Schedule (A).
N.S.W. ib. s. 4.

Future telegraph
messengers to retire
on attaining age of
eighteen.

10. Every person appointed as a telegraph messenger after the commencement of this Act shall retire from the service of the Department immediately on attaining the age of eighteen years unless in the meantime he has been transferred or promoted to some other position in such service. 15

Vic. P. O. Act 1897
s. 21.

Every parcel sent by
post if not a packet
parcel or news-
paper to be deemed
a letter.

11. Every article whatsoever which is received at a post office for transmission or delivery shall if not a packet parcel or newspaper as defined by this Act or by the regulations be deemed a letter.

N.S.W. P. Act 1867
s. 6.

Packets may be
defined.

12. The Governor-General may by order published in the *Gazette* direct what articles may be sent by post as packets or parcels and upon what terms and conditions the same may be sent. 20

N.S.W. ib. s. 7.

Officers of the
department free
from tolls.

13. No duty or toll payable at or in respect of any pier wharf quay landing place bridge or ferry or at any turnpike gate or bar or at any other gate or bar on a public road shall be demanded or taken from or in respect of— 25

W.A. P. & T. Act
1893 s. 8.

(a) Any person employed to perform any duty of the Department when on duty.

(b) Any person engaged in the conveyance of mails.

(c) Any vehicle or horse conveying mails or postal articles.

(d) Any telegraph messenger or line repairer when on duty. 30

(e) Any vehicle or horse used or employed by such telegraph messenger or line repairer in the performance of his respective duties.

(f) Any material or tools used or employed in the construction or repair of any telegraph line. 35

and any person who demands or takes any toll contrary hereto shall be liable to a penalty not exceeding Five pounds.

Arrangements may
be made for
British or foreign
mails.

Qd. P. & T. Act
1891 s. 9.

14. The Governor-General may make arrangements with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or of a foreign country with 40 respect to—

(a) the transmission by land or sea or by both of mails or postal articles between the Commonwealth and the United Kingdom or the British possession or foreign country ;

(b) the

- (b) the appointment determination and collection of postage and fees or other dues upon postal articles conveyed between the Commonwealth and the United Kingdom or any such possession or country ;
- 5 (c) the division and mutual accounting for and payment of the moneys collected under any such arrangement ;
- (d) the purposes above mentioned in the case of postal articles transmitted through the Commonwealth for the United Kingdom or any such possession or country to or from
- 10 any part of the world ;
- (e) the prepayment (in full or otherwise) of the postage payable on postal articles ;
- (f) the transmission to places out of the Commonwealth free of postage or upon such terms as to the amount of postage or fine to be collected and paid on delivery, and as to the application and payment thereof as may be agreed upon, of postal articles posted in the Commonwealth, or as to the collection application and payment of postage or fines on postal articles received from places out of the Commonwealth on which no postage or insufficient postage has been paid ;
- 15
- 20 (g) the payment of compensation for the loss or injury of any registered postal articles.

15. The Postmaster-General or any person authorized in that

25 behalf by the Governor-General may enter into contracts in writing on behalf of the Government of the Commonwealth for or in respect of the carriage of mails by land and sea or either or for any other purpose incidental to the carrying out of this Act and may stipulate for such terms and conditions as to him shall seem fit for securing the due regular

30 and efficient performance of the contract.

Contracts.

N.S.W. P. Act 1867
s. 43.

16. The principal railway official of every State or the owner controller or manager of any railway or tramway in any State shall carry mails on any train run upon the railways or tramways under his control if required by the Postmaster-General so to do and shall provide

35 all usual facilities for the receipt carriage and delivery of all mails that he is required to carry.

Railways to carry
mails.

17. The Postmaster-General shall pay to the principal railway official of each State or to the owner controller or manager of any railway or tramway in any State as the case may be such annual sum for the receipt carriage and delivery of mails and for all facilities provided in connexion therewith as may be agreed upon and in default of agreement as may be settled by arbitration. Provided that no payment shall be

40 made

Payment for
carriage of mails
by rail.

made to any owner controller or manager of any private railway or tramway who in accordance with the law of a State has agreed to carry His Majesty's mails free of charge.

Contributions may
be accepted.

18. The Governor-General may arrange with any State and the Postmaster-General may arrange or contract with any local governing body or person applying to him to establish or provide any additional facilities (postal or other) for the contribution by such State body or person towards the expense of establishing or providing such facilities or for indemnifying the Postmaster-General against any loss he may sustain thereby. 5 10

Governor-General
to fix rate
postage &c.
N.S.W. P. Act 1867
s. 10.
N.S.W. Tel. Act
1857 s. 6.
Vic. P. O. Act 1890
s. 99.

19. (1) The Governor-General may fix the rates of postage to be paid upon postal articles and the charges for the transmission and delivery of telegrams or other communications by telegraph.

(2) A scale of such rates and charges and of alterations of the same shall be laid before both Houses of the Parliament within fourteen days after the making thereof if the Parliament be then sitting, or if not then within fourteen days after the next meeting of the Parliament, and if either of the said Houses does not, within fourteen days after such scale has been so laid before it, resolve that such rates and charges or any of them ought not to come into force then such rates and charges shall, when published in the *Gazette*, have the force of law. 15 20

Payment of rates
and fees.

(3) All such rates and charges shall be paid to such person at such place and in such manner as may be prescribed, and in case of refusal or neglect of payment of any such rates and charges or any part thereof on demand to the person appointed to receive the same such person may sue for and recover the same in any court of competent jurisdiction. 25

Letters &c. from
places beyond the
Commonwealth.
Qd. P. & T. Act
1891 s. 13.

20. Every postal article received by post from a place out of the Commonwealth shall be transmitted and delivered free of charge within the Commonwealth except where it is necessary to collect the postage under an arrangement made as in this Act provided and except where otherwise provided by this Act or by the Regulations, in which cases the postage and all other fees or dues if any upon the postal article shall be collected on or before delivery. 30 35

Postage on letters of
sailors soldiers &c.
Qd. ib. s. 14.

21. (1) A postage of one penny shall be charged on letters not exceeding one half-ounce in weight forwarded by or addressed to seamen on actual service in the King's Navy or in the Marine Defence Force of the Commonwealth or any British possession or to a non-commissioned

a non-commissioned officer or man on actual service in the King's Regular Forces or in the Permanent Land Force of the Commonwealth or any British possession.

5 Provided that a letter forwarded by any such person shall not be transmitted or delivered at that charge unless it bears on its face the name of the writer and his class or description in his vessel regiment corps or detachment and the signature of the officer having command of the vessel regiment corps or detachment :

10 Provided also that a letter addressed to any such person shall not be transmitted or delivered at that charge unless it bears on its face the name of the vessel regiment corps or detachment to which the person to whom it is addressed belongs

15 (2) This section shall not apply to letters forwarded by or addressed to a commissioned or warrant officer in the Land or Marine Forces or a midshipman in the Marine Forces.

22. (1) No additional charge shall be made on prepaid postal articles (other than parcels) re-addressed within the time and in manner prescribed and again forwarded by post within the Commonwealth if the postage originally paid would have been sufficient if the postal article had originally been addressed to its new destination, but if not an additional charge equal to the difference between the amount of postage already prepaid and that which would have been chargeable if the articles had been originally despatched to the new destination shall be made.

Redirection.
N.S.W. P. A. Am.
Act 1893 s. 21.
P. U. Conv. Reg. 25.

25 (2) Any re-addressed postal articles which appear to have been opened or tampered with shall be chargeable with postage as freshly posted unpaid articles.

30 23. Any letter post-card letter-card or packet posted for delivery in the Commonwealth on which the postage is not fully prepaid may be transmitted and delivered, but before delivery there shall be paid double the amount of the deficient postage and the sum to be so paid shall be written on such letter post-card letter-card or packet by an authorized officer.

Letters &c.
insufficiently
prepaid.
N.S.W. ib. s. 11.

35 Provided that postage on loose letters post-cards letter-cards and packets received from masters of vessels shall be collected on delivery at the rate chargeable to the places whence such articles are received.

40 24. All petitions and addresses to the Governor-General or to the Governor of any State shall be transmitted and delivered free of charge if such petitions or addresses do not exceed sixteen ounces in weight respectively and are without covers or in covers open at the ends or sides.

Petitions to the
Governor-General
&c.
N.S.W. P. Act 1867
s. 13.

25. It

Postage need not be prepaid on letters or packets containing returns of births &c. transmitted by any minister of religion &c. to appointed officer.

N.S.W. ib. s. 23.

25. It shall not be necessary to prepay the postage upon letters or packets containing only returns of births baptisms marriages and deaths transmitted in compliance with the provisions of the law in that behalf by ministers of religion or other persons whose duty it is to transmit such returns to any officer appointed to receive the same if on the outside thereof it is stated that they contain such returns only and such statement is signed by the person transmitting the same, but the postage thereon at prepaid rates shall be paid by the said officer on delivery of such letters or packets. 5

Definition of newspaper and supplement.

N.S.W. P. O. Am. Act 1893 s. 3.

Tas. P. O. Am. Act 1888 s. 5.

26. (1) Any publication coming within the following description shall for the purposes of this Act be deemed a newspaper that is to say any publication known and recognised as a newspaper in the generally accepted sense of the word which consists wholly or principally of political or other news or of articles relating thereto or other current topics with or without advertisements and printed for sale provided— 10 15

- (a) that it is printed and published within the Commonwealth ;
- (b) that it is published in numbers at intervals not exceeding one calendar month ;
- (c) that the full title and date of publication be printed at the top of the first page and the whole or part of the title and the date at the top of every subsequent page. 20

(2) The following shall for the purposes of this Act be deemed a supplement to a newspaper that is to say a publication consisting wholly or in part of such matter as aforesaid or consisting wholly or in part of engravings prints or lithographs illustrative of articles in such newspaper or supplement provided that no such supplement shall consist of only one advertisement placard or circular and that every such supplement be enclosed in every copy or issue of the paper of which it forms the supplement and in every case be printed on a sheet or sheets of paper of similar size to and published with such newspaper and having the title and date of publication of the newspaper printed at the top of every page or at the top of every sheet or side on which any such matter appears : 25 30

Provided that the limitation as to size shall not apply to coloured supplements or engravings if not of inconvenient form or size. 35

Registration of newspapers.

N.S.W. ib. s. 4.

Vic. P. O. Act 1897 s. 7.

Qd. P. & T. Act 1891 ss. 24, 25.

Removal from register.

27. (1) The proprietor printer or publisher of any newspaper may at such time and in such form and with such particulars as may be prescribed upon payment of a fee of Five shillings register it at the General Post Office of any State and the Deputy Postmaster-General of such State may from time to time revise the register and remove therefrom any publication a posted copy of which 40

which contains seditious blasphemous indecent or obscene matter or which by reason of the proportion of advertisements to other matter therein or for any other reason is not within the description aforesaid and any publication for the time being on the register shall for the purposes of this Act be deemed a registered newspaper.

(2) No publication which after the expiration of one month from the commencement of this Act is tendèred for transmission at any post office in the Commonwealth shall be sent by post as a newspaper unless the provisions of this section have been complied with.

(3) Any Deputy Postmaster-General may refuse to transmit or deliver any publication containing seditious blasphemous indecent or obscene matter.

(4) Any posted newspaper found to contain seditious blasphemous indecent or obscene matter may be destroyed by order of the Postmaster-General.

(5) No action shall be brought against the Postmaster-General or any officer of the department for anything done under the provisions of this section but any person aggrieved by anything done by the Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court or until the establishment of such Court to a Judge of a Supreme Court of a State by summons or petition in a summary manner and the decision of such Justice or Judge shall be final.

(6) All unregistered or irregularly posted newspapers and all newspapers having any matter which is not a supplement accompanying them shall be treated as packets.

Consequence of irregularity.

28. The Postmaster-General shall with the approval of the Governor-General cause postage stamps to be made and sold indicating such amounts of postage or fees as may in that behalf be directed by the Governor-General.

Postage stamps to be made and sold. Tas. P. O. Act 1881 s. 28.

29. Every postmaster shall procure and keep on hand for sale such quantities of postage stamps as the Postmaster-General shall authorize and direct and shall sell the same without premium to any person desirous of purchasing them.

Postmasters to keep sufficient supply of stamps. S.A. P. O. Act 1876 s. 27.

30. (1) Except in cases where prepayment of postage is allowed to be made in money prepayment of postage can be effected only by means of postage stamps valid in the Commonwealth for the correspondence of private individuals: Provided however that the reply-half of reply post-cards bearing postage stamps of the country in which these cards were issued are considered as duly prepaid if addressed to such country.

Prepayment of postage. S.A. ib. s. 42. P. U. Conv. Art. 11.

(2) Official correspondence from the Department relative to the Postal and Telegraphic Service and telegraphic messages upon which all fees payable under this Act have been paid may be transmitted free by post for delivery within the Commonwealth.

By money in certain cases.
N.S.W. P. Act 1867
s. 19.

31. Notwithstanding the last preceding section whenever it may happen that any postmaster shall not have any postage stamps of the requisite value for sale the postage and fees upon any postal article may be prepaid by money and shall be acknowledged by such postmaster on the face or cover of such article. 5

Prepayment of postage in bulk.
N.S.W. P. A. Am.
Act 1893 s. 12.

32. The Postmaster-General may authorize any postmaster or other officer to accept money in prepayment of the postage on each letter packet or newspaper in cases where a large quantity of letters packets or newspapers are brought to the post by or on behalf of any person, and the postmaster or other officer shall mark on each letter packet or newspaper the full amount of postage prepaid thereon. 10 15

Postage stamps, where to be affixed.
N.S.W. P. Act 1867
s. 22.

33. The postage stamps upon all postal articles sent by post shall be impressed or affixed upon the face thereof and near the address written thereon and no postmaster shall be bound to take any notice of stamps which are impressed or affixed elsewhere.

Postage stamps may be perforated with letters.
Vict. P. O. Act 1890
s. 16.

34. Any person with the permission in writing of the Postmaster-General may perforate postage stamps with such letters figures or design as are prescribed in such writing and stamps so perforated shall not be considered to be defaced within the meaning of this Act and shall be received in payment of any postage fees or dues and telegraph fees, but no stamps so perforated shall be purchased or exchanged by any postmaster or servant of the department. 20 25

Erection of letter pillars &c.
Vict. P. O. Act 1890
s. 48.

35. The Postmaster-General may cause letter pillars or boxes for the reception of postal articles to be erected and maintained in any public road street or highway or other place.

Registration.
N.S.W. P. Act 1867
ss. 24, 25.
Vict. P. O. Act 1897
s. 9.

36. (1) Any person who sends any letter packet or newspaper by post shall be entitled to have the same registered at the post office at which it is posted upon payment of the prescribed fee for registration. And all articles required to be registered shall be put into the post office and also be delivered at or between such hours in the day and under such conditions as the Postmaster-General shall appoint. 30 35

Acknowledgment of the receipt of registered letters.

(2) Any person who sends a registered article by post may obtain an acknowledgment of its due receipt by the person to whom it is addressed by paying the prescribed fee in advance at the time of registration in addition to the registration fee.

(3) Where

(3) Where any postmaster or officer has reasonable cause to believe that any unregistered letter or packet contains any valuable enclosure other than money orders or bills of exchange acceptances or promissory notes payable to order cheques or postal notes or postage stamps not exceeding Five shillings in value such postmaster or officer may register such letter or packet and charge it with double the prescribed fee for registration and the fee to be so paid shall be written on such letter or packet by the postmaster or officer of the post office who registers the same, and such fee shall be paid by the person to whom it is addressed before delivery unless such person before delivery opens the letter in the presence of some postmaster or officer of the post office and it is found not to contain any valuable enclosure in which case such fee shall not be charged.

Letters &c. with valuable enclosures must be registered.

37. Any person making a complaint that an unregistered letter or packet containing coin jewellery gems watches or any other valuable enclosure of the like kind has not been duly delivered to the person to whom it was addressed may be required by the postmaster of the post office at which the complaint is made to make a declaration in the Form D in the Second Schedule to this Act and to pay the fee (if any) prescribed before any inquiry is instituted.

Declaration to be made where missing letter &c. contained valuable enclosure.
Qd. P. & T. Act 1891 s. 35.
Second Schedule (D).

38. Every postal article received in a post office—

- (a) on which the postage stamps have been previously obliterated or defaced (unless the postage thereon has been prepaid by money) ; or
- (b) which contains an enclosure contrary to the provisions of this Act or the regulations or of any other Act ; or
- (c) which is posted contrary in any other way to the provisions of this Act or the regulations ; or
- (d) on the outside of which any profane blasphemous indecent obscene offensive or libellous matter is written or drawn,
- shall be deemed to be posted in contravention of this Act.

Certain letters &c. to be deemed posted in contravention of this Act.
Qd. P. & T. Act 1891 s. 36.

39. Every postal article—

- (a) which is without address or bears an illegible address ; or
- (b) which is posted or is reasonably suspected to be posted in contravention of this Act ; or
- (c) which the person to whom it is addressed refuses to receive ; or
- (d) upon which any postage is payable by the person to whom it is addressed and in respect of which such person refuses to pay the postage,
- shall be transmitted without delay by the postmaster receiving it to the General Post Office.

Letters &c. in contravention of this Act how dealt with.
Qd. ib. s. 37.

Every

Every postal article containing or supposed to contain an enclosure upon which the duties of Customs are payable shall be dealt with in the prescribed manner.

Power to examine newspapers and packets.
Qd. ib. s. 42.

40. (1) The Postmaster-General or his officers may examine any newspaper or packet sent by post without a cover or in a cover open at the ends or sides and bearing less than the letter rate of postage in order to discover whether it was posted in conformity with this Act or the regulations. 5

(2) The question whether any postal article is entitled to be sent as a newspaper or packet shall if disputed be referred to the Postmaster-General for determination, and his decision shall be final. 10

Blasphemous or obscene letters &c. may be destroyed.
S.A. P. O. Act 1876 s. 45.

41. The Postmaster-General or any Deputy Postmaster-General may at any time cause any postal article having anything profane blasphemous indecent obscene offensive or libellous written or drawn on the outside thereof or any obscene enclosure in any postal article to be destroyed. 15

No action shall be brought against the Postmaster-General or any officer of the Department for anything done under the provisions of this section but any person aggrieved by anything done by the Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court or until the establishment of such court to a Judge of a Supreme Court of a State by summons or petition in a summary manner and the decision of such Justice or Judge shall be final. 20

Indecent pictures &c. sent by post.

42. The Postmaster-General or any Deputy Postmaster-General may refuse to transmit or deliver any newspaper packet or parcel containing any picture or advertisement or any printed or written matter in the nature of an advertisement, which picture advertisement or matter is of an indecent or obscene nature, and may cause any such newspaper packet or parcel to be destroyed. 25 30

Unclaimed and undelivered articles returned from other countries how dealt with.
S.A. P. O. Act 1876 s. 35.

43. The Postmaster-General may cause all unclaimed and undelivered postal articles originally posted within the Commonwealth which have been returned from the place to which they were forwarded to be treated as unclaimed articles and opened as hereinafter mentioned. 35

Unclaimed letters &c. to be kept certain periods and then sent to General Post Office

44. (1) Every postal article which remains undelivered at any post office to which it has been transmitted for delivery shall save as in this Act otherwise provided be kept thereat for delivery for such

such time as may be prescribed. And as soon as possible after the expiration of such time the postmaster at every such post office shall transmit to the General Post Office every postal article that has been kept for the prescribed time, and thereupon every such postal article so transmitted and any postal article which remains undelivered at the General Post Office beyond the prescribed time shall be dealt with as in this Act provided.

N.S.W. P. A. Am.
Act 1893 s. 8.
S.A. P. O. Act 1891
s. 14.

(2) Notwithstanding anything in this Act contained when any letter or packet bears an indorsement by the sender to the effect that if it remains undelivered for a certain specified time not less than seven days it may be returned to him the postmaster, at the post office to which the same has been transmitted for delivery shall as soon as possible after the time so specified transmit it to such indorsed address, and if it be refused at such specified address it shall be deemed to be undelivered and unclaimed and dealt with accordingly.

Letters &c. may be
returned to sender
if request indorsed
thereon.

45. (1) All telegrams and postal articles sent by post and addressed to any person at any inn hotel or at any lodging-house or at any house at which lodgers are received and delivered to the occupier or manager of such inn hotel or house shall be deemed to be under the control of the Postmaster-General until delivered to the person to whom the same are addressed, and if the same are not so delivered within one month after the receipt of the same by such occupier or manager and if instructions to the contrary are not received from the person to whom the same are addressed they shall be returned to a letter carrier or to the nearest post office and kept thereat for delivery for such time as may be prescribed and at the expiration of such time shall be transmitted to the General Post Office. All such telegrams and postal articles transmitted to the General Post Office under the provisions of this section shall there be dealt with as undelivered and unclaimed.

Telegrams letters
&c. at hotels re-
maining undelivered
for one month to
be returned to post
office.

S.A. lb. s. 17.

(2) Every such occupier or manager wilfully omitting or failing to return any such telegram or postal article as aforesaid shall be liable to a penalty not exceeding Five pounds.

Penalty.

46. On the receipt at a General Post Office of any postal article hereinbefore required to be transmitted to such office such postal article if it was originally posted in the Commonwealth or if it has been posted or contains any enclosure or be reasonably suspected to have been posted or to contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act may be opened in the General Post Office in the manner hereinafter mentioned; and every letter and packet if it was originally posted elsewhere shall except as last aforesaid be returned to the proper authorities in the country in which it was so posted or if originally posted in another State be returned to

How dead letters &c.
disposed of at
General Post Office.

N.S.W. P. O. Act
1867 s. 30.

the

the General Post Office of that State, but every newspaper wheresoever it was originally posted shall be opened in the same place and manner as letters and packets originally posted in the Commonwealth.

How or by whom unclaimed or dead letters may be opened.

S.A. P. O. Act 1876 s. 36.

Second Schedule (B).

47. Every postal article opened under the provisions of this Act shall be opened in the presence of not less than two officers of the post office nominated for that purpose by the Postmaster-General and every such officer shall before he enters upon his duties in this respect make and subscribe before a justice of the peace a declaration in the Form B in the Second Schedule to this Act. 5

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

S.A. ib. s 37.

48. Every Deputy Postmaster-General shall cause every detained unclaimed refused and undelivered postal article whatsoever posted in any part of the Commonwealth which has been opened under the provisions of this Act to be forthwith returned to the writer or sender thereof if his name and address can be ascertained by examination of such article, and such writer or sender shall thereupon be liable to pay the original postage payable thereon if not prepaid ; and if such writer or sender refuses to receive any such article the same may be forthwith destroyed, but he shall be liable to pay the postage thereon. 10 15

Opened letters and packets containing anything of value how dealt with.

Vict. P. O. Act 1890 s. 40.

49. (1) Every undelivered letter or packet which is opened under the provisions of this Act (if it contains any valuable or saleable enclosure) shall be safely kept and a list thereof together with a memorandum of such contents made and preserved ; and the Postmaster-General shall (unless such contents have been posted or be in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them) cause notice of such letter or packet and of such contents to be sent to the person to whom the same is addressed if he be known or otherwise to the writer or sender thereof if he be known. And upon application by the first-mentioned person if known and if unknown by the last-mentioned person if known such letter or packet and its contents shall (unless as last aforesaid) be delivered to the person so making such demand. 20 25 30

(2) If neither of such persons can be found or makes such application within three months after the sending of such notice or if the said contents have been posted or are in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them such letter or packet shall be destroyed and its contents forfeited unless the Postmaster-General directs the said contents to be restored to the writer or sender of the said letter or packet. And if the contents aforesaid are not money or a security or order for money payable to bearer the 35 40

the same may be destroyed sold or converted into money in such manner as the Postmaster-General or Deputy Postmaster-General directs, and the proceeds thereof shall be paid into the consolidated revenue fund. And if the contents aforesaid are money, or a security, or order for money payable to bearer, the same shall form part of the consolidated revenue.

50. Every unclaimed or undelivered newspaper opened under the provisions of this Act may be forthwith sold destroyed or used for any public purpose unless before such sale destruction or use thereof the same is claimed and the postage (if any) due thereon is paid by the person to whom the same is addressed. But if any such newspaper has been posted or contains any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable thereon the said newspaper shall be sold destroyed or used as aforesaid ; and anything which is enclosed in or with or which accompanies such newspaper or the cover thereof shall be forfeited. And if such enclosure or accompaniment is not money or a security or order for money payable to bearer the same may be destroyed sold or converted into money in such manner as the Postmaster-General may direct and the proceeds thereof shall be paid into the consolidated revenue fund. And if such enclosure or accompaniment is money, or a security, or order for money payable to bearer, the same shall form part of the consolidated revenue.

Opened newspapers
how dealt with.
N.S.W. P. Act 1867
s. 34.

51. The sender of any postal article which is opened under the provisions of this Act shall on demand pay the postage and fees (if any) remaining due thereon, and in case of refusal so to do shall be liable to a penalty not exceeding Forty shillings.

Sender of opened
letters &c. to pay
postage.
N.S.W. ib. s. 35.

52. Except in the cases in this Act expressly mentioned no letter packet or newspaper shall be destroyed or returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed or the direction in writing of the Postmaster-General and no letter packet or newspaper shall be delivered to any person not named in the address thereof without such consent or direction.

No letters &c. to be
returned except in
certain cases.
N.S.W. ib. s. 26.

53. Whenever any person is adjudged bankrupt or insolvent by any court of competent jurisdiction within the Commonwealth the Postmaster-General if so directed by the order of the court may order that until a date to be specified in such order such date not being later than the time when such bankrupt or insolvent has passed his last examination any postal article addressed to such insolvent shall be delivered to the official receiver or other person named in such order.

Letters of insolvents
to be delivered to
official assignee.
S.A. P. O. Act 1876
s. 40.

54. Postal

Letters &c. for deceased persons how to be disposed of.

S.A. P. O. Act 1876 s. 41.

54. Postal articles addressed to deceased persons may be delivered to the executors or administrators of such deceased person on production of the probate or letters of administration; but in the event of there being no legal representative the Postmaster-General or a Deputy-Postmaster-General may open or cause to be opened such postal articles and deliver the same to some near relative of the deceased person. 5

Power in certain cases to refuse to register or deliver letters &c.

Qd. P. & T. Act 1891 s. 49.

55. (1) The Postmaster-General if he has reasonable ground to suppose any person to be engaged either in the Commonwealth or elsewhere in receiving money or any valuable thing—

- (a) as consideration for an assurance or agreement express or implied to pay or give or as consideration for securing that some other person shall pay or give any money or valuable thing on an event or contingency of or relating to any horserace or other race or any fight game sport or exercise; or 10
- (b) for promoting or carrying out a scheme connected with any such assurance agreement or security or a lottery or scheme of chance not sanctioned by law or an unlawful game; or 15
- (c) under pretence of foretelling future events; or 20
- (d) in connexion with a fraudulent obscene indecent or immoral business or undertaking; 20

may by order under his hand published in the *Gazette* direct that any postal article received at a post office addressed to such person either by his own or fictitious or assumed name or to an address without a name shall not be registered or transmitted or delivered to such person. 25

(2) The order shall specify such name or address and shall upon publication be of full force and effect until cancelled by the Postmaster-General. 30

Letters &c. in such cases how dealt with.

Qd. It. s. 50.

56. (1) Any postal article addressed to the person named in such order by such name or to such address if received at a post office shall not be delivered to such person or at such address but shall be forthwith sent to the General Post Office, and shall if it was originally posted in the Commonwealth be opened and immediately returned to the sender, and if it was not originally posted in the Commonwealth shall be returned unopened to the proper authorities of the colony possession or country where it was originally posted. 35

(2) Money orders shall not be issued in favour of or paid to any person with respect to whom any such order is made. 40

Heavy letters packets and news papers may be refused.

N.S.W. P. O. Am. Act 1893 s. 9.

57. Any postmaster may refuse to receive or to transmit by post any postal article exceeding the weight or dimensions described or of inconvenient form or containing or reasonably suspected to contain any article likely to injure any person or the contents of the mail bags.

58. (1) The

58. (1) The transmission of a postal article addressed to a person in the Commonwealth to the post office of the post town to which it is directed or if not so directed then to the post office of the post town nearest to the address named shall be sufficient transmission under this Act.

Delivery at post town or at named, or last known residence sufficient. Qd. P. & T. Act 1891 s. 52.

(2) When delivery by letter carriers is provided delivery according to the address or at the last known place of residence of the person named in the address shall be sufficient delivery to such person unless he by written notice to the postmaster of the office to which such article is addressed has prohibited such delivery.

59. When the despatch or delivery of letters from a post office would be delayed by the despatch or delivery at the same time of post-cards book packets newspapers or parcels the latter or any of them may subject to the regulations be detained in the post office until a later despatch or delivery.

Despatch and delivery of packets &c. may be delayed. Qd. ib. s. 53.

60. In any action or other proceeding for the recovery of any postage or fee payable by authority of this Act in respect of a postal article —

Qd. ib. s. 54.

(a) The person from whom the postal article purports to have come shall be deemed the sender thereof and the onus of proving that such article did not come from or was not sent by him shall rest on the person proceeded against ;

Who deemed to be the sender of a postal article.

(b) The post office stamp or mark denoting that the postal article has been refused or that the person to whom such article is addressed is dead or cannot be found, shall be *prima facie* evidence of the refusal thereof or that such person is dead or cannot be found ;

Post office stamp evidence of refusal of letter &c.

(c) The post office stamp or mark thereon denoting the postage or fee shall be *prima facie* evidence of the liability of the postal article to the postage or fee and that the sum stamped or marked thereupon is payable in respect thereof.

Post-office stamp evidence of liability to postage.

61. In any action or other proceeding every mail or postal article in charge of or being carried by a postmaster postman mailman mail-driver officer or servant of the Department or other person employed by or under the Postmaster-General shall until the contrary is proved be deemed to be in course of being sent by post.

Mail in charge of postmaster &c. deemed to be by post. Qd. ib. s. 55.

62. (1) The Postmaster-General may order the destruction in such manner as he thinks fit of any telegrams books of record telegraph tape letter-bills registered letter receipts money orders postal notes returns requisitions orders for delivery of letters or letters to the

Power to destroy books documents telegrams, &c. Vic. P. O. Act 1890 s. 44.

Department or any other document or the butts thereof: Provided that such telegrams have not been written within the period of two years prior to the date of any such order and that such books and other documents have not been printed written or prepared within the period of one year prior to the date of any such order, and the King or the Postmaster-General or any officer of the post office shall not be accountable in any manner to any person for any telegrams books or documents so destroyed and no claim for damages shall arise to any person by reason of any such destruction. 5

(2) In this section "document" shall be deemed to include documents relating to the parcels post. 10

Appropriation of fees, &c.

Qd. P. & T. Act
1891 s. 132.

63. All moneys collected on account of the sale of postage stamps commission charges fees penalties and other dues levied collected or received under this Act or the regulations shall be paid to the Treasurer of the Commonwealth and placed to the credit of the Consolidated Revenue Fund: Provided that fines inflicted upon officers of the Department under section ninety-two may be disposed of in such manner as the Governor-General shall direct. 15

PART II.—CONVEYANCE OF MAILS BY SHIPS.

In all vessels conveying mails lockers to be provided.

N.S.W. P. O. Act
1867 s. 44.

64. In all vessels by which mails are conveyed under any contract entered into by the Postmaster-General under this Act, there shall be provided a suitable locker or other secure place in which such mails and all postal articles shall be locked up and carried apart from all other articles and things. And if such locker or place is not so provided or if such mails or any postal article are carried in any such vessel during the whole or any part of the voyage otherwise than in such locker or place the master of such vessel shall be liable to a penalty not exceeding Fifty pounds. 20 25

Delivery of ship mails on arrival of ship.

Qd. P. & T. Act
1891 s. 58.

65. (1) All mails and every loose postal article on board a vessel at the time of her arrival within a port within the Commonwealth directed to a person in the Commonwealth, except letters concerning goods on board the vessel and to be delivered with the goods or sent by way of introduction only or concerning the bearer's private affairs shall be forthwith delivered at the wharf nearest to the post office by the master to the postmaster or a port officer or Customs officer of the port, or to any person duly authorized by writing under the hand of a Postmaster. 30 35

Penalty.

(2) Any master who (except as aforesaid) knowingly or negligently detains keeps in his possession or neglects or refuses to deliver a mail or postal article after demand made as aforesaid shall be liable to a penalty not exceeding Fifty pounds. 40

Declaration by masters of inward-bound vessels.

66. The master of a vessel arriving at any port within the Commonwealth shall as soon as practicable after such arrival sign in the presence of the postmaster or other officer appointed to receive the same

same at such port or the town or place nearest thereto a declaration in the form set forth in the Second Schedule to this Act and thereupon such postmaster or officer shall grant a certificate under his hand of the making thereof and until such certificate has been delivered to the proper officer of Customs at such port he shall not permit such vessel to report. And any master who fails or refuses to make such declaration or who makes a false declaration shall be liable to a penalty not exceeding Fifty pounds.

N.S.W. P. Act 1867
s. 46, P. A. Am.
Act 1893 s. 14.
Second Schedule (C).

Provided that a Postmaster may in cases of vessels which are known or reasonably believed to have no mails on board authorize the proper officer of the Customs to permit any such vessels arriving at any port in the Commonwealth to report without requiring the declaration to be signed and the certificate to be delivered.

67. (1) The master of a vessel about to depart from a port within the Commonwealth to a port or place within or beyond the Commonwealth may be required by an officer of the Department or by a port officer or Customs officer or other person duly authorized by a postmaster to receive or take delivery at an approved wharf of any mail and he shall in such case give a receipt for such mail to the person tendering or delivering the same and shall carefully deposit the mail in some secure and dry place on board the vessel and convey the same upon her then intended voyage.

Mails to be taken in
vessels outward
bound and
coastwise.

W.A. P. & T. Act
1893 s. 47.

(2) Any person in any respect offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding Fifty pounds.

Penalty.

68. (1) The master of a vessel about to depart from any port within the Commonwealth to any other port or place who receives on board thereof any mail for the purpose of conveying the same according to the direction thereof shall be entitled immediately to demand and receive from the person tendering or delivering the same for the carriage thereof payment at such rates as may be prescribed. But nothing herein contained shall entitle the master of any vessel under contract for the carriage of mails to receive any such payment.

Payments to master
of vessel.

N.S.W. P. A. Am.
Act 1893 s. 13.

W.A. ib. s. 48.

Qd. P. & T. Act 1891
s. 62.

(2) When mails are brought from one port to another and transhipped or forwarded by a second vessel belonging to the same owner payment shall not be made on account of the second conveyance.

(3) Payment shall not be made to the master of a ship arriving from any port or place for the conveyance of mails.

69. (1) The master of a vessel not carrying mails under a contract for the carriage thereof and being about to depart from any port within the Commonwealth to any port or place beyond the Commonwealth shall

Notice of departure
of vessels.

N.S.W. P. Act 1867
s. 50, P. A. Am.

Act 1893 s. 14.

shall before the clearance outwards of such vessel give to the postmaster or officer in charge of the post-office at the port from which such vessel is about to depart not less than twenty-four hours' notice in writing of the intended time of departure of such vessel, and every master of a vessel not carrying mails under a contract which is about to depart from a port within the Commonwealth to another port or place therein shall before the clearance of the vessel give to the postmaster at the port from which the vessel is about to depart not less than six hours' notice in writing of her intended hour of departure. 5

Provided that a shorter notice may be prescribed in any case or special class of cases, and every such notice shall commence and expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon. 10

And of postponed
departure.

(2) Such master shall also give notice to such postmaster or officer of any postponement of such time of departure exceeding one hour, and in default thereof shall be liable to a penalty not exceeding Fifty pounds. And such postmaster or other officer of the post-office shall upon receiving such notice grant a certificate of the receipt of such notice to such master, and until such certificate has been given the vessel shall not be cleared. 15 20

Duty of master
where ships not
sailing pursuant to
notice.

Qd. P. & T. Act
1891 s. 64.

70. When the master of a vessel has received a mail on board for carriage and the vessel does not depart on her voyage according to the time fixed for departure or within one hour thereof the master shall forthwith give notice to the postmaster of the delay and shall on demand return the mails and the gratuity or payment which has been paid for carriage to the postmaster or to some port officer or Customs officer of the port or some other person duly authorized in that behalf in writing under the hand of a postmaster. 25

Penalty.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds. 30

Masters to give
notice of approach
to a place appointed
for the receipt and
despatch of mails.
Qd. ib. s. 65.

71. The master of a vessel proceeding from a port or place within the Commonwealth to some other port or place within the Commonwealth, and having on board a mail for delivery in such last-mentioned port or place shall give notice of the near approach of the vessel thereto by ringing a bell or by some other concerted signal which may reasonably be expected to be distinctly heard or seen by the postmaster port officer officer of Customs or other person in such last-mentioned port or place duly authorized to receive or despatch a mail, and shall give such notice a sufficient time before the actual arrival of the vessel to enable him to be prepared to receive the mail from or despatch a mail in the vessel. 35 40

Any master who refuses or omits to give such notice shall be liable for every offence to a penalty not exceeding Fifty pounds.

PART

PART III.—MONEY ORDERS AND POSTAL NOTES.

72. (1) The Governor-General may make arrangements with the Postmaster-General in the United Kingdom, or with the proper authorities of any British possession or of a foreign country for the issue and payment by means of the Department of money orders and postal notes between the Commonwealth and the United Kingdom or such possession or country and for the accounting for and transmission of moneys required for that purpose.

Arrangements for money orders and postal notes.

Qd. P. & T. Act 1891 s. 66.

(2) The Governor-General may also make arrangements for the issue and payment by means of the Department of money orders and postal notes within the Commonwealth and for the accounting for and transmission of moneys required for that purpose.

73. A money order shall not be granted for a larger sum than Twenty pounds, nor a postal note for a larger sum than Twenty shillings. The Postmaster-General may charge and receive in respect of money orders and postal notes issued under this Act the prescribed commission or poundage.

Amount and cost of money orders and postal notes.

Qd. ib. s. 67.

74. After the expiration of six months from the last day of the month of issue, any postal note issued under the provisions of this Act shall be payable only at the General Post Office in the State in which it is made payable.

Currency of notes.

S.A. P. Notes Act 1886 s. 5.

75. (1) The Postmaster-General may repay the amount of a money order to the person to whom it was granted or his executors or administrators whether the money order remains or is in his or their possession or not.

When amount of money order may be refunded.

Qd. P. & T. Act 1891 s. 68.

(2) Upon the repayment all liability if any of the Postmaster-General or of any postmaster or officer of the Department in respect of the money order or the issue or repayment of the amount thereof shall as against all persons whomsoever cease and determine.

76. Every money order and postal note shall be deemed a valuable security within the meaning of any law relating to larceny, and an unissued postal note shall be deemed public moneys.

To be deemed valuable security and public moneys.

Qd. ib. s. 69.
N.S.W. P. Act 1867 s. 75.

77. No stamp duty shall be charged upon any money order or postal note issued or paid under the provisions of this Act.

No stamp duty on money orders or postal notes.

PART

PART IV.—TELEGRAPHS.

Postmaster-General
to have exclusive
rights in respect of
telegraphs.
W.A. P. & T. Act
1893 s. 65.

78. The Postmaster-General shall have the exclusive privilege of erecting and maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Commonwealth and performing all the incidental services of receiving collecting or delivering such telegrams or communications except as provided by this Act or the regulations : 5

Provided that the Government railway authorities of each State shall have authority to erect and maintain within the railway boundaries telegraph lines required for the working of the railways, but except by authority of the Postmaster-General no such telegraph line shall be used for the purpose of transmitting and delivering telegrams for the public. Where such authority is obtained the revenue derived from such telegrams shall be divided between the Department and the railway authorities in such proportions as may be mutually arranged. 10

Provided also that nothing in this section shall be taken to prevent any person from maintaining and using any telegraph line heretofore erected by him or from erecting maintaining and using any telegraph line— 15

(a) which is wholly within and upon land whereof he is the proprietor or occupier and solely for his own purposes if no part of such line is within twelve feet of any line of the Postmaster-General; or 20

(b) which is used for telephonic communication and is wholly within a building whereof he is the occupier or proprietor, and solely for his own purposes. 25

Authority to persons
to erect and
maintain telegraph
lines.

79. The Postmaster-General may on such conditions as he deems fit authorize any person to erect and maintain telegraph lines within the Commonwealth, and to use the same for all purposes of and incidental to telegraphic communication.

Provided that such conditions and authority shall not be requisite in the case of any person erecting or maintaining telegraph lines erected upon private land or within a private building. 30

Postmaster-General
may contract for
construction of
telegraph lines.

Qd. P. & T. Act
1891 ss. 70, 71.

Telegraph lines to be
subject to this Act.

80. (1) The Postmaster-General or any person authorized in that behalf by the Postmaster-General may enter into a contract with any other person for the construction and maintenance of any telegraph line by such person for the Postmaster-General or for his own use. 35

(2) Every telegraph line constructed or to be constructed within the Commonwealth shall be subject to the provisions of this Act and the regulations.

Provided that where a private line has been constructed before or after the commencement of this Act by a person who is the owner of the land upon both sides of a road railway tramway public reserve Crown lands or creek then nothing in this Act shall be deemed to prevent such person on payment of the prescribed fee from continuing or carrying such private line across any such road railway tramway public reserve Crown lands or creek at a height of at least eighteen feet 40 45

feet from the surface of such road railway tramway public reserve Crown lands or creek or otherwise as approved by the Postmaster-General.

- 5 **81.** Any person acting under the authority of the Postmaster-General may for the purpose of this Act enter upon any land and survey and take levels thereof and dig fell remove and carry away from the land any earth stone gravel sand or other soil or timber or trees required to be used in constructing or maintaining a telegraph line or the works connected therewith.
- 10 **82.** (1) A person so authorized may cause to be set up or opened up or laid down and maintained a telegraph line or any works necessary for the purposes of this Act upon under or through any land or any shore of the sea road stream or water and may break excavate and remove any soil to the extent and depth required for placing or removing the works :
- 15 Provided that every wire or cord crossing a road or water above the surface shall be at least eighteen feet from the surface and that the free use of any land shore road or water shall not be obstructed more than is necessary for the purposes of this Act.
- 20 (2) Where subsequent to the erection upon any footpath road or highway of any telegraph line it becomes necessary to remove the same owing to any alteration of alignment or other action on the part of a municipal council or a local authority the cost of such removal shall be borne by the municipal council or local authority concerned.
- 25 **83.** A person so authorized may whenever it is necessary for continuing or completing a telegraph line cause a wire or cord to be supported by affixing or annexing the same to in or upon through or against any part of a house building or other structure in a city town or village :
- 30 Provided that the wire or cord if aerial is eighteen feet at the least from the surface of the earth on which the house building or other structure is situate.
- 35 **84.** (1) Such trees or underwood as obstruct or in the opinion of the Postmaster-General or other officer duly authorized by him are likely to interfere with the proper working of any telegraph line if growing upon Crown lands or upon any road street or high-way may be cut down or lopped as may be deemed necessary by the said Postmaster-General or such officer, and if growing upon private lands within twenty feet of any such line then the proprietor or occupier of such private lands shall cut down or lop the same as and
- 40 when required so to do by the said Postmaster-General or such officer, and upon default the said Postmaster-General or such officer may enter upon the said private lands and cause such trees and underwood to be cut or lopped as may be deemed necessary.
- 45 (2) This Act shall be sufficient to indemnify the Postmaster-General and his officers servants agents and workmen and all other persons whomsoever for what he or any of them shall reasonably do by virtue of the powers by this section granted.
- 85.** (1) Where

Lands may be entered and surveyed &c.

Qd. P. & T. Act 1891 s. 72.

Works to be made on any land &c.

Qd. ib. s. 73.

Wires &c. may be affixed to buildings.

Qd. ib. s. 74.

Trees obstructing telegraph lines may be cut or lopped.

S.A. P. O. Act 1891 s. 23.

Free access to be permitted for the repair of telegraph line.

W.A. P. & T. Act 1893 s. 63.

85. (1) Where subsequently to the erection of a telegraph line whether erected before or after the commencement of this Act a fence is erected crossing the line of direction of such telegraph line the owner of such fence shall at his own cost on the demand of the Postmaster-General in writing cause a gate or slip-rails at least ten feet wide to be put up in such fence at the point of intersection with the telegraph line to admit the passage at all times of any vehicle used in the repair of such telegraph line. 5

(2) Any person being employed in the repair of a telegraph line if such demand has not been complied with within fourteen days after such demand may remove cut down or otherwise break through such fence. 10

(3) Where previously to the erection of a telegraph line a fence has been erected which is subsequently crossed by a telegraph line the person causing the erection of such telegraph line may if authorized by the Postmaster-General in writing cause a gate or slip-rails at least ten feet wide to be put up in the manner aforesaid at the expense of the Postmaster-General and shall give to the owner of such fence seven days' notice in writing of his intention to do so. 15

(4) The owner within the meaning of this section shall include the person in occupation of the lands on which the fence is erected. 20

Laying lines under streets.

Qd. P. & T. Act 1891 s. 76.

86. The Postmaster-General or any person authorized by him may place and maintain any lines or pipes tunnels or tubes for purposes of telegraphic or pneumatic communication or despatch under any street or public road and may alter or remove the same and for such purposes may break up any street or public road and alter the position there under of any pipe not being a sewer or drain or a main for the supply of water or gas or electricity. 25

Provision as to compensation.

Qd. ib. s. 77.

W.A. P. & T. Act 1893 s. 64.

87. (1) In the exercise of the powers conferred by this Act the Postmaster-General or the person so authorized as herein mentioned shall do as little damage as possible and the Postmaster-General shall make adequate compensation to all persons interested for any damages sustained by them by reason of the exercise of such powers. 30

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration. 35

Postmaster-General may resume possession of private lines.

Vic. P. O. Act 1897 s. 13.

88. If any person to whom before or after the commencement of this Act the use of any line of telegraphic communication has been granted—

(a) refuses or neglects to pay when due and on demand the rent or charges prescribed by the regulations ; or 40

(b) commits in the opinion of the Postmaster-General a breach of any of the said regulations or of any of the terms or conditions upon which the use of such line is granted permitted or continued

the Postmaster-General may without prejudice to the remedies for such refusal or neglect prescribed in the next following section resume possession of the said line and prevent the further use thereof by such person and such 45

such person shall not be entitled to any compensation for loss arising through the exercise by the Postmaster-General of the powers conferred by this section.

5 **89.** If any person refuses or neglects to pay on demand the rent or charges due from him under the regulations for the use of any line of telegraphic communication the Postmaster-General may recover the same with costs in any court of competent jurisdiction.

Recovery of rents and charges.
Vic. P. O. Act 1897 s. 14.

10 **90.** All telegraph posts and wires wholly or partly erected at the cost of the Department whether before or after the commencement of this Act on any lands vested in the railway authorities of the several States are hereby vested in and shall be maintained by the Postmaster-General and may at any time be repaired or removed by his order.

Certain posts &c. to belong to Postmaster-General.
Vic. ib. s. 19.

15 **91.** (1) Telegrams shall as far as practicable be transmitted in the order in which they are received but urgent telegrams that is to say telegrams for which the prescribed increased rate is paid and telegrams relating to the arrest of criminals the discovery or prevention of crime the administration of justice and when so required telegrams on the public service shall be transmitted before other telegrams.

Order of transmitting telegrams.
Qd. P. & T. Act 1891 s. 81.

20 (2) Provided that regulations may be made prescribing the order of transmission of delayed telegrams that is to say telegrams upon which reduced rates are paid.

(3) Every officer wilfully offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds or imprisonment not exceeding two years.

Penalty.

25 **92.** (1) Any person employed in a telegraph office may refuse to receive or transmit a telegram containing blasphemous indecent obscene offensive or scandalous matter in its contents address or signature.

Blasphemous obscene and scandalous telegrams may be refused.

30 (2) Telegrams which appear to contain seditious language shall be submitted to the Deputy Postmaster-General in the State of origin before being transmitted.

Qd. ib. s. 82.

PART V.—REGULATIONS.

93. The Governor-General may make regulations for the following purposes or any of them :—

Regulations.
Qd. ib. s. 83.

35 (a) Providing for the establishment and management of post offices and telegraph offices and the receipt despatch carriage and delivery of postal articles and telegrams and for the conduct and guidance of all postmasters and other officers and servants of the Department.

40 (b) Fixing the rates payable to masters of vessels for the carriage of mails in cases not provided for by contract.

(c) Prescribing the maximum weight and dimensions of postal articles.

D

(d) Providing

- (*d*) Providing for—
- (1) transmission and delivery of parcels ;
 - (2) the conditions under which parcels may be received transmitted delivered returned to the senders or otherwise disposed of ; 5
 - (3) the maximum weight rates or fees to be charged for the transmission delivery return insurance or registration of parcels ; and
 - (4) the manner in which such rates or fees are to be paid and the arrangements as to the collection of any Customs duties or any other duties or fees which may lawfully be payable in respect of any parcel. 10
- (*e*) Imposing fees to be paid upon postal articles registered under this Act or posted after the time appointed for closing the mails. 15
- (*f*) Providing for private boxes and private bags and prescribing the fees to be payable therefor.
- (*g*) Prescribing the form of and the mode of issuing licences for the sale of stamps and the commission to be allowed thereon.
- (*h*) Prescribing the mode of defacing or obliterating stamps on postal articles. 20
- (*i*) Prescribing the mode of dealing with postal articles supposed to contain dutiable articles.
- (*j*) Prescribing the mode of sale distribution or destruction of undelivered newspapers. 25
- (*k*) Prescribing the persons by or through whom and the places where and the times when and the manner and form in which money orders shall be issued, and the persons in favour of whom and the places where and the time when and the manner and form in which money orders shall be paid and the length of time after which they shall become void, and the mode of forwarding messages or advices of transmitting moneys and of managing credits accounts and other matters and things necessary to be forwarded transmitted or managed in reference to money orders whereby the public may be enabled promptly and safely to remit sums of money through the department. 30 35
- (*l*) Prescribing the conditions relating to the issue payment and cancellation of postal notes.
- (*m*) Prescribing the fees rates and dues to be received for— 40
- (1) any conversation on any telegraph line or on any telephone exchange or private telephone line ;
 - (2) rent or hire for the use of any such exchange or private telephone line ;
 - (3) generally the management working and maintenance of any or all such telegraph lines. 45

(*n*) Prescribing

- 5 (n) Prescribing the terms and conditions on which agreements may be made by the Postmaster-General or a Deputy Postmaster-General with any person for the construction and maintenance of a telegraph line for the exclusive use of such person or for granting the exclusive use of any existing telegraph line to any person and prescribing the scale and times and manner of payment in advance or otherwise of the rent and charges to be paid by such person as the consideration for the agreement.
- 10 (o) Securing the telegraph lines and works of the Postmaster-General from interference or injurious affection by electric lines or works.
- 15 (p) All other matters and things which may be necessary for carrying out this Act or for the efficient administration thereof.
- 20 (q) For the purpose of providing for the payment of a rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be those recognised in the locality in which the work is carried out.
- (r) Prescribing penalties not exceeding Fifty pounds for the breach of any regulation.

Such regulations shall when published in the *Gazette* have the force of law.

25 The production of the *Gazette* containing a regulation shall be sufficient evidence of the due making of the regulation and that it is still in force:

30 All such regulations and alterations thereof shall be laid before both Houses of the Parliament within fourteen days after the making thereof if the Parliament be then sitting or if not within fourteen days after the next meeting of the Parliament.

PART VI.—PENALTIES.

94. (1) No letter shall be sent or carried for hire or reward otherwise than by post.

35 Any person who for hire or reward—

(a) sends or conveys or causes to be sent or conveyed any letter otherwise than by post; or

(b) takes charge of a letter for such conveyance

shall be liable for every offence to a penalty of not less than Five 40 pounds nor more than Fifty pounds.

(2) Every letter sent or conveyed or caused to be sent or conveyed or taken charge of to be conveyed otherwise than by post shall be deemed to have been sent or conveyed or caused to be sent or conveyed

Conveying of letter otherwise than by post.

W.A. P. & T. Act 1893 s. 73.

Evidence.

or

or taken charge of for hire or reward unless the contrary is shown by the defendant.

Exceptions.

N.S.W. P. Act 1867
s. 54.

- (3) Nothing herein contained shall extend to any letter—
- (a) Exceeding sixteen ounces in weight ;
 - (b) Exclusively concerning goods sent and to be delivered there- 5
with ;
 - (c) Sent by any person concerning his private affairs by any
special messenger ; or
 - (d) *Bond fide* sent or carried to or from the nearest post office.

Forging or
fraudulently using
or possessing dies
or plates.

W.A. P. & T. Act
1893 n. 74.

95. (1) Any person who— 10
- (a) (1) Forges or counterfeits ; or
 - (2) causes or procures to be forged or counterfeited
any die plate or other instrument or any part of any
die plate or other instrument which has been
provided made or used by or under the direction 15
of any competent person authority department
or Government in or of the Commonwealth or
the United Kingdom or any British possession
or any foreign country for the purpose of making
any postage stamp or expressing or denoting 20
any rate or duty of postage or any poundage ;
or any die plate or other instrument or any part of
any die plate or other instrument appearing on
the face thereof or purporting to have been
provided made or used by or under such direc- 25
tions as aforesaid for the purpose aforesaid.
 - (b) (1) Forges counterfeits or imitates ; or
 - (2) causes or procures to be forged counterfeited or imitated
the stamp mark or impression or any part of the
stamp mark or impression of any such die plate or 30
other instrument upon any paper or other substance
or material whatever.
 - (c) Knowingly and without lawful excuse (the proof whereof
shall be on the person accused)—
 - (1) has in his possession ; or 35
 - (2) sells purchases disposes of or receives
any false forged or counterfeited die plate or other
instrument or part of any such die plate or other
instrument resembling or intended to resemble
either wholly or in part any die plate or other 40
instrument which has been so provided made or
used as aforesaid.
 - (d) (1) Stamps

(d) (1) Stamps or marks ; or

(2) causes or procures to be stamped or marked
any paper or other substance or material whatsoever
with any such false forged or counterfeited die
plate or other instrument or part of any such
die plate or instrument as aforesaid.

(e) Knowingly and without lawful excuse (the proof whereof
shall be on the person accused)—

(1) uses utters sells exposes to sale ; or

(2) causes or procures to be used uttered sold or exposed to
sale ; or

(3) has in his possession

any paper or other substance or material having
thereon the impression or any part of the
impression of any such false forged or counter-
feited die plate or other instrument or part of
any such die plate or other instrument as afore-
said ; or

any paper or other substance or material having
thereon any false forged or counterfeit stamp or
impression resembling or representing either
wholly or in part or intended or liable to pass
or be mistaken for the stamp mark or impression
of any such die plate or other instrument which
has been so provided made or used as afore-
said.

(f) With evil intent—

(1) privately or fraudulently uses ; or

(2) causes or procures to be privately or fraudulently used
any die plate or other instrument so provided made
or used as aforesaid.

(g) With evil intent privately or fraudulently—

(1) stamps or marks ; or

(2) causes or procures to be stamped or marked
any paper or other substance or material whatsoever
with any such die plate or other instrument as
last aforesaid.

(h) Knowingly and without lawful excuse (the proof whereof
shall be on the person accused) has in his possession
any paper or other substance or material so privately
or fraudulently stamped or marked as aforesaid

shall be guilty of an indictable offence and shall be liable to imprison-
ment with or without hard labour for a term not exceeding two years.

Unlawful possession
of moulds for
making postage-
stamp or postal-
note paper.

W.A. P. & T. Act
1893 s. 76.

96. Any person who without lawful authority or excuse (the proof whereof shall be on the person charged)—

- (a) makes or causes or procures to be made; or
- (b) aids or assists in making; or
- (c) knowingly has in his custody or possession—

5

(1) Any mould frame or other instrument having thereon any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided or used for postage stamps or postal notes by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British colony or possession or any foreign country; or

10

(2) Any paper in the substance of which appear any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided by or under the direction aforesaid or used for postage stamps or postal notes or any part of such letters words figures marks lines or devices and intended to imitate the same; or

15

20

(d) causes or assists in causing any such words letters figures marks lines or devices intended to imitate those so provided or used as aforesaid to appear in the substance of any paper whatsoever,

shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

25

Illegal possession of
postage-stamp or
postal-note paper.

W. A. ib. s. 77.

97. Any person who without lawful authority or excuse (the proof whereof shall be on the person charged)—

- (a) sells purchases disposes of or receives; or
- (b) knowingly has in his custody or possession,

30

any paper provided by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British colony or possession or any foreign country for the purposes of being used for postage stamps or postal notes before the same has been lawfully issued for public use shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

35

98. Any person who without lawful authority or excuse (the proof whereof shall be on the person charged)—

40

- (a) makes any envelope wrapper card form or paper in imitation of one issued by or under the authority of the Postmaster-General or of any other part of His Majesty's dominions

or

Illegally sending
postal envelopes.
Qd. P. & T. Act 1891
s. 93.

or of any foreign postal authority or having thereon any words letters or marks which signify or imply or may reasonably lead the recipient to believe that a postal article bearing the same is sent on postal or telegraph service; or

- 5 (b) makes on any envelope wrapper card form or paper for the purpose of being issued or sent by post or otherwise or otherwise issued any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the Postmaster-General of the Commonwealth or 10 of any other part of His Majesty's dominions or under any foreign postal authority or any words letters or marks which signify or imply or may reasonably lead the recipient thereof to believe that a postal article bearing the same is sent on postal or telegraph service; or

- 15 (c) issues or sends by post or otherwise any envelope wrapper card form or paper so marked,

shall be liable to a penalty not exceeding Fifty pounds.

99. (1) Any person who with a fraudulent intent—

- 20 (a) removes from a postal article sent by post or from a telegram any stamp affixed thereon; or
 (b) removes from any stamp previously used any mark made thereon at a post office; or
 25 (c) knowingly puts off or uses for postal or telegraphic purposes any obliterated or defaced postage stamp

shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

(2) Upon the trial of any person for the offence of using an obliterated or defaced postage stamp proof that the person charged is 30 the writer of the address of the postal article on which the stamp is affixed shall be *prima facie* evidence that he is the person who affixed the stamp.

100. If any person knowingly and fraudulently puts or causes or procures to be put into any post office anything falsely purporting to 35 be a postal article within any of the exemptions hereinbefore in this Act mentioned or any postal article falsely purporting to belong to a class in which a lower rate or no postage is chargeable he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

101. If any person knowingly and fraudulently puts or causes 40 or procures to be put into any post office any packet or parcel in or upon which or the cover whereof there is any letter communication or intelligence not allowed by law or wilfully subscribes on the outside of any packet or parcel a false statement of the contents thereof he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

Fraudulently removing stamps.
Qd. P. & T. Act
1891 s. 94.

Vic. P. O. Act 1897
s. 18.

Evidence.

Penalty for falsely sending letters &c. as exempted.

Vic. P. O. Act 1890
s. 115.

Penalty for falsely sending packets.

Vic. P. O. Act 1890
s. 116.

102. If

Penalty for falsely
sending
newspapers.
Vic. P. O. Act 1890
s. 117.

102. If any person knowingly and fraudulently puts or causes or procures to be put into any post office any newspaper in or upon which or the cover whereof there is any communication character figure letter or number (other than a mark to indicate any report article or paragraph therein the printed title of such newspaper the printed names occupations and places of business of the printer publisher and vendor thereof the name occupation and address of the person to whom it is sent the name of the person who sends it and the words "newspaper only"), or in or with which anything but a supplement is enclosed or which anything accompanies or if any person wilfully places the words aforesaid on any newspaper or thing purporting to be a newspaper or on the cover thereof respectively knowing the same to be untrue, he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds. 5 10

Sending explosives
or noxious
substance or
indecent articles
&c.
Qd. P. & T. Act 1891
s. 98.

103. Any person who knowingly sends or attempts to send by post any postal article which— 15

- (a) encloses an explosive or a dangerous filthy noxious or deleterious substance or a sharp instrument not properly protected or a living noxious creature or any other thing likely to injure other postal articles in course of conveyance or to injure an officer of the department or other person; or 20
- (b) encloses an indecent or obscene print painting photograph lithograph engraving book card or article; or
- (c) has thereon or therein or on the envelope or cover thereof any words marks or designs of an indecent obscene blasphemous libellous or grossly offensive character, 25

shall be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years. 30

Penalty on
postmasters and
others for breach
of duty.
N.S.W. P. Act 1867
s. 64.

104. Any postmaster or other person not being an officer employed in the Department or any master of a vessel or other person employed or authorized by or under any postmaster to receive sort carry or deliver any mail or any postal article sent by post or otherwise who shall offend against or wilfully neglect or omit to comply with any of the regulations to be made as in this Act mentioned or with any of the provisions of this Act (for breach or neglect of which no other punishment is hereby provided) shall be liable to a penalty not exceeding Twenty-five pounds. 35

Penalty for losing
or not delivering
letters &c.
N.S.W. ib. s. 65.

105. Any person employed by or under the Department or in the conveyance of mails who negligently loses or who wilfully detains or delays or procures or suffers to be detained or delayed any mail or any postal article, shall be liable to a penalty not exceeding Twenty-five pounds. 40

106. Any

106. Any driver of a vehicle used for the conveyance of mails and any guard or other person in charge of a mail, whether conveyed by a vehicle or on horseback or on foot who—

Penalty on mail-coach driver or guards loitering. Qd. P. & T. Act 1891 s. 101.

- 5 (a) loiters on the road ; or
 - (b) wilfully mis-spends or loses time ; or
 - (c) is under the influence of intoxicating liquor ; or
 - 10 (d) does not in all possible cases convey the mail at the speed fixed by the Postmaster-General for the conveyance thereof unless prevented by the weather or the bad state of the roads or an accident the proof whereof shall be on the person charged,
- shall be liable to a penalty not exceeding Ten pounds.

107. Any person who wilfully retains secretes keeps or detains any mail or postal article

Retaining or secreting letters, &c. Qd. P. & T. Act 1891 s. 102.

- 15 (a) found by the person secreting keeping or detaining the same ; or
 - (b) wrongfully delivered to the person keeping or detaining the same,
- shall be guilty of a misdemeanour and on conviction thereof shall be liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two
- 20 years.

108. If any person by means of any false pretence or misstatement induces any postmaster or any officer or servant of the Department to deliver to such person any postal article sent by post and not addressed to such person he shall be guilty of a misdemeanour and on conviction thereof shall be liable to a penalty not exceeding One hundred pounds or to imprisonment for any term not exceeding two

25 years.

Penalty for improperly obtaining letters &c. Vic. P. O. Act 1890 s. 124.

109. Any person charged with the delivery of a postal article or telegram who wilfully delivers the same to any person other than the person to whom the same is addressed or his authorized agent in that behalf shall be liable to a penalty not exceeding Fifty pounds or to be imprisoned with or without hard labour for any term not exceeding six months.

Delivering to wrong person. W.A. P. & T. Act 1893 s. 93.

110. Any person who—
- 35 (a) fraudulently takes from the possession of a postmaster or other officer or servant of the Department or other person having the custody thereof for the Postmaster-General or from any post office or place appointed for the receipt or delivery of postal articles or telegrams ; or
 - 40 (b) steals or for any purpose embezzles fraudulently takes secretes or destroys

Stealing letters &c. Qd. P. & T. Act 1891 s. 105.

a mail or postal article sent by post or a telegram or any part thereof respectively and any person who fraudulently receives any such mail

postal article or telegram or any part thereof respectively which has been so fraudulently taken stolen embezzled or secreted, shall be guilty of an indictable offence, and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

Penalty for opening or tampering with mails.

S.A. P. O. Act 1876 s. 82.

W.A. P. & T. Act 1893 s. 90.

111. Any postmaster master of a vessel or driver of a vehicle 5 used for conveyance of mails or any guard or any other person in charge of a mail however conveyed who contrary to his duty opens or tampers with or suffers to be opened or tampered with any mail postal article or telegram shall be guilty of an indictable offence and liable to a penalty not exceeding One hundred pounds or imprisonment 10 with or without hard labour for any term not exceeding two years.

Penalty on unauthorized persons opening mails.

S.A. ib. s. 83.

112. Any person not being a postmaster or not being duly authorized who with fraudulent intent opens or endeavours to open any mail postal article or telegram addressed to any other 15 person shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two years.

Exhibiting sign &c. as post office or Royal mail.

Qd. P. & T. Act 1891 s. 107.

113. Any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person 20 charged)—

(a) places or maintains or permits or causes to be placed or maintained or to remain in on or near any house wall door window box post pillar or other place belonging to him or under his control the words "post office" or any 25 other word or mark which may imply or give reasonable cause to believe that the same is a post office or a place for the receipt of postal articles or that any box is a post letter-box ; or

(b) places or permits or causes to be placed or suffers to remain 30 on any vehicle or vessel the words "Royal Mail," or any word or mark which may imply or give reasonable cause to believe that the vehicle or vessel is used for the conveyance of mails,

shall be liable to a penalty not exceeding Twenty-five pounds. 35

Obstructing conveyance or delivery of mail.

Qd. P. & T. Act 1891 s. 109.

114. Any person who wilfully obstructs or retards the conveyance or delivery of a mail shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

115. (1) Any

115. (1) Any person who—

(a) wilfully obstructs or incites any one to obstruct an officer of the department in the execution of his duty ; or

5 (b) whilst in a post office or telegraph office or within any premises belonging to a post office or telegraph office or used therewith behaves in a disorderly manner or wilfully obstructs the course of business of the post office or telegraph office or of the department,

shall be liable to a penalty not exceeding Ten pounds.

Obstructing officer
in the execution of
his duty &c.
Qd. ib. s. 110.

10 (2) Any officer of a post office or telegraph office may require any person committing an offence under this section to leave the post office or telegraph office or such premises as aforesaid and if such person refuses or fails to comply with the request he shall be liable to a further penalty not exceeding Five pounds and may be removed by the
15 officer ; and all police officers are required on demand to remove or assist in removing such person.

116. Any person who wilfully injures or destroys any letter-box or newspaper-box or receptacle for the reception of postal articles or any card or notice the property of the Postmaster-General
20 or obliterates any of the letters or figures thereon shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Injuring or
destroying letter
boxes &c.
Qd. ib. s. 11.

117. If any person encloses or procures or causes to be enclosed
25 in or with any postal article or puts or attempts to put or causes or procures to be put into any post office or any letter-box newspaper-box or receptacle for the reception of postal articles any fire any match any light or any filthy offensive or noxious material or matter or commits a nuisance in or against any post office or any letter-box newspaper-box
30 or receptacle for the reception of postal articles he shall be liable on conviction to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Penalty for placing
offensive substances
&c. in post office.
Vic. P.O. Act 1897
s. 16.

118. Any person who without the license of the Postmaster-General (the proof of which license shall be on the person charged)—

35 (a) deals in offers or exposes for sale any postage stamp ; or

(b) places or permits or causes to be placed or suffers to remain
40 on or near to his house or premises the words " licensed to sell postage stamps " or any word or mark which may imply or give reasonable cause to believe that he is duly licensed to sell postage stamps,

shall be liable to a penalty not exceeding Five pounds.

Selling stamps
without a licence
or pretending to be
licensed.
Qd. P. & T. Act 1891
s. 113.

119. Any

Unlawfully issuing
money orders or
postal notes.
Qd. P. & T. Act 1891
s. 114.

119. Any person who unlawfully issues a money order or postal note with a fraudulent intent shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding seven years.

Forging or uttering
telegrams.
Qd. ib. s. 115.

120. Any person who—

- (a) forges a telegram or utters a telegram knowing the same to be forged; or
- (b) transmits by telegraph as a telegram any message or communication purporting to be a telegram which he knows to be forged,

shall whether he had or had not an intent to defraud be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

Sending false
telegrams.
W. A. P. & T. Act
1893 s. 105.

121. Any person who—

- (a) knowingly sends delivers or causes to be sent or delivered to any officer or servant of the Department for the purpose of being transmitted as a telegram, a message or writing which purports to be signed or sent by any other person without such person's authority; or
- (b) wrongfully signs a telegram with the name of another person without such person's authority or with the name of some fictitious person; or
- (c) wilfully and without the authority of the sender alters a telegram; or
- (d) writes issues or delivers a document which purports to be a telegram received through a telegraph office and which was not so received,

shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds, or to imprisonment with or without hard labour for any term not exceeding two years.

Sending fraudulent
messages.
Qd. P. & T. Act 1891
s. 117.

122. Any person who with fraudulent intent sends any letter telegram or other communication or message concerning any money order or any money due or receivable from or by any person in respect of a money order shall be guilty of an indictable offence and be liable to imprisonment with or without hard labour for any term not exceeding three years.

Penalty for violation
of secrecy.
Qd. ib. s. 118.

123. Any person employed in a telegraph office who divulges the contents or substance of a telegram otherwise than by delivering the telegram or giving a copy of it to the person to whom he is authorized to deliver such telegram or give such copy shall be guilty of a misdemeanour and on conviction thereof shall be liable for every such offence to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding two years.

124. (1) Except

124. (1) Except as provided in section seventy-eight any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person charged) sets up maintains or uses in or on any Crown lands or in or on any public road street or highway any telegraph line or wilfully uses any telegraph line set up before or after the commencement of this Act and neglects to comply with any notice from the Postmaster-General or a Deputy Postmaster-General to pay such charges (if any) in respect of the line as may from time to time be fixed by the Governor-General, shall be liable to a penalty not exceeding Five pounds for every day during which any such line is or continues to be so set up maintained or used contrary to the provisions of this Act.

Erection or maintenance of telegraph lines without authority.
Qd. P. & T. Act 1891 s. 119.

(2) The Postmaster-General may authorize any person to take absolute possession of cut down or destroy the whole or any part of any such line.

125. Any person who having entered into an agreement with the Postmaster-General for the use by such person of a telegraph line without the authority of the Postmaster-General demands or makes any charge or receives any payment or valuable consideration from any other person for the use of the same shall be liable for each offence to a penalty not less than Two pounds and not exceeding Fifty pounds.

Making charges for use of telegraph line without authority.
Qd. ib. s. 120.

126. Any person who—

- (a) unlawfully or maliciously cuts breaks throws down injures or removes any battery machinery wire cable insulator post or other matter or thing whatsoever being part of any apparatus used or employed in or about any telegraph or in the working thereof ; or
- (b) unlawfully or maliciously prevents or obstructs in any manner whatsoever the sending conveyance or delivery of any communication by telegraph ; or
- (c) interrupts or impedes the use of any line or the transmission of any message,

Injuries to telegraphs.
Qd. ib. s. 121.
N.S.W. Tel. Act. 1857, ss. 10, 11.

shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

127. Any person who attempts to commit any of the offences in the last preceding section mentioned shall be liable to a penalty not exceeding Ten pounds or imprisonment for any term not exceeding two months.

Attempt to injure telegraphs.
Qd. P. & T. Act 1891 s. 122.

128. Any person offending against the provisions of either of the two last preceding sections may with or without warrant be apprehended by any other person and delivered to a police officer or conveyed before a justice to be dealt with according to law.

Arrest of offenders.
Qd. ib. s. 123.

129. Any

Negligently injuring
telegraph post or
wire.

Qd. P. & T. Act
1891 s. 121.

129. Any person who negligently breaks or injures any post cables wire insulator or material belonging to or used in connexion with any telegraph shall be liable to a penalty not exceeding Five pounds and may be ordered to pay the damage done.

No person to
impersonate a
postal officer.

130. Any person who with fraudulent intent personates or represents himself as an officer of the Department shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding two years. 5

Penalty on officer
re-issuing postal
notes.

Vic. P. O. Act 1890
s. 129.

131. If any postmaster or other officer of the post office re-issues a postal note originally issued under the authority of this Act which has been paid previous to such re-issue he shall be guilty of an indictable offence and shall be liable to be imprisoned with or without hard labour for any term not exceeding five years. 10

Aiders and abettors.

Tas. P. O. Act 1881
s. 96.

132. Every person who aids abets counsels or procures the commission of any offence against this Act shall be liable to the same punishment as if he actually committed the offence. 15

Post offices may be
entered and
possession taken of
letters &c. on
behalf of
Department.

Qd. P. & T. Act 1891
s. 125.

133. (1) Any person duly authorized in that behalf by the Postmaster-General or a Deputy Postmaster-General may enter into any post office or telegraph office and take possession of all property moneys money orders letters goods chattels or effects therein belonging to or appertaining to the Department and may for such purpose remain a reasonable time in the post office or telegraph office or in or upon the premises where the post office or telegraph office is situated. 20

Penalty.

(2) Any person who wilfully obstructs hinders or delays any person so entering taking possession or remaining as aforesaid shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding six months. 25

Resisting officer.

Qd. ib. s. 126.

134. Any person who resists any person acting in execution of this Act shall be liable to a penalty not exceeding Twenty-five pounds or to be imprisoned for any term not exceeding six months. 30

Penalty for posting
placards on post
office pillars &c.

Vic. P. O. Act 1890
s. 133.

135. If any person not duly authorized in that behalf (the proof of which authority shall be on such person) places any placard or other document writing or painting on or otherwise defaces any post office or telegraph office pillar or receiving box or telegraph pole he shall be liable to a penalty not exceeding Five pounds. 35

PART VII.—PROTECTION OF TELEGRAPH LINES FROM INJURIOUS AFFECTION BY ELECTRIC LINES OR WORKS.

Electric authority
not to injuriously
affect telegraph
lines.

136. An electric authority shall not construct any electric line or do any other work for the generation use or supply of electricity whereby any telegraph line of the Postmaster-General is or may be injuriously affected. 40

137. Any

137. Any telegraph line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is in any manner affected by the work or by any use made of the work.

Definition of
injuriously affection.

5 138. (1) Before any electric line is constructed or work is done
by any electric authority other than repairs or the laying of consumers'
connexions with mains where the direction of the electric line crosses
a telegraph line of the Postmaster-General at right angles at the
10 point of shortest distance and continues in the same direction for a
distance of six feet on each side of such point, and where the connect-
ing wires so crossing are not within three feet of any telegraph wire the
electric authority or its agents shall not less than seven nor more than
twenty-eight clear days before commencing the work give written notice
to the Deputy Postmaster-General of the State in which such line is to
15 be constructed or work is to be done specifying the course nature and
gauge of such electric line and the manner in which such electric line is
intended to be constructed and used and the amount and nature of the
currents intended to be transmitted thereby and the manner in which
such work shall be carried out continued and used and the electric
20 authority and its agents shall comply with such reasonable requirements
either general or special as may from time to time be made by the
Postmaster-General for the purpose of preventing any telegraph lines of
the Postmaster-General from being injuriously affected by any such
work.

Provision when any
work done by
electric authority.
Qd. El. L. & P. Act
1896 s. 29.

25 (2) Any difference which arises between the Postmaster-General
and the electric authority or its agents with respect to any require-
ments so made shall be determined by arbitration.

(3) In the event of any contravention of or wilful non-compliance
with this section by the electric authority or its agents the electric
30 authority shall be liable to a penalty not exceeding Ten pounds for
every day during which such contravention or non-compliance contin-
ues or if the telegraphic communication is wilfully interrupted or
injuriously affected not exceeding Fifty pounds for every day on which
such interruption or injurious affection continues.

Penalty

35 (4) Nothing in this section shall subject the electric authority or
its agents to a penalty under this section if the court having cognisance
of the case is satisfied that the immediate execution of the work was
required to avoid an accident or otherwise was a work of emergency and
that notice of the execution of the work was forthwith served on the
40 officer in charge of the telegraph office nearest to the place where the
work was done stating the reason for executing the same without pre-
vious notice.

139. (1) When any work proposed to be done by an electric
authority involves or is likely to involve an alteration either tempo-
rarily or permanently in any telegraph line of the Postmaster-General

Provision when
work to be done
involves alteration
in telegraph line.
Qd. ib. s. 30.

and provision is not otherwise made by enactment agreement or otherwise with respect to such alteration or with respect to giving notice to the Postmaster-General thereof or to the expenses thereof or incidental thereto, the following provisions shall apply :—

- (a) The electric authority or its agents shall give to the Deputy Postmaster-General of the State in which such work is to be done not less than seven nor more than fourteen days' previous notice of the time and place at which the work will be begun and of the nature of the alteration required. 5 10
- (b) Before the expiration of seven days after the notice is given the Deputy Postmaster-General may give the electric authority or its agents a counter-notice either stating his intention himself to make or requiring the electric authority to make under his supervision and to the satisfaction of himself or his agents such alteration in the telegraph line as he deems necessary or expedient to be made in consequence of the proposed work. 15
- (c) If the Deputy Postmaster-General by his counter-notice states that it is his intention himself to make such alteration he may make the same himself or by his agents and the electric authority or its agents shall pay to the Postmaster-General all the expenses incurred by him of and incidental thereto and the amount of any loss or damage sustained by him in consequence thereof. 20 25
- (d) If the Deputy Postmaster-General by his counter-notice requires the electric authority or its agents to make such alteration the electric authority or its agents shall at the expense of the electric authority make the same under the supervision and to the entire satisfaction of the Postmaster-General or his agents and the electric authority shall pay to the Postmaster-General all the expenses incurred by him of and incidental to such supervision and also the amount of any loss or damage sustained by him in consequence of the alteration. 30 35
- (e) If the Deputy Postmaster-General fails to give a counter notice or if having undertaken himself to make the alteration he or his agents fail to make the alteration within a reasonable time the electric authority or its agents may make the alteration; but such alteration shall be made to the entire satisfaction of the Postmaster-General or his agents : 40
- (f) If the electric authority or its agents fail to serve on the Deputy Postmaster-General the notice required by this section with respect to any work or begins to do the work specified in the notice before the expiration of seven days after 45

Penalty.

after the notice is given the electric authority or its agents shall be liable to pay a penalty not exceeding Ten pounds for every day during which the work is continued without the sanction in writing of the Deputy Postmaster-General and the Deputy Postmaster-General may at the expense of the electric authority remove such work :

(g) If the electric authority or its agents fail to comply with the reasonable requirements of the Postmaster-General or his agents under this section they shall be liable to a penalty not exceeding Ten pounds for every day during which such failure continues or if the telegraphic communication is interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues.

(2) Nothing in this section shall subject the electric authority or its agents to a penalty for omitting to comply with any requirements of the Postmaster-General or his agents or for executing without previous notice any work if the court having cognisance of the case is satisfied that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the work was done stating the reason for executing the same without previous notice.

(3) Nothing in this section shall compel the Postmaster-General to alter the position of any telegraph line if the circumstances of the case render such alteration objectionable.

140. (1) If a telegraph line of the Postmaster-General is destroyed injured or injuriously affected by an electric authority or its agents such electric authority shall not only be liable to pay to the Postmaster-General such expenses if any as he may incur in making good the destruction injury or injurious affection but shall also if the telegraphic communication is carelessly or wilfully interrupted or injuriously affected be liable to a penalty not exceeding Twenty pounds for every day during which the interruption or injurious affection continues.

(2) If the electric authority liable to pay such daily penalty to the Postmaster-General is not authorized to execute such works as may be required for remedying the interruption or injurious affection, the interruption or injurious affection shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognisance of the case would have been sufficient to enable the Postmaster-General to remedy the interruption or injurious affection.

(3) The Postmaster-General may instead of taking proceedings for the recovery of such daily penalty proceed for the recovery of a penalty not exceeding Fifty pounds.

Penalty for injury to telegraph line and for interruption of telegraphic communication.

Qd. El. L. & P. Act 1896 s. 31.

Penalty for
obstruction of
Postmaster-
General.
Qd. EL. L. & P. Act
1896 s. 32.

141. If an electric authority or its agents obstructs the Postmaster-General or his agents in constructing maintaining altering examining repairing or removing a telegraph line, or in supervising or directing any alteration in a telegraph line made by an electric authority or its agents in pursuance of this Act such electric authority and its agents respectively shall for every act of obstruction be liable to a penalty not exceeding Ten pounds, and if the obstruction continues to a penalty not exceeding Ten pounds for every day during which it continues. 5

Restrictions when
obstruction of
telegraph lines
injuriously affected.
Qd. ib. s. 34.

142. (1) When any electric lines or works are used for the generation use or supply of electricity in such a manner as to injuriously affect any telegraph line of the Postmaster-General the Postmaster-General may by notice to be served upon the person owning or using or entitled to use such electric lines or works require that such supply be continued only in accordance with such conditions and restrictions for the protection of the telegraph lines of the Postmaster-General and the telegraphic communication through the same as he may by or in pursuance of such notice prescribe. 10 15

(2) In default of compliance with such conditions and restrictions the Postmaster-General or Deputy Postmaster-General may require that the supply of electricity through such electric lines or works shall be forthwith discontinued until such default ceases. 20

(3) Where such electric lines or works have been lawfully constructed prior to the erection of the telegraph line of the Postmaster-General injuriously affected thereby, the Postmaster-General shall pay to the person owning or using or entitled to use such electric lines or works the amount of any costs reasonably incurred or damages sustained by him by reason of compliance with such conditions and restrictions. 25

Penalty for
unlawfully
constructing or
using works.
Qd. ib. s. 50.

143. (1) Any electric authority constructing or using any electric line or works or generating using or supplying electricity contrary to the provisions of this Act or the regulations shall be liable to a penalty not exceeding Fifty pounds and a further penalty of Five pounds for each day such offence is continued after any conviction. 30

(2) The electric authority so offending shall also be liable to pay in addition to any penalty all costs and expenses which may be incurred in taking proceedings against such electric authority and any costs or expenses that may be lawfully incurred in remedying the default of such electric authority. 35

No action of
Postmaster-General
to relieve electric
authority.

144. Any action taken by the Postmaster-General or his agents for the protection of any telegraph line whether at the request of or by arrangement with any electric authority or otherwise shall not relieve such electric authority of any liability under this Act or the regulations or under any Act providing for the safety of persons or property. 40

Provisions as to
notices.
Qd. ib. s. 60.

145. (1) A notice under this Act or the regulations or any order may be in writing. 45

(2) A notice appointment direction or document given issued or made for the purposes of this Act by the Postmaster-General or a Deputy Postmaster-General shall be sufficiently authenticated if it purports

purports to be signed by the Postmaster-General or Deputy Postmaster-General or by any duly authorized officer and when so authenticated shall be deemed to be given issued or made by the Postmaster-General or Deputy Postmaster-General.

5 (3) When a notice is given by an electric authority the notice shall be sufficiently authenticated if it purports to be signed by the chairman secretary or other principal officer of the electric authority.

(4) A notice required to be given under this Act to the Postmaster-General or a Deputy Postmaster-General may be given by
10 leaving it at or by forwarding it by post to the Department in a registered letter addressed to the Postmaster-General or Deputy Postmaster-General as the case may be or by delivering it or forwarding it by post in a registered letter addressed to the officer in charge of the telegraph office nearest to the place in which the work
15 telegraph line or other matter referred to in the notice is situate or by forwarding it by post in a registered letter addressed to him at his office or usual place of residence.

(5) A notice required to be given under this Act to an electric authority may be given by leaving it at or by forwarding it by post in
20 a registered letter to its office or if there is more than one office to the principal office of the electric authority in a registered letter addressed to the electric authority or to its chairman secretary or other principal officer.

PART VIII.—LEGAL PROCEEDINGS.

25 **146.** Offences against this Act or the regulations not declared to be indictable offences are punishable upon summary conviction.

Proceedings for penalties.

147. (1) In any information or complaint for an offence committed or attempted to be committed with respect to the Department or the revenue of the Department or in upon or with respect to any
30 mail or postal article sent or being carried by post or any property moneys money orders postal notes goods chattels or effects under the management or control of the Postmaster-General or with respect to any act matter or thing which has been done or committed with any malicious injurious or fraudulent intent and in anywise relating to or
35 concerning the Department or the revenue thereof or any such property moneys money orders goods chattels or effects as aforesaid under the management or control of the Postmaster-General it shall be sufficient to lay any such property in and to state or allege the same to belong to and to state or allege any such act matter or thing to have been done or
40 committed with the intent to injure or defraud the Postmaster-General without mentioning his name.

Form of information
—Property to be
laid in the
Postmaster-
General.
Qd. El. L. & P. Act
1896 s. 128.

(2) In all informations or complaints relating to or in anywise concerning the Department it shall be sufficient to name and describe the Postmaster-General as “the Postmaster-General” without any further
45 or other name addition or description whatsoever.

148. The

Postmaster-General or Deputy Postmaster-General may depute another officer to appear on his behalf.

148. The Postmaster-General or a Deputy Postmaster-General may depute any postal or telegraph officer to appear on his behalf either as prosecutor or defendant, and his authority in writing to that effect shall be good and sufficient in law.

Arbitration.

149. Whenever any matter under this Act is to be settled by arbitration it shall be referred to arbitration in accordance with the law of the State in which the dispute arises. 5

Postmaster-General may settle cases.

150. Where any person admits to the Postmaster-General that he has committed a breach of this Act other than an indictable offence the Postmaster-General may with the consent in writing of such person determine the matter and may order such person to pay such pecuniary penalty as he may think proper and upon payment of such penalty such person shall not be liable to be further proceeded against in respect of the same matter. 10

PART IX.—NOTICE AND LIMITATION OF ACTIONS. 15

Notice and limitation of action. Qd. P. & T. Act 1891 s. 129.

151. (1) Any action against the Postmaster-General or any officer or servant of the Department for anything done or omitted to be done in pursuance of this Act or the regulations shall be commenced within six months after the act committed or omitted and not afterwards. And the action shall not be commenced until one month after notice thereof and of the cause thereof has been delivered to the defendant or left for him at his usual place of abode by the party intending to commence the action, and upon the back of the notice shall be indorsed the name and place of abode or business of the plaintiff and his solicitor or agent if the notice is served by a solicitor or agent. 20 25

Contractors and mailmen excepted.

(2) Contractors and their mailmen shall not be considered as officers or servants of the Department under this section.

Protection from actions. Qd. ib. s. 130.

152. An action or other proceeding shall not be maintainable against the King or the Postmaster-General or any officer of the Department by reason of any default delay error omission or loss whether negligent or otherwise in the transmission or delivery or otherwise in relation to— 30

(a) a postal article posted or received or omitted to be posted or received under this Act ; or

(b) a telegram sent or received or omitted to be sent or received under this Act. 35

In case of money orders or postal notes. Qd. ib. s. 131.

153. An action or other proceeding shall not be maintainable against the King or the Postmaster-General or any officer of the Department by reason of the payment of the amount of a money order or postal note being refused or delayed or on account of any accidental neglect 40

neglect omission or mistake or for any other cause, and no action or other proceeding shall be maintainable in respect of a money order or postal note after payment thereof by whomsoever presented if it was paid without fraud or wilful misbehaviour on the part of the person sought to be made liable.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Date.	Colony.	Title.	Extent of Repeal.
31 Vic. No. 4 ...	New South Wales	<i>Postage Act 1867</i>	The whole
37 Vic. No. 1 ...	New South Wales	<i>An Act to abolish the imposition of postage rates on newspapers</i>	The whole
56 Vic. No. 31 ...	New South Wales	<i>Postage Acts Amendment Act 1893</i>	The whole
20 Vic. No. 41 ...	New South Wales	<i>An Act to establish and regulate Electric Telegraphs</i>	The whole
54 Vic. No. 1128 ...	Victoria	<i>Post Office Act 1890</i>	The whole
61 Vic. No. 1537 ...	Victoria	<i>Post Office Act 1897</i>	The whole
55 Vic. No. 15 ...	Queensland	<i>The Post and Telegraph Act 1891</i>	The whole
1857 No. 6 ...	South Australia...	<i>An Act to regulate the construction and management of Electric Telegraphs.</i>	The whole
39 & 40 Vic. No. 49	South Australia...	<i>The Post Office Act 1876</i>	The whole
44 & 45 Vic. No. 207	South Australia...	<i>The Telephone Act 1881</i>	The whole
49 & 50 Vic. No. 370	South Australia...	<i>The Postal Notes Act 1886</i>	The whole
49 & 50 Vic. No. 374	South Australia ..	<i>The Parcels Post Act 1886</i>	The whole
54 & 55 Vic. No. 535	South Australia...	<i>Post Office Act 1891</i>	The whole
57 Vic. No. 5 ...	Western Australia	<i>The Post and Telegraph Act 1893</i>	The whole
20 Vic. No. 22 ...	Tasmania	<i>The Electric Telegraph Act 1857</i>	The whole
45 Vic. No. 13 ...	Tasmania	<i>The Post Office Act 1881</i>	The whole
46 Vic. No. 5 ...	Tasmania	<i>The Telephone Act 1882</i>	The whole
1885 No. 30 ...	Tasmania	<i>The Post Office Act Amendment Act 1885</i>	The whole
52 Vic. No. 42 ...	Tasmania	<i>The Post Office Amendment Act 1888</i>	The whole
55 Vic. No. 19 ...	Tasmania	<i>The Post Office Act Amendment Act 1891</i>	The whole
59 Vic. No. 18 ...	Tasmania	<i>The Post Office Amendment Act 1895</i>	The whole

SECOND SCHEDULE.

Section 9

FORM A.

I, A.B., do solemnly and sincerely declare that I will not willingly or knowingly open detain return or delay or cause or suffer to be opened detained returned or delayed any postal article which shall come into my hands power or custody by reason of my employment relating to the Department except by the consent of the person or persons to whom such postal article shall be directed, or by an express warrant in writing for that purpose under the hand of the Postmaster-General or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Act law or duly authorized regulation of the Department passed and made for or in relation to the postage and conveyance of postal

postal articles. And I further declare that I will be true and faithful in the execution of the telegraph duties intrusted to me, and that I will hold strictly secret all telegraphic or other communications that may pass through my hands in the performance of my duties. I also further declare that I will not give any information directly or indirectly respecting any telegrams or despatches transmitted or intended to be transmitted by telegraph except to the persons to whom such telegrams or despatches may be addressed or to their recognised agents.

Section 47.

FORM B.

I, A.B., do solemnly declare that I will not intentionally read the contents or any part of the contents of any letter or packet which I may open in the discharge of my duty except so far as it may be necessary so to do for the purpose of ascertaining the name and address of the writer or sender of the same; and that I will not divulge to any person whomsoever except to the Postmaster-General upon demand by him any of the contents of any such letter or packet which may have come to my knowledge in the course of opening and examining the same for the purpose aforesaid.

Section 66.

FORM C.

I, A.B., the master or person in charge of *[state the name of the ship or vessel]* arrived from *[state the place]* do as required by law solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the person duly authorised to receive delivery thereof every mail and postal article that were on board the *[state the name of the ship or vessel]* except such letters as are exempt by law from postage.

Section 37.

FORM D.

Declaration of the particulars relating to a missing letter or packet containing a valuable enclosure unregistered.

- | | |
|--|--------|
| 1. What is the exact address of the letter or packet? | 1. |
| 2. Why was the letter or packet unregistered? | 2. |
| 3. Describe precisely all the contents of the letter or packet. | 3. |
| 4. By whom was the letter or packet written? (Name and address.) | 4. |
| 5. Who placed the letter and enclosure in the cover and how was the cover fastened? | 5. |
| 6. What was the value of the postage stamp affixed? | 6. |
| 7. By whom was the letter or packet posted and through whose hands did it pass before it was posted? | 7. |
| 8. (1) At what post office was the letter or packet posted? | 8. (1) |
| (2) On what date? and | (2) |
| (3) At what time? | (3) |
| 9. What is the name and address of the sender of the letter or packet? | 9. |

I, A.B., residing at _____ in the State of _____ do hereby declare that the answers to the above questions are correct in every particular.

Declared before me at _____ in the State of _____
this _____ day of _____

C.D., J.P.

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 25 July, 1901.

(As reported from Committee of the Whole, after second recommitment,
5th September, 1901.)

(Brought from the Senate.)

A BILL

FOR

An Act relating to the Postal and Telegraphic Services of the Commonwealth.

BE it enacted by the King's Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows :—

1. This Act may be cited as the *Post and Telegraph Act 1901*,
5 and shall commence on the first day of October One thousand nine hundred and one. Short title and commencement.

2. The State Acts specified in the First Schedule to this Act shall
cease to apply to the postal and telegraphic services of the Common-
wealth. State Acts to cease to apply.
First Schedule.

10 But the regulations in force in any State under any of the said
State Acts shall as regards that State continue in force until revoked
in whole or in part by the Governor-General, and rates and charges in
force in any State under any of the said State Acts shall continue in
force as regards that State and be applied in the same manner as if
15 the said State Acts were not affected by this Act.

PART I.—GENERAL.

3. In this Act unless the context otherwise indicates—

“Postmaster-General” means the Minister of State for the
Commonwealth charged with the administration of this Act.

20 “Construct” includes erect lay down and place.

[C. 7]—370/7.9.1901.—F.4624.

“Customs

Interpretation of terms.

Qd. P. & T. Act 1891 s. 4.

N.Z. P. O. Act 1900 s. 2.

- “Customs Act” means any Act or Acts relating to the Customs in force within the Commonwealth and all orders and regulations made under any such Act or Acts.
- “Department” means the Department of the Postmaster-General. 5
- “Electric authority” means any State Government railway authority local authority tramway authority or person generating using or supplying electricity.
- “Electricity” includes electric current electrical energy or any like agency. 10
- “Electric line” includes all means used for the purpose of conveying transmitting transforming or distributing electricity and any casing coating covering tube tunnel pipe pillar pole post frame bracket or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith. 15
- “General Post Office” means the head office of the Department in each State.
- “Mail” includes every package receptacle or covering in which postal articles in course of transmission by post are conveyed whether it does or does not contain postal articles and loose or individual postal articles in transit. 20
- “Master of a vessel” means the person for the time being having the charge or command of a vessel but does not include the pilot. 25
- “Money order” means a money order issued under this Act or by any postal authority for payment under this Act.
- “Officer” means any officer in the service of the Department.
- “Port” includes any harbor river lake or roadstead within defined limits. 30
- “Postage” means the amount chargeable for the transmission of postal articles by post.
- “Postage stamp” or “stamp” means any stamp made or authorized by the Postmaster-General for the purpose of the payment of postage or fees to be chargeable under this Act. 35
- “Postal article” includes letters post-cards letter-cards newspapers packets or parcels and all other articles transmissible by post, and includes a telegram when transmitted by post. 40
- “Postal note” means a postal note issued under this Act or by any postal authority for payment under this Act.
- “Postmaster” means the officer in charge of a post office or post and telegraph office.

“Post

- 5 "Post office" means a house building room railway postal van or carriage place or structure where postal articles are by permission or under the authority of the Postmaster-General or a Deputy Postmaster-General received delivered sorted or made up or from which postal articles are by the authority aforesaid despatched including a pillar box or other receptacle provided for the reception of postal articles for transmission.
- 10 "Prescribed" means prescribed by this Act or the regulations.
 "Regulations" means regulations under this Act.
 "Telegraphic" includes telephonic.
- 15 "Telegraph" or "telegraph line" means a wire or cable used for telegraphic or telephonic communication including any casing coating tube tunnel or pipe enclosing the same and any posts masts or piers supporting the same and any apparatus connected therewith or any apparatus for transmitting messages or other communications by means of electricity.
- 20 "Telegraph office" means a house building room or other place or structure used or occupied by or under the authority of the Postmaster-General and under his control for the purposes of working a telegraph or for the receipt and delivery of telegrams.
- 25 "Telegram" means any message or communication sent to or delivered at a telegraph office or post office for transmission by telegraph for delivery or issued from a telegraph office or post office for delivery as a message or communication transmitted by telegraph.
- 30 "Vessel" includes every description of vessel employed on the high seas in harbors on rivers or on the coast or on any navigable water.
- 35 "Works" includes electric lines and also any buildings machinery engines meters lamps transformers fittings apparatus works matters or things of whatever description required to supply electricity or to carry into effect the objects of the electric authority.
4. The Department shall have control of the Postal and Tele- Department.
 graphic services of the Commonwealth.
5. The Administration of this Act and the control of the Depart- Postmaster-General.
 40 ment are vested in the Postmaster-General.
6. There shall be a secretary to the Postmaster-General who under Secretary.
 the Postmaster-General shall have the chief control of the Department throughout the Commonwealth.
7. There shall in each State be a Deputy Postmaster-General Deputy Postmaster-
 45 who shall be the principal officer of the Department therein. General.

8. In

Postmaster-General
may delegate.

8. In relation to any particular matters State or District the Postmaster-General may by writing under his hand delegate any of his powers under this Act (except this power of delegation) so that the delegated power may be exercised by the delegate with respect to the matters specified or the State or District defined in the instrument of delegation, but every such delegation shall be revocable at the pleasure of the Postmaster-General. 5

Declarations to be
taken by officers
&c.

9. Every officer shall before exercising the duties of his office take and subscribe before a justice of the peace a declaration in the form A set forth in the Second Schedule to this Act. 10

Second Schedule (A).

N.S.W. ib. s. 4.

Future telegraph
messengers to
retire on attaining
age of seventeen.

9A. Every person taken into the employment of the Department as a telegraph messenger after the commencement of this Act shall immediately on attaining the age of seventeen years cease to be so employed.

Every parcel sent by
post if not a packet
parcel or news-
paper to be deemed
a letter.

11. Every article whatsoever which is received at a post office for transmission or delivery shall if not a packet parcel or newspaper as defined by this Act or by the regulations be deemed a letter. 15

N.S.W. P. Act 1867
s. 6.

Packets may be
defined.

N.S.W. ib. s. 7.

12. The Governor-General may by order published in the *Gazette* direct what articles may be sent by post as packets or parcels and upon what terms and conditions the same may be sent. 20

Officers of the
department free
from tolls.

W.A. P. & T. Act
1893 s. 8.

13. No duty or toll payable at or in respect of any pier wharf quay landing place bridge or ferry or at any turnpike gate or bar or at any other gate or bar on a public road shall be demanded or taken from or in respect of—

(a) Any person employed to perform any duty of the Department when on duty. 25

(b) Any person engaged in the conveyance of mails.

(c) Any vehicle or horse conveying mails or postal articles.

(d) Any telegraph messenger or line repairer when on duty.

(e) Any vehicle or horse used or employed by such telegraph messenger or line repairer in the performance of his respective duties. 30

(f) Any material or tools used or employed in the construction or repair of any telegraph line.

and any person who demands or takes any toll contrary hereto shall be liable to a penalty not exceeding Five pounds. 35

The Postmaster-General may pay to the person entitled by way of compensation for the use of any pier wharf quay landing place or ferry in the landing shipping or conveying any material or tools for the construction or repair of a telegraph line such sum as may be agreed upon, and in default of agreement as may be settled by arbitration. 40

14. The

14. The Governor-General may make arrangements with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or of a foreign country with respect to—

Arrangements may be made for British or foreign mails.

Qd. P. & T. Act 1891 s. 9.

- 5 (a) the transmission by land or sea or by both of mails or postal articles between the Commonwealth and the United Kingdom or the British possession or foreign country ;
- 10 (b) the appointment determination and collection of postage and fees or other dues upon postal articles conveyed between the Commonwealth and the United Kingdom or any such possession or country ;
- (c) the division and mutual accounting for and payment of the moneys collected under any such arrangement ;
- 15 (d) the purposes above mentioned in the case of postal articles transmitted through the Commonwealth for the United Kingdom or any such possession or country to or from any part of the world ;
- (e) the prepayment (in full or otherwise) of the postage payable on postal articles ;
- 20 (f) the transmission to places out of the Commonwealth free of postage or upon such terms as to the amount of postage or fine to be collected and paid on delivery, and as to the application and payment thereof as may be agreed upon, of postal articles posted in the Commonwealth, or as to
- 25 the collection application and payment of postage or fines on postal articles received from places out of the Commonwealth on which no postage or insufficient postage has been paid ;
- 30 (g) the payment of compensation for the loss or injury of any registered postal articles.

15. The Postmaster-General or any person authorized in that behalf by the Governor-General may enter into contracts in writing on behalf of the Government of the Commonwealth for or in respect of the carriage of mails by land and sea or either or for any other purpose incidental to the carrying out of this Act and may stipulate for such terms and conditions as to him shall seem fit for securing the due regular and efficient performance of the contract.

Contracts.
N.S.W. P. Act 1867
s. 43.

15A. (1) No contract or arrangement for the carriage of mails shall be entered into on behalf of the Commonwealth unless it contains a condition that only white labour shall be employed in such carriage.

White labour in mail contracts.

(2) This condition shall not apply to the coaling and loading of ships at places beyond the limits of the Commonwealth.

16. The

Railways to carry mails.

16. The principal railway official of every State or the owner controller or manager of any railway or tramway in any State shall carry mails on any train run upon the railways or tramways under his control if required by the Postmaster-General so to do and shall provide all usual facilities for the receipt carriage and delivery of all mails that he is required to carry. 5

Payment for carriage of mails by rail.

17. The Postmaster-General shall pay to the principal railway official of each State or to the owner controller or manager of any railway or tramway in any State as the case may be such annual sum for the receipt carriage and delivery of mails and for all facilities provided in connexion therewith as may be agreed upon and in default of agreement as may be settled by arbitration. Provided that no payment shall be made to any owner controller or manager of any private railway or tramway who in accordance with the law of a State has agreed to carry His Majesty's mails free of charge. 10
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Contributions may be accepted.

18. The Governor-General may arrange with any State and the Postmaster-General may arrange or contract with any local governing body or person applying to him to establish or provide any additional facilities (postal or other) for the contribution by such State body or person towards the expense of establishing or providing such facilities or for indemnifying the Postmaster-General against any loss he may sustain thereby. 20

Letters &c. from places beyond the Commonwealth.
Qd. P. & T. Act
1891 s. 13.

20. Every postal article received by post from a place out of the Commonwealth shall be transmitted and delivered free of charge within the Commonwealth except where it is necessary to collect the postage under an arrangement made as in this Act provided and except where otherwise provided by this Act or by the Regulations, in which cases the postage and all other fees or dues if any upon the postal article shall be collected on or before delivery. 25

Postage on letters of sailors soldiers &c.
Qd. ib. s. 14.

21. (1) A postage of one penny shall be charged on letters not exceeding one half-ounce in weight forwarded by or addressed to seamen on actual service in the King's Navy or in the Marine Defence Force of the Commonwealth or any British possession or to a non-commissioned officer or man on actual service in the King's Regular Forces or in the Permanent Land Force of the Commonwealth or any British possession. 30
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Provided that a letter forwarded by any such person shall not be transmitted or delivered at that charge unless it bears on its face the name of the writer and his class or description in his vessel regiment corps or detachment and the signature of the officer having command of the vessel regiment corps or detachment : 40

Provided

Provided also that a letter addressed to any such person shall not be transmitted or delivered at that charge unless it bears on its face the name of the vessel regiment corps or detachment to which the person to whom it is addressed belongs.

5 (2) This section shall not apply to letters forwarded by or addressed to a commissioned or warrant officer in the Land or Marine Forces or a midshipman in the Marine Forces.

10 22. (1) No additional charge shall be made on prepaid postal articles (other than parcels) re-addressed within the time and in manner prescribed and again forwarded by post within the Commonwealth if the postage originally paid would have been sufficient if the postal article had originally been addressed to its new destination, but if not an additional charge equal to the difference between the amount of postage already prepaid and that which would have been chargeable if the articles had been originally despatched to the new destination shall be made.

Redirection.
N.S.W. P. A. Am.
Act 1893 s. 21.
P. U. Conv. Reg. 25.

(2) Any re-addressed postal articles which appear to have been opened or tampered with shall be chargeable with postage as freshly posted unpaid articles.

20 23. Any letter post-card letter-card or packet posted for delivery in the Commonwealth on which the postage is not fully prepaid may be transmitted and delivered, but before delivery there shall be paid double the amount of the deficient postage and the sum to be so paid shall be written on such letter post-card letter-card or packet by an authorized officer.

Letters &c.
insufficiently
prepaid.
N.S.W. ib. s. 11.

25 Provided that postage on loose letters post-cards letter-cards and packets received from masters of vessels shall be collected on delivery at the rate chargeable to the places whence such articles are received.

30 24. All petitions and addresses to the Governor-General or to the Governor of any State shall be transmitted and delivered free of charge if such petitions or addresses do not exceed sixteen ounces in weight respectively and are without covers or in covers open at the ends or sides.

Petitions to the
Governor-General
&c.
N.S.W. P. Act 1867
s. 13.

35 25. It shall not be necessary to prepay the postage upon letters or packets containing only returns of births baptisms marriages and deaths transmitted in compliance with the provisions of the law in that behalf by ministers of religion or other persons whose duty it is to transmit such returns to any officer appointed to receive the same if on the outside thereof it is stated that they contain such returns only

Postage need not be
prepaid on letters
or packets
containing returns
of births &c.
transmitted by any
minister of religion
&c. to appointed
officer.

and N.S.W. ib. s. 23.

and such statement is signed by the person transmitting the same, but the postage thereon at prepaid rates shall be paid by the said officer on delivery of such letters or packets.

Definition of newspaper and supplement.

26. (1) For the purposes of this Act a newspaper shall mean any publication known and recognised as a newspaper in the generally accepted sense of the word, and printed and published within the Commonwealth for sale, if— 5

- (a) it consists in substantial part of news and articles relating to current topics, or of religious technical or practical information; and 10
- (b) it is published in numbers at intervals of not more than one month; and
- (c) the full title and date of publication are printed at the top of the first page, and the whole or part of the title and the date of publication are printed at the top of every subsequent page. 15

(2) A publication printed on paper and issued as a supplement to a newspaper shall be deemed to be a supplement and to be part of the newspaper if—

- (a) it consists in substantial part of reading matter other than advertisements, or of engravings, prints, lithographs, or coloured supplements; and 20
- (b) its letterpress other than any title or short description on any engraving, print, lithograph, or coloured supplement, or the title and date of the newspaper thereon is printed within the Commonwealth from type set up within the Commonwealth, or from stereotypes or electrotypes made therefrom; and 25
- (c) it is enclosed in each posted copy of the newspaper with which it is issued; and 30
- (d) it has the title of the newspaper with which it is issued printed on the top of each page of letterpress; and
- (e) it is not of a size or form which makes it inconvenient for carriage or delivery by post. 30

Registration of newspapers.
N.S.W. P. O. Am. Act 1893 s. 4.
Vic. P. O. Act 1897 s. 7.
Qd. P. & T. Act 1891 ss. 24, 25.

27. (1) The proprietor printer or publisher of any newspaper may at such time and in such form and with such particulars as may be prescribed upon payment of a fee of Five shillings register it at the General Post Office of any State and the Deputy Postmaster-General of such State may from time to time subject to appeal as hereinafter mentioned revise the register and may call upon the proprietor printer or publisher of any publication a posted copy of which 40

which contains indecent or obscene matter or which by reason of the proportion of advertisements to other matter therein or for any other reason is not within the description aforesaid to show cause why such publication should not be removed from the register and if sufficient
5 cause be not shown he may remove it accordingly and any publication for the time being on the register shall for the purposes of this Act be deemed a registered newspaper.

Removal from register.

(2) No publication which after the expiration of one month from the commencement of this Act is tendered for transmission at any post office in the Commonwealth shall be sent by post as a newspaper unless
10 the provisions of this section have been complied with.

(3) Any Deputy Postmaster-General may refuse to transmit or deliver any issue of a publication if such issue contains indecent or obscene matter.

(4) Any posted newspaper found to contain indecent or obscene matter may be destroyed by order of the Postmaster-General.

(5) No action shall be brought against the Postmaster-General or any officer of the department for anything done or purporting to be done under the provisions of this section but any person aggrieved by anything done or purporting to be done by the Postmaster-General or
20 a Deputy Postmaster-General under this section may appeal to a Justice of the High Court or to a Judge of a Supreme Court of a State by summons or petition in a summary manner. The Justice or Judge may decide whether the action taken under this section was justified in law or in fact and may make such order as to restoration to the
25 register or otherwise as to him may seem just and may award damages and costs or either in his discretion.

(6) All unregistered or irregularly posted newspapers and all newspapers having any matter which is not a supplement accompanying
30 them shall be treated as packets.

Consequence of irregularity.

28. The Postmaster-General shall with the approval of the Governor-General cause postage stamps to be made and sold indicating such amounts of postage or fees as may in that behalf be directed by the Governor-General.

Postage stamps to be made and sold. Tas. P. O. Act 1881 s. 28.

35 29. Every postmaster shall procure and keep on hand for sale such quantities of postage stamps as the Postmaster-General shall authorize and direct and shall sell the same without premium to any person desirous of purchasing them.

Postmasters to keep sufficient supply of stamps. S.A. P. O. Act 1876 s. 27.

40 30. (1) Except in cases where prepayment of postage is allowed to be made in money prepayment of postage can be effected only by means of postage stamps valid in the Commonwealth for the correspondence of private individuals: Provided however that the reply-half of reply post-cards bearing postage stamps of the country in which these cards were issued are considered as duly prepaid if addressed to such
45 country.

Prepayment of postage. S.A. ib. s. 42. P. U. Conv. Art. 11.

(2) Official correspondence from the Department relative to the Postal and Telegraphic Service and telegraphic messages upon which all fees payable under this Act have been paid may be transmitted free by post for delivery within the Commonwealth.

By money in certain cases.
N.S.W. P. Act 1867 s. 19.

31. Notwithstanding the last preceding section whenever it may happen that any postmaster shall not have any postage stamps of the requisite value for sale the postage and fees upon any postal article may be prepaid by money and shall be acknowledged by such postmaster on the face or cover of such article. 5

Prepayment of postage in bulk.
N.S.W. P. A. Am. Act 1893 s. 12.

32. The Postmaster-General may authorize any postmaster or other officer to accept money in prepayment of the postage on each letter packet or newspaper in cases where a large quantity of letters packets or newspapers are brought to the post by or on behalf of any person, and the postmaster or other officer shall mark on each letter packet or newspaper the full amount of postage prepaid thereon. 10 15

Postage stamps, where to be affixed.
N.S.W. P. Act 1867 s. 22.

33. The postage stamps upon all postal articles sent by post shall be impressed or affixed upon the face thereof and near the address written thereon and no postmaster shall be bound to take any notice of stamps which are impressed or affixed elsewhere.

Postage stamps may be perforated with letters.
Vict. P. O. Act 1890 s. 16.

34. Any person with the permission in writing of the Postmaster-General may perforate postage stamps with such letters figures or design as are prescribed in such writing and stamps so perforated shall not be considered to be defaced within the meaning of this Act and shall be received in payment of any postage fees or dues and telegraph fees, but no stamps so perforated shall be purchased or exchanged by any postmaster or servant of the department. 20 25

Erection of letter pillars &c.
Vict. P. O. Act 1890 s. 48.

35. The Postmaster-General may cause letter pillars or boxes for the reception of postal articles to be erected and maintained in any public road street or highway or other place.

Registration.
N.S.W. P. Act 1867 ss. 24, 25.
Vict. P. O. Act 1897 s. 9.

36. (1) Any person who sends any letter packet or newspaper by post shall be entitled to have the same registered at the post office at which it is posted upon payment of the prescribed fee for registration. And all articles required to be registered shall be put into the post office and also be delivered at or between such hours in the day and under such conditions as the Postmaster-General shall appoint. 30 35

Acknowledgment of the receipt of registered letters.

(2) Any person who sends a registered article by post may obtain an acknowledgment of its due receipt by the person to whom it is addressed by paying the prescribed fee in advance at the time of registration in addition to the registration fee.

(3) Where

(3) Where any postmaster or officer has reasonable cause to believe that any unregistered letter or packet contains any valuable enclosure other than money orders or bills of exchange acceptances or promissory notes payable to order cheques or postal notes or postage stamps not exceeding Five shillings in value such postmaster or officer may register such letter or packet and charge it with double the prescribed fee for registration and the fee to be so paid shall be written on such letter or packet by the postmaster or officer of the post office who registers the same, and such fee shall be paid by the person to whom it is addressed before delivery unless such person before delivery opens the letter in the presence of some postmaster or officer of the post office and it is found not to contain any valuable enclosure in which case such fee shall not be charged.

Letters &c. with valuable enclosures must be registered.

37. Any person making a complaint that an unregistered letter or packet containing coin jewellery gems watches or any other valuable enclosure has not been duly delivered to the person to whom it was addressed may be required by the postmaster of the post office at which the complaint is made to make a declaration in the Form D in the Second Schedule to this Act and to pay the fee (if any) prescribed before any inquiry is instituted.

Declaration to be made where missing letter &c. contained valuable enclosure.
Qd. P. & T. Act 1891 s. 35.
Second Schedule(D).

38. Every postal article received in a post office—

- (a) on which the postage stamps have been previously obliterated or defaced (unless the postage thereon has been prepaid by money) ; or
 - (b) which contains an enclosure contrary to the provisions of this Act or the regulations or of any other Act ; or
 - (c) which is posted contrary in any other way to the provisions of this Act or the regulations ; or
 - (d) on the outside of which any profane blasphemous indecent obscene offensive or libellous matter is written or drawn,
- shall be deemed to be posted in contravention of this Act.

Certain letters &c. to be deemed posted in contravention of this Act.
Qd. P. & T. Act 1891 s. 36.

39. Every postal article—

- (a) which is without address or bears an illegible address ; or
 - (b) which is posted or is reasonably suspected to be posted in contravention of this Act ; or
 - (c) which the person to whom it is addressed refuses to receive ; or
 - (d) upon which any postage is payable by the person to whom it is addressed and in respect of which such person refuses to pay the postage,
- shall be transmitted without delay by the postmaster receiving it to the General Post Office.

Letters &c. in contravention of this Act how dealt with.
Qd. ib. s. 37.

Every

Every postal article containing or supposed to contain an enclosure upon which the duties of Customs are payable shall be dealt with in the prescribed manner.

Power to examine newspapers and packets.
Qd. ib. s. 42.

40. (1) The Postmaster-General or his officers may examine any newspaper or packet sent by post without a cover or in a cover open at the ends or sides and bearing less than the letter rate of postage in order to discover whether it was posted in conformity with this Act or the regulations. 5

(2) The question whether any postal article is entitled to be sent as a newspaper or packet shall if disputed be referred to the Postmaster-General for determination, and his decision shall be final. 10

Blasphemous or obscene letters &c. may be destroyed.
S.A. P. O. Act 1876 s. 45.

41. The Postmaster-General or any Deputy Postmaster-General may at any time cause any postal article having anything profane blasphemous indecent obscene offensive or libellous written or drawn on the outside thereof or any obscene enclosure in any postal article to be destroyed. 15

No action shall be brought against the Postmaster-General or any officer of the Department for anything done under the provisions of this section but any person aggrieved by anything done by the Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court or to a Judge of a Supreme Court of a State by summons or petition in a summary manner. 20

Indecent pictures &c. sent by post.

42. The Postmaster-General or any Deputy Postmaster-General may refuse to transmit or deliver any newspaper packet or parcel containing any article book picture or advertisement or any printed or written matter in the nature of an advertisement, which article book picture advertisement or matter is of an indecent or obscene nature, and may cause any such newspaper packet or parcel to be destroyed. 25

Unclaimed and undelivered articles returned from other countries how dealt with.
S.A. P. O. Act 1876 s. 35.

43. The Postmaster-General may cause all unclaimed and undelivered postal articles originally posted within the Commonwealth which have been returned from the place to which they were forwarded to be treated as unclaimed articles and opened as hereinafter mentioned. 30

Unclaimed letters &c to be kept certain periods and then sent to General Post Office

44. (1) Every postal article which remains undelivered at any post office to which it has been transmitted for delivery shall save as in this Act otherwise provided be kept thereat for delivery for such 35

such time as may be prescribed. And as soon as possible after the expiration of such time the postmaster at every such post office shall transmit to the General Post Office every postal article that has been kept for the prescribed time, and thereupon every such postal article so transmitted and any postal article which remains undelivered at the General Post Office beyond the prescribed time shall be dealt with as in this Act provided.

N.S.W. P. A. Am.
Act 1893 s. 8.
S.A. P. O. Act 1891
s. 14.

(2) Notwithstanding anything in this Act contained when any letter or packet bears an indorsement by the sender to the effect that if it remains undelivered for a certain specified time not less than seven days it may be returned to him the postmaster at the post office to which the same has been transmitted for delivery shall as soon as possible after the time so specified transmit it to such indorsed address, and if it be refused at such specified address it shall be deemed to be undelivered and unclaimed and dealt with accordingly.

Letters &c. may be returned to sender if request indorsed thereon.

45. (1) All telegrams and postal articles sent by post and addressed to any person at any inn hotel or at any lodging-house or at any house at which lodgers are received and delivered to the occupier or manager of such inn hotel or house shall be deemed to be under the control of the Postmaster-General until delivered to the person to whom the same are addressed, and if the same are not so delivered within one month after the receipt of the same by such occupier or manager and if instructions to the contrary are not received from the person to whom the same are addressed they shall be returned to a letter carrier or to the nearest post office and kept thereat for delivery for such time as may be prescribed and at the expiration of such time shall be transmitted to the General Post Office. All such telegrams and postal articles transmitted to the General Post Office under the provisions of this section shall there be dealt with as undelivered and unclaimed.

Telegrams letters &c. at hotels remaining undelivered for one month to be returned to post office.

S.A. ib. s. 17.

(2) Every such occupier or manager wilfully omitting or failing to return any such telegram or postal article as aforesaid shall be liable to a penalty not exceeding Five pounds.

Penalty.

46. On the receipt at a General Post Office of any postal article hereinbefore required to be transmitted to such office such postal article if it was originally posted in the Commonwealth or if it has been posted or contains any enclosure or be reasonably suspected to have been posted or to contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act may be opened in the General Post Office in the manner hereinafter mentioned; and every letter and packet if it was originally posted elsewhere shall except as last aforesaid be returned to the proper authorities in the country in which it was so posted or if originally posted in another State be returned to the

How dead letters &c. disposed of at General Post Office.
N.S.W. P. O. Act
1867 s. 30.

the General Post Office of that State, but every newspaper wheresoever it was originally posted shall be opened in the same place and manner as letters and packets originally posted in the Commonwealth.

How or by whom unclaimed or dead letters may be opened.

S.A. P. O. Act 1876 s. 36.

Second Schedule (B).

47. Every postal article opened under the provisions of this Act shall be opened in the presence of not less than two officers of the post office nominated for that purpose by the Postmaster-General and every such officer shall before he enters upon his duties in this respect make and subscribe before a justice of the peace a declaration in the Form B in the Second Schedule to this Act. 5

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

S.A. ib. s. 37.

48. Every Deputy Postmaster-General shall cause every detained unclaimed refused and undelivered postal article whatsoever posted in any part of the Commonwealth which has been opened under the provisions of this Act to be forthwith returned to the writer or sender thereof if his name and address can be ascertained by examination of such article, and such writer or sender shall thereupon be liable to pay the original postage payable thereon if not prepaid; and if such writer or sender refuses to receive any such article the same may be forthwith destroyed, but he shall be liable to pay the postage thereon. 10 15

Opened letters and packets containing anything of value how dealt with.

Vict. P. O. Act 1890 s. 40.

49. (1) Every undelivered letter or packet which is opened under the provisions of this Act (if it contains any valuable or saleable enclosure) shall be safely kept and a list thereof together with a memorandum of such contents made and preserved; and the Postmaster-General shall (unless such contents have been posted or be in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them) cause notice of such letter or packet and of such contents to be sent to the person to whom the same is addressed if he be known or otherwise to the writer or sender thereof if he be known. And upon application by the first-mentioned person if known and if unknown by the last-mentioned person if known such letter or packet and its contents shall (unless as last aforesaid) be delivered to the person so making such demand. 20 25 30

(2) If neither of such persons can be found or makes such application within three months after the sending of such notice or if the said contents have been posted or are in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them such letter or packet shall be destroyed and its contents forfeited unless the Postmaster-General directs the said contents to be restored to the writer or sender of the said letter or packet. And if the contents aforesaid are not money or a security or order for money payable to bearer the 35 40

the same may be destroyed sold or converted into money in such manner as the Postmaster-General or Deputy Postmaster-General directs, and the proceeds thereof shall be paid into the consolidated revenue fund. And if the contents aforesaid are money, or a security, or order for
 5 money payable to bearer, the same shall form part of the consolidated revenue.

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50. Every unclaimed or undelivered newspaper opened under the provisions of this Act may be forthwith sold destroyed or used for any public purpose unless before such sale destruction or use thereof the same is claimed and the postage (if any) due thereon is paid by the person to whom the same is addressed. But if any such newspaper has been posted or contains any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable thereon the said newspaper shall be sold destroyed or used as aforesaid ; and anything which is enclosed in or with or which accompanies such newspaper or the cover thereof shall be forfeited. And if such enclosure or accompaniment is not money or a security or order for money payable to bearer the same may be destroyed sold or converted into money in such manner as the Postmaster-General may direct and the proceeds thereof shall be paid into the consolidated revenue fund. And if such enclosure or accompaniment is money, or a security, or order for money payable to bearer, the same shall form part of the consolidated revenue.

Opened newspapers
 how dealt with.
 N.S.W. P. Act 1867
 s. 34.

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51. The sender of any postal article which is opened under the provisions of this Act shall on demand pay the postage and fees (if any) remaining due thereon, and in case of refusal so to do shall be liable to a penalty not exceeding Forty shillings.

Sender of opened
 letters &c. to pay
 postage.
 N.S.W. ib. s. 35.

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52. Except in the cases in this Act expressly mentioned no letter packet or newspaper shall be destroyed or returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed or the direction in writing of the Postmaster-General and no letter packet or newspaper shall be delivered to any person not named in the address thereof without such consent or
 35 direction.

No letters &c. to be
 returned except in
 certain cases.
 N.S.W. ib. s. 26.

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53. Whenever any person becomes or is adjudged bankrupt or insolvent by any court of competent jurisdiction within the Commonwealth the Postmaster-General if so directed by the order of the court shall until a date to be specified in such order cause any postal article addressed to such bankrupt or insolvent to be delivered to the official receiver or other person named in such order.

Letters of insolvents
 to be delivered to
 official assignee.
 S.A. P. O. Act 1876
 s. 40.

54. Postal

Letters &c. for deceased persons how to be disposed of.

S. A. P. O. Act 1876 s. 41.

Power in certain cases to refuse to register or deliver letters &c.

Qd. P. & T. Act 1891 s. 49.

Letters &c. in such cases how dealt with.

Qd. it. s. 50.

Heavy letters packets and newspapers may be refused.

N.S.W. P. O. Am. Act 1893 s. 9.

54. Postal articles addressed to deceased persons may be delivered to the executors or administrators of such deceased person on production of the probate or letters of administration; but until such production the Postmaster-General or a Deputy Postmaster-General may cause such postal articles to be delivered as may be prescribed.

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55. (1) If the Postmaster-General has reasonable ground to suppose any person to be engaged either in the Commonwealth or elsewhere in receiving money or any valuable thing—

- (a) as consideration (1) for an assurance or agreement express or implied to pay or give or (2) for securing that some other person shall pay or give any money or valuable thing on an event or contingency of or relating to any horserace or other race or any fight game sport or exercise; or
- (b) for promoting or carrying out a scheme connected with any such assurance agreement or security or a lottery or scheme of chance or an unlawful game; or
- (bb) as contributions or subscriptions towards any lottery or scheme of chance;
- (c) under pretence of foretelling future events; or
- (d) in connexion with a fraudulent obscene indecent or immoral business or undertaking;

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he may by order under his hand published in the *Gazette* direct that any postal article received at a post office addressed to such person either by his own or fictitious or assumed name or to any agent or representative of his or to an address without a name shall not be registered or transmitted or delivered to such person.

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(2) The order shall specify such name or address and shall upon publication be of full force and effect until cancelled by the Postmaster-General.

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56. (1) Any postal article addressed to the person named in such order by such name or to such address if received at a post office shall not be delivered to such person or at such address but shall be forthwith sent to the General Post Office, and shall if it was originally posted in the Commonwealth be opened and immediately returned to the sender, and if it was not originally posted in the Commonwealth shall be returned unopened to the proper authorities of the colony possession or country where it was originally posted.

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(2) Money orders shall not be issued in favour of or paid to any person with respect to whom any such order is made.

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57. Any postmaster may refuse to receive or to transmit by post any postal article exceeding the weight or dimensions prescribed or of inconvenient form or containing or reasonably suspected to contain any article likely to injure any person or the contents of the mail bags.

58. (1) The

58. (1) The transmission of a postal article addressed to a person in the Commonwealth to the post office of the post town to which it is directed or if not so directed then to the post office of the post town nearest to the address named shall be sufficient transmission under this Act.

Delivery at post town or at named or last known residence sufficient. Qd. P. & T. Act 1891 s. 52.

(2) When delivery by letter carriers is provided delivery according to the address or at the last known place of residence of the person named in the address shall be sufficient delivery to such person unless he by written notice to the postmaster of the office to which such article is addressed has prohibited such delivery.

59. When the despatch or delivery of letters from a post office would be delayed by the despatch or delivery at the same time of post-cards book packets newspapers or parcels the latter or any of them may subject to the regulations be detained in the post office until a later despatch or delivery.

Despatch and delivery of packets &c. may be delayed. Qd. ib. s. 53.

60. In any action or other proceeding for the recovery of any postage or fee payable by authority of this Act in respect of a postal article —

Qd. ib. s. 54.

(a) The person from whom the postal article purports to have come shall be deemed the sender thereof and the onus of proving that such article did not come from or was not sent by him shall rest on the person proceeded against ;

Who deemed to be the sender of a postal article.

(b) The post office stamp or mark denoting that the postal article has been refused or that the person to whom such article is addressed is dead or cannot be found, shall be *prima facie* evidence of the refusal thereof or that such person is dead or cannot be found ;

Post office stamp evidence of refusal of letter &c.

(c) The post office stamp or mark thereon denoting the postage or fee shall be *prima facie* evidence of the liability of the postal article to the postage or fee and that the sum stamped or marked thereupon is payable in respect thereof.

Post-office stamp evidence of liability to postage.

61. In any action or other proceeding every mail or postal article in charge of or being carried by a postmaster postman mailman mail-driver officer or servant of the Department or other person employed by or under the Postmaster-General shall until the contrary is proved be deemed to be in course of being sent by post.

Mail in charge of postmaster &c. deemed to be by post. Qd. ib. s. 55.

62. (1) The Postmaster-General may order the destruction in such manner as he thinks fit of any telegrams books of record telegraph tape letter-bills registered letter receipts money orders postal notes returns requisitions orders for delivery of letters or letters to the Department

Power to destroy books documents telegrams, &c. Vic. P. O. Act 1890 s. 44.

Department or any other document or the butts thereof: Provided that such telegrams have not been written within the period of two years prior to the date of any such order and that such books and other documents have not been printed written or prepared within the period of one year prior to the date of any such order, and the King or the Postmaster-General or any officer of the post office shall not be accountable in any manner to any person for any telegrams books or documents so destroyed and no claim for damages shall arise to any person by reason of any such destruction. 5

(2) In this section "document" shall be deemed to include documents relating to the parcels post. 10

Appropriation of fees, &c.
Qd. P. & T. Act
1891 s. 132.

63. All moneys collected on account of the sale of postage stamps commission charges fees penalties and other dues levied collected or received under this Act or the regulations shall be paid to the Treasurer of the Commonwealth and placed to the credit of the Consolidated Revenue Fund: Provided that fines inflicted upon officers of the Department under section ninety-two may be disposed of in such manner as the Governor-General shall direct. 15

PART II.—CONVEYANCE OF MAILS BY SHIPS.

In all vessels conveying mails lockers to be provided.
N.S.W. P. O. Act
1867 s. 44.

64. In all vessels by which mails are conveyed under any contract entered into by the Postmaster-General under this Act, there shall be provided a suitable locker or other secure place in which such mails and all postal articles shall be locked up and carried apart from all other articles and things. And if such locker or place is not so provided or if such mails or any postal article are carried in any such vessel during the whole or any part of the voyage otherwise than in such locker or place the master of such vessel shall be liable to a penalty not exceeding Fifty pounds. 20 25

Delivery of ship mails on arrival of ship.
Qd. P. & T. Act
1891 s. 58.

65. (1) All mails and every loose postal article on board a vessel at the time of her arrival within a port within the Commonwealth directed to a person in the Commonwealth, except letters concerning goods on board the vessel and to be delivered with the goods or sent by way of introduction only or concerning the bearer's private affairs shall be forthwith delivered at the wharf nearest to the post office by the master to the postmaster or a port officer or Customs officer of the port, or to any person duly authorized by writing under the hand of a Postmaster. 30 35

Penalty.

(2) Any master who (except as aforesaid) knowingly or negligently detains keeps in his possession or neglects or refuses to deliver a mail or postal article after demand made as aforesaid shall be liable to a penalty not exceeding Fifty pounds. 40

Declaration by masters of inward-bound vessels.

66. The master of a vessel arriving at any port within the Commonwealth shall as soon as practicable after such arrival sign in the presence of the postmaster or other officer appointed to receive the same

same at such port or the town or place nearest thereto a declaration in the form set forth in Form C in the Second Schedule to this Act and thereupon such postmaster or officer shall grant a certificate under his hand of the making thereof and until such certificate has been delivered to the proper officer of Customs at such port he shall not permit such vessel to report. And any master who fails or refuses to make such declaration or who makes a false declaration shall be liable to a penalty not exceeding Fifty pounds.

N.S.W. P. Act 1867
s. 46, P. A. Am.
Act 1893 s. 14.
Second Schedule (C).

Provided that a Postmaster may in cases of vessels which are known or reasonably believed to have no mails on board authorize the proper officer of the Customs to permit any such vessels arriving at any port in the Commonwealth to report without requiring the declaration to be signed and the certificate to be delivered.

67. (1) The master of a vessel about to depart from a port within the Commonwealth to a port or place within or beyond the Commonwealth may be required by an officer of the Department or by a port officer or Customs officer or other person duly authorized by a postmaster to receive or take delivery at an approved wharf of any mail and he shall in such case give a receipt for such mail to the person tendering or delivering the same and shall carefully deposit the mail in some secure and dry place on board the vessel and convey the same upon her then intended voyage.

Mails to be taken in
vessels outward
bound and
coastwise.

W.A. P. & T. Act
1893 s. 47.

(2) Any person in any respect offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding Fifty pounds.

Penalty

68. (1) The master of a vessel about to depart from any port within the Commonwealth to any other port or place who receives on board thereof any mail for the purpose of conveying the same according to the direction thereof shall be entitled immediately to demand and receive from the person tendering or delivering the same for the carriage thereof payment at such rates as may be prescribed. But nothing herein contained shall entitle the master of any vessel under contract for the carriage of mails to receive any such payment.

Payments to master
of vessel.

N.S.W. P. A. Am.
Act 1893 s. 13.

W.A. ib. s. 48.

Qd. P. & T. Act 1891
s. 62.

(2) When mails are brought from one port to another and transhipped or forwarded by a second vessel belonging to the same owner payment shall not be made on account of the second conveyance.

(3) Payment shall not be made to the master of a ship arriving from any port or place for the conveyance of mails.

69. (1) The master of a vessel not carrying mails under a contract for the carriage thereof and being about to depart from any port within the Commonwealth to any port or place beyond the Commonwealth shall

Notice of departure
of vessels.

N.S.W. P. Act 1867
s. 50, P. A. Am.
Act 1893 s. 14.

shall before the clearance outwards of such vessel give to the postmaster or officer in charge of the post-office at the port from which such vessel is about to depart not less than twenty-four hours' notice in writing of the intended time of departure of such vessel, and every master of a vessel not carrying mails under a contract which is about to depart from a port within the Commonwealth to another port or place therein shall before the clearance of the vessel give to the postmaster at the port from which the vessel is about to depart not less than six hours' notice in writing of her intended hour of departure. 5

Provided that a shorter notice may be prescribed in any case or special class of cases, and every such notice shall commence and expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon. 10

And of postponed departure.

(2) Such master shall also give notice to such postmaster or officer of any postponement of such time of departure exceeding one hour, and in default thereof shall be liable to a penalty not exceeding Fifty pounds. And such postmaster or other officer of the post-office shall upon receiving such notice grant a certificate of the receipt of such notice to such master, and until such certificate has been given the vessel shall not be cleared. 15 20

Duty of master where ships not sailing pursuant to notice.

Qd. P. & T. Act 1891 s. 64.

70. When the master of a vessel has received a mail on board for carriage and the vessel does not depart on her voyage according to the time fixed for departure or within one hour thereof the master shall forthwith give notice to the postmaster of the delay and shall on demand return the mails and the gratuity or payment which has been paid for carriage to the postmaster or to some port officer or Customs officer of the port or some other person duly authorized in that behalf in writing under the hand of a postmaster. 25

Penalty.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds. 30

Masters to give notice of approach to a place appointed for the receipt and despatch of mails.

Qd. ib. s. 65.

71. The master of a vessel proceeding from a port or place within the Commonwealth to some other port or place within the Commonwealth, and having on board a mail for delivery in such last-mentioned port or place shall give notice of the near approach of the vessel thereto by ringing a bell or by some other concerted signal which may reasonably be expected to be distinctly heard or seen by the postmaster port officer officer of Customs or other person in such last-mentioned port or place duly authorized to receive or despatch a mail, and shall give such notice a sufficient time before the actual arrival of the vessel to enable him to be prepared to receive the mail from or despatch a mail in the vessel. 35 40

Any master who refuses or omits to give such notice shall be liable for every offence to a penalty not exceeding Fifty pounds.

PART

PART III.—MONEY ORDERS AND POSTAL NOTES.

72. (1) The Governor-General may make arrangements with the Postmaster-General in the United Kingdom, or with the proper authorities of any British possession or of a foreign country for the issue and payment by means of the Department of money orders and postal notes between the Commonwealth and the United Kingdom or such possession or country and for the accounting for and transmission of moneys required for that purpose.

Arrangements for money orders and postal notes.
Qd. P. & T. Act
1891 s. 66.

(2) The Governor-General may also make arrangements for the issue and payment by means of the Department of money orders and postal notes within the Commonwealth and for the accounting for and transmission of moneys required for that purpose.

73. A money order shall not be granted for a larger sum than Twenty pounds, nor a postal note for a larger sum than Twenty shillings. The Postmaster-General may charge and receive in respect of money orders and postal notes issued under this Act the prescribed commission or poundage.

Amount and cost of money orders and postal notes.
Qd. ib. s. 67.

74. After the expiration of six months from the last day of the month of issue, any postal note issued under the provisions of this Act shall be payable only at the General Post Office in the State in which it is made payable.

Currency of notes.
S.A. P. Notes Act
1886 s. 5.

75. (1) The Postmaster-General may repay the amount of a money order to the person to whom it was granted or his executors or administrators whether the money order remains or is in his or their possession or not.

When amount of money order may be refunded.
Qd. P. & T. Act
1891 s. 68.

(2) Upon the repayment all liability if any of the Postmaster-General or of any postmaster or officer of the Department in respect of the money order or the issue or repayment of the amount thereof shall as against all persons whomsoever cease and determine.

76. Every money order and postal note shall be deemed a valuable security within the meaning of any law relating to larceny, and an unissued postal note shall be deemed public moneys.

To be deemed valuable security and public moneys.
Qd. ib. s. 69.
N.S.W. P. Act 1867
s. 76.

77. No stamp duty shall be charged upon any money order or postal note issued or paid under the provisions of this Act.

No stamp duty on money orders or postal notes.

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PART IV.—TELEGRAPHS.

78. The Postmaster-General shall have the exclusive privilege of erecting and maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Commonwealth and

Postmaster-General to have exclusive rights in respect of telegraphs.
W.A. P. & T. Act
1893 s. 65.

and performing all the incidental services of receiving collecting or delivering such telegrams or communications except as provided by this Act or the regulations :

Provided that the Government railway authorities of each State shall have authority to erect and maintain within the railway boundaries telegraph lines required for the working of the railways, but except by authority of the Postmaster-General no such telegraph line shall be used for the purpose of transmitting and delivering telegrams for the public. Where such authority is obtained the revenue derived from such telegrams shall be divided between the Department and the railway authorities in such proportions as may be mutually arranged.

Provided also that nothing in this section shall be taken to prevent any person from maintaining and using any telegraph line heretofore erected by him or from erecting maintaining and using any telegraph line—

- (a) which is wholly within and upon land whereof he is the proprietor or occupier and solely for his own purposes if no part of such line is within twelve feet of any existing line of the Postmaster-General except for the purpose of connecting with or crossing such line; or
- (b) which is used for telephonic communication and is wholly within a building whereof he is the occupier or proprietor, and solely for his own purposes.

Authority to persons to erect and maintain telegraph lines.

79. The Postmaster-General may on such conditions as he deems fit authorize any person to erect and maintain telegraph lines within the Commonwealth, and to use the same for all purposes of and incidental to telegraphic communication.

Provided that such conditions and authority shall not be requisite in the case of any person erecting or maintaining telegraph lines erected upon private land or within a private building.

Postmaster-General may contract for construction of telegraph lines. Qd. P. & T. Act 1891 ss. 70, 71. Telegraph lines to be subject to this Act.

80. (1) The Postmaster-General or any person authorized in that behalf by the Postmaster-General may enter into a contract with any other person for the construction and maintenance of any telegraph line by such person for the Postmaster-General or for his own use.

(2) Every telegraph line constructed or to be constructed within the Commonwealth shall be subject to the provisions of this Act and the regulations.

Provisions as to crossing roads &c. by private lines.

80A. Where a private line has been constructed before or after the commencement of this Act by a person who is the owner of the land upon both sides of a road railway tramway public reserve Crown lands or creek nothing in this Act shall be deemed to prevent such person on payment of the prescribed fee from continuing or carrying such private line across any such road railway tramway public reserve Crown lands or creek at a height of at least eighteen feet from the surface of such road railway tramway public reserve Crown lands or creek or otherwise as approved by the Postmaster-General.

81. Any

81. Any person acting under the authority of the Postmaster-General may for the purpose of this Act enter upon any land and survey and take levels thereof and dig fell remove and carry away from the land any earth stone gravel sand or other soil or timber or trees required to be used in constructing or maintaining a telegraph line or the works connected therewith.

Lands may be entered and surveyed &c.
Qd. P. & T. Act 1891 s. 72.

82. (1) A person so authorized may cause to be set up or opened up or laid down and maintained a telegraph line or any works necessary for the purposes of this Act upon under or through any land or any shore of the sea road stream or water and may break excavate and remove any soil to the extent and depth required for placing or removing the works :

Works to be made on any land &c.
Qd. ib. s. 73.

10 Provided that every wire or cord crossing a road or commonly used waggon track or water above the surface shall be at least twenty feet from the surface and that the free use of any land shore road or water shall not be obstructed more than is necessary for the purposes of this Act.

15 (2) Where subsequent to the erection upon any footpath road or highway of any telegraph line it becomes necessary to remove the same owing to any alteration of alignment or other action on the part of a municipal council or a local authority the cost of such removal shall be borne by the municipal council or local authority concerned.

20 83. A person so authorized may whenever it is necessary for continuing or completing a telegraph line cause a wire or cord to be supported by affixing or annexing the same to upon or against any part of a house building or other structure in a city town or village :

Wires &c. may be affixed to buildings.
Qd. ib. s. 74.

25 Provided that the wire or cord if aerial is eighteen feet at the least from the surface of the earth on which the house building or other structure is situate.

30 84. Such trees or underwood as obstruct or in the opinion of the Postmaster-General or other officer duly authorized by him are likely to interfere with the proper working of any telegraph line if growing upon Crown lands or upon any road street or high-way may after notice to the local or other authority having the care and management thereof be cut down or lopped as may be deemed necessary by the said Postmaster-General or such officer after consultation with such authority, and if growing upon private lands within twenty feet of any such line then the proprietor or occupier of such private lands shall cut down or lop the same as and when required so to do by the said Postmaster-General or such officer, and upon default the said Postmaster-General or such officer may enter upon the said private lands and cause such trees and underwood to be cut or lopped as may be deemed necessary.

Trees obstructing telegraph lines may be cut or lopped.
S. A. P. O. Act 1891 s. 23.

45 85. (1) Where subsequently to the erection of a telegraph line whether erected before or after the commencement of this Act a fence is erected crossing the line of direction of such telegraph line the owner of such

Free access to be permitted for the repair of telegraph line.
W. A. P. & T. Act 1893 s. 63.

such fence shall at his own cost on the demand of the Postmaster-General in writing cause a gate or slip-rails at least ten feet wide to be put up in such fence at the point of intersection with the telegraph line to admit the passage at all times of any vehicle used in the repair of such telegraph line.

(2) Any person being employed in the repair of a telegraph line if such demand has not been complied with within fourteen days after such demand may remove cut down or otherwise break through such fence.

(3) Where previously to the erection of a telegraph line a fence has been erected which is subsequently crossed by a telegraph line the person causing the erection of such telegraph line may if authorized by the Postmaster-General in writing cause a gate or slip-rails at least ten feet wide to be put up in the manner aforesaid at the expense of the Postmaster-General and shall give to the owner of such fence seven days' notice in writing of his intention to do so.

(4) The owner within the meaning of this section shall include the person in occupation of the lands on which the fence is erected.

Laying lines under streets.

Qd. P. & T. Act 1891 s. 76.

86. The Postmaster-General or any person authorized by him may after notice to the local or other authority having the care and management thereof place and maintain any lines or pipes tunnels or tubes for purposes of telegraphic or pneumatic communication or despatch under any street or public road and may alter or remove the same and for such purposes may break up any street or public road and alter the position thereunder of any pipe (not being a sewer or drain or a main) for the supply of water or gas or electricity.

Provision as to compensation.

Qd. ib. s. 77.

W. A. P. & T. Act 1893 s. 64.

87. (1) In the exercise of the powers conferred by this Act the Postmaster-General or the person so authorized as herein mentioned shall do as little damage as possible and the Postmaster-General shall make adequate compensation to all local authorities and persons interested for any damages sustained by them by reason of the exercise of such powers.

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

Postmaster-General may resume possession of private lines for default.

Vic. P. O. Act 1897 s. 13.

88. If any person to whom before or after the commencement of this Act the use of any line of telegraphic communication has been granted—

(a) refuses or neglects to pay when due and on demand the rent or charges prescribed by the regulations ; or

(b) commits in the opinion of the Postmaster-General a breach of any of the said regulations or of any of the terms or conditions upon which the use of such line is granted permitted or continued

the Postmaster-General may without prejudice to the remedies for such refusal or neglect prescribed in the next following section resume possession of the said line and prevent the further use thereof by such person and such

such person shall not be entitled to any compensation for loss arising through the exercise by the Postmaster-General of the powers conferred by this section.

5 **88A.** (1) The Postmaster-General may after giving six months' notice resume any private telegraph or telephone line.

Resumption of private lines after notice.

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

10 **89.** If any person refuses or neglects to pay on demand the rent or charges due from him under the regulations for the use of any line of telegraphic communication the Postmaster-General may recover the same with costs in any court of competent jurisdiction.

Recovery of rents and charges.
Vic. P. O. Act 1897 s. 14.

15 **90.** (1) All telegraph lines wholly or partly erected at the cost of the Department whether before or after the commencement of this Act on any lands vested in the railway authorities of the several States shall be maintained by the Postmaster-General and may at any time be repaired or removed by his order.

Certain lines &c. to belong to Postmaster-General.
Vic. ib. s. 19.

(1A.) All telegraph lines erected or maintained by the Postmaster-General, whether before or after the commencement of this Act, are hereby vested in the Postmaster-General.

20 **91.** (1) Telegrams shall as far as practicable be transmitted in the order in which they are received but urgent telegrams that is to say telegrams for which the prescribed increased rate is paid and telegrams relating to the arrest of criminals the discovery or prevention of crime the administration of justice and when so required telegrams on the public service shall be transmitted before other telegrams.

Order of transmitting telegrams.
Qd. P. & T. Act 1891 s. 81.

25 (2) Provided that regulations may be made prescribing the order of transmission of delayed telegrams that is to say telegrams upon which reduced rates are to be paid.

30 (3) Every officer wilfully offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds or imprisonment not exceeding two years.

Penalty.

92. Any postmaster may refuse to receive or transmit a telegram containing blasphemous indecent obscene offensive or scandalous matter in its contents address or signature.

Blasphemous obscene and scandalous telegrams may be refused.
Qd. ib. s. 82.

35 PART V.—REGULATIONS.

93. The Governor-General may make regulations for the following purposes or any of them :—

Regulations.
Qd. ib. s. 83.

40 (a) Providing for the establishment and management of post offices and telegraph offices and the receipt despatch carriage and delivery of postal articles and telegrams and for the conduct and guidance of all postmasters and other officers and servants of the Department.

(b) Fixing the rates payable to masters of vessels for the carriage of mails in cases not provided for by contract.

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(c) Prescribing

- (c) Prescribing the maximum weight and dimensions of postal articles.
- (d) Providing for—
- (1) transmission and delivery of parcels ;
 - (2) the conditions under which parcels may be received 5
transmitted delivered returned to the senders or
otherwise disposed of ;
 - (3) the maximum weight rates or fees to be charged for
the transmission delivery return insurance or regis-
tration of parcels ; and 10
 - (4) the manner in which such rates or fees are to be paid
and the arrangements as to the collection of any
Customs duties or any other duties or fees which
may lawfully be payable in respect of any parcel.
- (e) Imposing fees to be paid upon postal articles registered 15
under this Act or posted after the time appointed for
closing the mails.
- (f) Providing for private boxes and private bags and pre-
scribing the fees to be payable therefor.
- (g) Prescribing the form of and the mode of issuing licences for 20
the sale of stamps and the commission to be allowed thereon.
- (h) Prescribing the mode of defacing or obliterating stamps on
postal articles.
- (i) Prescribing the mode of dealing with postal articles sup-
posed to contain dutiable articles. 25
- (j) Prescribing the mode of sale distribution or destruction of
undelivered newspapers.
- (k) Prescribing the persons by or through whom and the places
where and the times when and the manner and form in
which money orders shall be issued, and the persons in 30
favour of whom and the places where and the time when
and the manner and form in which money orders shall
be paid and the length of time after which they shall
become void, and the mode of forwarding messages or
advices of transmitting moneys and of managing credits 35
accounts and other matters and things necessary to be
forwarded transmitted or managed in reference to money
orders whereby the public may be enabled promptly and
safely to remit sums of money through the department.
- (l) Prescribing the conditions relating to the issue payment 40
and cancellation of postal notes.
- (m) Prescribing the fees rates and dues to be received for—
- (1) any conversation on any telegraph line or on any
telephone exchange or private telephone line;
 - (2) rent or hire for the use of any such exchange or private 45
telephone line ;
 - (3) and generally for the management working and
maintenance of any or all such telegraph lines.
- (n) Prescribing

- 5 (n) Prescribing the terms and conditions on which agreements may be made by the Postmaster-General or a Deputy Postmaster-General with any person for the construction and maintenance of a telegraph line for the exclusive use of such person or for granting the exclusive use of any existing telegraph line to any person and prescribing the scale and times and manner of payment in advance or otherwise of the rent and charges to be paid by such person as the consideration for the agreement.
- 10 (o) Securing the telegraph lines and works of the Postmaster-General from interference or injurious affection by electric lines or works.
- 15 (o1) Voting by post at elections under the law of the Commonwealth or that of a State but in the latter case only at the request of the Governor of the State and on such terms as the Governor-General prescribes.
- (o2) Providing for the payment by the receiver or by the Governor of any State instead of the sender of the rate payable on any postal article.
- 20 (p) All other matters and things which may be necessary for carrying out this Act or for the efficient administration thereof.
- (q) For the purpose of providing for the payment of a rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be those recognised in the locality in which the work is carried out.
- 25 (r) Prescribing penalties not exceeding Fifty pounds for the breach of any regulation.

30 Such regulations shall when published in the *Gazette* have the force of law from a date to be specified in such regulations but not less than fourteen days from such publication.

The production of the *Gazette* containing a regulation shall be sufficient evidence of the due making of the regulation and that it is still in force.

35 All such regulations and alterations thereof shall be laid before both Houses of the Parliament within fourteen days after the making thereof if the Parliament be then sitting or if not within fourteen days after the next meeting of the Parliament.

PART VI.—PENALTIES.

40 94. (1) No letter shall be sent or carried for hire or reward otherwise than by post.

Any person who for hire or reward—

- (a) sends or conveys or causes to be sent or conveyed any letter otherwise than by post ; or
- 45 (b) takes charge of a letter for such conveyance shall be liable for every offence to a penalty of not less than Five pounds nor more than Fifty pounds. (2) Every

Conveying of letter otherwise than by post.

W.A. P. & T. Act
1893 s. 73.

Evidence.

(2) Every letter sent or conveyed or caused to be sent or conveyed or taken charge of to be conveyed otherwise than by post shall be deemed to have been sent or conveyed or caused to be sent or conveyed or taken charge of for hire or reward unless the contrary is shown by the defendant.

5

Exceptions.

N.S.W. P. Act 1867
s. 54.

(3) Nothing herein contained shall extend to any letter—

(a) Exceeding sixteen ounces in weight ;

(b) Exclusively concerning goods sent and to be delivered there-
with ;

(c) Sent by any person concerning his private affairs by any
special messenger ; or

(d) *Bond fide* sent or carried to or from the nearest post office.

10

Forging or
fraudulently using
or possessing dies
or plates.

W.A. P. & T. Act
1893 s. 74.

95. Any person who—

(a) (1) Forges or counterfeits ; or

(2) causes or procures to be forged or counterfeited 15

any die plate or other instrument or any part of any
die plate or other instrument which has been
provided made or used by or under the direction
of any competent person authority department
or Government in or of the Commonwealth or 20
the United Kingdom or any British possession
or any foreign country for the purpose of making
any postage stamp or expressing or denoting
any rate or duty of postage or any poundage ;
or any die plate or other instrument or any part of 25
any die plate or other instrument appearing on
the face thereof or purporting to have been
provided made or used by or under such direc-
tions as aforesaid for the purpose aforesaid.

(b) (1) Forges counterfeits or imitates ; or 30

(2) causes or procures to be forged counterfeited or imitated
the stamp mark or impression or any part of the
stamp mark or impression of any such die plate or
other instrument upon any paper or other substance
or material whatever. 35

(c) Knowingly and without lawful excuse (the burden of proof
whereof shall be on the person accused)—

(1) has in his possession ; or

(2) sells purchases disposes of or receives

any false forged or counterfeited die plate or other 40
instrument or part of any such die plate or other
instrument resembling or intended to resemble
either wholly or in part any die plate or other
instrument which has been so provided made or
used as aforesaid.

45

(d) (1) Stamps

- (d) (1) Stamps or marks ; or
 (2) causes or procures to be stamped or marked
 any paper or other substance or material whatsoever
 with any such false forged or counterfeited die
 plate or other instrument or part of any such
 die plate or instrument as aforesaid.
- (e) Knowingly and without lawful excuse (the burden of proof
 whereof shall be on the person accused)—
- (1) uses utters sells exposes to sale ; or
 (2) causes or procures to be used uttered sold or exposed to
 sale ; or
 (3) has in his possession
 any paper or other substance or material having
 thereon the impression or any part of the
 impression of any such false forged or counter-
 feited die plate or other instrument or part of
 any such die plate or other instrument as afore-
 said ; or
 any paper or other substance or material having
 thereon any false forged or counterfeit stamp or
 impression resembling or representing either
 wholly or in part or intended or liable to pass
 or be mistaken for the stamp mark or impression
 of any such die plate or other instrument which
 has been so provided made or used as afore-
 said.
- (f) With evil intent—
- (1) privately or fraudulently uses ; or
 (2) causes or procures to be privately or fraudulently used
 any die plate or other instrument so provided made
 or used as aforesaid.
- (g) With evil intent privately or fraudulently—
- (1) stamps or marks ; or
 (2) causes or procures to be stamped or marked
 any paper or other substance or material whatsoever
 with any such die plate or other instrument as
 last aforesaid.
- (h) Knowingly and without lawful excuse (the burden of proof
 whereof shall be on the person accused) has in his
 possession any paper or other substance or material so
 privately or fraudulently stamped or marked as
 aforesaid

shall be guilty of an indictable offence and shall be liable to imprison-
 ment with or without hard labour for a term not exceeding two years.

96. Any

Unlawful possession
of moulds for
making postage-
stamp or postal-
note paper.
W.A. P. & T. Act
1893 s. 78.

96. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

- (a) makes or causes or procures to be made; or
- (b) aids or assists in making; or
- (c) knowingly has in his custody or possession—

5

- (1) Any mould frame or other instrument having thereon any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided or used for postage stamps or postal notes by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British colony or possession or any foreign country; or
- (2) Any paper in the substance of which appear any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided by or under the direction aforesaid or used for postage stamps or postal notes or any part of such letters words figures marks lines or devices and intended to imitate the same; or

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- (d) causes or assists in causing any such words letters figures marks lines or devices intended to imitate those so provided or used as aforesaid to appear in the substance of any paper whatsoever,

shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

25

Illegal possession of
postage-stamp or
postal-note paper.
W.A. ib. s. 77.

97. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

- (a) sells purchases disposes of or receives; or
- (b) knowingly has in his custody or possession,

30

any paper provided by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British colony or possession or any foreign country for the purposes of being used for postage stamps or postal notes before the same has been lawfully issued for public use shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

35

Illegally sending
postal envelopes.
Qd. P. & T. Act 1891
s. 93.

98. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

40

- (a) makes any envelope wrapper card form or paper in imitation of one issued by or under the authority of the Postmaster-General of the Commonwealth or of any other part of His

His

His Majesty's dominions or of any foreign postal authority or having thereon any words letters or marks which signify or imply or may reasonably lead the recipient to believe that a postal article bearing the same is sent on postal or telegraph service; or

- (b) makes on any envelope wrapper card form or paper for the purpose of being issued or sent by post or otherwise or otherwise issued any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the Postmaster-General of the Commonwealth or of any other part of His Majesty's dominions or under any foreign postal authority or any words letters or marks which signify or imply or may reasonably lead the recipient thereof to believe that a postal article bearing the same is sent on postal or telegraph service; or

- (c) issues or sends by post or otherwise any envelope wrapper card form or paper so marked,

shall be liable to a penalty not exceeding Fifty pounds.

99. (1) Any person who with a fraudulent intent—

- (a) removes from a postal article sent by post or from a telegram any stamp affixed thereon; or
 (b) removes from any stamp previously used any mark made thereon at a post office; or
 (c) knowingly puts off or uses for postal or telegraphic purposes any obliterated or defaced postage stamp

shall be liable to a penalty not less than One pound nor exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding twelve months.

- (2) Upon the trial of any person for the offence of using an obliterated or defaced postage stamp proof that the person charged is the writer of the address of the postal article on which the stamp is affixed shall be *prima facie* evidence that he is the person who affixed the stamp.

100. If any person knowingly and fraudulently puts or causes or procures to be put into any post office anything falsely purporting to be a postal article within any of the exemptions hereinbefore in this Act mentioned or any postal article falsely purporting to belong to a class in which a lower rate or no postage is chargeable he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

101. If any person knowingly and fraudulently puts or causes or procures to be put into any post office any packet or parcel in or upon which or the cover whereof there is any letter communication or intelligence not allowed by law or wilfully subscribes on the outside of any packet or parcel a false statement of the contents thereof he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

Fraudulently removing stamps.
Qd. P. & T. Act 1891 s. 94.
Vic. P. O. Act 1897 s. 18.

Evidence.

Penalty for falsely sending letters &c. as exempted.
Vic. P. O. Act 1890 s. 115.

Penalty for falsely sending packets.
Vic. P. O. Act 1890 s. 116.

102. If

Penalty for falsely
sending
newspapers.

Vic. P. O. Act 1890
s. 117.

102. If any person knowingly and fraudulently puts or causes or procures to be put into any post office any newspaper in or upon which or the cover whereof there is any communication character figure letter or number (other than a mark to indicate any report article or paragraph therein the printed title of such newspaper the printed names occupations and places of business of the printer publisher and vendor thereof the name occupation and address of the person to whom it is sent the name of the person who sends it and the words "newspaper only"), or in or with which anything but a supplement is enclosed or which anything accompanies or if any person wilfully places the words aforesaid on any newspaper or thing purporting to be a newspaper or on the cover thereof respectively knowing the same to be untrue, he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds. 5 10

Sending explosives
or noxious
substance or
indecent articles
&c.

Qd. P. & T. Act 1891
s. 98.

103. Any person who knowingly sends or attempts to send by post any postal article which— 15

- (a) encloses an explosive or a dangerous filthy noxious or deleterious substance or a sharp instrument not properly protected or a living noxious creature or any other thing likely to injure other postal articles in course of conveyance or to injure an officer of the department or other person; or 20
- (b) encloses an indecent or obscene print painting photograph lithograph engraving book card or article; or
- (c) has thereon or therein or on the envelope or cover thereof any words marks or designs of an indecent obscene blasphemous libellous or grossly offensive character, 25

shall be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years. 30

Penalty on
postmasters and
others for breach
of duty.

N.S.W. P. Act 1887
s. 64.

104. Any postmaster or other officer employed in the Department or any master of a vessel or other person employed or authorized by or under any postmaster to receive sort carry or deliver any mail or any postal article sent by post or otherwise who shall offend against or wilfully neglect or omit to comply with any of the regulations to be made as in this Act mentioned or with any of the provisions of this Act (for breach or neglect of which no other punishment is hereby provided) shall be liable to a penalty not exceeding Twenty-five pounds. 35

Penalty for losing
or not delivering
letters &c.

N.S.W. ib. s. 65.

105. Any person employed by or under the Department or in the conveyance of mails who negligently loses or who wilfully detains or delays or procures or suffers to be detained or delayed any mail or any postal article, shall be liable to a penalty not exceeding Twenty-five pounds. 40

106. Any

106. Any driver of a vehicle used for the conveyance of mails and any guard or other person in charge of a mail, whether conveyed by a vehicle or on horseback or on foot who—

Penalty on
mail-coach driver
or guards loitering.
Qd. P. & T. Act 1891
s. 101.

- 5 (a) loiters on the road ; or
(b) wilfully mis-spends or loses time ; or
(c) is under the influence of intoxicating liquor ; or
10 (d) does not in all possible cases convey the mail at the speed fixed by the Postmaster-General for the conveyance thereof unless prevented by the weather or the bad state of the roads or an accident the proof whereof shall be on the person charged,
- shall be liable to a penalty not exceeding Ten pounds.

107. Any person who wilfully retains secretes keeps or detains any mail or postal article

Retaining or
secreting letters,
&c.

- 15 (a) found by the person secreting keeping or detaining the same ; or
(b) wrongfully delivered to the person keeping or detaining the same,
shall be guilty of a misdemeanour and on conviction thereof shall be liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two
20 years.

Qd. P. & T. Act
1891 s. 102.

108. If any person by means of any false pretence or misstatement induces any postmaster or any officer or servant of the Department to deliver to such person any postal article sent by post and not addressed to such person he shall be guilty of a misdemeanour and
25 on conviction thereof shall be liable to a penalty not exceeding One hundred pounds or to imprisonment for any term not exceeding two years.

Penalty for
improperly
obtaining letters
&c.

Vic. P. O. Act 1890
s. 124.

109. Any person charged with the delivery of a postal article or telegram who wilfully delivers the same to any person other than the
30 person to whom the same is addressed or his authorized agent in that behalf shall be liable to a penalty not exceeding Fifty pounds or to be imprisoned with or without hard labour for any term not exceeding six months.

Delivering to wrong
person.

W.A. P. & T. Act
1893 s. 93.

110. Any person who—

- 35 (a) fraudulently takes from the possession of a postmaster or other officer or servant of the Department or other person having the custody thereof for the Postmaster-General or from any post office or place appointed for the receipt or delivery of postal articles or telegrams ; or
40 (b) steals or for any purpose embezzles fraudulently takes secretes or destroys

Stealing letters &c.

Qd. P. & T. Act
1891 s. 105.

a mail or postal article sent by post or a telegram or any part thereof respectively and any person who fraudulently receives any such mail postal article or telegram or any part thereof respectively which has

E

been

been so fraudulently taken stolen embezzled or secreted, shall be guilty of an indictable offence, and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

Penalty for opening or tampering with mails.

S.A. P. O. Act 1876 s. 82.

W.A. P. & T. Act 1893 s. 90.

111. Any postmaster master of a vessel or driver of a vehicle used for conveyance of mails or any guard or any other person in charge of a mail however conveyed who contrary to his duty opens or tampers with or suffers to be opened or tampered with any mail postal article or telegram shall be guilty of an indictable offence and liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two years. 5

Penalty on unauthorized persons opening mails.

S.A. ib. s. 83.

112. Any person not being a postmaster or not being duly authorized who with fraudulent intent opens or endeavours to open any mail postal article or telegram addressed to any other person shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two years. 15

Exhibiting sign &c. as post office or Royal mail.

Qd. P. & T. Act 1891 s. 107.

113. Any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person charged)— 20

(a) places or maintains or permits or causes to be placed or maintained or to remain in on or near any house wall door window box post pillar or other place belonging to him or under his control the words "post office" or any other word or mark which may imply or give reasonable cause to believe that the same is a post office or a place for the receipt of postal articles or that any box is a post letter-box ; or 25

(b) places or permits or causes to be placed or suffers to remain on any vehicle or vessel the words "Royal Mail," or any word or mark which may imply or give reasonable cause to believe that the vehicle or vessel is used for the conveyance of mails, 30

shall be liable to a penalty not exceeding Twenty-five pounds.

Obstructing conveyance or delivery of mail.

Qd. P. & T. Act 1891 s. 109.

114. Any person who wilfully obstructs or retards the conveyance or delivery of a mail shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months. 35

Obstructing officer in the execution of his duty &c.

Qd. ib. s. 110.

115. (1) Any person who—

(a) wilfully obstructs or incites any one to obstruct an officer of the department in the execution of his duty ; or 40

(b) whilst in a post office or telegraph office or within any premises belonging to a post office or telegraph office or used 45

used therewith behaves in a disorderly manner or wilfully obstructs the course of business of the post office or telegraph office or of the department,

shall be liable to a penalty not exceeding Ten pounds.

- 5 (2) Any officer of a post office or telegraph office may require any person committing an offence under this section to leave the post office or telegraph office or such premises as aforesaid and if such person refuses or fails to comply with the request he shall be liable to a further penalty not exceeding Five pounds and may be removed by the
10 officer ; and all police officers are required on demand to remove or assist in removing such person.

116. Any person who wilfully tampers with injures or destroys any letter-box or newspaper-box or receptacle for the reception of postal articles or any card or notice the property of the Postmaster-
15 General or obliterates any of the letters or figures thereon shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Injuring or destroying letter boxes &c.

Qd. ib. s. 11.

117. If any person encloses or procures or causes to be enclosed
20 in or with any postal article or puts or attempts to put or causes or procures to be put into any post office or any letter-box newspaper-box or receptacle for the reception of postal articles any fire any match any light or any filthy offensive or noxious material or matter or commits a nuisance in or against any post office or any letter-box newspaper-box
25 or receptacle for the reception of postal articles he shall be liable on conviction to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Penalty for placing offensive substances &c. in post office.

Vic. P.O. Act 1897 s. 16.

118. Any person who without the license of the Postmaster-General (the proof of which license shall be on the person charged)—

- 30 (a) deals in offers or exposes for sale any postage stamp ; or
(b) places or permits or causes to be placed or suffers to remain on or near to his house or premises the words "licensed to sell postage stamps" or any word or mark which may imply or give reasonable cause to believe that he is duly
35 licensed to sell postage stamps,

Selling stamps without a licence or pretending to be licensed.

Qd. P. & T. Act 1891 s. 113.

shall be liable to a penalty not exceeding Five pounds.

119. Any person who unlawfully issues a money order or postal note with a fraudulent intent shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for
40 any term not exceeding seven years.

Unlawfully issuing money orders or postal notes.

Qd. P. & T. Act 1891 s. 114.

120. Any person who—

- (a) forges a telegram or utters a telegram knowing the same to be forged ; or

Forging or uttering telegrams.

Qd. ib. s. 115.

- (b) transmits

- (b) transmits by telegraph as a telegram any message or communication purporting to be a telegram which he knows to be forged,

shall whether he had or had not an intent to defraud be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding three years. 5

Sending false telegrams.

W. A. P. & T. Act 1893 s. 105.

121. Any person who—

- (a) knowingly sends delivers or causes to be sent or delivered to any officer or servant of the Department for the purpose of being transmitted as a telegram, a message or writing which purports to be signed or sent by any other person without such person's authority ; or 10
- (b) wrongfully signs a telegram with the name of another person without such person's authority or with the name of some fictitious person ; or 15
- (c) wilfully and without the authority of the sender alters a telegram ; or
- (d) writes issues or delivers a document which purports to be a telegram received through a telegraph office and which was not so received, 20

shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds, or to imprisonment with or without hard labour for any term not exceeding two years.

Sending fraudulent messages.

Qd. P. & T. Act 1891 s. 117.

122. Any person who with fraudulent intent sends any letter telegram or other communication or message concerning any money order or any money due or receivable from or by any person in respect of a money order shall be guilty of an indictable offence and be liable to imprisonment with or without hard labour for any term not exceeding three years. 25

Penalty for violation of secrecy.

Qd. ib. s. 118.

123. Any person employed in a telegraph office who divulges the contents or substance of a telegram otherwise than by delivering the telegram or giving a copy of it to the person to whom he is authorized to deliver such telegram or give such copy shall be guilty of a misdemeanour and on conviction thereof shall be liable for every such offence to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding two years. 30 35

Erection or maintenance of telegraph lines without authority.

Qd. P. & T. Act 1891 s. 119.

124. (1) Except as provided in section seventy-eight any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person charged) sets up maintains or uses in or on any Crown lands or in or on any public road street or highway any telegraph line or wilfully uses any telegraph line set up before or after the commencement of this Act and neglects to comply with any notice from the Postmaster-General or a Deputy Postmaster-General to pay such charges (if any) in respect of the line as may 40 45
from

from time to time be fixed by the Governor-General, shall be liable to a penalty not exceeding Five pounds for every day during which any such line is or continues to be so set up maintained or used contrary to the provisions of this Act.

5 (2) The Postmaster-General may authorize any person to take absolute possession of cut down or destroy the whole or any part of any such line.

10 125. Any person who having entered into an agreement with the Postmaster-General for the use by such person of a telegraph line without the authority of the Postmaster-General demands or makes any charge or receives any payment or valuable consideration from any other person for the use of the same shall be liable for each offence to a penalty not less than Two pounds and not exceeding Fifty pounds.

Making charges for use of telegraph line without authority.

Qd. ib. s. 120.

15 126. Any person who unlawfully or maliciously—
 (a) cuts breaks throws down injures or removes any battery machinery wire cable insulator post or other matter or thing whatsoever being part of any apparatus used or employed in or about any telegraph or in the working thereof; or
 20 (b) prevents or obstructs in any manner whatsoever the sending conveyance or delivery of any communication by telegraph; or
 (c) interrupts or impedes the use of any line or the transmission of any message,

Injuries to telegraphs.

Qd. ib. s. 121.

N.S.W. Tel. Act. 1857 ss. 10, 11.

25 shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding three years. Provided that if it appears to a Justice of the Peace, on the examination of a person charged with an offence against this section, that it is not expedient to the ends of justice that it should be prosecuted as an indictable offence, the case may be heard and determined in a
 30 summary way, and the offender shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding three months.

35 127. Any person who attempts to commit any of the offences in the last preceding section mentioned shall be liable to a penalty not exceeding Ten pounds or imprisonment for any term not exceeding two months.

Attempt to injure telegraphs.

Qd. P. & T. Act 1891 s. 122.

40 128. Any person offending against the provisions of either of the two last preceding sections may with or without warrant be apprehended by any other person and delivered to a police officer or conveyed before a justice to be dealt with according to law.

Arrest of offenders.

Qd. ib. s. 123.

129. Any person who negligently breaks or injures any post cables wire insulator or material belonging to or used in connexion with any telegraph shall be liable to a penalty not exceeding Five pounds and may be ordered to pay the damage done.

Negligently injuring telegraph post or wire.

Qd. P. & T. Act 1891 s. 121.

130. Any

No person to impersonate a postal officer.

130. Any person who with fraudulent intent personates or represents himself as an officer of the Department shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding two years.

5

Penalty on officer re-issuing postal notes.

Vic. P. O. Act 1890 s. 129.

131. If any postmaster or other officer of the post office re-issues a postal note originally issued under the authority of this Act which has been paid previous to such re-issue he shall be guilty of an indictable offence and shall be liable to be imprisoned with or without hard labour for any term not exceeding five years.

10

Aiders and abettors.

Tas. P. O. Act 1881 s. 96.

132. Every person who aids abets counsels or procures the commission of any offence against this Act shall be liable to the same punishment as if he actually committed the offence.

Post offices may be entered and possession taken of letters &c. on behalf of Department.

Qd. P. & T. Act 1891 s. 125.

133. (1) Any person duly authorized in that behalf by the Postmaster-General or a Deputy Postmaster-General may enter into any post office or telegraph office and take possession of all property moneys money orders letters goods chattels or effects therein belonging to or appertaining to the Department and may for such purpose remain a reasonable time in the post office or telegraph office or in or upon the premises where the post office or telegraph office is situated.

20

Penalty.

(2) Any person who wilfully obstructs hinders or delays any person so entering taking possession or remaining as aforesaid shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding six months.

Resisting officer.

Qd. ib. s. 126.

134. Any person who resists any person acting in execution of this Act shall be liable to a penalty not exceeding Twenty-five pounds or to be imprisoned for any term not exceeding six months.

25

Penalty for posting placards on post office pillars &c.

Vic. P. O. Act 1890 s. 133.

135. If any person not duly authorized in that behalf (the proof of which authority shall be on such person) places any placard or other document writing or painting on or otherwise defaces any post office or telegraph office pillar or receiving box or telegraph pole he shall be liable to a penalty not exceeding Five pounds.

30

PART VII.—PROTECTION OF TELEGRAPH LINES FROM INJURIOUS AFFECTION BY ELECTRIC LINES OR WORKS.

Electric authority not to injuriously affect telegraph lines.

136. An electric authority shall not except subject to the conditions hereinafter contained construct any electric line or do any other work for the generation use or supply of electricity whereby any telegraph line of the Postmaster-General is or may be injuriously affected.

35

Definition of injurious affection.

137. Any telegraph line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is in any manner affected by the work or by any use made of the work.

40

137A. In

137A. In the case of an electric tramway or electric lighting system the electric authority using such tramway or lighting system shall not be held responsible for its lines or works affecting the lines of the Postmaster-General on which an earthed return is used if
5 such electric authority has adopted all known and reasonable precautions to avoid such injurious affection and has complied with the regulations.

Limit of responsibility in case of injurious affection of lines.

138. (1) Before any electric line is constructed or work is done by any electric authority within ten yards of any telegraph line of the Postmaster-General (other than repairs or the laying of consumers' 10 connexions with mains where the direction of the electric line crosses a telegraph line of the Postmaster-General at right angles at the point of shortest distance and continues in the same direction for a distance of six feet on each side of such point, and where the connecting wires so crossing are not within three feet of any telegraph wire) the 15 electric authority or its agents shall not less than seven nor more than twenty-eight clear days before commencing the work give written notice to the Deputy Postmaster-General of the State in which such line is to be constructed or work is to be done specifying the course nature and gauge of such electric line and the manner in which such electric line is 20 intended to be constructed and used and the amount and nature of the currents intended to be transmitted thereby and the manner in which such work shall be carried out continued and used and the electric authority and its agents shall comply with such reasonable requirements either general or special as may from time to time be made by the 25 Postmaster-General for the purpose of preventing any telegraph lines of the Postmaster-General from being injuriously affected by any such work.

Provision when any work done by electric authority. Qd. El. L. & P. Act 1896 s. 29.

(3) In the event of any contravention of or wilful non-compliance with this section by the electric authority or its agents the electric authority shall be liable to a penalty not exceeding Ten pounds for 30 every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues.

Penalty.

(4) Nothing in this section shall subject the electric authority or 35 its agents to a penalty under this section if the court having cognisance of the case is satisfied that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the 40 work was done stating the reason for executing the same without previous notice.

139. (1) When any work proposed to be done by an electric authority involves or is likely to involve an alteration either temporarily or permanently in any telegraph line of the Postmaster-General and

Provision when work to be done involves alteration in telegraph line. Qd. ib. s. 30.

and provision is not otherwise made by enactment agreement or otherwise with respect to such alteration or with respect to giving notice to the Postmaster-General thereof or to the expenses thereof or incidental thereto, the following provisions shall apply :—

- (a) The electric authority or its agents shall give to the Deputy Postmaster-General of the State in which such work is to be done not less than seven nor more than fourteen days' previous notice of the time and place at which the work will be begun and of the nature of the alteration required. 5 10
- (b) Before the expiration of seven days after the notice is given the Deputy Postmaster-General may give the electric authority or its agents a counter-notice either stating his intention himself to make or requiring the electric authority to make under his supervision and to the satisfaction of himself or his agents such alteration in the telegraph line as he deems necessary or expedient to be made in consequence of the proposed work. 15
- (c) If the Deputy Postmaster-General by his counter-notice states that it is his intention himself to make such alteration he may make the same himself or by his agents and the electric authority or its agents shall pay to the Postmaster-General all reasonable expenses incurred by him of and incidental thereto and the amount of any loss or damage sustained by him in consequence thereof. 20 25
- (d) If the Deputy Postmaster-General by his counter-notice requires the electric authority or its agents to make such alteration the electric authority or its agents shall at the expense of the electric authority make the same under the supervision and to the entire satisfaction of the Postmaster-General or his agents and the electric authority shall pay to the Postmaster-General all reasonable expenses incurred by him of and incidental to such supervision and also the amount of any loss or damage sustained by him in consequence of the alteration. 30 35
- (e) If the Deputy Postmaster-General fails to give a counter notice or if having undertaken himself to make the alteration he or his agents fail to make the alteration within a reasonable time the electric authority or its agents may make the alteration; but such alteration shall be made to the entire satisfaction of the Postmaster-General or his agents : 40
- (f) If the electric authority or its agents fail to serve on the Deputy Postmaster-General the notice required by this section with respect to any work or begins to do the work specified in the notice before the expiration of seven days after 45

Penalty.

after the notice is given the electric authority or its agents shall be liable to pay a penalty not exceeding Ten pounds for every day during which the work is continued without the sanction in writing of the Deputy Postmaster-General and the Deputy Postmaster-General may at the expense of the electric authority remove such work :

(g) If the electric authority or its agents fail to comply with the reasonable requirements of the Postmaster-General or his agents under this section they shall be liable to a penalty not exceeding Ten pounds for every day during which such failure continues or if the telegraphic communication is interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues.

(2) Nothing in this section shall subject the electric authority or its agents to a penalty for omitting to comply with any requirements of the Postmaster-General or his agents or for executing without previous notice any work if the court having cognisance of the case is satisfied that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the work was done stating the reason for executing the same without previous notice.

(3) Nothing in this section shall compel the Postmaster-General to alter the position of any telegraph line if the circumstances of the case render such alteration objectionable.

140. (1) If a telegraph line of the Postmaster-General is destroyed injured or injuriously affected by an electric authority or its agents such electric authority shall not only be liable to pay to the Postmaster-General such expenses if any as he may incur in making good the destruction injury or injurious affection but shall also if the telegraphic communication is carelessly or wilfully interrupted or injuriously affected be liable to a penalty not exceeding Twenty pounds for every day during which the interruption or injurious affection continues.

(2) If the electric authority liable to pay such daily penalty to the Postmaster-General is not authorized to execute such works as may be required for remedying the interruption or injurious affection, the interruption or injurious affection shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognisance of the case would have been sufficient to enable the Postmaster-General to remedy the interruption or injurious affection.

(3) The Postmaster-General may instead of taking proceedings for the recovery of such daily penalty proceed for the recovery of a penalty not exceeding Fifty pounds.

Penalty for injury to telegraph line and for interruption of telegraphic communication.
Qd. El. L. & P. Act 1896 s. 31.

Penalty for obstruction of Postmaster-General.

Qd. El. L. & P. Act 1896 s. 32.

141. If an electric authority or its agents obstructs the Postmaster-General or his agents in constructing maintaining altering examining repairing or removing a telegraph line, or in supervising or directing any alteration in a telegraph line made by an electric authority or its agents in pursuance of this Act such electric authority and its agents respectively shall for every act of obstruction be liable to a penalty not exceeding Ten pounds, and if the obstruction continues to a penalty not exceeding Ten pounds for every day during which it continues. 5

Restrictions when telegraph lines injuriously affected. Qd. ib. s. 34.

142. (1) When any electric lines or works are used for the generation use or supply of electricity in such a manner as to injuriously affect any telegraph line of the Postmaster-General the Postmaster-General may by notice to be served upon the person owning or using or entitled to use such electric lines or works require that such supply be continued only in accordance with such conditions and restrictions for the protection of the telegraph lines of the Postmaster-General and the telegraphic communication through the same as he may by or in pursuance of such notice prescribe. 10 15

(2) In default of compliance with such conditions and restrictions the Postmaster-General or Deputy Postmaster-General may require that the supply of electricity through such electric lines or works shall be forthwith discontinued until such default ceases. 20

(3) Where such electric lines or works have been lawfully constructed prior to the erection of the telegraph line of the Postmaster-General injuriously affected thereby, the Postmaster-General shall pay to the person owning or using or entitled to use such electric lines or works the amount of any costs reasonably incurred or damages sustained by him by reason of compliance with such conditions and restrictions. 25

Penalty for unlawfully constructing or using works. Qd. ib. s. 50.

143. (1) Any electric authority constructing or using any electric line or works or generating using or supplying electricity contrary to the provisions of this Act or the regulations shall be liable to a penalty not exceeding Fifty pounds and a further penalty of Five pounds for each day such offence is continued after any conviction. 30

(2) The electric authority so offending shall also be liable to pay in addition to any penalty all costs and expenses which may be incurred in taking proceedings against such electric authority and any costs or expenses that may be lawfully incurred in remedying the default of such electric authority. 35

No action of Postmaster-General to relieve electric authority.

144. Any action taken by the Postmaster-General or his agents for the protection of any telegraph line whether at the request of or by arrangement with any electric authority or otherwise shall not relieve such electric authority of any liability under this Act or the regulations or under any Act providing for the safety of persons or property. 40

Provisions as to notices. Qd. ib. s. 60.

145. (1) A notice under this Act or the regulations or any order may be in writing. 45

(2) A notice appointment direction or document given issued or made for the purposes of this Act by the Postmaster-General or a Deputy Postmaster-General shall be sufficiently authenticated if it purports

purports to be signed by the Postmaster-General or Deputy Postmaster-General or by any duly authorized officer and when so authenticated shall be deemed to be given issued or made by the Postmaster-General or Deputy Postmaster-General.

5 (3) When a notice is given by an electric authority the notice shall be sufficiently authenticated if it purports to be signed by the chairman secretary or other principal officer of the electric authority.

10 (4) A notice required to be given under this Act to the Postmaster-General or a Deputy Postmaster-General may be given by leaving it at or by forwarding it by post to the Department in a registered letter addressed to the Postmaster-General or Deputy Postmaster-General as the case may be or by delivering it or forwarding it by post in a registered letter addressed to the officer in charge of the telegraph office nearest to the place in which the work
15 telegraph line or other matter referred to in the notice is situate or by forwarding it by post in a registered letter addressed to him at his office or usual place of residence.

20 (5) A notice required to be given under this Act to an electric authority may be given by leaving it at or by forwarding it by post in a registered letter to its office or if there is more than one office to the principal office of the electric authority in a registered letter addressed to the electric authority or to its chairman secretary or other principal officer.

PART VIII.—LEGAL PROCEEDINGS.

25 **146.** Offences against this Act or the regulations not declared to be indictable offences are punishable upon summary conviction by a police, stipendiary, or special magistrate. Proceedings for penalties.

30 **147.** (1) In any information or complaint for an offence committed or attempted to be committed with respect to the Department or the revenue of the Department or in upon or with respect to any mail or postal article sent or being carried by post or any property moneys money orders postal notes goods chattels or effects under the management or control of the Postmaster-General or with respect to
35 any act matter or thing which has been done or committed with any malicious injurious or fraudulent intent and in anywise relating to or concerning the Department or the revenue thereof or any such property moneys money orders goods chattels or effects as aforesaid under the management or control of the Postmaster-General it shall be sufficient to lay any such property in and to state or allege the same to belong to and
40 to state or allege any such act matter or thing to have been done or committed with the intent to injure or defraud the Postmaster-General without mentioning his name.

45 (2) In all informations or complaints relating to or in anywise concerning the Department it shall be sufficient to name and describe the Postmaster-General as "the Postmaster-General" without any further or other name addition or description whatsoever.

148. The

Form of information
—Property to be
laid in the
Postmaster-
General.
Qd. El. L. & P. Act
1896 s. 128.

Postmaster-General or Deputy Postmaster-General may depute another officer to appear on his behalf.

148. The Postmaster-General or a Deputy Postmaster-General may depute any postal or telegraph officer to appear on his behalf either as prosecutor or defendant, and his authority in writing to that effect shall be good and sufficient in law.

Differences to be settled by arbitration.

148A. Any difference which arises between the Postmaster-General and an electric authority or its agents with respect to any requirements of the Postmaster-General, or as to the cost of any alterations of telegraph lines, shall be determined by arbitration. 5

Arbitration in accordance with State law.

149. Whenever any matter under this Act is to be settled by arbitration it shall be referred to arbitration in accordance with the law of the State in which the dispute arises. 10

Postmaster-General may settle cases.

150. Where any person admits to the Postmaster-General that he has committed a breach of this Act other than an indictable offence the Postmaster-General may with the consent in writing of such person determine the matter and may order such person to pay such pecuniary penalty as he may think proper and upon payment of such penalty such person shall not be liable to be further proceeded against in respect of the same matter. 15

PART IX.—NOTICE AND LIMITATION OF ACTIONS.

Notice and limitation of action. Qd. P. & T. Act 1891 s. 129.

151. (1) Any action against the Postmaster-General or any officer or servant of the Department for anything done or omitted to be done in pursuance of this Act or the regulations shall be commenced within six months after the act committed or omitted and not afterwards. And the action shall not be commenced until one month after notice thereof and of the cause thereof has been delivered to the defendant or left for him at his usual place of abode or business by the party intending to commence the action, and upon the back of the notice shall be indorsed the name and place of abode or business of the plaintiff and his solicitor or agent if the notice is served by a solicitor or agent. 20 25

Contractors and mailmen excepted.

(2) Contractors and their mailmen shall not be considered as officers or servants of the Department under this section. 30

Protection from actions. Qd. ib. s. 130.

152. An action or other proceeding shall not be maintainable against the King or the Postmaster-General or any officer of the Department by reason of any default delay error omission or loss whether negligent or otherwise in the transmission or delivery or otherwise in relation to— 35

(a) a postal article posted or received or omitted to be posted or received under this Act ; or

(b) a telegram sent or received or omitted to be sent or received under this Act. 40

In case of money orders or postal notes. Qd. ib. s. 131.

153. An action or other proceeding shall not be maintainable against the King or the Postmaster-General or any officer of the Department 40

5 Department by reason of the payment of the amount of a money order or postal note being refused or delayed or on account of any accidental neglect omission or mistake or for any other cause, and no action or other proceeding shall be maintainable in respect of a money order or postal note after payment thereof by whomsoever presented if it was paid without fraud or wilful misbehaviour on the part of the person sought to be made liable.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Date.	State.	Title.
31 Vic. No. 4 ...	New South Wales	<i>Postage Act 1867.</i>
37 Vic. No. 1 ...	New South Wales	<i>An Act to abolish the imposition of postage rates on newspapers.</i>
56 Vic. No. 31 ...	New South Wales	<i>Postage Acts Amendment Act 1893.</i>
20 Vic. No. 41 ...	New South Wales	<i>An Act to establish and regulate Electric Telegraphs.</i>
54 Vic. No. 1128 ...	Victoria ...	<i>Post Office Act 1890.</i>
61 Vic. No. 1537 ...	Victoria ...	<i>Post Office Act 1897.</i>
55 Vic. No. 15 ...	Queensland ...	<i>The Post and Telegraph Act 1891.</i>
1857 No. 6 ...	South Australia...	<i>An Act to regulate the construction and management of Electric Telegraphs.</i>
39 & 40 Vic. No. 49	South Australia...	<i>The Post Office Act 1876.</i>
44 & 45 Vic. No. 207	South Australia...	<i>The Telephone Act 1881.</i>
49 & 50 Vic. No. 370	South Australia...	<i>The Postal Notes Act 1886.</i>
49 & 50 Vic. No. 374	South Australia ..	<i>The Parcels Post Act 1886.</i>
54 & 55 Vic. No. 535	South Australia...	<i>Post Office Act 1891.</i>
57 Vic. No. 5 ...	Western Australia	<i>The Post and Telegraph Act 1893.</i>
20 Vic. No. 22 ...	Tasmania ...	<i>The Electric Telegraph Act 1857.</i>
45 Vic. No. 13 ...	Tasmania ...	<i>The Post Office Act 1881.</i>
46 Vic. No. 5 ...	Tasmania ...	<i>The Telephone Act 1882.</i>
49 Vic. No. 30 ...	Tasmania ...	<i>The Post Office Act Amendment Act 1885.</i>
52 Vic. No. 42 ...	Tasmania ...	<i>The Post Office Amendment Act 1888.</i>
55 Vic. No. 19 ...	Tasmania ...	<i>The Post Office Act Amendment Act 1891.</i>
59 Vic. No. 18 ...	Tasmania ...	<i>The Post Office Amendment Act 1895.</i>

SECOND SCHEDULE.

Section 9.

FORM A.

I, A.B., do solemnly and sincerely declare that I will not willingly or knowingly open detain return or delay or cause or suffer to be opened detained returned or delayed any postal article which shall come into my hands power or custody by reason of my employment relating to the Department except by the consent of the person or persons to whom such postal article shall be directed, or by an express warrant in writing for that purpose under the hand of the Postmaster-General or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Act law or duly authorized regulation of the Department passed and made for or in relation to the postage and conveyance of postal

postal articles. And I further declare that I will be true and faithful in the execution of the telegraph duties intrusted to me, and that I will hold strictly secret all telegraphic or other communications that may pass through my hands in the performance of my duties. I also further declare that I will not give any information directly or indirectly respecting any telegrams or despatches transmitted or intended to be transmitted by telegraph except to the persons to whom such telegrams or despatches may be addressed or to their recognised agents.

Section 47.

FORM B.

I, A.B., do solemnly declare that I will not intentionally read the contents of any part of the contents of any letter or packet which I may open in the discharge of my duty except so far as it may be necessary so to do for the purpose of ascertaining the name and address of the writer or sender of the same; and that I will not divulge to any person whomsoever except to the Postmaster-General upon demand by him any of the contents of any such letter or packet which may have come to my knowledge in the course of opening and examining the same for the purpose aforesaid.

Section 66.

FORM C.

I, A.B., the master or person in charge of [state the name of the ship or vessel] arrived from [state the place] do as required by law solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the person duly authorised to receive delivery thereof every mail and postal article that were on board the [state the name of the ship or vessel] except such letters as are exempt by law from postage.

Section 37.

FORM D.

Declaration of the particulars relating to a missing letter or packet containing a valuable enclosure unregistered.

- | | |
|--|--------|
| 1. What is the exact address of the letter or packet? | 1. |
| 2. Why was the letter or packet unregistered? | 2. |
| 3. Describe precisely all the contents of the letter or packet. | 3. |
| 4. By whom was the letter or packet addressed? (Name and address.) | 4. |
| 5. Who placed the letter and enclosure in the cover and how was the cover fastened? | 5. |
| 6. What was the value of the postage stamp affixed? | 6. |
| 7. By whom was the letter or packet posted and through whose hands did it pass before it was posted? | 7. |
| 8. (1) At what post office was the letter or packet posted? | 8. (1) |
| (2) On what date? and | (2) |
| (3) At what time? | (3) |
| 9. What is the name and address of the sender of the letter or packet? | 9. |

I, A.B., residing at _____ in the State of _____ do hereby declare that the answers to the above questions are correct in every particular.

Declared before me at
this _____ day of _____

in the State of _____

C.D., J.P.

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 25 July, 1901.

(As reported from Committee of the Whole, after third recommitment,
20th September, 1901.)

(Brought from the Senate.)

A BILL

FOR

An Act relating to the Postal and Telegraphic
Services of the Commonwealth.

BE it enacted by the King's Most Excellent Majesty the Senate
and the House of Representatives of the Commonwealth of
Australia as follows :—

1. This Act may be cited as the *Post and Telegraph Act* 1901,
5 and shall commence on the first day of October One thousand nine
hundred and one. Short title and commencement.

2. The State Acts specified in the First Schedule to this Act shall
cease to apply to the postal and telegraphic services of the Common-
wealth. State Acts to cease to apply. First Schedule.

10 But the regulations in force in any State under any of the said
State Acts shall as regards that State continue in force until revoked
in whole or in part by the Governor-General, and rates and charges in
force in any State under any of the said State Acts shall continue in
force as regards that State and be applied in the same manner as if
15 the said State Acts were not affected by this Act.

[C. 7]—50/25.9.1901.—F.4624.

PART I.

PART I.—GENERAL.

3. In this Act unless the context otherwise indicates—

- “Postmaster-General” means the Minister of State for the Commonwealth charged with the administration of this Act. 5
- “Construct” includes erect lay down and place. 5
- “Customs Act” means any Act or Acts relating to the Customs in force within the Commonwealth and all orders and regulations made under any such Act or Acts.
- “Department” means the Department of the Postmaster-General. 10
- “Electric authority” means any State Government railway authority local authority tramway authority or person generating using or supplying electricity.
- “Electricity” includes electric current electrical energy or any like agency. 15
- “Electric line” includes all means used for the purpose of conveying transmitting transforming or distributing electricity and any casing coating covering tube tunnel pipe pillar pole post frame bracket or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith. 20
- “General Post Office” means the head office of the Department in each State.
- “Indecent or obscene matter” includes any drawing or picture or advertisement or any printed or written matter in the nature of an advertisement if it relates to venereal or contagious diseases affecting the generative organs or functions or to nervous debility or other complaint or infirmity arising from or relating to sexual impotence or intercourse or sexual abuse or to pregnancy or to any irregularity or obstruction of the female system or to the treatment of any complaint or condition peculiar to females or may reasonably be construed as relating to any illegal medical treatment or illegal operation. 25
- “Mail” includes every package receptacle or covering in which postal articles in course of transmission by post are conveyed whether it does or does not contain postal articles and loose or individual postal articles in transit. 35
- “Master of a vessel” means the person for the time being having the charge or command of a vessel but does not include the pilot. 40
- “Money order” means a money order issued under this Act or by any postal authority for payment under this Act.

“Officer

Interpretation of terms.

Qd. P. & T. Act
1891 s. 4.N.Z. P. O. Act 1900
s. 2.Compare N.S.W.
Act 1900. S.A.
No. 680. Qd. 56
Vict. No. 20. Tas.
64 Vict. No. 26
Vict. No. 1643.

- “Officer” means any officer in the service of the Department.
- “Port” includes any harbor river lake or roadstead within defined limits.
- 5 “Postage” means the amount chargeable for the transmission of postal articles by post.
- “Postage stamp” or “stamp” means any stamp made or authorized by the Postmaster-General for the purpose of the payment of postage or fees to be chargeable under this Act.
- 10 “Postal article” includes letters post-cards letter-cards newspapers packets or parcels and all other articles transmissible by post, and includes a telegram when transmitted by post.
- 15 “Postal note” means a postal note issued under this Act or by any postal authority for payment under this Act.
- “Postmaster” means the officer in charge of a post office or post and telegraph office.
- 20 “Post office” means a house building room railway postal van or carriage place or structure where postal articles are by permission or under the authority of the Postmaster-General or a Deputy Postmaster-General received delivered sorted or made up or from which postal articles are by the authority aforesaid despatched including a pillar box or other receptacle provided for the reception of postal articles for transmission.
- 25 “Prescribed” means prescribed by this Act or the regulations.
- “Regulations” means regulations under this Act.
- “Telegraphic” includes telephonic.
- 30 “Telegraph” or “telegraph line” means a wire or cable used for telegraphic or telephonic communication including any casing coating tube tunnel or pipe enclosing the same and any posts masts or piers supporting the same and any apparatus connected therewith or any apparatus for transmitting messages or other communications by means of electricity.
- 35 “Telegraph office” means a house building room or other place or structure used or occupied by or under the authority of the Postmaster-General and under his control for the purposes of working a telegraph or for the receipt and delivery of telegrams.
- 40 “Telegram” means any message or communication sent to or delivered at a telegraph office or post office for transmission by telegraph for delivery or issued from a telegraph office or post office for delivery as a message or communication transmitted by telegraph.
- 45 “Vessel

“Vessel” includes every description of vessel employed on the high seas in harbors on rivers or on the coast or on any navigable water.

“Works” includes electric lines and also any buildings machinery engines meters lamps transformers fittings apparatus works matters or things of whatever description required to supply electricity or to carry into effect the objects of the electric authority. 5

Department. 4. The Department shall have control of the Postal and Telegraphic services of the Commonwealth. 10

Postmaster-General. 5. The Administration of this Act and the control of the Department are vested in the Postmaster-General.

Secretary. 6. There shall be a secretary to the Postmaster-General who under the Postmaster-General shall have the chief control of the Department throughout the Commonwealth. 15

Deputy Postmaster-General. 7. There shall in each State be a Deputy Postmaster-General who shall be the principal officer of the Department therein.

Postmaster-General may delegate. 8. In relation to any particular matters State or District the Postmaster-General may by writing under his hand delegate any of his powers under this Act (except this power of delegation) so that the delegated power may be exercised by the delegate with respect to the matters specified or the State or District defined in the instrument of delegation, but every such delegation shall be revocable at the pleasure of the Postmaster-General. 20

Declarations to be taken by officers &c. Second Schedule (A). N.S.W. ib. s. 4. 9. Every officer shall before exercising the duties of his office take and subscribe before a justice of the peace a declaration in the form A set forth in the Second Schedule to this Act. 25

Future telegraph messengers to retire on attaining age of seventeen. 9A. Every person taken into the employment of the Department as a telegraph messenger after the commencement of this Act shall immediately on attaining the age of seventeen years cease to be so employed. 30

Every parcel sent by post if not a packet parcel or newspaper to be deemed a letter. N.S.W. P. Act 1867 s. 6. 11. Every article whatsoever which is received at a post office for transmission or delivery shall if not a packet parcel or newspaper as defined by this Act or by the regulations be deemed a letter. 12. The

12. The Governor-General may by order published in the *Gazette* direct what articles may be sent by post as packets or parcels and upon what terms and conditions the same may be sent.

Packets may be defined. N.S.W. ib. s. 7.

13. No duty or toll payable at or in respect of any pier wharf quay landing place bridge or ferry or at any turnpike gate or bar or at any other gate or bar on a public road shall be demanded or taken from or in respect of—

Officers of the department free from tolls. W.A. P. & T. Act 1893 s. 8.

- (a) Any person employed to perform any duty of the Department when on duty.
- 10 (b) Any person engaged in the conveyance of mails.
- (c) Any vehicle or horse conveying mails or postal articles.
- (d) Any telegraph messenger or line repairer when on duty.
- (e) Any vehicle or horse used or employed by such telegraph messenger or line repairer in the performance of his
- 15 (f) Any material or tools used or employed in the construction or repair of any telegraph line.

and any person who demands or takes any toll contrary hereto shall be liable to a penalty not exceeding Five pounds.

20 The Postmaster-General may pay to the person entitled by way of compensation for the use of any pier wharf quay landing place or ferry in the landing shipping or conveying any material or tools for the construction or repair of a telegraph line such sum as may be agreed upon, and in default of agreement as may be settled by

25 arbitration.

14. The Governor-General may make arrangements with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or of a foreign country with respect to—

Arrangements may be made for British or foreign mails. Qd. P. & T. Act 1891 s. 9.

- 30 (a) the transmission by land or sea or by both of mails or postal articles between the Commonwealth and the United Kingdom or the British possession or foreign country ;
- (b) the appointment determination and collection of postage and fees or other dues upon postal articles conveyed between
- 35 the Commonwealth and the United Kingdom or any such possession or country ;
- (c) the division and mutual accounting for and payment of the moneys collected under any such arrangement ;
- 40 (d) the purposes above mentioned in the case of postal articles transmitted through the Commonwealth for the United Kingdom or any such possession or country to or from any part of the world ;

(e) the

- (e) the prepayment (in full or otherwise) of the postage payable on postal articles ;
- (f) the transmission to places out of the Commonwealth free of postage or upon such terms as to the amount of postage or fine to be collected and paid on delivery, and as to the application and payment thereof as may be agreed upon, of postal articles posted in the Commonwealth, or as to the collection application and payment of postage or fines on postal articles received from places out of the Commonwealth on which no postage or insufficient postage has been paid ;
- (g) the payment of compensation for the loss or injury of any registered postal articles.

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Contracts.

N.S.W. P. Act 1867
s. 43.

15. The Postmaster-General or any person authorized in that behalf by the Governor-General may enter into contracts in writing on behalf of the Government of the Commonwealth for or in respect of the carriage of mails by land and sea or either or for any other purpose incidental to the carrying out of this Act and may stipulate for such terms and conditions as to him shall seem fit for securing the due regular and efficient performance of the contract.

White labour in
mail contracts.

15A. (1) No contract or arrangement for the carriage of mails shall be entered into on behalf of the Commonwealth unless it contains a condition that only white labour shall be employed in such carriage.

(2) This condition shall not apply to the coaling and loading of ships at places beyond the limits of the Commonwealth.

Railways to carry
mails.

16. The principal railway official of every State or the owner controller or manager of any railway or tramway in any State shall carry mails on any train run upon the railways or tramways under his control if required by the Postmaster-General so to do and shall provide all usual facilities for the receipt carriage and delivery of all mails that he is required to carry.

Payment for
carriage of mails
by rail

17. The Postmaster-General shall pay to the principal railway official of each State or to the owner controller or manager of any railway or tramway in any State as the case may be such annual sum for the receipt carriage and delivery of mails and for all facilities provided in connexion therewith as may be agreed upon and in default of agreement as may be settled by arbitration. Provided that no payment shall be made to any owner controller or manager of any private railway or tramway who in accordance with the law of a State has agreed to carry His Majesty's mails free of charge.

18. The

18. The Governor-General may arrange with any State and the Postmaster-General may arrange or contract with any local governing body or person applying to him to establish or provide any additional facilities (postal or other) for the contribution by such State body or person towards the expense of establishing or providing such facilities or for indemnifying the Postmaster-General against any loss he may sustain thereby.

Contributions may be accepted.

20. Every postal article received by post from a place out of the Commonwealth shall be transmitted and delivered free of charge within the Commonwealth except where it is necessary to collect the postage under an arrangement made as in this Act provided and except where otherwise provided by this Act or by the Regulations, in which cases the postage and all other fees or dues if any upon the postal article shall be collected on or before delivery.

Letters &c. from places beyond the Commonwealth.
Qd. P. & T. Act 1891 s. 13.

21. (1) A postage of one penny shall be charged on letters not exceeding one half-ounce in weight forwarded by or addressed to seamen on actual service in the King's Navy or in the Marine Defence Force of the Commonwealth or any British possession or to a non-commissioned officer or man on actual service in the King's Regular Forces or in the Permanent Land Force of the Commonwealth or any British possession.

Postage on letters of sailors soldiers &c.
Qd. ib. s. 14.

Provided that a letter forwarded by any such person shall not be transmitted or delivered at that charge unless it bears on its face the name of the writer and his class or description in his vessel regiment corps or detachment and the signature of the officer having command of the vessel regiment corps or detachment :

Provided also that a letter addressed to any such person shall not be transmitted or delivered at that charge unless it bears on its face the name of the vessel regiment corps or detachment to which the person to whom it is addressed belongs.

(2) This section shall not apply to letters forwarded by or addressed to a commissioned or warrant officer in the Land or Marine Forces or a midshipman in the Marine Forces.

22. (1) No additional charge shall be made on prepaid postal articles (other than parcels) re-addressed within the time and in manner prescribed and again forwarded by post within the Commonwealth if the postage originally paid would have been sufficient if the postal article had originally been addressed to its new destination, but if not an additional charge equal to the difference between the amount of postage already prepaid and that which would have been chargeable if the articles had been originally despatched to the new destination shall be made.

Redirection.
N.S.W. P. A. Am. Act 1893 s. 21.
P. U. Conv. Reg. 25.

(2) Any

(2) Any re-addressed postal articles which appear to have been opened or tampered with shall be chargeable with postage as freshly posted unpaid articles.

Letters &c.
insufficiently
prepaid.
N.S.W. ib. s. 11.

23. Any letter post-card letter-card or packet posted for delivery in the Commonwealth on which the postage is not fully prepaid may be transmitted and delivered, but before delivery there shall be paid double the amount of the deficient postage and the sum to be so paid shall be written on such letter post-card letter-card or packet by an authorized officer. 5

Provided that postage on loose letters post-cards letter-cards and packets received from masters of vessels shall be collected on delivery at the rate chargeable to the places whence such articles are received. 10

Petitions to the
Governor-General
&c.
N.S.W. P. Act 1867
s. 13.

24. All petitions and addresses to the Governor-General or to the Governor of any State shall be transmitted and delivered free of charge if such petitions or addresses do not exceed sixteen ounces in weight respectively and are without covers or in covers open at the ends or sides. 15

Postage need not be
prepaid on letters
or packets
containing returns
of births &c.
transmitted by any
minister of religion
&c. to appointed
officer.
N.S.W. ib. s. 23.

25. It shall not be necessary to prepay the postage upon letters or packets containing only returns of births baptisms marriages and deaths transmitted in compliance with the provisions of the law in that behalf by ministers of religion or other persons whose duty it is to transmit such returns to any officer appointed to receive the same if on the outside thereof it is stated that they contain such returns only and such statement is signed by the person transmitting the same, but the postage thereon at prepaid rates shall be paid by the said officer on delivery of such letters or packets. 20 25

Powers and duties
conferred upon
postmasters by
State Acts.

25A. Where any State Act whether passed before or after the commencement of this Act purports to confer or impose upon postmasters any powers or duties—

(a) with respect to the preparation of lists or rolls of electors for parliamentary or other elections ; or 30

(b) for the purpose of facilitating the voting at such elections, the Governor-General may at the request of the Governor of the State direct, by order under his hand, that postmasters may exercise such powers and shall perform such duties accordingly ; and thereupon postmasters may exercise such powers and perform such duties accordingly, and shall be bound by the provisions of the State Act relating to such powers and duties. 35

Postage need not be
prepaid on letters
or packets con-
taining electoral
matter.

25B. It shall not be necessary to prepay the postage upon letters or packets containing only ballot-papers or voting-papers or other electoral documents and sent in compliance with the law in that behalf to any electoral officer of a State, if on the outside thereof they bear a statement 40

statement, signed by the sender, that they contain such matter only; but the postage thereon at prepaid rates shall be paid by such officer on delivery of the letters or packets.

26. (1) For the purposes of this Act a newspaper shall mean
5 any publication known and recognised as a newspaper in the generally
accepted sense of the word, and printed and published within the
Commonwealth for sale, if—

Definition of
newspaper and
supplement.

- 10 (a) it consists in substantial part of news and articles relating
to current topics, or of religious technical or practical
information; and
- (b) it is published in numbers at intervals of not more than
one month; and
- 15 (c) the full title and date of publication are printed at the
top of the first page, and the whole or part of the title
and the date of publication are printed at the top of
every subsequent page.

(2) A publication printed on paper and issued as a supplement to
a newspaper shall be deemed to be a supplement and to be part of the
newspaper if—

- 20 (a) it consists in substantial part of reading matter other than
advertisements, or of engravings, prints, lithographs, or
coloured supplements; and
- 25 (b) its letterpress other than any title or short description on
any engraving, print, lithograph, or coloured supplement,
or the title and date of the newspaper thereon is printed
within the Commonwealth from type set up within the
Commonwealth, or from stereotypes or electrotypes made
therefrom; and
- 30 (c) it is enclosed in each posted copy of the newspaper with
which it is issued; and
- (d) it has the title of the newspaper with which it is issued
printed on the top of each page of letterpress; and
- (e) it is not of a size or form which makes it inconvenient for
carriage or delivery by post.

35 27. (1) The proprietor printer or publisher of any newspaper
may at such time and in such form and with such particulars
as may be prescribed upon payment of a fee of Five shillings
register it at the General Post Office of any State and the Deputy
Postmaster-General of such State may from time to time subject to
40 appeal as hereinafter mentioned revise the register and may call upon
the proprietor printer or publisher of any publication a posted copy of
which

Registration of
newspapers.
N.S.W. P. O. Am.
Act 1893 s. 4.
Vic. P. O. Act 1897
s. 7.
Qd. P. & T. Act
1891 ss. 24, 25.

- which contains indecent or obscene matter or which by reason of the proportion of advertisements to other matter therein or for any other reason is not within the description aforesaid to show cause why such publication should not be removed from the register and if sufficient cause be not shown he may remove it accordingly and any publication for the time being on the register shall for the purposes of this Act be deemed a registered newspaper. 5
- Removal from register.
- (2) No publication which after the expiration of one month from the commencement of this Act is tendered for transmission at any post office in the Commonwealth shall be sent by post as a newspaper unless the provisions of this section have been complied with. 10
- (3) Any Deputy Postmaster-General may refuse to transmit or deliver any issue of a publication if such issue contains indecent or obscene matter.
- (4) Any posted newspaper found to contain indecent or obscene matter may be destroyed by order of the Postmaster-General. 15
- (5) No action shall be brought against the Postmaster-General or any officer of the department for anything done or purporting to be done under the provisions of this section but any person aggrieved by anything done or purporting to be done by the Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court or to a Judge of a Supreme Court of a State by summons or petition in a summary manner. The Justice or Judge may decide whether the action taken under this section was justified in law or in fact and may make such order as to restoration to the register or otherwise as to him may seem just and may award damages and costs or either in his discretion. 20 25
- Consequence of irregularity.
- (6) All unregistered or irregularly posted newspapers and all newspapers having any matter which is not a supplement accompanying them shall be treated as packets. 30
- Postage stamps to be made and sold. Tas. P. O. Act 1881 s. 28.
28. The Postmaster-General shall with the approval of the Governor-General cause postage stamps to be made and sold indicating such amounts of postage or fees as may in that behalf be directed by the Governor-General.
- Postmasters to keep sufficient supply of stamps. S.A. P. O. Act 1876 s. 27.
29. Every postmaster shall procure and keep on hand for sale such quantities of postage stamps as the Postmaster-General shall authorize and direct and shall sell the same without premium to any person desirous of purchasing them. 35
- Prepayment of postage. S.A. ib. s. 42. P. U. Conv. Art. 11.
30. (1) Except in cases where prepayment of postage is allowed to be made in money prepayment of postage can be effected only by means of postage stamps valid in the Commonwealth for the correspondence of private individuals: Provided however that the reply-half of reply post-cards bearing postage stamps of the country in which these cards were issued are considered as duly prepaid if addressed to such country. 40 45
- (2) Official

(2) Official correspondence from the Department relative to the Postal and Telegraphic Service and telegraphic messages upon which all fees payable under this Act have been paid may be transmitted free by post for delivery within the Commonwealth.

- 5 **31.** Notwithstanding the last preceding section whenever it may happen that any postmaster shall not have any postage stamps of the requisite value for sale the postage and fees upon any postal article may be prepaid by money and shall be acknowledged by such postmaster on the face or cover of such article.
- 10 **32.** The Postmaster-General may authorize any postmaster or other officer to accept money in prepayment of the postage on each letter packet or newspaper in cases where a large quantity of letters packets or newspapers are brought to the post by or on behalf of any person, and the postmaster or other officer shall mark on each letter
- 15 packet or newspaper the full amount of postage prepaid thereon.
- 33.** The postage stamps upon all postal articles sent by post shall be impressed or affixed upon the face thereof and near the address written thereon and no postmaster shall be bound to take any notice of stamps which are impressed or affixed elsewhere.
- 20 **34.** Any person with the permission in writing of the Postmaster-General may perforate postage stamps with such letters figures or design as are prescribed in such writing and stamps so perforated shall not be considered to be defaced within the meaning of this Act and shall be received in payment of any postage fees or dues and telegraph
- 25 fees, but no stamps so perforated shall be purchased or exchanged by any postmaster or servant of the department.
- 35.** The Postmaster-General may cause letter pillars or boxes for the reception of postal articles to be erected and maintained in any public road street or highway or other place.
- 30 **36.** (1) Any person who sends any letter packet or newspaper by post shall be entitled to have the same registered at the post office at which it is posted upon payment of the prescribed fee for registration. And all articles required to be registered shall be put into the post office and also be delivered at or between such hours in the day and under
- 35 such conditions as the Postmaster-General shall appoint.
- (2) Any person who sends a registered article by post may obtain an acknowledgment of its due receipt by the person to whom it is addressed by paying the prescribed fee in advance at the time of registration in addition to the registration fee.

By money in certain cases.
N.S.W. P. Act 1867 s. 19.

Prepayment of postage in bulk.
N.S.W. P. A. Am. Act 1893 s. 12.

Postage stamps, where to be affixed.
N.S.W. P. Act 1867 s. 22.

Postage stamps may be perforated with letters.
Vict. P. O. Act 1890 s. 16.

Erection of letter pillars &c.
Vict. P. O. Act 1890 s. 48.

Registration.
N.S.W. P. Act 1867 ss. 24, 25.
Vict. P. O. Act 1897 s. 9.

Acknowledgment of the receipt of registered letters.

(3) Where

Letters &c. with
valuable enclosures
must be registered.

(3) Where any postmaster or officer has reasonable cause to believe that any unregistered letter or packet contains any valuable enclosure other than money orders or bills of exchange acceptances or promissory notes payable to order cheques or postal notes or postage stamps not exceeding Five shillings in value such postmaster or officer may register such letter or packet and charge it with double the prescribed fee for registration and the fee to be so paid shall be written on such letter or packet by the postmaster or officer of the post office who registers the same, and such fee shall be paid by the person to whom it is addressed before delivery unless such person before delivery opens the letter in the presence of some postmaster or officer of the post office and it is found not to contain any valuable enclosure in which case such fee shall not be charged.

Declaration to be
made where
missing letter &c.
contained valuable
enclosure.

Qd. P. & T. Act
1891 s. 35.

Second Schedule (D).

37. Any person making a complaint that an unregistered letter or packet containing coin jewellery gems watches or any other valuable enclosure has not been duly delivered to the person to whom it was addressed may be required by the postmaster of the post office at which the complaint is made to make a declaration in the Form D in the Second Schedule to this Act and to pay the fee (if any) prescribed before any inquiry is instituted.

Certain letters &c.
to be deemed posted
in contravention of
this Act.

Qd. P. & T. Act
1891 s. 36.

38. Every postal article received in a post office—

- (a) on which the postage stamps have been previously obliterated or defaced (unless the postage thereon has been prepaid by money) ; or
- (b) which contains an enclosure contrary to the provisions of this Act or the regulations or of any other Act ; or
- (c) which is posted contrary in any other way to the provisions of this Act or the regulations ; or
- (d) on the outside of which any profane blasphemous indecent obscene offensive or libellous matter is written or drawn,

shall be deemed to be posted in contravention of this Act.

Letters &c. in
contravention of
this Act how dealt
with.

Qd. ib. s. 37.

39. Every postal article—

- (a) which is without address or bears an illegible address ; or
- (b) which is posted or is reasonably suspected to be posted in contravention of this Act ; or
- (c) which the person to whom it is addressed refuses to receive ; or
- (d) upon which any postage is payable by the person to whom it is addressed and in respect of which such person refuses to pay the postage,

shall be transmitted without delay by the postmaster receiving it to the General Post Office.

Every

Every postal article containing or supposed to contain an enclosure upon which the duties of Customs are payable shall be dealt with in the prescribed manner.

40. (1) The Postmaster-General or his officers may examine any
5 newspaper or packet sent by post without a cover or in a cover open at the ends or sides and bearing less than the letter rate of postage in order to discover whether it was posted in conformity with this Act or the regulations.

Power to examine newspapers and packets.
Qd. ib. s. 42.

(2) The question whether any postal article is entitled to be sent
10 as a newspaper or packet shall if disputed be referred to the Postmaster-General for determination, and his decision shall be final.

41. The Postmaster-General or any Deputy Postmaster-General may at any time cause any postal article having anything profane blasphemous indecent obscene offensive or libellous written or drawn
15 on the outside thereof or any obscene enclosure in any postal article to be destroyed.

Blasphemous or obscene letters &c. may be destroyed.
S.A. P. O. Act 1876 s. 45.

No action shall be brought against the Postmaster-General or any officer of the Department for anything done under the provisions of this section but any person aggrieved by anything done by the
20 Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court or to a Judge of a Supreme Court of a State by summons or petition in a summary manner.

42. The Postmaster-General or any Deputy Postmaster-General may refuse to transmit or deliver any newspaper packet or parcel
25 containing any article book picture or advertisement or any printed or written matter in the nature of an advertisement, which article book picture advertisement or matter is of an indecent or obscene nature, and may cause any such newspaper packet or parcel to be destroyed.

Indecent pictures &c. sent by post.

43. The Postmaster-General may cause all unclaimed and un-
30 delivered postal articles originally posted within the Commonwealth which have been returned from the place to which they were forwarded to be treated as unclaimed articles and opened as hereinafter mentioned.

Unclaimed and undelivered articles returned from other countries how dealt with.
S.A. P. O. Act 1876 s. 35.

44. (1) Every postal article which remains undelivered at any
35 post office to which it has been transmitted for delivery shall save as in this Act otherwise provided be kept thereat for delivery for such

Unclaimed letters &c to be kept certain periods and then sent to General Post Office

N.S.W. P. A. Am.
Act 1893 s. 8.
S.A. P. O. Act 1891
s. 14.

such time as may be prescribed. And as soon as possible after the expiration of such time the postmaster at every such post office shall transmit to the General Post Office every postal article that has been kept for the prescribed time, and thereupon every such postal article so transmitted and any postal article which remains undelivered at the General Post Office beyond the prescribed time shall be dealt with as in this Act provided. 5

Letters &c. may be
returned to sender
if request indorsed
thereon.

(2) Notwithstanding anything in this Act contained when any letter or packet bears an indorsement by the sender to the effect that if it remains undelivered for a certain specified time not less than seven days it may be returned to him the postmaster at the post office to which the same has been transmitted for delivery shall as soon as possible after the time so specified transmit it to such indorsed address, and if it be refused at such specified address it shall be deemed to be undelivered and unclaimed and dealt with accordingly. 10 15

Telegrams letters
&c. at hotels re-
maining undelivered
for one month to
be returned to post
office.

S.A. ib. s. 17.

45. (1) All telegrams and postal articles sent by post and addressed to any person at any inn hotel or at any lodging-house or at any house at which lodgers are received and delivered to the occupier or manager of such inn hotel or house shall be deemed to be under the control of the Postmaster-General until delivered to the person to whom the same are addressed, and if the same are not so delivered within one month after the receipt of the same by such occupier or manager and if instructions to the contrary are not received from the person to whom the same are addressed they shall be returned to a letter carrier or to the nearest post office and kept thereat for delivery for such time as may be prescribed and at the expiration of such time shall be transmitted to the General Post Office. All such telegrams and postal articles transmitted to the General Post Office under the provisions of this section shall there be dealt with as undelivered and unclaimed. 20 25

Penalty.

(2) Every such occupier or manager wilfully omitting or failing to return any such telegram or postal article as aforesaid shall be liable to a penalty not exceeding Five pounds. 30

How dead letters &c.
disposed of at
General Post Office.

• N.S.W. P. O. Act
1867 s. 30.

46. On the receipt at a General Post Office of any postal article hereinbefore required to be transmitted to such office such postal article if it was originally posted in the Commonwealth or if it has been posted or contains any enclosure or be reasonably suspected to have been posted or to contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act may be opened in the General Post Office in the manner hereinafter mentioned; and every letter and packet if it was originally posted elsewhere shall except as last aforesaid be returned to the proper authorities in the country in which it was so posted or if originally posted in another State be returned to the 35 40

the General Post Office of that State, but every newspaper wheresoever it was originally posted shall be opened in the same place and manner as letters and packets originally posted in the Commonwealth.

- 5 **47.** Every postal article opened under the provisions of this Act shall be opened in the presence of not less than two officers of the post office nominated for that purpose by the Postmaster-General and every such officer shall before he enters upon his duties in this respect make and subscribe before a justice of the peace a declaration in the Form B in the Second Schedule to this Act.
- 10 **48.** Every Deputy Postmaster-General shall cause every detained unclaimed refused and undelivered postal article whatsoever posted in any part of the Commonwealth which has been opened under the provisions of this Act to be forthwith returned to the writer or sender thereof if his name and address can be ascertained by examination of such
- 15 article, and such writer or sender shall thereupon be liable to pay the original postage payable thereon if not prepaid ; and if such writer or sender refuses to receive any such article the same may be forthwith destroyed, but he shall be liable to pay the postage thereon.
- 20 **49.** (1) Every undelivered letter or packet which is opened under the provisions of this Act (if it contains any valuable or saleable enclosure) shall be safely kept and a list thereof together with a memorandum of such contents made and preserved ; and the Postmaster-General shall (unless such contents have been posted or be in fraud or violation of this Act or of any Act relating to the Customs
- 25 or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them) cause notice of such letter or packet and of such contents to be sent to the person to whom the same is addressed if he be known or otherwise to the writer or sender thereof if he be known. And upon application
- 30 by the first-mentioned person if known and if unknown by the last-mentioned person if known such letter or packet and its contents shall (unless as last aforesaid) be delivered to the person so making such demand.
- 35 (2) If neither of such persons can be found or makes such application within three months after the sending of such notice or if the said contents have been posted or are in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the
- 40 postage properly chargeable on the letter or packet containing them such letter or packet shall be destroyed and its contents forfeited unless the Postmaster-General directs the said contents to be restored to the writer or sender of the said letter or packet. And if the contents aforesaid are not money or a security or order for money payable to bearer the

How or by whom unclaimed or dead letters may be opened.

S.A. P. O. Act 1876 s. 36.

Second Schedule (B).

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

S.A. ib. s. 37.

Opened letters and packets containing anything of value how dealt with.

Vict. P. O. Act 1890 s. 40.

the same may be destroyed sold or converted into money in such manner as the Postmaster-General or Deputy Postmaster-General directs, and the proceeds thereof shall be paid into the consolidated revenue fund. And if the contents aforesaid are money, or a security, or order for money payable to bearer, the same shall form part of the consolidated revenue. 5

Opened newspapers
how dealt with.
N.S.W. P. Act 1867
s. 34.

50. Every unclaimed or undelivered newspaper opened under the provisions of this Act may be forthwith sold destroyed or used for any public purpose unless before such sale destruction or use thereof the same is claimed and the postage (if any) due thereon is paid by the person to whom the same is addressed. But if any such newspaper has been posted or contains any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable thereon the said newspaper shall be sold destroyed or used as aforesaid ; and anything which is enclosed in or with or which accompanies such newspaper or the cover thereof shall be forfeited. And if such enclosure or accompaniment is not money or a security or order for money payable to bearer the same may be destroyed sold or converted into money in such manner as the Postmaster-General may direct and the proceeds thereof shall be paid into the consolidated revenue fund. And if such enclosure or accompaniment is money, or a security, or order for money payable to bearer, the same shall form part of the consolidated revenue. 10 15 20

Sender of opened
letters &c. to pay
postage.
N.S.W. ib. s. 35.

51. The sender of any postal article which is opened under the provisions of this Act shall on demand pay the postage and fees (if any) remaining due thereon, and in case of refusal so to do shall be liable to a penalty not exceeding Forty shillings. 25

No letters &c. to be
returned except in
certain cases.
N.S.W. ib. s. 26.

52. Except in the cases in this Act expressly mentioned no letter packet or newspaper shall be destroyed or returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed or the direction in writing of the Postmaster-General and no letter packet or newspaper shall be delivered to any person not named in the address thereof without such consent or direction. 30 35

Letters of insolvents
to be delivered to
official assignee.
S.A. P. O. Act 1876
s. 40.

53. Whenever any person becomes or is adjudged bankrupt or insolvent by any court of competent jurisdiction within the Commonwealth the Postmaster-General if so directed by the order of the court shall until a date to be specified in such order cause any postal article addressed to such bankrupt or insolvent to be delivered to the official receiver or other person named in such order. 40

54. Postal

54. Postal articles addressed to deceased persons may be delivered to the executors or administrators of such deceased person on production of the probate or letters of administration; but until such production the Postmaster-General or a Deputy Postmaster-General may cause such postal articles to be delivered as may be prescribed.

Letters &c. for deceased persons how to be disposed of.
S.A. P. O. Act 1876 s. 41.

55. (1) If the Postmaster-General has reasonable ground to suppose any person to be engaged either in the Commonwealth or elsewhere in receiving money or any valuable thing—

Power in certain cases to refuse to register or deliver letters &c.
Qd. P. & T. Act 1891 s. 49.

- 10 (a) as consideration (1) for an assurance or agreement express or implied to pay or give or (2) for securing that some other person shall pay or give any money or valuable thing on an event or contingency of or relating to any horserace or other race or any fight game sport or exercise; or
- 15 (b) for promoting or carrying out a scheme connected with any such assurance agreement or security or a lottery or scheme of chance or an unlawful game; or
- (bb) as contributions or subscriptions towards any lottery or scheme of chance;
- 20 (c) under pretence of foretelling future events; or
- (d) in connexion with a fraudulent obscene indecent or immoral business or undertaking;

he may by order under his hand published in the *Gazette* direct that any postal article received at a post office addressed to such person either by his own or fictitious or assumed name or to any agent or representative of his or to an address without a name shall not be registered or transmitted or delivered to such person.

(2) The order shall specify such name or address and shall upon publication be of full force and effect until cancelled by the Postmaster-General.

56. (1) Any postal article addressed to the person named in such order by such name or to such address if received at a post office shall not be delivered to such person or at such address but shall be forthwith sent to the General Post Office, and shall if it was originally posted in the Commonwealth be opened and immediately returned to the sender, and if it was not originally posted in the Commonwealth shall be returned unopened to the proper authorities of the colony possession or country where it was originally posted.

Letters &c. in such cases how dealt with.
Qd. ib. s. 50.

(2) Money orders shall not be issued in favour of or paid to any person with respect to whom any such order is made.

57. Any postmaster may refuse to receive or to transmit by post any postal article exceeding the weight or dimensions prescribed or of inconvenient form or containing or reasonably suspected to contain any article likely to injure any person or the contents of the mail bags.

Heavy letters packets and newspapers may be refused.
N.S.W. P. O. Am. Act 1893 s. 9.

c

58. (1) The

Delivery at post town or at named or last known residence sufficient. Qd. P. & T. Act 1891 s. 52.

58. (1) The transmission of a postal article addressed to a person in the Commonwealth to the post office of the post town to which it is directed or if not so directed then to the post office of the post town nearest to the address named shall be sufficient transmission under this Act.

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(2) When delivery by letter carriers is provided delivery according to the address or at the last known place of residence of the person named in the address shall be sufficient delivery to such person unless he by written notice to the postmaster of the office to which such article is addressed has prohibited such delivery.

10

Despatch and delivery of packets &c. may be delayed. Qd. ib. s. 53.

59. When the despatch or delivery of letters from a post office would be delayed by the despatch or delivery at the same time of post-cards book packets newspapers or parcels the latter or any of them may subject to the regulations be detained in the post office until a later despatch or delivery.

15

Qd. ib. s. 54.

60. In any action or other proceeding for the recovery of any postage or fee payable by authority of this Act in respect of a postal article —

Who deemed to be the sender of a postal article.

(a) The person from whom the postal article purports to have come shall be deemed the sender thereof and the onus of proving that such article did not come from or was not sent by him shall rest on the person proceeded against;

20

Post office stamp evidence of refusal of letter &c.

(b) The post office stamp or mark denoting that the postal article has been refused or that the person to whom such article is addressed is dead or cannot be found, shall be *prima facie* evidence of the refusal thereof or that such person is dead or cannot be found;

25

Post-office stamp evidence of liability to postage.

(c) The post office stamp or mark thereon denoting the postage or fee shall be *prima facie* evidence of the liability of the postal article to the postage or fee and that the sum stamped or marked thereupon is payable in respect thereof.

30

Mail in charge of postmaster &c. deemed to be by post.

Qd. ib. s. 55.

61. In any action or other proceeding every mail or postal article in charge of or being carried by a postmaster postman mailman mail-driver officer or servant of the Department or other person employed by or under the Postmaster-General shall until the contrary is proved be deemed to be in course of being sent by post.

35

Power to destroy books documents telegrams, &c. Vic. P. O. Act 1890 s. 44.

62. (1) The Postmaster-General may order the destruction in such manner as he thinks fit of any telegrams books of record telegraph tape letter-bills registered letter receipts money orders postal notes returns requisitions orders for delivery of letters or letters to the Department or any other document or the butts thereof: Provided that such telegrams have not been written within the period of two years prior to the date of any such order and that such books and other documents have not been printed written or prepared within the period

40

45

period

period of one year prior to the date of any such order, and the King or the Postmaster-General or any officer of the post office shall not be accountable in any manner to any person for any telegrams books or documents so destroyed and no claim for damages shall arise to any person by reason of any such destruction.

(2) In this section "document" shall be deemed to include documents relating to the parcels post.

63. All moneys collected on account of the sale of postage stamps commission charges fees penalties and other dues levied collected or received under this Act or the regulations shall be paid to the Treasurer of the Commonwealth and placed to the credit of the Consolidated Revenue Fund: Provided that fines inflicted upon officers of the Department under section ninety-one may be disposed of in such manner as the Governor-General shall direct.

Appropriation of fees, &c.
Qd. P. & T. Act
1891 s. 132.

15 PART II.—CONVEYANCE OF MAILS BY SHIPS.

64. In all vessels by which mails are conveyed under any contract entered into by the Postmaster-General under this Act, there shall be provided a suitable locker or other secure place in which such mails and all postal articles shall be locked up and carried apart from all other articles and things. And if such locker or place is not so provided or if such mails or any postal article are carried in any such vessel during the whole or any part of the voyage otherwise than in such locker or place the master of such vessel shall be liable to a penalty not exceeding Fifty pounds.

In all vessels conveying mails lockers to be provided.
N.S.W. P. O. Act
1867 s. 44.

65. (1) All mails and every loose postal article on board a vessel at the time of her arrival within a port within the Commonwealth directed to a person in the Commonwealth, except letters concerning goods on board the vessel and to be delivered with the goods or sent by way of introduction only or concerning the bearer's private affairs shall be forthwith delivered at the wharf nearest to the post office by the master to the postmaster or a port officer or Customs officer of the port, or to any person duly authorized by writing under the hand of a Postmaster.

Delivery of ship mails on arrival of ship.
Qd. P & T. Act
1891 s. 58.

(2) Any master who (except as aforesaid) knowingly or negligently detains keeps in his possession or neglects or refuses to deliver a mail or postal article after demand made as aforesaid shall be liable to a penalty not exceeding Fifty pounds.

Penalty.

66. The master of a vessel arriving at any port within the Commonwealth shall as soon as practicable after such arrival sign in the presence of the postmaster or other officer appointed to receive the same at such port or the town or place nearest thereto a declaration in the form set forth in Form C in the Second Schedule to this Act and thereupon such postmaster or officer shall grant a certificate under his hand of the making thereof and until such certificate has been delivered

Declaration by masters of inward-bound vessels.
N.S.W. P. Act 1867
s. 46, P. A. Am.
Act 1893 s. 14.
Second Schedule (C).

to

to the proper officer of Customs at such port he shall not permit such vessel to report. And any master who fails or refuses to make such declaration or who makes a false declaration shall be liable to a penalty not exceeding Fifty pounds.

Provided that a Postmaster may in cases of vessels which are known or reasonably believed to have no mails on board authorize the proper officer of the Customs to permit any such vessels arriving at any port in the Commonwealth to report without requiring the declaration to be signed and the certificate to be delivered. 5

Mails to be taken in vessels outward bound and coastwise.

W.A. P. & T. Act 1893 s. 47.

67. (1) The master of a vessel about to depart from a port within the Commonwealth to a port or place within or beyond the Commonwealth may be required by an officer of the Department or by a port officer or Customs officer or other person duly authorized by a postmaster to receive or take delivery at an approved wharf of any mail and he shall in such case give a receipt for such mail to the person tendering or delivering the same and shall carefully deposit the mail in some secure and dry place on board the vessel and convey the same upon her then intended voyage. 10 15

Penalty.

(2) Any person in any respect offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding Fifty pounds. 20

Payments to master of vessel.

N.S.W. P. A. Am. Act 1893 s. 13.

W.A. ib. s. 48.

Qd. P. & T. Act 1891 s. 62.

68. (1) The master of a vessel about to depart from any port within the Commonwealth to any other port or place who receives on board thereof any mail for the purpose of conveying the same according to the direction thereof shall be entitled immediately to demand and receive from the person tendering or delivering the same for the carriage thereof payment at such rates as may be prescribed. But nothing herein contained shall entitle the master of any vessel under contract for the carriage of mails to receive any such payment. 25

(2) When mails are brought from one port to another and transhipped or forwarded by a second vessel belonging to the same owner payment shall not be made on account of the second conveyance. 30

(3) Payment shall not be made to the master of a ship arriving from any port or place for the conveyance of mails. 35

Notice of departure of vessels.

N.S.W. P. Act 1867 s. 50, P. A. Am. Act 1893 s. 14.

69. (1) The master of a vessel not carrying mails under a contract for the carriage thereof and being about to depart from any port within the Commonwealth to any port or place beyond the Commonwealth shall before the clearance outwards of such vessel give to the postmaster or officer in charge of the post-office at the port from which such vessel is about to depart not less than twenty-four hours' notice in writing of the intended time of departure of such vessel, and every master of a vessel not carrying mails under a contract which is 40

is about to depart from a port within the Commonwealth to another port or place therein shall before the clearance of the vessel give to the postmaster at the port from which the vessel is about to depart not less than six hours' notice in writing of her intended hour of departure.

5 Provided that a shorter notice may be prescribed in any case or special class of cases, and every such notice shall commence and expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon.

10 (2) Such master shall also give notice to such postmaster or officer of any postponement of such time of departure exceeding one hour, and in default thereof shall be liable to a penalty not exceeding Fifty pounds. And such postmaster or other officer of the post-office shall upon receiving such notice grant a certificate of the receipt of such notice to such master, and until such certificate has been given the
15 vessel shall not be cleared.

And of postponed departure.

20 70. When the master of a vessel has received a mail on board for carriage and the vessel does not depart on her voyage according to the time fixed for departure or within one hour thereof the master shall forthwith give notice to the postmaster of the delay and shall on
25 demand return the mails and the gratuity or payment which has been paid for carriage to the postmaster or to some port officer or Customs officer of the port or some other person duly authorized in that behalf in writing under the hand of a postmaster.

Duty of master where ships not sailing pursuant to notice.

Qd. P. & T. Act 1891 s. 64.

25 Any person offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds.

Penalty.

30 71. The master of a vessel proceeding from a port or place within the Commonwealth to some other port or place within the Commonwealth, and having on board a mail for delivery in such last-mentioned port or place shall give notice of the near approach of the vessel thereto
35 by ringing a bell or by some other concerted signal which may reasonably be expected to be distinctly heard or seen by the postmaster port officer officer of Customs or other person in such last-mentioned port or place duly authorized to receive or despatch a mail, and shall give such notice a sufficient time before the actual arrival of
the vessel to enable him to be prepared to receive the mail from or despatch a mail in the vessel.

Masters to give notice of approach to a place appointed for the receipt and despatch of mails.

Qd. ib. s. 65.

Any master who refuses or omits to give such notice shall be liable for every offence to a penalty not exceeding Fifty pounds.

PART III.—MONEY ORDERS AND POSTAL NOTES.

40 72. (1) The Governor-General may make arrangements with the Postmaster-General in the United Kingdom, or with the proper authorities of any British possession or of a foreign country for the issue and payment by means of the Department of money orders and postal notes between the Commonwealth and the United Kingdom

Arrangements for money orders and postal notes.

Qd. P. & T. Act 1891 s. 66.

OR

or such possession or country and for the accounting for and transmission of moneys required for that purpose.

(2) The Governor-General may also make arrangements for the issue and payment by means of the Department of money orders and postal notes within the Commonwealth and for the accounting for and transmission of moneys required for that purpose. 5

Amount and cost of money orders and postal notes.
Qd. ib. s. 67.

73. A money order shall not be granted for a larger sum than Twenty pounds, nor a postal note for a larger sum than Twenty shillings. The Postmaster-General may charge and receive in respect of money orders and postal notes issued under this Act the prescribed commission or poundage. 10

Currency of notes.
S.A. P. Notes Act 1886 s. 5.

74. After the expiration of six months from the last day of the month of issue, any postal note issued under the provisions of this Act shall be payable only at the General Post Office in the State in which it is made payable. 15

When amount of money order may be refunded.
Qd. P. & T. Act 1891 s. 68.

75. (1) The Postmaster-General may repay the amount of a money order to the person to whom it was granted or his executors or administrators whether the money order remains or is in his or their possession or not.

(2) Upon the repayment all liability if any of the Postmaster-General or of any postmaster or officer of the Department in respect of the money order or the issue or repayment of the amount thereof shall as against all persons whomsoever cease and determine. 20

To be deemed valuable security and public moneys.
Qd. ib. s. 69.
N.S.W. P. Act 1867 s. 75.

76. Every money order and postal note shall be deemed a valuable security within the meaning of any law relating to larceny, and an unissued postal note shall be deemed public moneys. 25

No stamp duty on money orders or postal notes.

77. No stamp duty shall be charged upon any money order or postal note issued or paid under the provisions of this Act.

PART IV.—TELEGRAPHS.

Postmaster-General to have exclusive rights in respect of telegraphs.
W.A. P. & T. Act 1893 s. 65.

78. The Postmaster-General shall have the exclusive privilege of erecting and maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Commonwealth and performing all the incidental services of receiving collecting or delivering such telegrams or communications except as provided by this Act or the regulations : 30 35

Provided that—

(a) the Government railway authorities of each State shall have authority to erect and maintain within the railway boundaries telegraph lines required for the working of the railways, and 40

(b) the

(b) the owners of any railway or tramway may maintain for the time and to the extent authorized by any State Act any telegraph lines which were erected before the commencement of this Act in pursuance of rights conferred by any State Act and which are required for the working of the railway or tramway.

5

But except by authority of the Postmaster-General no such telegraph line shall be used for the purpose of transmitting and delivering telegrams for the public. Where such authority is obtained the revenue derived from such telegrams shall be divided between the Department and the railway authorities or owners in such proportions as may be mutually arranged.

10

Provided also that nothing in this section shall be taken to prevent any person from maintaining and using any telegraph line heretofore erected by him or from erecting maintaining and using any telegraph line—

15

(a) which is wholly within and upon land whereof he is the proprietor or occupier and solely for his own purposes if no part of such line is within twelve feet of any existing line of the Postmaster-General except for the purpose of connecting with or crossing such line; or

20

(b) which is used for telephonic communication and is wholly within a building whereof he is the occupier or proprietor, and solely for his own purposes.

25

79. The Postmaster-General may on such conditions as he deems fit authorize any person to erect and maintain telegraph lines within the Commonwealth, and to use the same for all purposes of and incidental to telegraphic communication.

Authority to persons to erect and maintain telegraph lines.

Provided that such conditions and authority shall not be requisite in the case of any person erecting or maintaining telegraph lines erected upon private land or within a private building.

30

80. (1) The Postmaster-General or any person authorized in that behalf by the Postmaster-General may enter into a contract with any other person for the construction and maintenance of any telegraph line by such person for the Postmaster-General or for his own use.

35

Postmaster-General may contract for construction of telegraph lines.

Qd. P. & T. Act 1891 ss. 70, 71.

(2) Every telegraph line constructed or to be constructed within the Commonwealth shall be subject to the provisions of this Act and the regulations.

Telegraph lines to be subject to this Act.

80A. Where a private line has been constructed before or after the commencement of this Act by a person who is the owner of the land upon both sides of a road railway tramway public reserve Crown lands or creek nothing in this Act shall be deemed to prevent such person on payment of the prescribed fee from continuing or carrying such private line across any such road railway tramway public reserve Crown lands or creek at a height of at least eighteen feet from the surface of such road railway tramway public reserve Crown lands or creek or otherwise as approved by the Postmaster-General.

45

Provisions as to crossing roads &c. by private lines.

81. Any

Lands may be entered and surveyed &c.
Qd. P. & T. Act
1891 s. 72.

81. Any person acting under the authority of the Postmaster-General may for the purpose of this Act enter upon any land and survey and take levels thereof and dig fell remove and carry away from the land any earth stone gravel sand or other soil or timber or trees required to be used in constructing or maintaining a telegraph line or the works connected therewith. 5

Works to be made on any land &c.
Qd. ib. s. 73.

82. (1) A person so authorized may cause to be set up or opened up or laid down and maintained a telegraph line or any works necessary for the purposes of this Act upon under or through any land or any shore of the sea road stream or water and may break excavate and remove any soil to the extent and depth required for placing or removing the works : 10

Provided that every wire or cord crossing a road or commonly used waggon track or water above the surface shall be at least twenty feet from the surface and that the free use of any land shore road or water shall not be obstructed more than is necessary for the purposes of this Act. 15

(2) Where subsequent to the erection upon any footpath road or highway of any telegraph line it becomes necessary to remove the same owing to any alteration of alignment or other action on the part of a municipal council or a local authority the cost of such removal shall be borne by the municipal council or local authority concerned. 20

Wires &c. may be affixed to buildings.
Qd. ib. s. 74.

83. A person so authorized may whenever it is necessary for continuing or completing a telegraph line cause a wire or cord to be supported by affixing or annexing the same to upon or against any part of a house building or other structure in a city town or village : 25

Provided that the wire or cord if aerial is eighteen feet at the least from the surface of the earth on which the house building or other structure is situate.

Trees obstructing telegraph lines may be cut or lopped.
S. A. P. O. Act 1891
s. 23.

84. Such trees or underwood as obstruct or in the opinion of the Postmaster-General or other officer duly authorized by him are likely to interfere with the proper working of any telegraph line if growing upon Crown lands or upon any road street or high-way may after notice to the local or other authority having the care and management thereof be cut down or lopped as may be deemed necessary by the said Postmaster-General or such officer after consultation with such authority, and if growing upon private lands within twenty feet of any such line then the proprietor or occupier of such private lands shall cut down or lop the same as and when required so to do by the said Postmaster-General or such officer, and upon default the said Postmaster-General or such officer may enter upon the said private lands and cause such trees and underwood to be cut or lopped as may be deemed necessary. 30 35 40

Free access to be permitted for the repair of telegraph line.
W. A. P. & T. Act
1893 s. 63.

85. (1) Where subsequently to the erection of a telegraph line whether erected before or after the commencement of this Act a fence is erected crossing the line of direction of such telegraph line the owner of such 45 such

such fence shall at his own cost on the demand of the Postmaster-General in writing cause a gate or slip-rails at least ten feet wide to be put up in such fence at the point of intersection with the telegraph line to admit the passage at all times of any vehicle used in the repair of
5 such telegraph line.

(2) Any person being employed in the repair of a telegraph line if such demand has not been complied with within fourteen days after such demand may remove cut down or otherwise break through such fence.

(3) Where previously to the erection of a telegraph line a fence
10 has been erected which is subsequently crossed by a telegraph line the person causing the erection of such telegraph line may if authorized by the Postmaster-General in writing cause a gate or slip-rails at least ten feet wide to be put up in the manner aforesaid at the expense of the Postmaster-General and shall give to the owner of such
15 fence seven days' notice in writing of his intention to do so.

(4) The owner within the meaning of this section shall include the person in occupation of the lands on which the fence is erected.

86. The Postmaster-General or any person authorized by him may after notice to the local or other authority having the care and
20 management thereof place and maintain any lines or pipes tunnels or tubes for purposes of telegraphic or pneumatic communication or despatch under any street or public road and may alter or remove the same and for such purposes may break up any street or public road and alter the position thereunder of any pipe (not being a sewer or drain
25 or a main) for the supply of water or gas or electricity.

Laying lines under streets.
Qd. P. & T. Act 1891 s. 76.

87. (1) In the exercise of the powers conferred by this Act the Postmaster-General or the person so authorized as herein mentioned shall do as little damage as possible and the Postmaster-General shall
30 make adequate compensation to all local authorities and persons interested for any damages sustained by them by reason of the exercise of such powers.

Provision as to compensation.
Qd. ib. s. 77.
W.A. P. & T. Act 1893 s. 64.

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

88. If any person to whom before or after the commencement
35 of this Act the use of any line of telegraphic communication has been granted—

Postmaster-General may resume possession of private lines for default.

(a) refuses or neglects to pay when due and on demand the rent or charges prescribed by the regulations ; or

Vic. P. O. Act 1897. s. 13.

(b) commits in the opinion of the Postmaster-General a breach
40 of any of the said regulations or of any of the terms or conditions upon which the use of such line is granted permitted or continued

the Postmaster-General may without prejudice to the remedies for such refusal or neglect prescribed in the next following section resume possession
45 of the said line and prevent the further use thereof by such person and

such

such person shall not be entitled to any compensation for loss arising through the exercise by the Postmaster-General of the powers conferred by this section.

Resumption of private lines after notice.

88A. (1) The Postmaster-General may after giving six months' notice resume any private telegraph or telephone line. 5

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

Recovery of rents and charges.
Vic. P. O. Act 1897
s. 14.

89. If any person refuses or neglects to pay on demand the rent or charges due from him under the regulations for the use of any line of telegraphic communication the Postmaster-General may recover the same with costs in any court of competent jurisdiction. 10

Certain lines &c. to belong to Postmaster-General.
Vic. ib. s. 19.

90. (1) All telegraph lines wholly or partly erected at the cost of the Department whether before or after the commencement of this Act on any lands vested in the railway authorities of the several States shall be maintained by the Postmaster-General and may at any time be repaired or removed by his order. 15

(1A.) All telegraph lines erected or maintained by the Postmaster-General, whether before or after the commencement of this Act, are hereby vested in the Postmaster-General.

Order of transmitting telegrams.
Qd. P. & T. Act 1891
s. 81.

91. (1) Telegrams shall as far as practicable be transmitted in the order in which they are received but urgent telegrams that is to say telegrams for which the prescribed increased rate is paid and telegrams relating to the arrest of criminals the discovery or prevention of crime the administration of justice and when so required telegrams on the public service shall be transmitted before other telegrams. 25

(2) Provided that regulations may be made prescribing the order of transmission of delayed telegrams that is to say telegrams upon which reduced rates are to be paid.

Penalty.

(3) Every officer wilfully offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds or imprisonment not exceeding two years. 30

Blasphemous obscene and scandalous telegrams may be refused.

92. Any postmaster may refuse to receive or transmit a telegram containing blasphemous indecent obscene offensive or scandalous matter in its contents address or signature.

Qd. ib. s. 82.

PART V.—REGULATIONS.

35

Regulations.
Qd. ib. s. 83.

93. The Governor-General may make regulations for the following purposes or any of them :—

(a) Providing for the establishment and management of post offices and telegraph offices and the receipt despatch carriage and delivery of postal articles and telegrams and for the conduct and guidance of all postmasters and other officers and servants of the Department. 40

(b) Fixing the rates payable to masters of vessels for the carriage of mails in cases not provided for by contract.

(c) Prescribing

- (c) Prescribing the maximum weight and dimensions of postal articles.
- (d) Providing for—
- 5 (1) transmission and delivery of parcels ;
- (2) the conditions under which parcels may be received transmitted delivered returned to the senders or otherwise disposed of ;
- 10 (3) the maximum weight rates or fees to be charged for the transmission delivery return insurance or registration of parcels ; and
- (4) the manner in which such rates or fees are to be paid and the arrangements as to the collection of any Customs duties or any other duties or fees which may lawfully be payable in respect of any parcel.
- 15 (e) Imposing fees to be paid upon postal articles registered under this Act or posted after the time appointed for closing the mails.
- (f) Providing for private boxes and private bags and prescribing the fees to be payable therefor.
- 20 (g) Prescribing the form of and the mode of issuing licences for the sale of stamps and the commission to be allowed thereon.
- (h) Prescribing the mode of defacing or obliterating stamps on postal articles.
- (i) Prescribing the mode of dealing with postal articles supposed to contain dutiable articles.
- 25 (j) Prescribing the mode of sale distribution or destruction of undelivered newspapers.
- (k) Prescribing the persons by or through whom and the places where and the times when and the manner and form in which money orders shall be issued, and the persons in favour of whom and the places where and the time when and the manner and form in which money orders shall be paid and the length of time after which they shall become void, and the mode of forwarding messages or advices of transmitting moneys and of managing credits accounts and other matters and things necessary to be forwarded transmitted or managed in reference to money orders whereby the public may be enabled promptly and safely to remit sums of money through the department.
- 30 (l) Prescribing the conditions relating to the issue payment and cancellation of postal notes.
- (m) Prescribing the fees rates and dues to be received for—
- 45 (1) any conversation on any telegraph line or on any telephone exchange or private telephone line ;
- (2) rent or hire for the use of any such exchange or private telephone line ;
- (3) and generally for the management working and maintenance of any or all such telegraph lines.
- (n) Prescribing

- (n) Prescribing the terms and conditions on which agreements may be made by the Postmaster-General or a Deputy Postmaster-General with any person for the construction and maintenance of a telegraph line for the exclusive use of such person or for granting the exclusive use of any existing telegraph line to any person and prescribing the scale and times and manner of payment in advance or otherwise of the rent and charges to be paid by such person as the consideration for the agreement. 5
- (o) Securing the telegraph lines and works of the Postmaster-General from interference or injurious affection by electric lines or works. 10
- (o1) Voting by post at elections under the law of the Commonwealth or that of a State but in the latter case only at the request of the Governor of the State and on such terms as the Governor-General prescribes. 15
- (o2) Providing for the payment by the receiver or by the Governor of any State instead of the sender of the rate payable on any postal article.
- (p) All other matters and things which may be necessary for carrying out this Act or for the efficient administration thereof. 20
- (q) For the purpose of providing for the payment of a rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be those recognised in the locality in which the work is carried out. 25
- (r) Prescribing penalties not exceeding Fifty pounds for the breach of any regulation.

Such regulations shall when published in the *Gazette* have the force of law from a date to be specified in such regulations but not less than fourteen days from such publication. 30

The production of the *Gazette* containing a regulation shall be sufficient evidence of the due making of the regulation and that it is still in force.

All such regulations and alterations thereof shall be laid before both Houses of the Parliament within fourteen days after the making thereof if the Parliament be then sitting or if not within fourteen days after the next meeting of the Parliament. 35

PART VI.—PENALTIES.

94. (1) No letter shall be sent or carried for hire or reward otherwise than by post. 40

Any person who for hire or reward—

- (a) sends or conveys or causes to be sent or conveyed any letter otherwise than by post ; or
- (b) takes charge of a letter for such conveyance shall be liable for every offence to a penalty of not less than Five pounds nor more than Fifty pounds. 45
- (2) Every

Conveying of letter otherwise than by post.

W.A. P. & T. Act
1893 s. 73.

(2) Every letter sent or conveyed or caused to be sent or conveyed or taken charge of to be conveyed otherwise than by post shall be deemed to have been sent or conveyed or caused to be sent or conveyed or taken charge of for hire or reward unless the contrary is shown by the defendant.

Evidence.

(3) Nothing herein contained shall extend to any letter—

Exceptions.
N.S.W. P. Act 1867
s. 54.

- (a) Exceeding sixteen ounces in weight ;
- (b) Exclusively concerning goods sent and to be delivered there-with ;
- (c) Sent by any person concerning his private affairs by any special messenger ; or
- (d) *Bonâ fide* sent or carried to or from the nearest post office.

95. Any person who—

Forging or
fraudulently using
or possessing dies
or plates.
W.A. P. & T. Act
1893 s. 74.

- (a) (1) Forges or counterfeits ; or
- (2) causes or procures to be forged or counterfeited any die plate or other instrument or any part of any die plate or other instrument which has been provided made or used by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British possession or any foreign country for the purpose of making any postage stamp or expressing or denoting any rate or duty of postage or any poundage ; or any die plate or other instrument or any part of any die plate or other instrument appearing on the face thereof or purporting to have been provided made or used by or under such directions as aforesaid for the purpose aforesaid.

- (b) (1) Forges counterfeits or imitates ; or
- (2) causes or procures to be forged counterfeited or imitated the stamp mark or impression or any part of the stamp mark or impression of any such die plate or other instrument upon any paper or other substance or material whatever.

(c) Knowingly and without lawful excuse (the burden of proof whereof shall be on the person accused)—

- (1) has in his possession ; or
- (2) sells purchases disposes of or receives any false forged or counterfeited die plate or other instrument or part of any such die plate or other instrument resembling or intended to resemble either wholly or in part any die plate or other instrument which has been so provided made or used as aforesaid.

(d) (1) Stamps

- (*d*) (1) Stamps or marks ; or
 (2) causes or procures to be stamped or marked
 any paper or other substance or material whatsoever
 with any such false forged or counterfeited die
 plate or other instrument or part of any such 5
 die plate or instrument as aforesaid.
- (*e*) Knowingly and without lawful excuse (the burden of proof
 whereof shall be on the person accused)—
- (1) uses utters sells exposes to sale ; or
 (2) causes or procures to be used uttered sold or exposed to 10
 sale ; or
 (3) has in his possession
 any paper or other substance or material having
 thereon the impression or any part of the
 impression of any such false forged or counter- 15
 feited die plate or other instrument or part of
 any such die plate or other instrument as afore-
 said ; or
 any paper or other substance or material having
 thereon any false forged or counterfeit stamp or 20
 impression resembling or representing either
 wholly or in part or intended or liable to pass
 or be mistaken for the stamp mark or impression
 of any such die plate or other instrument which
 has been so provided made or used as afore- 25
 said.
- (*f*) With evil intent—
- (1) privately or fraudulently uses ; or
 (2) causes or procures to be privately or fraudulently used
 any die plate or other instrument so provided made 30
 or used as aforesaid.
- (*g*) With evil intent privately or fraudulently—
- (1) stamps or marks ; or
 (2) causes or procures to be stamped or marked
 any paper or other substance or material whatsoever 35
 with any such die plate or other instrument as
 last aforesaid.
- (*h*) Knowingly and without lawful excuse (the burden of proof
 whereof shall be on the person accused) has in his 40
 possession any paper or other substance or material so
 privately or fraudulently stamped or marked as
 aforesaid

shall be guilty of an indictable offence and shall be liable to imprison-
 ment with or without hard labour for a term not exceeding two years.

96. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

- (a) makes or causes or procures to be made; or
 (b) aids or assists in making; or
 (c) knowingly has in his custody or possession—

(1) Any mould frame or other instrument having thereon any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided or used for postage stamps or postal notes by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British colony or possession or any foreign country; or

(2) Any paper in the substance of which appear any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided by or under the direction aforesaid or used for postage stamps or postal notes or any part of such letters words figures marks lines or devices and intended to imitate the same; or

(d) causes or assists in causing any such words letters figures marks lines or devices intended to imitate those so provided or used as aforesaid to appear in the substance of any paper whatsoever,

shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

97. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

- (a) sells purchases disposes of or receives; or
 (b) knowingly has in his custody or possession,

any paper provided by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British colony or possession or any foreign country for the purposes of being used for postage stamps or postal notes before the same has been lawfully issued for public use shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

98. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

- (a) makes any envelope wrapper card form or paper in imitation of one issued by or under the authority of the Postmaster-General of the Commonwealth or of any other part of

Unlawful possession of moulds for making postage-stamp or postal-note paper.

W.A. P. & T. Act 1893 s. 76.

Illegal possession of postage-stamp or postal-note paper.

W.A. ib. s. 77.

Illegally sending postal envelopes.

Qd. P. & T. Act 1891 s. 93.

His

His Majesty's dominions or of any foreign postal authority or having thereon any words letters or marks which signify or imply or may reasonably lead the recipient to believe that a postal article bearing the same is sent on postal or telegraph service; or

- (b) makes on any envelope wrapper card form or paper for the purpose of being issued or sent by post or otherwise or otherwise issued any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the Postmaster-General of the Commonwealth or of any other part of His Majesty's dominions or under any foreign postal authority or any words letters or marks which signify or imply or may reasonably lead the recipient thereof to believe that a postal article bearing the same is sent on postal or telegraph service; or
- (c) issues or sends by post or otherwise any envelope wrapper card form or paper so marked,

shall be liable to a penalty not exceeding Fifty pounds.

99. (1) Any person who with a fraudulent intent—

- (a) removes from a postal article sent by post or from a telegram any stamp affixed thereon; or
- (b) removes from any stamp previously used any mark made thereon at a post office; or
- (c) knowingly puts off or uses for postal or telegraphic purposes any obliterated or defaced postage stamp

shall be liable to a penalty not less than One pound nor exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding twelve months.

Evidence.

(2) Upon the trial of any person for the offence of using an obliterated or defaced postage stamp proof that the person charged is the writer of the address of the postal article on which the stamp is affixed shall be *prima facie* evidence that he is the person who affixed the stamp.

Penalty for falsely sending letters &c. as exempted.
Vic. P. O. Act 1890 s. 115.

100. If any person knowingly and fraudulently puts or causes or procures to be put into any post office anything falsely purporting to be a postal article within any of the exemptions hereinbefore in this Act mentioned or any postal article falsely purporting to belong to a class in which a lower rate or no postage is chargeable he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

Penalty for falsely sending packets.
Vic. P. O. Act 1890 s. 116.

101. If any person knowingly and fraudulently puts or causes or procures to be put into any post office any packet or parcel in or upon which or the cover whereof there is any letter communication or intelligence not allowed by law or wilfully subscribes on the outside of any packet or parcel a false statement of the contents thereof he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

102. If

102. If any person knowingly and fraudulently puts or causes or procures to be put into any post office any newspaper in or upon which or the cover whereof there is any communication character figure letter or number (other than a mark to indicate any report
5 article or paragraph therein the printed title of such newspaper the printed names occupations and places of business of the printer publisher and vendor thereof the name occupation and address of the person to whom it is sent the name of the person who sends it and the words "newspaper only"), or in or with which anything but a supplement is enclosed or which anything accompanies or if any person
10 wilfully places the words aforesaid on any newspaper or thing purporting to be a newspaper or on the cover thereof respectively knowing the same to be untrue, he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

Penalty for false'y sending newspapers.
Vic. P. O. Act 1890 s. 117.

103. Any person who knowingly sends or attempts to send by post any postal article which—
15 (a) encloses an explosive or a dangerous filthy noxious or deleterious substance or a sharp instrument not properly protected or a living noxious creature or any other thing
20 likely to injure other postal articles in course of conveyance or to injure an officer of the department or other person; or
(b) encloses an indecent or obscene print painting photograph lithograph engraving book card or article; or
25 (c) has thereon or therein or on the envelope or cover thereof any words marks or designs of an indecent obscene blasphemous libellous or grossly offensive character,
shall be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for a term not exceeding
30 two years.

Sending explosives or noxious substance or indecent articles &c.
Qd. P. & T. Act 1891 s. 98.

104. Any postmaster or other officer employed in the Department or any master of a vessel or other person employed or authorized by or under any postmaster to receive sort carry or deliver any mail or any postal article sent by post or otherwise who shall offend
35 against or wilfully neglect or omit to comply with any of the regulations to be made as in this Act mentioned or with any of the provisions of this Act (for breach or neglect of which no other punishment is hereby provided) shall be liable to a penalty not exceeding Twenty-five pounds.

Penalty on postmasters and others for breach of duty.
N.S.W. P. Act 1867 s. 64.

105. Any person employed by or under the Department or in the conveyance of mails who negligently loses or who wilfully detains or delays or procures or suffers to be detained or delayed any mail or any postal article, shall be liable to a penalty not exceeding Twenty-five pounds.

Penalty for losing or not delivering letters &c.
N.S.W. ib. s. 65.

Penalty on
mail-coach driver
or guards loitering.
Qd. P. & T. Act 1891
s. 101.

106. Any driver of a vehicle used for the conveyance of mails and any guard or other person in charge of a mail, whether conveyed by a vehicle or on horseback or on foot who—

- (a) loiters on the road ; or
- (b) wilfully mis-spends or loses time ; or 5
- (c) is under the influence of intoxicating liquor ; or
- (d) does not in all possible cases convey the mail at the speed fixed by the Postmaster-General for the conveyance thereof unless prevented by the weather or the bad state of the roads or an accident the proof whereof shall be on 10
the person charged,

shall be liable to a penalty not exceeding Ten pounds.

Retaining or
secreting letters,
&c.

Qd. P. & T. Act
1891 s. 102.

107. Any person who wilfully retains secretes keeps or detains any mail or postal article

- (a) found by the person secreting keeping or detaining the same ; or 15
- (b) wrongfully delivered to the person keeping or detaining the same, shall be guilty of a misdemeanour and on conviction thereof shall be liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two years. 20

Penalty for
improperly
obtaining letters
&c.

Vic. P. O. Act 1890
s. 124.

108. If any person by means of any false pretence or misstatement induces any postmaster or any officer or servant of the Department to deliver to such person any postal article sent by post and not addressed to such person he shall be guilty of a misdemeanour and on conviction thereof shall be liable to a penalty not exceeding One hundred pounds or to imprisonment for any term not exceeding two years. 25

Delivering to wrong
person.

W.A. P. & T. Act
1893 s. 93.

109. Any person charged with the delivery of a postal article or telegram who wilfully delivers the same to any person other than the person to whom the same is addressed or his authorized agent in that behalf shall be liable to a penalty not exceeding Fifty pounds or to be imprisoned with or without hard labour for any term not exceeding six months. 30

Stealing letters &c.

Qd. P. & T. Act
1891 s. 105.

110. Any person who—

- (a) fraudulently takes from the possession of a postmaster or other officer or servant of the Department or other person having the custody thereof for the Postmaster-General or from any post office or place appointed for the receipt or delivery of postal articles or telegrams ; or 35
- (b) steals or for any purpose embezzles fraudulently takes secretes or destroys 40

a mail or postal article sent by post or a telegram or any part thereof respectively and any person who fraudulently receives any such mail postal article or telegram or any part thereof respectively which has been

been so fraudulently taken stolen embezzled or secreted, shall be guilty of an indictable offence, and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

5 **111.** Any postmaster master of a vessel or driver of a vehicle used for conveyance of mails or any guard or any other person in charge of a mail however conveyed who contrary to his duty opens or tampers with or suffers to be opened or tampered with any mail postal article or telegram shall be guilty of an indictable offence and liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two years.

Penalty for opening or tampering with mails.
S.A. P. O. Act 1876 s. 82.
W.A. P. & T. Act 1893 s. 90.

15 **112.** Any person not being a postmaster or not being duly authorized who with fraudulent intent opens or endeavours to open any mail postal article or telegram addressed to any other person shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two years.

Penalty on unauthorized persons opening mails.
S.A. ib. s. 83.

20 **113.** Any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person charged)—

Exhibiting sign &c. as post office or Royal mail.
Qd. P. & T. Act 1891 s. 107.

25 (a) places or maintains or permits or causes to be placed or maintained or to remain in on or near any house wall door window box post pillar or other place belonging to him or under his control the words "post office" or any other word or mark which may imply or give reasonable cause to believe that the same is a post office or a place for the receipt of postal articles or that any box is a post letter-box ; or

30 (b) places or permits or causes to be placed or suffers to remain on any vehicle or vessel the words "Royal Mail," or any word or mark which may imply or give reasonable cause to believe that the vehicle or vessel is used for the conveyance of mails,

shall be liable to a penalty not exceeding Twenty-five pounds.

35 **114.** Any person who wilfully obstructs or retards the conveyance or delivery of a mail shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Obstructing conveyance or delivery of mail.
Qd. P. & T. Act 1891 s. 109.

115. (1) Any person who—

40 (a) wilfully obstructs or incites any one to obstruct an officer of the department in the execution of his duty ; or

Obstructing officer in the execution of his duty &c.
Qd. ib. s. 110.

(b) whilst in a post office or telegraph office or within any premises belonging to a post office or telegraph office or used

used therewith behaves in a disorderly manner or wilfully obstructs the course of business of the post office or telegraph office or of the department,

shall be liable to a penalty not exceeding Ten pounds.

(2) Any officer of a post office or telegraph office may require any person committing an offence under this section to leave the post office or telegraph office or such premises as aforesaid and if such person refuses or fails to comply with the request he shall be liable to a further penalty not exceeding Five pounds and may be removed by the officer; and all police officers are required on demand to remove or assist in removing such person.

Injuring or
destroying letter
boxes &c.

Qd. ib. s. 11.

116. Any person who wilfully tampers with injures or destroys any letter-box or newspaper-box or receptacle for the reception of postal articles or any card or notice the property of the Postmaster-General or obliterates any of the letters or figures thereon shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Penalty for placing
offensive substances
&c. in post office.
Vic. P.O. Act 1897
s. 16.

117. If any person encloses or procures or causes to be enclosed in or with any postal article or puts or attempts to put or causes or procures to be put into any post office or any letter-box newspaper-box or receptacle for the reception of postal articles any fire any match any light or any filthy offensive or noxious material or matter or commits a nuisance in or against any post office or any letter-box newspaper-box or receptacle for the reception of postal articles he shall be liable on conviction to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Selling stamps
without a licence
or pretending to be
licensed.

Qd. P. & T. Act 1891
s. 113.

118. Any person who without the license of the Postmaster-General (the proof of which license shall be on the person charged)—
(a) deals in offers or exposes for sale any postage stamp; or
(b) places or permits or causes to be placed or suffers to remain on or near to his house or premises the words "licensed to sell postage stamps" or any word or mark which may imply or give reasonable cause to believe that he is duly licensed to sell postage stamps,
shall be liable to a penalty not exceeding Five pounds.

Unlawfully issuing
money orders or
postal notes.

Qd. P. & T. Act 1891
s. 114.

119. Any person who unlawfully issues a money order or postal note with a fraudulent intent shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding seven years.

Forging or uttering
telegrams.

Qd. ib. s. 115.

120. Any person who—

(a) forges a telegram or utters a telegram knowing the same to be forged; or

(b) transmits

(b) transmits by telegraph as a telegram any message or communication purporting to be a telegram which he knows to be forged,

shall whether he had or had not an intent to defraud be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

121. Any person who—

- (a) knowingly sends delivers or causes to be sent or delivered to any officer or servant of the Department for the purpose of being transmitted as a telegram, a message or writing which purports to be signed or sent by any other person without such person's authority ; or
- (b) wrongfully signs a telegram with the name of another person without such person's authority or with the name of some fictitious person ; or
- (c) wilfully and without the authority of the sender alters a telegram ; or
- (d) writes issues or delivers a document which purports to be a telegram received through a telegraph office and which was not so received,

Sending false telegrams.
W.A. P. & T. Act 1893 s. 105.

shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds, or to imprisonment with or without hard labour for any term not exceeding two years.

122. Any person who with fraudulent intent sends any letter telegram or other communication or message concerning any money order or any money due or receivable from or by any person in respect of a money order shall be guilty of an indictable offence and be liable to imprisonment with or without hard labour for any term not exceeding three years.

Sending fraudulent messages.
Qd. P. & T. Act 1891 s. 117.

123. Any person employed in a telegraph office who divulges the contents or substance of a telegram otherwise than by delivering the telegram or giving a copy of it to the person to whom he is authorized to deliver such telegram or give such copy shall be guilty of a misdemeanour and on conviction thereof shall be liable for every such offence to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding two years.

Penalty for violation of secrecy.
Qd. ib. s. 118.

124. (1) Except as provided in section seventy-eight any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person charged) sets up maintains or uses in or on any Crown lands or in or on any public road street or highway any telegraph line or wilfully uses any telegraph line set up before or after the commencement of this Act and neglects to comply with any notice from the Postmaster-General or a Deputy Postmaster-General to pay such charges (if any) in respect of the line as may from

Erection or maintenance of telegraph lines without authority.
Qd. P. & T. Act 1891 s. 119.

from time to time be fixed by the Governor-General, shall be liable to a penalty not exceeding Five pounds for every day during which any such line is or continues to be so set up maintained or used contrary to the provisions of this Act.

(2) The Postmaster-General may authorize any person to take absolute possession of cut down or destroy the whole or any part of any such line. 5

Making charges for use of telegraph line without authority.

Qd. ib. s. 120.

125. Any person who having entered into an agreement with the Postmaster-General for the use by such person of a telegraph line without the authority of the Postmaster-General demands or makes any charge or receives any payment or valuable consideration from any other person for the use of the same shall be liable for each offence to a penalty not less than Two pounds and not exceeding Fifty pounds. 10

Injuries to telegraphs.

Qd. ib. s. 121.

N.S.W. Tel. Act. 1857 ss. 10, 11.

126. Any person who unlawfully or maliciously—

- (a) cuts breaks throws down injures or removes any battery machinery wire cable insulator post or other matter or thing whatsoever being part of any apparatus used or employed in or about any telegraph or in the working thereof; or 15
- (b) prevents or obstructs in any manner whatsoever the sending conveyance or delivery of any communication by telegraph; or 20
- (c) interrupts or impedes the use of any line or the transmission of any message, 20

shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding three years. Provided that if it appears to a Justice of the Peace, on the examination of a person charged with an offence against this section, that it is not expedient to the ends of justice that it should be prosecuted as an indictable offence, the case may be heard and determined in a summary way, and the offender shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding three months. 25 30

Attempt to injure telegraphs.

Qd. P. & T. Act 1891 s. 122.

127. Any person who attempts to commit any of the offences in the last preceding section mentioned shall be liable to a penalty not exceeding Ten pounds or imprisonment for any term not exceeding two months. 35

Arrest of offenders.

Qd. ib. s. 123.

128. Any person offending against the provisions of either of the two last preceding sections may with or without warrant be apprehended by any other person and delivered to a police officer or conveyed before a justice to be dealt with according to law. 40

Negligently injuring telegraph post or wire.

Qd. P. & T. Act 1891 s. 121.

129. Any person who negligently breaks or injures any post cables wire insulator or material belonging to or used in connexion with any telegraph shall be liable to a penalty not exceeding Five pounds and may be ordered to pay the damage done.

130. Any

130. Any person who with fraudulent intent personates or represents himself as an officer of the Department shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding two years.
- 5
131. If any postmaster or other officer of the post office re-issues a postal note originally issued under the authority of this Act which has been paid previous to such re-issue he shall be guilty of an indictable offence and shall be liable to be imprisoned with or without hard labour for any term not exceeding five years.
- 10
132. Every person who aids abets counsels or procures the commission of any offence against this Act shall be liable to the same punishment as if he actually committed the offence.
133. (1) Any person duly authorized in that behalf by the Postmaster-General or a Deputy Postmaster-General may enter into any post office or telegraph office and take possession of all property moneys money orders letters goods chattels or effects therein belonging to or appertaining to the Department and may for such purpose remain a reasonable time in the post office or telegraph office or in or upon the premises where the post office or telegraph office is situated.
- 15
- 20
- (2) Any person who wilfully obstructs hinders or delays any person so entering taking possession or remaining as aforesaid shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding six months.
- 25
134. Any person who resists any person acting in execution of this Act shall be liable to a penalty not exceeding Twenty-five pounds or to be imprisoned for any term not exceeding six months.
- 30
135. If any person not duly authorized in that behalf (the proof of which authority shall be on such person) places any placard or other document writing or painting on or otherwise defaces any post office or telegraph office pillar or receiving box or telegraph pole he shall be liable to a penalty not exceeding Five pounds.
- PART VII.—PROTECTION OF TELEGRAPH LINES FROM INJURIOUS AFFECTION BY ELECTRIC LINES OR WORKS.
- 35
136. An electric authority shall not except subject to the conditions hereinafter contained construct any electric line or do any other work for the generation use or supply of electricity whereby any telegraph line of the Postmaster-General is or may be injuriously affected.
- 40
137. Any telegraph line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is in any manner affected by the work or by any use made of the work.
- 137A. In
- No person to impersonate a postal officer.
- Penalty on officer re-issuing postal notes.
- Vic. P. O. Act 1890 s. 129.
- Aiders and abettors.
- Tas. P. O. Act 1881 s. 96.
- Post offices may be entered and possession taken of letters &c. on behalf of Department.
- Qd. P. & T. Act 1891 s. 125.
- Penalty.
- Resisting officer.
- Qd. ib. s. 126.
- Penalty for posting placards on post office pillars &c.
- Vic. P. O. Act 1890 s. 133.
- Electric authority not to injuriously affect telegraph lines.
- Definition of injurious affection.

Limit of
responsibility in
case of injurious
affection of lines.

137A. In the case of an electric tramway or electric lighting system the electric authority using such tramway or lighting system shall not be held responsible for its lines or works affecting the lines of the Postmaster-General on which an earthed return is used if such electric authority has adopted all known and reasonable precautions to avoid such injurious affection and has complied with the regulations.

5

Provision when any
work done by
electric authority.
Qd. El. L. & P. Act
1896 s. 29.

138. (1) Before any electric line is constructed or work is done by any electric authority within ten yards of any telegraph line of the Postmaster-General (other than repairs or the laying of consumers' connexions with mains where the direction of the electric line crosses a telegraph line of the Postmaster-General at right angles at the point of shortest distance and continues in the same direction for a distance of six feet on each side of such point, and where the connecting wires so crossing are not within three feet of any telegraph wire) the electric authority or its agents shall not less than seven nor more than twenty-eight clear days before commencing the work give written notice to the Deputy Postmaster-General of the State in which such line is to be constructed or work is to be done specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be constructed and used and the amount and nature of the currents intended to be transmitted thereby and the manner in which such work shall be carried out continued and used and the electric authority and its agents shall comply with such reasonable requirements either general or special as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraph lines of the Postmaster-General from being injuriously affected by any such work.

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Penalty.

(3) In the event of any contravention of or wilful non-compliance with this section by the electric authority or its agents the electric authority shall be liable to a penalty not exceeding Ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues.

30

(4) Nothing in this section shall subject the electric authority or its agents to a penalty under this section if the court having cognisance of the case is satisfied that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the work was done stating the reason for executing the same without previous notice.

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Provision when
work to be done
involves alteration
in telegraph line.
Qd. ib. s. 30.

139. (1) When any work proposed to be done by an electric authority involves or is likely to involve an alteration either temporarily or permanently in any telegraph line of the Postmaster-General and

and

and provision is not otherwise made by enactment agreement or otherwise with respect to such alteration or with respect to giving notice to the Postmaster-General thereof or to the expenses thereof or incidental thereto, the following provisions shall apply :—

- 5 (a) The electric authority or its agents shall give to the Deputy
Postmaster-General of the State in which such work is
to be done not less than seven nor more than fourteen
10 days' previous notice of the time and place at which the
work will be begun and of the nature of the alteration
required.
- 15 (b) Before the expiration of seven days after the notice is given
the Deputy Postmaster-General may give the electric
authority or its agents a counter-notice either stating his
intention himself to make or requiring the electric autho-
20 rity to make under his supervision and to the satisfaction
of himself or his agents such alteration in the telegraph
line as he deems necessary or expedient to be made in
consequence of the proposed work.
- 25 (c) If the Deputy Postmaster-General by his counter-notice
states that it is his intention himself to make such altera-
tion he may make the same himself or by his agents and
the electric authority or its agents shall pay to the Post-
master-General all reasonable expenses incurred by him
of and incidental thereto and the amount of any loss or
30 damage sustained by him in consequence thereof.
- 35 (d) If the Deputy Postmaster-General by his counter-notice
requires the electric authority or its agents to make such
alteration the electric authority or its agents shall at the
expense of the electric authority make the same under
the supervision and to the entire satisfaction of the Post-
40 master-General or his agents and the electric authority
shall pay to the Postmaster-General all reasonable expenses
incurred by him of and incidental to such supervision
and also the amount of any loss or damage sustained by
him in consequence of the alteration.
- 45 (e) If the Deputy Postmaster-General fails to give a counter
notice or if having undertaken himself to make the altera-
tion he or his agents fail to make the alteration within a
reasonable time the electric authority or its agents may
make the alteration; but such alteration shall be made
to the entire satisfaction of the Postmaster-General or
his agents :
- (f) If the electric authority or its agents fail to serve on the Deputy Postmaster-General the notice required by this section with respect to any work or begins to do the work specified in the notice before the expiration of seven days
50 after

after the notice is given the electric authority or its agents shall be liable to pay a penalty not exceeding Ten pounds for every day during which the work is continued without the sanction in writing of the Deputy Postmaster-General and the Deputy Postmaster-General may at the expense of the electric authority remove such work : 5

(g) If the electric authority or its agents fail to comply with the reasonable requirements of the Postmaster-General or his agents under this section they shall be liable to a penalty not exceeding Ten pounds for every day during which such failure continues or if the telegraphic communication is interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues. 10

(2) Nothing in this section shall subject the electric authority or its agents to a penalty for omitting to comply with any requirements of the Postmaster-General or his agents or for executing without previous notice any work if the court having cognisance of the case is satisfied that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the work was done stating the reason for executing the same without previous notice. 15 20

(3) Nothing in this section shall compel the Postmaster-General to alter the position of any telegraph line if the circumstances of the case render such alteration objectionable. 25

Penalty for injury to telegraph line and for interruption of telegraphic communication.

Qd. El. L. & P. Act 1896 s. 31.

140. (1) If a telegraph line of the Postmaster-General is destroyed injured or injuriously affected by an electric authority or its agents such electric authority shall not only be liable to pay to the Postmaster-General such expenses if any as he may incur in making good the destruction injury or injurious affection but shall also if the telegraphic communication is carelessly or wilfully interrupted or injuriously affected be liable to a penalty not exceeding Twenty pounds for every day during which the interruption or injurious affection continues. 30 35

(2) If the electric authority liable to pay such daily penalty to the Postmaster-General is not authorized to execute such works as may be required for remedying the interruption or injurious affection, the interruption or injurious affection shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognisance of the case would have been sufficient to enable the Postmaster-General to remedy the interruption or injurious affection. 40

(3) The Postmaster-General may instead of taking proceedings for the recovery of such daily penalty proceed for the recovery of a penalty not exceeding Fifty pounds. 45

141. If

141. If an electric authority or its agents obstructs the Postmaster-General or his agents in constructing maintaining altering examining repairing or removing a telegraph line, or in supervising or directing any alteration in a telegraph line made by an electric authority
5 or its agents in pursuance of this Act such electric authority and its agents respectively shall for every act of obstruction be liable to a penalty not exceeding Ten pounds, and if the obstruction continues to a penalty not exceeding Ten pounds for every day during which it continues.
- 10 142. (1) When any electric lines or works are used for the generation use or supply of electricity in such a manner as to injuriously affect any telegraph line of the Postmaster-General the Postmaster-General may by notice to be served upon the person owning or using or entitled to use such electric lines or works require that such
15 supply be continued only in accordance with such conditions and restrictions for the protection of the telegraph lines of the Postmaster-General and the telegraphic communication through the same as he may by or in pursuance of such notice prescribe.
- (2) In default of compliance with such conditions and restrictions
20 the Postmaster-General or Deputy Postmaster-General may require that the supply of electricity through such electric lines or works shall be forthwith discontinued until such default ceases.
- (3) Where such electric lines or works have been lawfully constructed prior to the erection of the telegraph line of the Postmaster-
25 General injuriously affected thereby, the Postmaster-General shall pay to the person owning or using or entitled to use such electric lines or works the amount of any costs reasonably incurred or damages sustained by him by reason of compliance with such conditions and restrictions.
143. (1) Any electric authority constructing or using any
30 electric line or works or generating using or supplying electricity contrary to the provisions of this Act or the regulations shall be liable to a penalty not exceeding Fifty pounds and a further penalty of Five pounds for each day such offence is continued after any conviction.
- (2) The electric authority so offending shall also be liable to pay
35 in addition to any penalty all costs and expenses which may be incurred in taking proceedings against such electric authority and any costs or expenses that may be lawfully incurred in remedying the default of such electric authority.
144. Any action taken by the Postmaster-General or his agents
40 for the protection of any telegraph line whether at the request of or by arrangement with any electric authority or otherwise shall not relieve such electric authority of any liability under this Act or the regulations or under any Act providing for the safety of persons or property.
145. (1) A notice under this Act or the regulations or any order
45 may be in writing.
- (2) A notice appointment direction or document given issued or made for the purposes of this Act by the Postmaster-General or a Deputy Postmaster-General shall be sufficiently authenticated if it purports

Penalty for
obstruction of
Postmaster-
General.

Qd. El. L. & P. Act
1896 s. 32.

Restrictions when
telegraph lines
injuriously affected.

Qd. ib. s. 34.

Penalty for
unlawfully
constructing or
using works.

Qd. ib. s. 50.

No action of
Postmaster-General
to relieve electric
authority.

Provisions as to
notices.

Qd. ib. s. 60.

purports to be signed by the Postmaster-General or Deputy Postmaster-General or by any duly authorized officer and when so authenticated shall be deemed to be given issued or made by the Postmaster-General or Deputy Postmaster-General.

(3) When a notice is given by an electric authority the notice shall be sufficiently authenticated if it purports to be signed by the chairman secretary or other principal officer of the electric authority. 5

(4) A notice required to be given under this Act to the Postmaster-General or a Deputy Postmaster-General may be given by leaving it at or by forwarding it by post to the Department in a registered letter addressed to the Postmaster-General or Deputy Postmaster-General as the case may be or by delivering it or forwarding it by post in a registered letter addressed to the officer in charge of the telegraph office nearest to the place in which the work telegraph line or other matter referred to in the notice is situate or by forwarding it by post in a registered letter addressed to him at his office or usual place of residence. 10 15

(5) A notice required to be given under this Act to an electric authority may be given by leaving it at or by forwarding it by post in a registered letter to its office or if there is more than one office to the principal office of the electric authority in a registered letter addressed to the electric authority or to its chairman secretary or other principal officer. 20

PART VIII.—LEGAL PROCEEDINGS.

Proceedings for penalties.

146. Offences against this Act or the regulations not declared to be indictable offences are punishable upon summary conviction by a police, stipendiary, or special magistrate. 25

Form of information—Property to be laid in the Postmaster-General.

Qd. El. L. & P. Act 1896 s. 128.

147. (1) In any information or complaint for an offence committed or attempted to be committed with respect to the Department or the revenue of the Department or in upon or with respect to any mail or postal article sent or being carried by post or any property moneys money orders postal notes goods chattels or effects under the management or control of the Postmaster-General or with respect to any act matter or thing which has been done or committed with any malicious injurious or fraudulent intent and in anywise relating to concerning the Department or the revenue thereof or any such property moneys money orders goods chattels or effects as aforesaid under the management or control of the Postmaster-General it shall be sufficient to lay any such property in and to state or allege the same to belong to and to state or allege any such act matter or thing to have been done or committed with the intent to injure or defraud the Postmaster-General without mentioning his name. 30 35 40

(2) In all informations or complaints relating to or in anywise concerning the Department it shall be sufficient to name and describe the Postmaster-General as “the Postmaster-General” without any further or other name addition or description whatsoever. 45

148. The

148. The Postmaster-General or a Deputy Postmaster-General may depute any postal or telegraph officer to appear on his behalf either as prosecutor or defendant, and his authority in writing to that effect shall be good and sufficient in law.

Postmaster-General or Deputy Postmaster-General may depute another officer to appear on his behalf.

5 148A. Any difference which arises between the Postmaster-General and an electric authority or its agents with respect to any requirements of the Postmaster-General, or as to the cost of any alterations of telegraph lines, shall be determined by arbitration.

Differences to be settled by arbitration.

10 149. Whenever any matter under this Act is to be settled by arbitration it shall be referred to arbitration in accordance with the law of the State in which the dispute arises.

Arbitration in accordance with State law.

15 150. Where any person admits to the Postmaster-General that he has committed a breach of this Act other than an indictable offence the Postmaster-General may with the consent in writing of such person determine the matter and may order such person to pay such pecuniary penalty as he may think proper and upon payment of such penalty such person shall not be liable to be further proceeded against in respect of the same matter.

Postmaster-General may settle cases.

PART IX.—NOTICE AND LIMITATION OF ACTIONS.

20 151. (1) Any action against the Postmaster-General or any officer or servant of the Department for anything done or omitted to be done in pursuance of this Act or the regulations shall be commenced within six months after the act committed or omitted and not afterwards. And the action shall not be commenced until one month after notice
25 thereof and of the cause thereof has been delivered to the defendant or left for him at his usual place of abode or business by the party intending to commence the action, and upon the back of the notice shall be indorsed the name and place of abode or business of the plaintiff and his solicitor or agent if the notice is served by a solicitor or agent.

Notice and limitation of action. Qd. P. & T. Act 1891 s. 129.

30 (2) Contractors and their mailmen shall not be considered as officers or servants of the Department under this section.

Contractors and mailmen excepted.

35 152. An action or other proceeding shall not be maintainable against the King or the Postmaster-General or any officer of the Department by reason of any default delay error omission or loss whether negligent or otherwise in the transmission or delivery or otherwise in relation to—

Protection from actions. Qd. ib. s. 130.

(a) a postal article posted or received or omitted to be posted or received under this Act ; or

40 (b) a telegram sent or received or omitted to be sent or received under this Act.

153. An action or other proceeding shall not be maintainable against the King or the Postmaster-General or any officer of the Department

In case of money orders or postal notes. Qd. ib. s. 131.

Department by reason of the payment of the amount of a money order or postal note being refused or delayed or on account of any accidental neglect omission or mistake or for any other cause, and no action or other proceeding shall be maintainable in respect of a money order or postal note after payment thereof by whomsoever presented if it was paid without fraud or wilful misbehaviour on the part of the person sought to be made liable. 5

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Date.	State.	Title.
31 Vic. No. 4 ...	New South Wales	<i>Postage Act 1867.</i>
37 Vic. No. 1 ...	New South Wales	<i>An Act to abolish the imposition of postage rates on newspapers.</i>
56 Vic. No. 31 ...	New South Wales	<i>Postage Acts Amendment Act 1893.</i>
20 Vic. No. 41 ...	New South Wales	<i>An Act to establish and regulate Electric Telegraphs.</i>
54 Vic. No. 1128 ...	Victoria ...	<i>Post Office Act 1890.</i>
61 Vic. No. 1537 ...	Victoria ...	<i>Post Office Act 1897.</i>
55 Vic. No. 15 ...	Queensland ...	<i>The Post and Telegraph Act 1891.</i>
1857 No. 6 ...	South Australia...	<i>An Act to regulate the construction and management of Electric Telegraphs.</i>
39 & 40 Vic. No. 49	South Australia...	<i>The Post Office Act 1876.</i>
44 & 45 Vic. No. 207	South Australia...	<i>The Telephone Act 1881.</i>
49 & 50 Vic. No. 370	South Australia...	<i>The Postal Notes Act 1886.</i>
49 & 50 Vic. No. 374	South Australia ..	<i>The Parcels Post Act 1886.</i>
54 & 55 Vic. No. 535	South Australia...	<i>Post Office Act 1891.</i>
57 Vic. No. 5 ...	Western Australia	<i>The Post and Telegraph Act 1893.</i>
20 Vic. No. 22 ...	Tasmania ...	<i>The Electric Telegraph Act 1857.</i>
45 Vic. No. 13 ...	Tasmania ...	<i>The Post Office Act 1881.</i>
46 Vic. No. 5 ...	Tasmania ...	<i>The Telephone Act 1882.</i>
49 Vic. No. 30 ...	Tasmania ...	<i>The Post Office Act Amendment Act 1885.</i>
52 Vic. No. 42 ...	Tasmania ...	<i>The Post Office Amendment Act 1888.</i>
55 Vic. No. 19 ...	Tasmania ...	<i>The Post Office Act Amendment Act 1891.</i>
59 Vic. No. 18 ...	Tasmania ...	<i>The Post Office Amendment Act 1895.</i>

SECOND SCHEDULE.

Section 9

FORM A.

I, A.B., do solemnly and sincerely declare that I will not willingly or knowingly open detain return or delay or cause or suffer to be opened detained returned or delayed any postal article which shall come into my hands power or custody by reason of my employment relating to the Department except by the consent of the person or persons to whom such postal article shall be directed, or by an express warrant in writing for that purpose under the hand of the Postmaster-General or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Act law or duly authorized regulation of the Department passed and made for or in relation to the postage and conveyance of postal

postal articles. And I further declare that I will be true and faithful in the execution of the telegraph duties intrusted to me, and that I will hold strictly secret all telegraphic or other communications that may pass through my hands in the performance of my duties. I also further declare that I will not give any information directly or indirectly respecting any telegrams or despatches transmitted or intended to be transmitted by telegraph except to the persons to whom such telegrams or despatches may be addressed or to their recognised agents.

FORM B.

Section 47.

I, A.B., do solemnly declare that I will not intentionally read the contents or any part of the contents of any letter or packet which I may open in the discharge of my duty except so far as it may be necessary so to do for the purpose of ascertaining the name and address of the writer or sender of the same; and that I will not divulge to any person whomsoever except to the Postmaster-General upon demand by him any of the contents of any such letter or packet which may have come to my knowledge in the course of opening and examining the same for the purpose aforesaid.

FORM C.

Section 66.

I, A.B., the master or person in charge of [state the name of the ship or vessel] arrived from [state the place] do as required by law solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the person duly authorised to receive delivery thereof every mail and postal article that were on board the [state the name of the ship or vessel] except such letters as are exempt by law from postage.

FORM D.

Section 37.

Declaration of the particulars relating to a missing letter or packet containing a valuable enclosure unregistered.

- | | |
|--|--------|
| 1. What is the exact address of the letter or packet? | 1. |
| 2. Why was the letter or packet unregistered? | 2. |
| 3. Describe precisely all the contents of the letter or packet. | 3. |
| 4. By whom was the letter or packet addressed? (Name and address.) | 4. |
| 5. Who placed the letter and enclosure in the cover and how was the cover fastened? | 5. |
| 6. What was the value of the postage stamp affixed? | 6. |
| 7. By whom was the letter or packet posted and through whose hands did it pass before it was posted? | 7. |
| 8. (1) At what post office was the letter or packet posted? | 8. (1) |
| (2) On what date? and | (2) |
| (3) At what time? | (3) |
| 9. What is the name and address of the sender of the letter or packet? | 9. |

I, A.B., residing at _____ in the State of _____ do hereby declare that the answers to the above questions are correct in every particular.

Declared before me at _____ in the State of _____
this _____ day of _____

C.D., J.P.



1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1^o 25 July, 1901.*(As read a third time 26th September, 1901.)**(Brought from the Senate.)*

A BILL

FOR

An Act relating to the Postal and Telegraphic Services of the Commonwealth.

BE it enacted by the King's Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows :—

1. This Act may be cited as the *Post and Telegraph Act* 1901, and shall commence on the

Short title and commencement.

2. The State Acts specified in the First Schedule to this Act shall cease to apply to the postal and telegraphic services of the Commonwealth.

State Acts to cease to apply.
First Schedule.

But the regulations in force in any State under any of the said State Acts shall as regards that State continue in force until revoked in whole or in part by the Governor-General, and rates and charges in force in any State under any of the said State Acts shall continue in force as regards that State and be applied in the same manner as if the said State Acts were not affected by this Act.

[C. 7]—100/1.11.1901 (n.a.)—F.4624.

PART I.

PART I.—GENERAL.

Interpretation of
terms.

Qd. P. & T. Act
1891 s. 4.

N.Z. P. O. Act 1900
s. 2.

3. In this Act unless the context otherwise indicates—

- “Postmaster-General” means the Minister of State for the Commonwealth charged with the administration of this Act.
- “Construct” includes erect lay down and place. 5
- “Customs Act” means any Act or Acts relating to the Customs in force within the Commonwealth and all orders and regulations made under any such Act or Acts.
- “Department” means the Department of the Postmaster-General. 10
- “Electric authority” means any State Government railway authority local authority tramway authority or person generating using or supplying electricity.
- “Electricity” includes electric current electrical energy or any like agency. 15
- “Electric line” includes all means used for the purpose of conveying transmitting transforming or distributing electricity and any casing coating covering tube tunnel pipe pillar pole post frame bracket or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith. 20
- “General Post Office” means the head office of the Department in each State.
- “Indecent or obscene matter” includes any drawing or picture or advertisement or any printed or written matter in the nature of an advertisement if it relates to venereal or contagious diseases affecting the generative organs or functions or to nervous debility or other complaint or infirmity arising from or relating to sexual impotence or intercourse or sexual abuse or to pregnancy or to any irregularity or obstruction of the female system or to the treatment of any complaint or condition peculiar to females or may reasonably be construed as relating to any illegal medical treatment or illegal operation. 30
- “Mail” includes every package receptacle or covering in which postal articles in course of transmission by post are conveyed whether it does or does not contain postal articles and loose or individual postal articles in transit. 35
- “Master of a vessel” means the person for the time being having the charge or command of a vessel but does not include the pilot. 40
- “Money order” means a money order issued under this Act or by any postal authority for payment under this Act.

Compare N.S.W.
Act 1900. S.A.
No. 680. Qd. 56
Vict. No. 20. Tas.
64 Vict. No. 26
Vict. No. 1643.

“Officer

“Officer” means any officer in the service of the Department.

“Port” includes any harbor river lake or roadstead within defined limits.

5 “Postage” means the amount chargeable for the transmission of postal articles by post.

“Postage stamp” or “stamp” means any stamp made or authorized by the Postmaster-General for the purpose of the payment of postage or fees to be chargeable under this Act.

10 “Postal article” includes letters post-cards letter-cards newspapers packets or parcels and all other articles transmissible by post, and includes a telegram when transmitted by post.

15 “Postal note” means a postal note issued under this Act or by any postal authority for payment under this Act.

“Postmaster” means the officer in charge of a post office or post and telegraph office.

20 “Post office” means a house building room railway postal van or carriage place or structure where postal articles are by permission or under the authority of the Postmaster-General or a Deputy Postmaster-General received delivered sorted or made up or from which postal articles are by the authority aforesaid despatched including a pillar box or other receptacle provided for the reception of postal articles for transmission.

25 “Prescribed” means prescribed by this Act or the regulations.

“Regulations” means regulations under this Act.

“Telegraphic” includes telephonic.

30 “Telegraph” or “telegraph line” means a wire or cable used for telegraphic or telephonic communication including any casing coating tube tunnel or pipe enclosing the same and any posts masts or piers supporting the same and any apparatus connected therewith or any apparatus for transmitting messages or other communications by means of electricity.

35 “Telegraph office” means a house building room or other place or structure used or occupied by or under the authority of the Postmaster-General and under his control for the purposes of working a telegraph or for the receipt and delivery of telegrams.

40 “Telegram” means any message or communication sent to or delivered at a telegraph office or post office for transmission by telegraph for delivery or issued from a telegraph office or post office for delivery as a message or communication transmitted by telegraph.

45 “Vessel

“Vessel” includes every description of vessel employed on the high seas in harbors on rivers or on the coast or on any navigable water.

“Works” includes electric lines and also any buildings machinery engines meters lamps transformers fittings apparatus works matters or things of whatever description required to supply electricity or to carry into effect the objects of the electric authority. 5

Department. 4. The Department shall have control of the Postal and Telegraphic services of the Commonwealth. 10

Postmaster-General. 5. The Administration of this Act and the control of the Department are vested in the Postmaster-General.

Secretary. 6. There shall be a secretary to the Postmaster-General who under the Postmaster-General shall have the chief control of the Department throughout the Commonwealth. 15

Deputy Postmaster-General. 7. There shall in each State be a Deputy Postmaster-General who shall be the principal officer of the Department therein.

Postmaster-General may delegate. 8. In relation to any particular matters State or District the Postmaster-General may by writing under his hand delegate any of his powers under this Act (except this power of delegation) so that the delegated power may be exercised by the delegate with respect to the matters specified or the State or District defined in the instrument of delegation, but every such delegation shall be revocable at the pleasure of the Postmaster-General. 20

Declarations to be taken by officers &c. 9. Every officer shall before exercising the duties of his office take and subscribe before a justice of the peace a declaration in the form A set forth in the Second Schedule to this Act. 25
Second Schedule (A).
N.S.W. ib. s. 4.

Future telegraph messengers to retire on attaining age of seventeen. 9A. Every person taken into the employment of the Department as a telegraph messenger after the commencement of this Act shall immediately on attaining the age of seventeen years cease to be so employed. 30

Every parcel sent by post if not a packet parcel or newspaper to be deemed a letter. 11. Every article whatsoever which is received at a post office for transmission or delivery shall if not a packet parcel or newspaper as defined by this Act or by the regulations be deemed a letter.

N.S.W. P. Act 1867 s. 6.

12. The

12. The Governor-General may by order published in the *Gazette* direct what articles may be sent by post as packets or parcels and upon what terms and conditions the same may be sent.

Packets may be defined.
N.S.W. ib. s. 7.

5 13. No duty or toll payable at or in respect of any pier wharf quay landing place bridge or ferry or at any turnpike gate or bar or at any other gate or bar on a public road shall be demanded or taken from or in respect of—

Officers of the department free from tolls.
W.A. P. & T. Act 1893 s. 8.

(a) Any person employed to perform any duty of the Department when on duty.

10 (b) Any person engaged in the conveyance of mails.

(c) Any vehicle or horse conveying mails or postal articles.

(d) Any telegraph messenger or line repairer when on duty.

15 (e) Any vehicle or horse used or employed by such telegraph messenger or line repairer in the performance of his respective duties.

(f) Any material or tools used or employed in the construction or repair of any telegraph line.

and any person who demands or takes any toll contrary hereto shall be liable to a penalty not exceeding Five pounds.

20 The Postmaster-General may pay to the person entitled by way of compensation for the use of any pier wharf quay landing place or ferry in the landing shipping or conveying any material or tools for the construction or repair of a telegraph line such sum as may be agreed upon, and in default of agreement as may be settled by
25 arbitration.

14. The Governor-General may make arrangements with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or of a foreign country with respect to—

Arrangements may be made for British or foreign mails.
Qd. P. & T. Act 1891 s. 9.

30 (a) the transmission by land or sea or by both of mails or postal articles between the Commonwealth and the United Kingdom or the British possession or foreign country ;

35 (b) the appointment determination and collection of postage and fees or other dues upon postal articles conveyed between the Commonwealth and the United Kingdom or any such possession or country ;

(c) the division and mutual accounting for and payment of the moneys collected under any such arrangement ;

40 (d) the purposes above mentioned in the case of postal articles transmitted through the Commonwealth for the United Kingdom or any such possession or country to or from any part of the world ;

(e) the

- (e) the prepayment (in full or otherwise) of the postage payable on postal articles ;
- (f) the transmission to places out of the Commonwealth free of postage or upon such terms as to the amount of postage or fine to be collected and paid on delivery, and as to the application and payment thereof as may be agreed upon, of postal articles posted in the Commonwealth, or as to the collection application and payment of postage or fines on postal articles received from places out of the Commonwealth on which no postage or insufficient postage has been paid ;
- (g) the payment of compensation for the loss or injury of any registered postal articles.

Contracts.

N.S.W. P. Act 1867
s. 43.

15. The Postmaster-General or any person authorized in that behalf by the Governor-General may enter into contracts in writing on behalf of the Government of the Commonwealth for or in respect of the carriage of mails by land and sea or either or for any other purpose incidental to the carrying out of this Act and may stipulate for such terms and conditions as to him shall seem fit for securing the due regular and efficient performance of the contract.

White labour in
mail contracts.

15A. (1) No contract or arrangement for the carriage of mails shall be entered into on behalf of the Commonwealth unless it contains a condition that only white labour shall be employed in such carriage.

(2) This condition shall not apply to the coaling and loading of ships at places beyond the limits of the Commonwealth.

Railways to carry
mails.

16. The principal railway official of every State or the owner controller or manager of any railway or tramway in any State shall carry mails on any train run upon the railways or tramways under his control if required by the Postmaster-General so to do and shall provide all usual facilities for the receipt carriage and delivery of all mails that he is required to carry.

Payment for
carriage of mails
by rail

17. The Postmaster-General shall pay to the principal railway official of each State or to the owner controller or manager of any railway or tramway in any State as the case may be such annual sum for the receipt carriage and delivery of mails and for all facilities provided in connexion therewith as may be agreed upon and in default of agreement as may be settled by arbitration. Provided that no payment shall be made to any owner controller or manager of any private railway or tramway who in accordance with the law of a State has agreed to carry His Majesty's mails free of charge.

18. The

18. The Governor-General may arrange with any State and the Postmaster-General may arrange or contract with any local governing body or person applying to him to establish or provide any additional facilities (postal or other) for the contribution by such State body or person towards the expense of establishing or providing such facilities or for indemnifying the Postmaster-General against any loss he may sustain thereby.

Contributions may be accepted.

20. Every postal article received by post from a place out of the Commonwealth shall be transmitted and delivered free of charge within the Commonwealth except where it is necessary to collect the postage under an arrangement made as in this Act provided and except where otherwise provided by this Act or by the Regulations, in which cases the postage and all other fees or dues if any upon the postal article shall be collected on or before delivery.

Letters &c. from places beyond the Commonwealth.

Qd. P. & T. Act 1891 s. 13.

21. (1) A postage of one penny shall be charged on letters not exceeding one half-ounce in weight forwarded by or addressed to seamen on actual service in the King's Navy or in the Marine Defence Force of the Commonwealth or any British possession or to a non-commissioned officer or man on actual service in the King's Regular Forces or in the Permanent Land Force of the Commonwealth or any British possession.

Postage on letters of sailors soldiers &c.

Qd. ib. s. 14.

Provided that a letter forwarded by any such person shall not be transmitted or delivered at that charge unless it bears on its face the name of the writer and his class or description in his vessel regiment corps or detachment and the signature of the officer having command of the vessel regiment corps or detachment :

Provided also that a letter addressed to any such person shall not be transmitted or delivered at that charge unless it bears on its face the name of the vessel regiment corps or detachment to which the person to whom it is addressed belongs.

(2) This section shall not apply to letters forwarded by or addressed to a commissioned or warrant officer in the Land or Marine Forces or a midshipman in the Marine Forces.

22. (1) No additional charge shall be made on prepaid postal articles (other than parcels) re-addressed within the time and in manner prescribed and again forwarded by post within the Commonwealth if the postage originally paid would have been sufficient if the postal article had originally been addressed to its new destination, but if not an additional charge equal to the difference between the amount of postage already prepaid and that which would have been chargeable if the articles had been originally despatched to the new destination shall be made.

Redirection.

N.S.W. P. A. Am. Act 1893 s. 21.

P. U. Conv. Reg. 25.

(2) Any

(2) Any re-addressed postal articles which appear to have been opened or tampered with shall be chargeable with postage as freshly posted unpaid articles.

Letters &c.
insufficiently
prepaid.
N.S.W. ib. s. 11.

23. Any letter post-card letter-card or packet posted for delivery in the Commonwealth on which the postage is not fully prepaid may be transmitted and delivered, but before delivery there shall be paid double the amount of the deficient postage and the sum to be so paid shall be written on such letter post-card letter-card or packet by an authorized officer. 5

Provided that postage on loose letters post-cards letter-cards and packets received from masters of vessels shall be collected on delivery at the rate chargeable to the places whence such articles are received. 10

Petitions to the
Governor-General
&c.
N.S.W. P. Act 1867
s. 13.

24. All petitions and addresses to the Governor-General or to the Governor of any State shall be transmitted and delivered free of charge if such petitions or addresses do not exceed sixteen ounces in weight respectively and are without covers or in covers open at the ends or sides. 15

Postage need not be
prepaid on letters
or packets
containing returns
of births &c.
transmitted by any
minister of religion
&c. to appointed
officer.
N.S.W. ib. s. 23.

25. It shall not be necessary to prepay the postage upon letters or packets containing only returns of births baptisms marriages and deaths transmitted in compliance with the provisions of the law in that behalf by ministers of religion or other persons whose duty it is to transmit such returns to any officer appointed to receive the same if on the outside thereof it is stated that they contain such returns only and such statement is signed by the person transmitting the same, but the postage thereon at prepaid rates shall be paid by the said officer on delivery of such letters or packets. 25

Powers and duties
conferred upon
postmasters by
State Acts.

25A. Where any State Act whether passed before or after the commencement of this Act purports to confer or impose upon postmasters any powers or duties—

(a) with respect to the preparation of lists or rolls of electors for parliamentary or other elections ; or 30

(b) for the purpose of facilitating the voting at such elections, the Governor-General may at the request of the Governor of the State direct, by order under his hand, that postmasters may exercise such powers and shall perform such duties accordingly ; and thereupon postmasters may exercise such powers and perform such duties accordingly, and shall be bound by the provisions of the State Act relating to such powers and duties. 35

Postage need not be
prepaid on letters
or packets con-
taining electoral
matter.

25B. It shall not be necessary to prepay the postage upon letters or packets containing only ballot-papers or voting-papers or other electoral documents and sent in compliance with the law in that behalf to any electoral officer of a State, if on the outside thereof they bear a statement 40

statement, signed by the sender, that they contain such matter only; but the postage thereon at prepaid rates shall be paid by such officer on delivery of the letters or packets.

26. (1) For the purposes of this Act a newspaper shall mean
5 any publication known and recognised as a newspaper in the generally
accepted sense of the word, and printed and published within the
Commonwealth for sale, if—

Definition of
newspaper and
supplement.

- 10 (a) it consists in substantial part of news and articles relating
to current topics, or of religious technical or practical
information; and
- (b) it is published in numbers at intervals of not more than
one month; and
- 15 (c) the full title and date of publication are printed at the
top of the first page, and the whole or part of the title
and the date of publication are printed at the top of
every subsequent page.

(2) A publication printed on paper and issued as a supplement to
a newspaper shall be deemed to be a supplement and to be part of the
newspaper if—

- 20 (a) it consists in substantial part of reading matter other than
advertisements, or of engravings, prints, lithographs, or
coloured supplements; and
- 25 (b) its letterpress other than any title or short description on
any engraving, print, lithograph, or coloured supplement,
or the title and date of the newspaper thereon is printed
within the Commonwealth from type set up within the
Commonwealth, or from stereotypes or electrotypes made
therefrom; and
- 30 (c) it is enclosed in each posted copy of the newspaper with
which it is issued; and
- (d) it has the title of the newspaper with which it is issued
printed on the top of each page of letterpress; and
- (e) it is not of a size or form which makes it inconvenient for
carriage or delivery by post.

35 27. (1) The proprietor printer or publisher of any newspaper
may at such time and in such form and with such particulars
as may be prescribed upon payment of a fee of Five shillings
register it at the General Post Office of any State and the Deputy
Postmaster-General of such State may from time to time subject to
40 appeal as hereinafter mentioned revise the register and may call upon
the proprietor printer or publisher of any publication a posted copy of
which

Registration of
newspapers.
N.S.W. P. O. Am.
Act 1893 s. 4.
Vic. P. O. Act 1897
s. 7.
Qd. P. & T. Act
1891 ss. 24, 25.

- which contains indecent or obscene matter or which by reason of the proportion of advertisements to other matter therein or for any other reason is not within the description aforesaid to show cause why such publication should not be removed from the register and if sufficient cause be not shown he may remove it accordingly and any publication for the time being on the register shall for the purposes of this Act be deemed a registered newspaper. 5
- Removal from register.
- (2) No publication which after the expiration of one month from the commencement of this Act is tendered for transmission at any post office in the Commonwealth shall be sent by post as a newspaper unless the provisions of this section have been complied with. 10
- (3) Any Deputy Postmaster-General may refuse to transmit or deliver any issue of a publication if such issue contains indecent or obscene matter.
- (4) Any posted newspaper found to contain indecent or obscene matter may be destroyed by order of the Postmaster-General. 15
- (5) No action shall be brought against the Postmaster-General or any officer of the department for anything done or purporting to be done under the provisions of this section but any person aggrieved by anything done or purporting to be done by the Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court or to a Judge of a Supreme Court of a State by summons or petition in a summary manner. The Justice or Judge may decide whether the action taken under this section was justified in law or in fact and may make such order as to restoration to the register or otherwise as to him may seem just and may award damages and costs or either in his discretion. 20 25
- Consequence of irregularity.
- (6) All unregistered or irregularly posted newspapers and all newspapers having any matter which is not a supplement accompanying them shall be treated as packets. 30
- Postage stamps to be made and sold. Tas. P. O. Act 1881 s. 28.
28. The Postmaster-General shall with the approval of the Governor-General cause postage stamps to be made and sold indicating such amounts of postage or fees as may in that behalf be directed by the Governor-General.
- Postmasters to keep sufficient supply of stamps. S.A. P. O. Act 1876 s. 27.
29. Every postmaster shall procure and keep on hand for sale such quantities of postage stamps as the Postmaster-General shall authorize and direct and shall sell the same without premium to any person desirous of purchasing them. 35
- Prepayment of postage. S.A. ib. s. 42. P. U. Conv. Art. 11.
30. (1) Except in cases where prepayment of postage is allowed to be made in money prepayment of postage can be effected only by means of postage stamps valid in the Commonwealth for the correspondence of private individuals: Provided however that the reply-half of reply post-cards bearing postage stamps of the country in which these cards were issued are considered as duly prepaid if addressed to such country. 40 45
- (2) Official

(2) Official correspondence from the Department relative to the Postal and Telegraphic Service and telegraphic messages upon which all fees payable under this Act have been paid may be transmitted free by post for delivery within the Commonwealth.

- 5 **31.** Notwithstanding the last preceding section whenever it may happen that any postmaster shall not have any postage stamps of the requisite value for sale the postage and fees upon any postal article may be prepaid by money and shall be acknowledged by such postmaster on the face or cover of such article. By money in certain cases.
N.S.W. P. Act 1867
s. 19.
- 10 **32.** The Postmaster-General may authorize any postmaster or other officer to accept money in prepayment of the postage on each letter packet or newspaper in cases where a large quantity of letters packets or newspapers are brought to the post by or on behalf of any person, and the postmaster or other officer shall mark on each letter
15 packet or newspaper the full amount of postage prepaid thereon. Prepayment of postage in bulk.
N.S.W. P. A. Am.
Act 1893 s. 12.
- 33.** The postage stamps upon all postal articles sent by post shall be impressed or affixed upon the face thereof and near the address written thereon and no postmaster shall be bound to take any notice of stamps which are impressed or affixed elsewhere. Postage stamps, where to be affixed.
N.S.W. P. Act 1867
s. 22.
- 20 **34.** Any person with the permission in writing of the Postmaster-General may perforate postage stamps with such letters figures or design as are prescribed in such writing and stamps so perforated shall not be considered to be defaced within the meaning of this Act and shall be received in payment of any postage fees or dues and telegraph
25 fees, but no stamps so perforated shall be purchased or exchanged by any postmaster or servant of the department. Postage stamps may be perforated with letters.
Vict. P. O. Act 1890
s. 16.
- 35.** The Postmaster-General may cause letter pillars or boxes for the reception of postal articles to be erected and maintained in any public road street or highway or other place. Erection of letter pillars &c.
Vict. P. O. Act 1890
s. 48.
- 30 **36.** (1) Any person who sends any letter packet or newspaper by post shall be entitled to have the same registered at the post office at which it is posted upon payment of the prescribed fee for registration. And all articles required to be registered shall be put into the post office and also be delivered at or between such hours in the day and under
35 such conditions as the Postmaster-General shall appoint. Registration.
N.S.W. P. Act 1867
ss. 24, 25.
Vict. P. O. Act 1897
s. 9.
- (2) Any person who sends a registered article by post may obtain an acknowledgment of its due receipt by the person to whom it is addressed by paying the prescribed fee in advance at the time of registration in addition to the registration fee. Acknowledgment of the receipt of registered letters.

(3) Where

Letters &c. with
valuable enclosures
must be registered.

(3) Where any postmaster or officer has reasonable cause to believe that any unregistered letter or packet contains any valuable enclosure other than money orders or bills of exchange acceptances or promissory notes payable to order cheques or postal notes or postage stamps not exceeding Five shillings in value such postmaster or officer may register such letter or packet and charge it with double the prescribed fee for registration and the fee to be so paid shall be written on such letter or packet by the postmaster or officer of the post office who registers the same, and such fee shall be paid by the person to whom it is addressed before delivery unless such person before delivery opens the letter in the presence of some postmaster or officer of the post office and it is found not to contain any valuable enclosure in which case such fee shall not be charged.

Declaration to be
made where
missing letter &c.
contained valuable
enclosure.

Qd. P. & T. Act
1891 s. 35.

Second Schedule (D).

37. Any person making a complaint that an unregistered letter or packet containing coin jewellery gems watches or any other valuable enclosure has not been duly delivered to the person to whom it was addressed may be required by the postmaster of the post office at which the complaint is made to make a declaration in the Form D in the Second Schedule to this Act and to pay the fee (if any) prescribed before any inquiry is instituted.

Certain letters &c.
to be deemed posted
in contravention of
this Act.

Qd. P. & T. Act
1891 s. 36.

38. Every postal article received in a post office—

- (a) on which the postage stamps have been previously obliterated or defaced (unless the postage thereon has been prepaid by money); or
- (b) which contains an enclosure contrary to the provisions of this Act or the regulations or of any other Act; or
- (c) which is posted contrary in any other way to the provisions of this Act or the regulations; or
- (d) on the outside of which any profane blasphemous indecent obscene offensive or libellous matter is written or drawn,

shall be deemed to be posted in contravention of this Act.

Letters &c. in
contravention of
this Act how dealt
with.

Qd. ib. s. 37.

39. Every postal article—

- (a) which is without address or bears an illegible address; or
- (b) which is posted or is reasonably suspected to be posted in contravention of this Act; or
- (c) which the person to whom it is addressed refuses to receive; or
- (d) upon which any postage is payable by the person to whom it is addressed and in respect of which such person refuses to pay the postage,

shall be transmitted without delay by the postmaster receiving it to the General Post Office.

Every

Every postal article containing or supposed to contain an enclosure upon which the duties of Customs are payable shall be dealt with in the prescribed manner.

5 **40.** (1) The Postmaster-General or his officers may examine any newspaper or packet sent by post without a cover or in a cover open at the ends or sides and bearing less than the letter rate of postage in order to discover whether it was posted in conformity with this Act or the regulations.

Power to examine newspapers and packets.

Qd. ib. s. 42.

10 (2) The question whether any postal article is entitled to be sent as a newspaper or packet shall if disputed be referred to the Postmaster-General for determination, and his decision shall be final.

15 **41.** The Postmaster-General or any Deputy Postmaster-General may at any time cause any postal article having anything profane blasphemous indecent obscene offensive or libellous written or drawn on the outside thereof or any obscene enclosure in any postal article to be destroyed.

Blasphemous or obscene letters &c. may be destroyed.

S.A. P. O. Act 1876 s. 45.

20 No action shall be brought against the Postmaster-General or any officer of the Department for anything done under the provisions of this section but any person aggrieved by anything done by the Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court or to a Judge of a Supreme Court of a State by summons or petition in a summary manner.

25 **42.** The Postmaster-General or any Deputy Postmaster-General may refuse to transmit or deliver any newspaper packet or parcel containing any article book picture or advertisement or any printed or written matter in the nature of an advertisement, which article book picture advertisement or matter is of an indecent or obscene nature, and may cause any such newspaper packet or parcel to be destroyed.

Indecent pictures &c. sent by post.

30 **43.** The Postmaster-General may cause all unclaimed and undelivered postal articles originally posted within the Commonwealth which have been returned from the place to which they were forwarded to be treated as unclaimed articles and opened as hereinafter mentioned.

Unclaimed and undelivered articles returned from other countries how dealt with.

S.A. P. O. Act 1876 s. 35.

35 **44.** (1) Every postal article which remains undelivered at any post office to which it has been transmitted for delivery shall save as in this Act otherwise provided be kept thereat for delivery for such

Unclaimed letters &c. to be kept certain periods and then sent to General Post Office.

N.S.W. P. A. Am.
Act 1893 s. 8.
S.A. P. O. Act 1891
s. 14.

such time as may be prescribed. And as soon as possible after the expiration of such time the postmaster at every such post office shall transmit to the General Post Office every postal article that has been kept for the prescribed time, and thereupon every such postal article so transmitted and any postal article which remains undelivered at the General Post Office beyond the prescribed time shall be dealt with as in this Act provided. 5

Letters &c. may be
returned to sender
if request indorsed
thereon.

(2) Notwithstanding anything in this Act contained when any letter or packet bears an indorsement by the sender to the effect that if it remains undelivered for a certain specified time not less than seven days it may be returned to him the postmaster at the post office to which the same has been transmitted for delivery shall as soon as possible after the time so specified transmit it to such indorsed address, and if it be refused at such specified address it shall be deemed to be undelivered and unclaimed and dealt with accordingly. 10 15

Telegrams letters
&c. at hotels re-
maining undelivered
for one month to
be returned to post
office.
S.A. ib. s. 17.

45. (1) All telegrams and postal articles sent by post and addressed to any person at any inn hotel or at any lodging-house or at any house at which lodgers are received and delivered to the occupier or manager of such inn hotel or house shall be deemed to be under the control of the Postmaster-General until delivered to the person to whom the same are addressed, and if the same are not so delivered within one month after the receipt of the same by such occupier or manager and if instructions to the contrary are not received from the person to whom the same are addressed they shall be returned to a letter carrier or to the nearest post office and kept thereat for delivery for such time as may be prescribed and at the expiration of such time shall be transmitted to the General Post Office. All such telegrams and postal articles transmitted to the General Post Office under the provisions of this section shall there be dealt with as undelivered and unclaimed. 20 25

Penalty.

(2) Every such occupier or manager wilfully omitting or failing to return any such telegram or postal article as aforesaid shall be liable to a penalty not exceeding Five pounds. 30

How dead letters &c.
disposed of at
General Post Office.
N.S.W. P. O. Act
1867 s. 30.

46. On the receipt at a General Post Office of any postal article hereinbefore required to be transmitted to such office such postal article if it was originally posted in the Commonwealth or if it has been posted or contains any enclosure or be reasonably suspected to have been posted or to contain any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act may be opened in the General Post Office in the manner hereinafter mentioned ; and every letter and packet if it was originally posted elsewhere shall except as last aforesaid be returned to the proper authorities in the country in which it was so posted or if originally posted in another State be returned to the 35 40

the General Post Office of that State, but every newspaper wheresoever it was originally posted shall be opened in the same place and manner as letters and packets originally posted in the Commonwealth.

47. Every postal article opened under the provisions of this Act shall be opened in the presence of not less than two officers of the post office nominated for that purpose by the Postmaster-General and every such officer shall before he enters upon his duties in this respect make and subscribe before a justice of the peace a declaration in the Form B in the Second Schedule to this Act.

How or by whom unclaimed or dead letters may be opened.
S.A. P. O. Act 1876 s. 36.

Second Schedule (B).

48. Every Deputy Postmaster-General shall cause every detained unclaimed refused and undelivered postal article whatsoever posted in any part of the Commonwealth which has been opened under the provisions of this Act to be forthwith returned to the writer or sender thereof if his name and address can be ascertained by examination of such article, and such writer or sender shall thereupon be liable to pay the original postage payable thereon if not prepaid ; and if such writer or sender refuses to receive any such article the same may be forthwith destroyed, but he shall be liable to pay the postage thereon.

Opened postal articles not containing anything of value how dealt with.
S.A. ib. s. 37.

49. (1) Every undelivered letter or packet which is opened under the provisions of this Act (if it contains any valuable or saleable enclosure) shall be safely kept and a list thereof together with a memorandum of such contents made and preserved ; and the Postmaster-General shall (unless such contents have been posted or be in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them) cause notice of such letter or packet and of such contents to be sent to the person to whom the same is addressed if he be known or otherwise to the writer or sender thereof if he be known. And upon application by the first-mentioned person if known and if unknown by the last-mentioned person if known such letter or packet and its contents shall (unless as last aforesaid) be delivered to the person so making such demand.

Opened letters and packets containing anything of value how dealt with.
Vict. P. O. Act 1890 s. 40.

(2) If neither of such persons can be found or makes such application within three months after the sending of such notice or if the said contents have been posted or are in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them such letter or packet shall be destroyed and its contents forfeited unless the Postmaster-General directs the said contents to be restored to the writer or sender of the said letter or packet. And if the contents aforesaid are not money or a security or order for money payable to bearer the

the same may be destroyed sold or converted into money in such manner as the Postmaster-General or Deputy Postmaster-General directs, and the proceeds thereof shall be paid into the consolidated revenue fund. And if the contents aforesaid are money, or a security, or order for money payable to bearer, the same shall form part of the consolidated revenue. 5

Opened newspapers
how dealt with.
N.S.W. P. Act 1867
s. 34.

50. Every unclaimed or undelivered newspaper opened under the provisions of this Act may be forthwith sold destroyed or used for any public purpose unless before such sale destruction or use thereof the same is claimed and the postage (if any) due thereon is paid by the person to whom the same is addressed. But if any such newspaper has been posted or contains any enclosure in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable thereon the said newspaper shall be sold destroyed or used as aforesaid ; and anything which is enclosed in or with or which accompanies such newspaper or the cover thereof shall be forfeited. And if such enclosure or accompaniment is not money or a security or order for money payable to bearer the same may be destroyed sold or converted into money in such manner as the Postmaster-General may direct and the proceeds thereof shall be paid into the consolidated revenue fund. And if such enclosure or accompaniment is money, or a security, or order for money payable to bearer, the same shall form part of the consolidated revenue. 10 15 20

Sender of opened
letters &c. to pay
postage.
N.S.W. ib. s. 35.

51. The sender of any postal article which is opened under the provisions of this Act shall on demand pay the postage and fees (if any) remaining due thereon, and in case of refusal so to do shall be liable to a penalty not exceeding Forty shillings. 25

No letters &c. to be
returned except in
certain cases.
N.S.W. ib. s. 26.

52. Except in the cases in this Act expressly mentioned no letter packet or newspaper shall be destroyed or returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed or the direction in writing of the Postmaster-General and no letter packet or newspaper shall be delivered to any person not named in the address thereof without such consent or direction. 30 35

Letters of insolvents
to be delivered to
official assignee.
S.A. P. O. Act 1876
s. 40.

53. Whenever any person becomes or is adjudged bankrupt or insolvent by any court of competent jurisdiction within the Commonwealth the Postmaster-General if so directed by the order of the court shall until a date to be specified in such order cause any postal article addressed to such bankrupt or insolvent to be delivered to the official receiver or other person named in such order. 40

54. Postal

54. Postal articles addressed to deceased persons may be delivered to the executors or administrators of such deceased person on production of the probate or letters of administration; but until such production the Postmaster-General or a Deputy Postmaster-General may cause such postal articles to be delivered as may be prescribed.

Letters &c. for deceased persons how to be disposed of.
S.A. P. O. Act 1876 s. 41.

55. (1) If the Postmaster-General has reasonable ground to suppose any person to be engaged either in the Commonwealth or elsewhere in receiving money or any valuable thing—

Power in certain cases to refuse to register or deliver letters &c.

- 10 (a) as consideration (1) for an assurance or agreement express or implied to pay or give or (2) for securing that some other person shall pay or give any money or valuable thing on an event or contingency of or relating to any horserace or other race or any fight game sport or exercise; or
- 15 (b) for promoting or carrying out a scheme connected with any such assurance agreement or security or a lottery or scheme of chance or an unlawful game; or
- (bb) as contributions or subscriptions towards any lottery or scheme of chance;
- 20 (c) under pretence of foretelling future events; or
- (d) in connexion with a fraudulent obscene indecent or immoral business or undertaking;

Qd. P. & T. Act 1891 s. 49.

he may by order under his hand published in the *Gazette* direct that any postal article received at a post office addressed to such person either by his own or fictitious or assumed name or to any agent or representative of his or to an address without a name shall not be registered or transmitted or delivered to such person.

(2) The order shall specify such name or address and shall upon publication be of full force and effect until cancelled by the Postmaster-General.

56. (1) Any postal article addressed to the person named in such order by such name or to such address if received at a post office shall not be delivered to such person or at such address but shall be forthwith sent to the General Post Office, and shall if it was originally posted in the Commonwealth be opened and immediately returned to the sender, and if it was not originally posted in the Commonwealth shall be returned unopened to the proper authorities of the colony possession or country where it was originally posted.

Letters &c. in such cases how dealt with.
Qd. ib. s. 50.

(2) Money orders shall not be issued in favour of or paid to any person with respect to whom any such order is made.

57. Any postmaster may refuse to receive or to transmit by post any postal article exceeding the weight or dimensions prescribed or of inconvenient form or containing or reasonably suspected to contain any article likely to injure any person or the contents of the mail bags.

Heavy letters packets and newspapers may be refused.
N.S.W. P. O. Am. Act 1893 s. 9.

58. (1) The

Delivery at post town or at named, or last known residence sufficient. Qd. P. & T. Act 1891 s. 52.

58. (1) The transmission of a postal article addressed to a person in the Commonwealth to the post office of the post town to which it is directed or if not so directed then to the post office of the post town nearest to the address named shall be sufficient transmission under this Act.

5

(2) When delivery by letter carriers is provided delivery according to the address or at the last known place of residence of the person named in the address shall be sufficient delivery to such person unless he by written notice to the postmaster of the office to which such article is addressed has prohibited such delivery.

10

Despatch and delivery of packets &c. may be delayed. Qd. ib. s. 53.

59. When the despatch or delivery of letters from a post office would be delayed by the despatch or delivery at the same time of post-cards book packets newspapers or parcels the latter or any of them may subject to the regulations be detained in the post office until a later despatch or delivery.

15

Qd. ib. s. 54.

60. In any action or other proceeding for the recovery of any postage or fee payable by authority of this Act in respect of a postal article —

Who deemed to be the sender of a postal article.

(a) The person from whom the postal article purports to have come shall be deemed the sender thereof and the onus of proving that such article did not come from or was not sent by him shall rest on the person proceeded against ;

20

Post office stamp evidence of refusal of letter &c.

(b) The post office stamp or mark denoting that the postal article has been refused or that the person to whom such article is addressed is dead or cannot be found, shall be *prima facie* evidence of the refusal thereof or that such person is dead or cannot be found ;

25

Post-office stamp evidence of liability to postage.

(c) The post office stamp or mark thereon denoting the postage or fee shall be *prima facie* evidence of the liability of the postal article to the postage or fee and that the sum stamped or marked thereupon is payable in respect thereof.

30

Mail in charge of postmaster &c. deemed to be by post.

Qd. ib. s. 55.

61. In any action or other proceeding every mail or postal article in charge of or being carried by a postmaster postman mailman mail-driver officer or servant of the Department or other person employed by or under the Postmaster-General shall until the contrary is proved be deemed to be in course of being sent by post.

35

Power to destroy books documents telegrams, &c. Vic. P. O. Act 1890 s. 44.

62. (1) The Postmaster-General may order the destruction in such manner as he thinks fit of any telegrams books of record telegraph tape letter-bills registered letter receipts money orders postal notes returns requisitions orders for delivery of letters or letters to the Department or any other document or the butts thereof : Provided that such telegrams have not been written within the period of two years prior to the date of any such order and that such books and other documents have not been printed written or prepared within the period

40

45

period

period of one year prior to the date of any such order, and the King or the Postmaster-General or any officer of the post office shall not be accountable in any manner to any person for any telegrams books or documents so destroyed and no claim for damages shall arise to any
5 person by reason of any such destruction.

(2) In this section "document" shall be deemed to include documents relating to the parcels post.

63. All moneys collected on account of the sale of postage stamps commission charges fees penalties and other dues levied collected or
10 received under this Act or the regulations shall be paid to the Treasurer of the Commonwealth and placed to the credit of the Consolidated Revenue Fund: Provided that fines inflicted upon officers of the Department under section ninety-one may be disposed of in such manner as the Governor-General shall direct.

Appropriation of fees, &c.
Qd. P. & T. Act
1891 s. 132.

15 PART II.—CONVEYANCE OF MAILS BY SHIPS.

64. In all vessels by which mails are conveyed under any contract entered into by the Postmaster-General under this Act, there shall be provided a suitable locker or other secure place in which such mails and all postal articles shall be locked up and carried apart from all other
20 articles and things. And if such locker or place is not so provided or if such mails or any postal article are carried in any such vessel during the whole or any part of the voyage otherwise than in such locker or place the master of such vessel shall be liable to a penalty not exceeding Fifty pounds.

In all vessels conveying mails lockers to be provided.
N.S.W. P. O. Act
1867 s. 44.

25 65. (1) All mails and every loose postal article on board a vessel at the time of her arrival within a port within the Commonwealth directed to a person in the Commonwealth, except letters concerning goods on board the vessel and to be delivered with the goods or sent by way of introduction only or concerning the bearer's private
30 affairs shall be forthwith delivered at the wharf nearest to the post office by the master to the postmaster or a port officer or Customs officer of the port, or to any person duly authorized by writing under the hand of a Postmaster.

Delivery of ship mails on arrival of ship.
Qd. P. & T. Act
1891 s. 58.

35 (2) Any master who (except as aforesaid) knowingly or negligently detains keeps in his possession or neglects or refuses to deliver a mail or postal article after demand made as aforesaid shall be liable to a penalty not exceeding Fifty pounds.

Penalty.

40 66. The master of a vessel arriving at any port within the Commonwealth shall as soon as practicable after such arrival sign in the presence of the postmaster or other officer appointed to receive the same at such port or the town or place nearest thereto a declaration in the form set forth in Form C in the Second Schedule to this Act and thereupon such postmaster or officer shall grant a certificate under his hand of the making thereof and until such certificate has been delivered
to

Declaration by masters of inward-bound vessels.
N.S.W. P. Act 1867
s. 46, P. A. Am.
Act 1893 s. 14.
Second Schedule (C).

to the proper officer of Customs at such port he shall not permit such vessel to report. And any master who fails or refuses to make such declaration or who makes a false declaration shall be liable to a penalty not exceeding Fifty pounds.

Provided that a Postmaster may in cases of vessels which are known or reasonably believed to have no mails on board authorize the proper officer of the Customs to permit any such vessels arriving at any port in the Commonwealth to report without requiring the declaration to be signed and the certificate to be delivered. 5

Mails to be taken in vessels outward bound and coastwise.

W.A. P. & T. Act 1893 s. 47.

67. (1) The master of a vessel about to depart from a port within the Commonwealth to a port or place within or beyond the Commonwealth may be required by an officer of the Department or by a port officer or Customs officer or other person duly authorized by a postmaster to receive or take delivery at an approved wharf of any mail and he shall in such case give a receipt for such mail to the person tendering or delivering the same and shall carefully deposit the mail in some secure and dry place on board the vessel and convey the same upon her then intended voyage. 10 15

Penalty.

(2) Any person in any respect offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding Fifty pounds. 20

Payments to master of vessel.

N.S.W. P. A. Am. Act 1893 s. 13.

W.A. ib. s. 48.

Qd. P. & T. Act 1891 s. 62.

68. (1) The master of a vessel about to depart from any port within the Commonwealth to any other port or place who receives on board thereof any mail for the purpose of conveying the same according to the direction thereof shall be entitled immediately to demand and receive from the person tendering or delivering the same for the carriage thereof payment at such rates as may be prescribed. But nothing herein contained shall entitle the master of any vessel under contract for the carriage of mails to receive any such payment. 25 30

(2) When mails are brought from one port to another and transhipped or forwarded by a second vessel belonging to the same owner payment shall not be made on account of the second conveyance.

(3) Payment shall not be made to the master of a ship arriving from any port or place for the conveyance of mails. 35

Notice of departure of vessels.

N.S.W.P. Act 1867 s. 50, P. A. Am. Act 1893 s. 14.

69. (1) The master of a vessel not carrying mails under a contract for the carriage thereof and being about to depart from any port within the Commonwealth to any port or place beyond the Commonwealth shall before the clearance outwards of such vessel give to the postmaster or officer in charge of the post-office at the port from which such vessel is about to depart not less than twenty-four hours' notice in writing of the intended time of departure of such vessel, and every master of a vessel not carrying mails under a contract which 40

is

is about to depart from a port within the Commonwealth to another port or place therein shall before the clearance of the vessel give to the postmaster at the port from which the vessel is about to depart not less than six hours' notice in writing of her intended hour of departure.

5 Provided that a shorter notice may be prescribed in any case or special class of cases, and every such notice shall commence and expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon.

10 (2) Such master shall also give notice to such postmaster or officer of any postponement of such time of departure exceeding one hour, and in default thereof shall be liable to a penalty not exceeding Fifty pounds. And such postmaster or other officer of the post-office shall upon receiving such notice grant a certificate of the receipt of such notice to such master, and until such certificate has been given the
15 vessel shall not be cleared.

And of postponed departure.

20 70. When the master of a vessel has received a mail on board for carriage and the vessel does not depart on her voyage according to the time fixed for departure or within one hour thereof the master shall forthwith give notice to the postmaster of the delay and shall on demand return the mails and the gratuity or payment which has been paid for carriage to the postmaster or to some port officer or Customs officer of the port or some other person duly authorized in that behalf in writing under the hand of a postmaster.

Duty of master where ships not sailing pursuant to notice.

Qd. P. & T. Act
1891 s. 64.

25 Any person offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds.

Penalty.

30 71. The master of a vessel proceeding from a port or place within the Commonwealth to some other port or place within the Commonwealth, and having on board a mail for delivery in such last-mentioned port or place shall give notice of the near approach of the vessel thereto by ringing a bell or by some other concerted signal which may reasonably be expected to be distinctly heard or seen by the postmaster port officer officer of Customs or other person in such last-mentioned port or place duly authorized to receive or despatch a mail, and shall give such notice a sufficient time before the actual arrival of
35 the vessel to enable him to be prepared to receive the mail from or despatch a mail in the vessel.

Masters to give notice of approach to a place appointed for the receipt and despatch of mails.

Qd. ib. s. 65.

Any master who refuses or omits to give such notice shall be liable for every offence to a penalty not exceeding Fifty pounds.

PART III.—MONEY ORDERS AND POSTAL NOTES.

40 72. (1) The Governor-General may make arrangements with the Postmaster-General in the United Kingdom, or with the proper authorities of any British possession or of a foreign country for the issue and payment by means of the Department of money orders and postal notes between the Commonwealth and the United Kingdom

Arrangements for money orders and postal notes.

Qd. P. & T. Act
1891 s. 66.

OR

or such possession or country and for the accounting for and transmission of moneys required for that purpose.

(2) The Governor-General may also make arrangements for the issue and payment by means of the Department of money orders and postal notes within the Commonwealth and for the accounting for and transmission of moneys required for that purpose. 5

Amount and cost of money orders and postal notes.
Qd. ib. s. 67.

73. A money order shall not be granted for a larger sum than Twenty pounds, nor a postal note for a larger sum than Twenty shillings. The Postmaster-General may charge and receive in respect of money orders and postal notes issued under this Act the prescribed commission or poundage. 10

Currency of notes.
S.A. P. Notes Act
1886 s. 5.

74. After the expiration of six months from the last day of the month of issue, any postal note issued under the provisions of this Act shall be payable only at the General Post Office in the State in which it is made payable. 15

When amount of money order may be refunded.
Qd. P. & T. Act
1891 s. 68.

75. (1) The Postmaster-General may repay the amount of a money order to the person to whom it was granted or his executors or administrators whether the money order remains or is in his or their possession or not.

(2) Upon the repayment all liability if any of the Postmaster-General or of any postmaster or officer of the Department in respect of the money order or the issue or repayment of the amount thereof shall as against all persons whomsoever cease and determine. 20

To be deemed valuable security and public moneys.
Qd. ib. s. 69.
N.S.W. P. Act 1867
s. 75.

76. Every money order and postal note shall be deemed a valuable security within the meaning of any law relating to larceny, 25 and an unissued postal note shall be deemed public moneys.

No stamp duty on money orders or postal notes.

77. No stamp duty shall be charged upon any money order or postal note issued or paid under the provisions of this Act.

PART IV.—TELEGRAPHS.

Postmaster-General to have exclusive rights in respect of telegraphs.
W.A. P. & T. Act
1893 s. 65.

78. The Postmaster-General shall have the exclusive privilege 30 of erecting and maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Commonwealth and performing all the incidental services of receiving collecting or delivering such telegrams or communications except as provided by this Act or the regulations : 35

Provided that—

(a) the Government railway authorities of each State shall have authority to erect and maintain within the railway boundaries telegraph lines required for the working of the railways, and

(b) the 40

(b) the owners of any railway or tramway may maintain for the time and to the extent authorized by any State Act any telegraph lines which were erected before the commencement of this Act in pursuance of rights conferred by any State Act and which are required for the working of the railway or tramway.

5 But except by authority of the Postmaster-General no such telegraph line shall be used for the purpose of transmitting and delivering telegrams for the public. Where such authority is obtained the revenue
10 derived from such telegrams shall be divided between the Department and the railway authorities or owners in such proportions as may be mutually arranged.

15 Provided also that nothing in this section shall be taken to prevent any person from maintaining and using any telegraph line heretofore erected by him or from erecting maintaining and using any telegraph line—

(a) which is wholly within and upon land whereof he is the proprietor or occupier and solely for his own purposes if no part of such line is within twelve feet of any existing line of the Postmaster-General except for the purpose of connecting with or crossing such line; or

(b) which is used for telephonic communication and is wholly within a building whereof he is the occupier or proprietor, and solely for his own purposes.

25 **79.** The Postmaster-General may on such conditions as he deems fit authorize any person to erect and maintain telegraph lines within the Commonwealth, and to use the same for all purposes of and incidental to telegraphic communication.

Authority to persons to erect and maintain telegraph lines.

30 Provided that such conditions and authority shall not be requisite in the case of any person erecting or maintaining telegraph lines erected upon private land or within a private building.

80. (1) The Postmaster-General or any person authorized in that behalf by the Postmaster-General may enter into a contract with any other person for the construction and maintenance of any telegraph
35 line by such person for the Postmaster-General or for his own use.

Postmaster-General may contract for construction of telegraph lines.

Qd. P. & T. Act 1891 ss. 70, 71.

(2) Every telegraph line constructed or to be constructed within the Commonwealth shall be subject to the provisions of this Act and the regulations.

Telegraph lines to be subject to this Act.

40 **80A.** Where a private line has been constructed before or after the commencement of this Act by a person who is the owner of the land upon both sides of a road railway tramway public reserve Crown lands or creek nothing in this Act shall be deemed to prevent such person on payment of the prescribed fee from continuing or carrying such private line across any such road railway tramway public reserve
45 Crown lands or creek at a height of at least eighteen feet from the surface of such road railway tramway public reserve Crown lands or creek or otherwise as approved by the Postmaster-General.

Provisions as to crossing roads &c. by private lines.

81. Any

Lands may be entered and surveyed &c.
Qd. P. & T. Act 1891 s. 72.

81. Any person acting under the authority of the Postmaster-General may for the purpose of this Act enter upon any land and survey and take levels thereof and dig fell remove and carry away from the land any earth stone gravel sand or other soil or timber or trees required to be used in constructing or maintaining a telegraph line or the works connected therewith. 5

Works to be made on any land &c.
Qd. ib. s. 73.

82. (1) A person so authorized may cause to be set up or opened up or laid down and maintained a telegraph line or any works necessary for the purposes of this Act upon under or through any land or any shore of the sea road stream or water and may break excavate and remove any soil to the extent and depth required for placing or removing the works : 10

Provided that every wire or cord crossing a road or commonly used waggon track or water above the surface shall be at least twenty feet from the surface and that the free use of any land shore road or water shall not be obstructed more than is necessary for the purposes of this Act. 15

(2) Where subsequent to the erection upon any footpath road or highway of any telegraph line it becomes necessary to remove the same owing to any alteration of alignment or other action on the part of a municipal council or a local authority the cost of such removal shall be borne by the municipal council or local authority concerned. 20

Wires &c. may be affixed to buildings.
Qd. ib. s. 74.

83. A person so authorized may whenever it is necessary for continuing or completing a telegraph line cause a wire or cord to be supported by affixing or annexing the same to upon or against any part of a house building or other structure in a city town or village : 25

Provided that the wire or cord if aerial is eighteen feet at the least from the surface of the earth on which the house building or other structure is situate.

Trees obstructing telegraph lines may be cut or lopped.
S. A. P. O. Act 1891 s. 23.

84. Such trees or underwood as obstruct or in the opinion of the Postmaster-General or other officer duly authorized by him are likely to interfere with the proper working of any telegraph line if growing upon Crown lands or upon any road street or high-way may after notice to the local or other authority having the care and management thereof be cut down or lopped as may be deemed necessary by the said Postmaster-General or such officer after consultation with such authority, and if growing upon private lands within twenty feet of any such line then the proprietor or occupier of such private lands shall cut down or lop the same as and when required so to do by the said Postmaster-General or such officer, and upon default the said Postmaster-General or such officer may enter upon the said private lands and cause such trees and underwood to be cut or lopped as may be deemed necessary. 30 35 40

Free access to be permitted for the repair of telegraph line.
W. A. P. & T. Act 1893 s. 63.

85. (1) Where subsequently to the erection of a telegraph line whether erected before or after the commencement of this Act a fence is erected crossing the line of direction of such telegraph line the owner of such 45 such

such fence shall at his own cost on the demand of the Postmaster-General in writing cause a gate or slip-rails at least ten feet wide to be put up in such fence at the point of intersection with the telegraph line to admit the passage at all times of any vehicle used in the repair of
5 such telegraph line.

(2) Any person being employed in the repair of a telegraph line if such demand has not been complied with within fourteen days after such demand may remove cut down or otherwise break through such fence.

(3) Where previously to the erection of a telegraph line a fence
10 has been erected which is subsequently crossed by a telegraph line the person causing the erection of such telegraph line may if authorized by the Postmaster-General in writing cause a gate or slip-rails at least ten feet wide to be put up in the manner aforesaid at the expense of the Postmaster-General and shall give to the owner of such
15 fence seven days' notice in writing of his intention to do so.

(4) The owner within the meaning of this section shall include the person in occupation of the lands on which the fence is erected.

86. The Postmaster-General or any person authorized by him may after notice to the local or other authority having the care and
20 management thereof place and maintain any lines or pipes tunnels or tubes for purposes of telegraphic or pneumatic communication or despatch under any street or public road and may alter or remove the same and for such purposes may break up any street or public road and alter the position thereunder of any pipe (not being a sewer or drain
25 or a main) for the supply of water or gas or electricity.

87. (1) In the exercise of the powers conferred by this Act the Postmaster-General or the person so authorized as herein mentioned shall do as little damage as possible and the Postmaster-General shall make adequate compensation to all local authorities and persons
30 interested for any damages sustained by them by reason of the exercise of such powers.

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

88. If any person to whom before or after the commencement
35 of this Act the use of any line of telegraphic communication has been granted—

(a) refuses or neglects to pay when due and on demand the rent or charges prescribed by the regulations ; or

(b) commits in the opinion of the Postmaster-General a breach
40 of any of the said regulations or of any of the terms or conditions upon which the use of such line is granted permitted or continued

the Postmaster-General may without prejudice to the remedies for such refusal or neglect prescribed in the next following section resume possession
45 of the said line and prevent the further use thereof by such person and

Laying lines under streets.
Qd. P. & T. Act 1891 s. 76.

Provision as to compensation.
Qd. ib. s. 77.
W.A. P. & T. Act 1893 s. 64.

Postmaster-General may resume possession of private lines for default.
Vic. P. O. Act 1897 s. 13.

such person shall not be entitled to any compensation for loss arising through the exercise by the Postmaster-General of the powers conferred by this section.

Resumption of private lines after notice.

88A. (1) The Postmaster-General may after giving six months' notice resume any private telegraph or telephone line. 5

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

Recovery of rents and charges.
Vic. P. O. Act 1897
s. 14.

89. If any person refuses or neglects to pay on demand the rent or charges due from him under the regulations for the use of any line of telegraphic communication the Postmaster-General may recover the same with costs in any court of competent jurisdiction. 10

Certain lines &c. to belong to Postmaster-General.
Vic. ib. s. 19.

90. (1) All telegraph lines wholly or partly erected at the cost of the Department whether before or after the commencement of this Act on any lands vested in the railway authorities of the several States shall be maintained by the Postmaster-General and may at any time be repaired or removed by his order. 15

(1A.) All telegraph lines erected or maintained by the Postmaster-General, whether before or after the commencement of this Act, are hereby vested in the Postmaster-General.

Order of transmitting telegrams.
Qd. P. & T. Act 1891
s. 81.

91. (1) Telegrams shall as far as practicable be transmitted in the order in which they are received but urgent telegrams that is to say telegrams for which the prescribed increased rate is paid and telegrams relating to the arrest of criminals the discovery or prevention of crime the administration of justice and when so required telegrams on the public service shall be transmitted before other telegrams. 20

(2) Provided that regulations may be made prescribing the order of transmission of delayed telegrams that is to say telegrams upon which reduced rates are to be paid. 25

Penalty.

(3) Every officer wilfully offending against the provisions of this section shall be liable to a penalty not exceeding One hundred pounds or imprisonment not exceeding two years. 30

Blasphemous obscene and scandalous telegrams may be refused.

92. Any postmaster may refuse to receive or transmit a telegram containing blasphemous indecent obscene offensive or scandalous matter in its contents address or signature.

Qd. ib. s. 82.

PART V.—REGULATIONS.

35

Regulations.
Qd. ib. s. 83.

93. The Governor-General may make regulations for the following purposes or any of them :—

(a) Providing for the establishment and management of post offices and telegraph offices and the receipt despatch carriage and delivery of postal articles and telegrams and for the conduct and guidance of all postmasters and other officers and servants of the Department. 40

(b) Fixing the rates payable to masters of vessels for the carriage of mails in cases not provided for by contract.

(c) Prescribing

- (c) Prescribing the maximum weight and dimensions of postal articles.
- (d) Providing for—
- (1) transmission and delivery of parcels ;
 - 5 (2) the conditions under which parcels may be received transmitted delivered returned to the senders or otherwise disposed of ;
 - (3) the maximum weight rates or fees to be charged for the transmission delivery return insurance or registration of parcels ; and
 - 10 (4) the manner in which such rates or fees are to be paid and the arrangements as to the collection of any Customs duties or any other duties or fees which may lawfully be payable in respect of any parcel.
- 15 (e) Imposing fees to be paid upon postal articles registered under this Act or posted after the time appointed for closing the mails.
- (f) Providing for private boxes and private bags and prescribing the fees to be payable therefor.
- 20 (g) Prescribing the form of and the mode of issuing licences for the sale of stamps and the commission to be allowed thereon.
- (h) Prescribing the mode of defacing or obliterating stamps on postal articles.
- 25 (i) Prescribing the mode of dealing with postal articles supposed to contain dutiable articles.
- (j) Prescribing the mode of sale distribution or destruction of undelivered newspapers.
- 30 (k) Prescribing the persons by or through whom and the places where and the times when and the manner and form in which money orders shall be issued, and the persons in favour of whom and the places where and the time when and the manner and form in which money orders shall be paid and the length of time after which they shall become void, and the mode of forwarding messages or
- 35 advices of transmitting moneys and of managing credits accounts and other matters and things necessary to be forwarded transmitted or managed in reference to money orders whereby the public may be enabled promptly and safely to remit sums of money through the department.
- 40 (l) Prescribing the conditions relating to the issue payment and cancellation of postal notes.
- (m) Prescribing the fees rates and dues to be received for—
- (1) any conversation on any telegraph line or on any telephone exchange or private telephone line ;
 - 45 (2) rent or hire for the use of any such exchange or private telephone line ;
 - (3) and generally for the management working and maintenance of any or all such telegraph lines.
- (n) Prescribing

- (n) Prescribing the terms and conditions on which agreements may be made by the Postmaster-General or a Deputy Postmaster-General with any person for the construction and maintenance of a telegraph line for the exclusive use of such person or for granting the exclusive use of any existing telegraph line to any person and prescribing the scale and times and manner of payment in advance or otherwise of the rent and charges to be paid by such person as the consideration for the agreement. 5
- (o) Securing the telegraph lines and works of the Postmaster-General from interference or injurious affection by electric lines or works. 10
- (o1) Voting by post at elections under the law of the Commonwealth or that of a State but in the latter case only at the request of the Governor of the State and on such terms as the Governor-General prescribes. 15
- (o2) Providing for the payment by the receiver or by the Governor of any State instead of the sender of the rate payable on any postal article.
- (p) All other matters and things which may be necessary for carrying out this Act or for the efficient administration thereof. 20
- (q) For the purpose of providing for the payment of a rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be those recognised in the locality in which the work is carried out. 25
- (r) Prescribing penalties not exceeding Fifty pounds for the breach of any regulation.

Such regulations shall when published in the *Gazette* have the force of law from a date to be specified in such regulations but not less than fourteen days from such publication. 30

The production of the *Gazette* containing a regulation shall be sufficient evidence of the due making of the regulation and that it is still in force.

All such regulations and alterations thereof shall be laid before both Houses of the Parliament within fourteen days after the making thereof if the Parliament be then sitting or if not within fourteen days after the next meeting of the Parliament. 35

PART VI.—PENALTIES.

94. (1) No letter shall be sent or carried for hire or reward otherwise than by post. 40

Any person who for hire or reward—

- (a) sends or conveys or causes to be sent or conveyed any letter otherwise than by post; or
- (b) takes charge of a letter for such conveyance shall be liable for every offence to a penalty of not less than Five pounds nor more than Fifty pounds. 45
- (2) Every

Conveying of letter otherwise than by post.

W.A. P. & T. Act 1893 s. 73.

(2) Every letter sent or conveyed or caused to be sent or conveyed or taken charge of to be conveyed otherwise than by post shall be deemed to have been sent or conveyed or caused to be sent or conveyed or taken charge of for hire or reward unless the contrary is shown by
5 the defendant. Evidence.

(3) Nothing herein contained shall extend to any letter—

(a) Exceeding sixteen ounces in weight ;

(b) Exclusively concerning goods sent and to be delivered there-
with ;

Exceptions.

N.S.W. P. Act 1867
s. 54.

10 (c) Sent by any person concerning his private affairs by any special messenger ; or

(d) *Bona fide* sent or carried to or from the nearest post office.

95. Any person who—

(a) (1) Forges or counterfeits ; or

Forging or
fraudulently using
or possessing dies
or plates.

W.A. P. & T. Act
1893 s. 74.

15 (2) causes or procures to be forged or counterfeited
any die plate or other instrument or any part of any
die plate or other instrument which has been
provided made or used by or under the direction
20 of any competent person authority department
or Government in or of the Commonwealth or
the United Kingdom or any British possession
or any foreign country for the purpose of making
any postage stamp or expressing or denoting
any rate or duty of postage or any poundage ;
25 or any die plate or other instrument or any part of
any die plate or other instrument appearing on
the face thereof or purporting to have been
provided made or used by or under such direc-
tions as aforesaid for the purpose aforesaid.

30 (b) (1) Forges counterfeits or imitates ; or

(2) causes or procures to be forged counterfeited or imitated
the stamp mark or impression or any part of the
stamp mark or impression of any such die plate or
other instrument upon any paper or other substance
35 or material whatever.

(c) Knowingly and without lawful excuse (the burden of proof
whereof shall be on the person accused)—

(1) has in his possession ; or

(2) sells purchases disposes of or receives

40 any false forged or counterfeited die plate or other
instrument or part of any such die plate or other
instrument resembling or intended to resemble
either wholly or in part any die plate or other
instrument which has been so provided made or
45 used as aforesaid.

(d) (1) Stamps

- (d) (1) Stamps or marks ; or
 (2) causes or procures to be stamped or marked
 any paper or other substance or material whatsoever
 with any such false forged or counterfeited die
 plate or other instrument or part of any such 5
 die plate or instrument as aforesaid.
- (e) Knowingly and without lawful excuse (the burden of proof
 whereof shall be on the person accused)—
- (1) uses utters sells exposes to sale ; or
 (2) causes or procures to be used uttered sold or exposed to 10
 sale ; or
 (3) has in his possession
 any paper or other substance or material having
 thereon the impression or any part of the
 impression of any such false forged or counter- 15
 feited die plate or other instrument or part of
 any such die plate or other instrument as afore-
 said ; or
 any paper or other substance or material having
 thereon any false forged or counterfeit stamp or 20
 impression resembling or representing either
 wholly or in part or intended or liable to pass
 or be mistaken for the stamp mark or impression
 of any such die plate or other instrument which
 has been so provided made or used as afore- 25
 said.
- (f) With evil intent—
- (1) privately or fraudulently uses ; or
 (2) causes or procures to be privately or fraudulently used
 any die plate or other instrument so provided made 30
 or used as aforesaid.
- (g) With evil intent privately or fraudulently—
- (1) stamps or marks ; or
 (2) causes or procures to be stamped or marked
 any paper or other substance or material whatsoever 35
 with any such die plate or other instrument as
 last aforesaid.
- (h) Knowingly and without lawful excuse (the burden of proof
 whereof shall be on the person accused) has in his
 possession any paper or other substance or material so 40
 privately or fraudulently stamped or marked as
 aforesaid

shall be guilty of an indictable offence and shall be liable to imprison-
 ment with or without hard labour for a term not exceeding two years.

96. Any

96. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

(a) makes or causes or procures to be made; or

(b) aids or assists in making; or

5 (c) knowingly has in his custody or possession—

(1) Any mould frame or other instrument having thereon any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided or used for postage stamps or postal notes by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British colony or possession or any foreign country; or

10

(2) Any paper in the substance of which appear any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided by or under the direction aforesaid or used for postage stamps or postal notes or any part of such letters words figures marks lines or devices and intended to imitate the same; or

15

20

(d) causes or assists in causing any such words letters figures marks lines or devices intended to imitate those so provided or used as aforesaid to appear in the substance of any paper whatsoever,

25 shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

97. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

30

(a) sells purchases disposes of or receives; or

(b) knowingly has in his custody or possession,

any paper provided by or under the direction of any competent person authority department or Government in or of the Commonwealth or the United Kingdom or any British colony or possession or any foreign country for the purposes of being used for postage stamps or postal notes before the same has been lawfully issued for public use shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

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98. Any person who without lawful authority or excuse (the burden of proof whereof shall be on the person charged)—

(a) makes any envelope wrapper card form or paper in imitation of one issued by or under the authority of the Postmaster-General of the Commonwealth or of any other part of His

Unlawful possession of moulds for making postage-stamp or postal-note paper.

W.A. P. & T. Act 1893 s. 76.

Illegal possession of postage-stamp or postal-note paper.

W.A. ib. s. 77.

Illegally sending postal envelopes.

Qd. P. & T. Act 1891 s. 93.

His

His Majesty's dominions or of any foreign postal authority or having thereon any words letters or marks which signify or imply or may reasonably lead the recipient to believe that a postal article bearing the same is sent on postal or telegraph service; or

- (b) makes on any envelope wrapper card form or paper for the purpose of being issued or sent by post or otherwise or otherwise issued any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the Postmaster-General of the Commonwealth or of any other part of His Majesty's dominions or under any foreign postal authority or any words letters or marks which signify or imply or may reasonably lead the recipient thereof to believe that a postal article bearing the same is sent on postal or telegraph service; or
- (c) issues or sends by post or otherwise any envelope wrapper card form or paper so marked,

shall be liable to a penalty not exceeding Fifty pounds.

99. (1) Any person who with a fraudulent intent—

- (a) removes from a postal article sent by post or from a telegram any stamp affixed thereon; or
- (b) removes from any stamp previously used any mark made thereon at a post office; or
- (c) knowingly puts off or uses for postal or telegraphic purposes any obliterated or defaced postage stamp

shall be liable to a penalty not less than One pound nor exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding twelve months.

(2) Upon the trial of any person for the offence of using an obliterated or defaced postage stamp proof that the person charged is the writer of the address of the postal article on which the stamp is affixed shall be *prima facie* evidence that he is the person who affixed the stamp.

100. If any person knowingly and fraudulently puts or causes or procures to be put into any post office anything falsely purporting to be a postal article within any of the exemptions hereinbefore in this Act mentioned or any postal article falsely purporting to belong to a class in which a lower rate or no postage is chargeable he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

101. If any person knowingly and fraudulently puts or causes or procures to be put into any post office any packet or parcel in or upon which or the cover whereof there is any letter communication or intelligence not allowed by law or wilfully subscribes on the outside of any packet or parcel a false statement of the contents thereof he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

102. If

Fraudulently
removing stamps.
Qd. P. & T. Act
1891 s. 94.
Vic. P. O. Act 1897
s. 18.

Evidence.

Penalty for falsely
sending letters &c.
as exempted.
Vic. P. O. Act 1890
s. 115.

Penalty for falsely
sending packets.
Vic. P. O. Act 1890
s. 116.

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102. If any person knowingly and fraudulently puts or causes or procures to be put into any post office any newspaper in or upon which or the cover whereof there is any communication character figure letter or number (other than a mark to indicate any report
5 article or paragraph therein the printed title of such newspaper the printed names occupations and places of business of the printer publisher and vendor thereof the name occupation and address of the person to whom it is sent the name of the person who sends it and the words "newspaper only"), or in or with which anything but a supplement is enclosed or which anything accompanies or if any person
10 wilfully places the words aforesaid on any newspaper or thing purporting to be a newspaper or on the cover thereof respectively knowing the same to be untrue, he shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.
103. Any person who knowingly sends or attempts to send by post any postal article which—
- (a) encloses an explosive or a dangerous filthy noxious or deleterious substance or a sharp instrument not properly protected or a living noxious creature or any other thing
20 likely to injure other postal articles in course of conveyance or to injure an officer of the department or other person; or
- (b) encloses an indecent or obscene print painting photograph lithograph engraving book card or article; or
- (c) has thereon or therein or on the envelope or cover thereof
25 any words marks or designs of an indecent obscene blasphemous libellous or grossly offensive character,
- shall be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for a term not exceeding
30 two years.
104. Any postmaster or other officer employed in the Department or any master of a vessel or other person employed or authorized by or under any postmaster to receive sort carry or deliver any mail or any postal article sent by post or otherwise who shall offend
35 against or wilfully neglect or omit to comply with any of the regulations to be made as in this Act mentioned or with any of the provisions of this Act (for breach or neglect of which no other punishment is hereby provided) shall be liable to a penalty not exceeding Twenty-five pounds.
105. Any person employed by or under the Department or in the conveyance of mails who negligently loses or who wilfully detains or delays or procures or suffers to be detained or delayed any mail or any postal article, shall be liable to a penalty not exceeding Twenty-five pounds.

Penalty for falsely sending newspapers.
Vic. P. O. Act 1890 s. 117.

Sending explosives or noxious substance or indecent articles &c.
Qd. P. & T. Act 1891 s. 98.

Penalty on postmasters and others for breach of duty.
N.S.W. P. Act 1867 s. 64.

Penalty for losing or not delivering letters &c.
N.S.W. ib. s. 65.

Penalty on
mail-coach driver
or guards loitering.
Qd. P. & T. Act 1891
s. 101.

106. Any driver of a vehicle used for the conveyance of mails and any guard or other person in charge of a mail, whether conveyed by a vehicle or on horseback or on foot who—

- (a) loiters on the road ; or
- (b) wilfully mis-spends or loses time ; or 5
- (c) is under the influence of intoxicating liquor ; or
- (d) does not in all possible cases convey the mail at the speed fixed by the Postmaster-General for the conveyance thereof unless prevented by the weather or the bad state of the roads or an accident the proof whereof shall be on 10
the person charged,

shall be liable to a penalty not exceeding Ten pounds.

Retaining or
secreting letters,
&c.

Qd. P. & T. Act
1891 s. 102.

107. Any person who wilfully retains secretes keeps or detains any mail or postal article

- (a) found by the person secreting keeping or detaining the same ; or 15
- (b) wrongfully delivered to the person keeping or detaining the same, shall be guilty of a misdemeanour and on conviction thereof shall be liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two 20
years.

Penalty for
improperly
obtaining letters
&c.

Vic. P. O. Act 1890
s. 124.

108. If any person by means of any false pretence or misstatement induces any postmaster or any officer or servant of the Department to deliver to such person any postal article sent by post and not addressed to such person he shall be guilty of a misdemeanour and on conviction thereof shall be liable to a penalty not exceeding One 25
hundred pounds or to imprisonment for any term not exceeding two years.

Delivering to wrong
person.

W.A. P. & T. Act
1893 s. 93.

109. Any person charged with the delivery of a postal article or telegram who wilfully delivers the same to any person other than the person to whom the same is addressed or his authorized agent in that 30
behalf shall be liable to a penalty not exceeding Fifty pounds or to be imprisoned with or without hard labour for any term not exceeding six months.

Stealing letters &c.

Qd. P. & T. Act
1891 s. 105.

110. Any person who—

- (a) fraudulently takes from the possession of a postmaster or 35
other officer or servant of the Department or other person having the custody thereof for the Postmaster-General or from any post office or place appointed for the receipt or delivery of postal articles or telegrams ; or
- (b) steals or for any purpose embezzles fraudulently takes 40
secretes or destroys

a mail or postal article sent by post or a telegram or any part thereof respectively and any person who fraudulently receives any such mail postal article or telegram or any part thereof respectively which has been

been so fraudulently taken stolen embezzled or secreted, shall be guilty of an indictable offence, and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

5 **111.** Any postmaster master of a vessel or driver of a vehicle used for conveyance of mails or any guard or any other person in charge of a mail however conveyed who contrary to his duty opens or tampers with or suffers to be opened or tampered with any mail postal article or telegram shall be guilty of an indictable offence and liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two years.

Penalty for opening or tampering with mails.
S.A. P. O. Act 1876 s. 82.
W.A. P. & T. Act 1893 s. 90.

15 **112.** Any person not being a postmaster or not being duly authorized who with fraudulent intent opens or endeavours to open any mail postal article or telegram addressed to any other person shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds or imprisonment with or without hard labour for any term not exceeding two years.

Penalty on unauthorized persons opening mails.
S.A. ib. s. 83.

20 **113.** Any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person charged)—

Exhibiting sign &c. as post office or Royal mail.
Qd. P. & T. Act 1891 s. 107.

25 (a) places or maintains or permits or causes to be placed or maintained or to remain in on or near any house wall door window box post pillar or other place belonging to him or under his control the words "post office" or any other word or mark which may imply or give reasonable cause to believe that the same is a post office or a place for the receipt of postal articles or that any box is a post letter-box ; or

30 (b) places or permits or causes to be placed or suffers to remain on any vehicle or vessel the words "Royal Mail," or any word or mark which may imply or give reasonable cause to believe that the vehicle or vessel is used for the conveyance of mails,

shall be liable to a penalty not exceeding Twenty-five pounds.

35 **114.** Any person who wilfully obstructs or retards the conveyance or delivery of a mail shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Obstructing conveyance or delivery of mail.
Qd. P. & T. Act 1891 s. 109.

115. (1) Any person who—

40 (a) wilfully obstructs or incites any one to obstruct an officer of the department in the execution of his duty ; or

(b) whilst in a post office or telegraph office or within any premises belonging to a post office or telegraph office or used

Obstructing officer in the execution of his duty &c.
Qd. ib. s. 110.

used therewith behaves in a disorderly manner or wilfully obstructs the course of business of the post office or telegraph office or of the department,
shall be liable to a penalty not exceeding Ten pounds.

(2) Any officer of a post office or telegraph office may require any person committing an offence under this section to leave the post office or telegraph office or such premises as aforesaid and if such person refuses or fails to comply with the request he shall be liable to a further penalty not exceeding Five pounds and may be removed by the officer; and all police officers are required on demand to remove or assist in removing such person.

Injuring or
destroying letter
boxes &c.
Qd. ib. s. 11.

116. Any person who wilfully tampers with injures or destroys any letter-box or newspaper-box or receptacle for the reception of postal articles or any card or notice the property of the Postmaster-General or obliterates any of the letters or figures thereon shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Penalty for placing
offensive substances
&c. in post office.
Vic. P.O. Act 1897
s. 16.

117. If any person encloses or procures or causes to be enclosed in or with any postal article or puts or attempts to put or causes or procures to be put into any post office or any letter-box newspaper-box or receptacle for the reception of postal articles any fire any match any light or any filthy offensive or noxious material or matter or commits a nuisance in or against any post office or any letter-box newspaper-box or receptacle for the reception of postal articles he shall be liable on conviction to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Selling stamps
without a licence
or pretending to be
licensed.
Qd. P. & T. Act 1891
s. 113.

118. Any person who without the license of the Postmaster-General (the proof of which license shall be on the person charged)—
(a) deals in offers or exposes for sale any postage stamp; or
(b) places or permits or causes to be placed or suffers to remain on or near to his house or premises the words "licensed to sell postage stamps" or any word or mark which may imply or give reasonable cause to believe that he is duly licensed to sell postage stamps,
shall be liable to a penalty not exceeding Five pounds.

Unlawfully issuing
money orders or
postal notes.
Qd. P. & T. Act 1891
s. 114.

119. Any person who unlawfully issues a money order or postal note with a fraudulent intent shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding seven years.

Forging or uttering
telegrams.
Qd. ib. s. 115

120. Any person who—
(a) forges a telegram or utters a telegram knowing the same to be forged; or
(b) transmits

(b) transmits by telegraph as a telegram any message or communication purporting to be a telegram which he knows to be forged,

shall whether he had or had not an intent to defraud be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

121. Any person who—

- 10 (a) knowingly sends delivers or causes to be sent or delivered to any officer or servant of the Department for the purpose of being transmitted as a telegram, a message or writing which purports to be signed or sent by any other person without such person's authority ; or
- 15 (b) wrongfully signs a telegram with the name of another person without such person's authority or with the name of some fictitious person ; or
- (c) wilfully and without the authority of the sender alters a telegram ; or
- 20 (d) writes issues or delivers a document which purports to be a telegram received through a telegraph office and which was not so received,

shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds, or to imprisonment with or without hard labour for any term not exceeding two years.

Sending false telegrams.
W.A. P. & T. Act 1893 s. 105.

25 122. Any person who with fraudulent intent sends any letter telegram or other communication or message concerning any money order or any money due or receivable from or by any person in respect of a money order shall be guilty of an indictable offence and be liable to imprisonment with or without hard labour for any term not exceeding three years.

Sending fraudulent messages.
Qd. P. & T. Act 1891 s. 117.

30 123. Any person employed in a telegraph office who divulges the contents or substance of a telegram otherwise than by delivering the telegram or giving a copy of it to the person to whom he is authorized to deliver such telegram or give such copy shall be guilty of a misdemeanour and on conviction thereof shall be liable for every such offence to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding two years.

Penalty for violation of secrecy.
Qd. ib. s. 118.

40 124. (1) Except as provided in section seventy-eight any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person charged) sets up maintains or uses in or on any Crown lands or in or on any public road street or highway any telegraph line or wilfully uses any telegraph line set up before or after the commencement of this Act and neglects to comply with any notice from the Postmaster-General or a Deputy Postmaster-General to pay such charges (if any) in respect of the line as may from

Erection or maintenance of telegraph lines without authority.
Qd. P. & T. Act 1891 s. 119.

from time to time be fixed by the Governor-General, shall be liable to a penalty not exceeding Five pounds for every day during which any such line is or continues to be so set up maintained or used contrary to the provisions of this Act.

(2) The Postmaster-General may authorize any person to take absolute possession of cut down or destroy the whole or any part of any such line. 5

Making charges for use of telegraph line without authority.
Qd. ib. s. 120.

125. Any person who having entered into an agreement with the Postmaster-General for the use by such person of a telegraph line without the authority of the Postmaster-General demands or makes any charge or receives any payment or valuable consideration from any other person for the use of the same shall be liable for each offence to a penalty not less than Two pounds and not exceeding Fifty pounds. 10

Injuries to telegraphs.
Qd. ib. s. 121.
N.S.W. Tel. Act.
1857 ss. 10, 11.

126. Any person who unlawfully or maliciously—
(a) cuts breaks throws down injures or removes any battery machinery wire cable insulator post or other matter or thing whatsoever being part of any apparatus used or employed in or about any telegraph or in the working thereof ; or
(b) prevents or obstructs in any manner whatsoever the sending conveyance or delivery of any communication by telegraph ; or
(c) interrupts or impedes the use of any line or the transmission of any message, 15 20

shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding three years. Provided that if it appears to a Justice of the Peace, on the examination of a person charged with an offence against this section, that it is not expedient to the ends of justice that it should be prosecuted as an indictable offence, the case may be heard and determined in a summary way, and the offender shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding three months. 25 30

Attempt to injure telegraphs.
Qd. P. & T. Act
1891 s. 122.

127. Any person who attempts to commit any of the offences in the last preceding section mentioned shall be liable to a penalty not exceeding Ten pounds or imprisonment for any term not exceeding two months. 35

Arrest of offenders.
Qd. ib. s. 123.

128. Any person offending against the provisions of either of the two last preceding sections may with or without warrant be apprehended by any other person and delivered to a police officer or conveyed before a justice to be dealt with according to law. 40

Negligently injuring telegraph post or wire.
Qd. P. & T. Act
1891 s. 121.

129. Any person who negligently breaks or injures any post cables wire insulator or material belonging to or used in connexion with any telegraph shall be liable to a penalty not exceeding Five pounds and may be ordered to pay the damage done.

130. Any

130. Any person who with fraudulent intent personates or represents himself as an officer of the Department shall be guilty of an indictable offence and be liable to a penalty not exceeding One hundred pounds or to imprisonment with or without hard labour for any term not exceeding two years.
- No person to impersonate a postal officer.
131. If any postmaster or other officer of the post office re-issues a postal note originally issued under the authority of this Act which has been paid previous to such re-issue he shall be guilty of an indictable offence and shall be liable to be imprisoned with or without hard labour for any term not exceeding five years.
- Penalty on officer re-issuing postal notes.
Vic. P. O. Act 1890 s. 129.
132. Every person who aids abets counsels or procures the commission of any offence against this Act shall be liable to the same punishment as if he actually committed the offence.
- Aiders and abettors.
Tas. P. O. Act 1881 s. 96.
133. (1) Any person duly authorized in that behalf by the Postmaster-General or a Deputy Postmaster-General may enter into any post office or telegraph office and take possession of all property moneys money orders letters goods chattels or effects therein belonging to or appertaining to the Department and may for such purpose remain a reasonable time in the post office or telegraph office or in or upon the premises where the post office or telegraph office is situated.
- Post offices may be entered and possession taken of letters &c. on behalf of Department.
Qd. P. & T. Act 1891 s. 125.
- (2) Any person who wilfully obstructs hinders or delays any person so entering taking possession or remaining as aforesaid shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding six months.
- Penalty.
134. Any person who resists any person acting in execution of this Act shall be liable to a penalty not exceeding Twenty-five pounds or to be imprisoned for any term not exceeding six months.
- Resisting officer.
Qd. ib. s. 126.
135. If any person not duly authorized in that behalf (the proof of which authority shall be on such person) places any placard or other document writing or painting on or otherwise defaces any post office or telegraph office pillar or receiving box or telegraph pole he shall be liable to a penalty not exceeding Five pounds.
- Penalty for posting placards on post office pillars &c.
Vic. P. O. Act 1890 s. 133.
- PART VII.—PROTECTION OF TELEGRAPH LINES FROM INJURIOUS AFFECTION BY ELECTRIC LINES OR WORKS.**
136. An electric authority shall not except subject to the conditions hereinafter contained construct any electric line or do any other work for the generation use or supply of electricity whereby any telegraph line of the Postmaster-General is or may be injuriously affected.
- Electric authority not to injuriously affect telegraph lines.
137. Any telegraph line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is in any manner affected by the work or by any use made of the work.
- Definition of injurious affection.
137A. In

Limit of
responsibility in
case of injurious
affection of lines.

137A. In the case of an electric tramway or electric lighting system the electric authority using such tramway or lighting system shall not be held responsible for its lines or works affecting the lines of the Postmaster-General on which an earthed return is used if such electric authority has adopted all known and reasonable precautions to avoid such injurious affection and has complied with the regulations.

5.

Provision when any
work done by
electric authority.
Qd. El. L. & P. Act
1896 s. 29.

138. (1) Before any electric line is constructed or work is done by any electric authority within ten yards of any telegraph line of the Postmaster-General (other than repairs or the laying of consumers' connexions with mains where the direction of the electric line crosses a telegraph line of the Postmaster-General at right angles at the point of shortest distance and continues in the same direction for a distance of six feet on each side of such point, and where the connecting wires so crossing are not within three feet of any telegraph wire) the electric authority or its agents shall not less than seven nor more than twenty-eight clear days before commencing the work give written notice to the Deputy Postmaster-General of the State in which such line is to be constructed or work is to be done specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be constructed and used and the amount and nature of the currents intended to be transmitted thereby and the manner in which such work shall be carried out continued and used and the electric authority and its agents shall comply with such reasonable requirements either general or special as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraph lines of the Postmaster-General from being injuriously affected by any such work.

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Penalty.

(3) In the event of any contravention of or wilful non-compliance with this section by the electric authority or its agents the electric authority shall be liable to a penalty not exceeding Ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues.

30

(4) Nothing in this section shall subject the electric authority or its agents to a penalty under this section if the court having cognisance of the case is satisfied that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the work was done stating the reason for executing the same without previous notice.

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Provision when
work to be done
involves alteration
telegraph line.
.ib. s. 30.

139. (1) When any work proposed to be done by an electric authority involves or is likely to involve an alteration either temporarily or permanently in any telegraph line of the Postmaster-General and

and

and provision is not otherwise made by enactment agreement or otherwise with respect to such alteration or with respect to giving notice to the Postmaster-General thereof or to the expenses thereof or incidental thereto, the following provisions shall apply :—

- 5 (a) The electric authority or its agents shall give to the Deputy
Postmaster-General of the State in which such work is
to be done not less than seven nor more than fourteen
10 days' previous notice of the time and place at which the
work will be begun and of the nature of the alteration
required.
- 15 (b) Before the expiration of seven days after the notice is given
the Deputy Postmaster-General may give the electric
authority or its agents a counter-notice either stating his
intention himself to make or requiring the electric autho-
rity to make under his supervision and to the satisfaction
of himself or his agents such alteration in the telegraph
line as he deems necessary or expedient to be made in
consequence of the proposed work.
- 20 (c) If the Deputy Postmaster-General by his counter-notice
states that it is his intention himself to make such altera-
tion he may make the same himself or by his agents and
the electric authority or its agents shall pay to the Post-
master-General all reasonable expenses incurred by him
of and incidental thereto and the amount of any loss or
25 damage sustained by him in consequence thereof.
- 30 (d) If the Deputy Postmaster-General by his counter-notice
requires the electric authority or its agents to make such
alteration the electric authority or its agents shall at the
expense of the electric authority make the same under
the supervision and to the entire satisfaction of the Post-
master-General or his agents and the electric authority
shall pay to the Postmaster-General all reasonable expenses
incurred by him of and incidental to such supervision
and also the amount of any loss or damage sustained by
35 him in consequence of the alteration.
- 40 (e) If the Deputy Postmaster-General fails to give a counter
notice or if having undertaken himself to make the altera-
tion he or his agents fail to make the alteration within a
reasonable time the electric authority or its agents may
make the alteration; but such alteration shall be made
to the entire satisfaction of the Postmaster-General or
his agents :
- 45 (f) If the electric authority or its agents fail to serve on the Deputy Postmaster-General the notice required by this section with respect to any work or begins to do the work specified in the notice before the expiration of seven days
after

Penalty

after the notice is given the electric authority or its agents shall be liable to pay a penalty not exceeding Ten pounds for every day during which the work is continued without the sanction in writing of the Deputy Postmaster-General and the Deputy Postmaster-General may at the expense of the electric authority remove such work :

(g) If the electric authority or its agents fail to comply with the reasonable requirements of the Postmaster-General or his agents under this section they shall be liable to a penalty not exceeding Ten pounds for every day during which such failure continues or if the telegraphic communication is interrupted or injuriously affected not exceeding Fifty pounds for every day on which such interruption or injurious affection continues.

(2) Nothing in this section shall subject the electric authority or its agents to a penalty for omitting to comply with any requirements of the Postmaster-General or his agents or for executing without previous notice any work if the court having cognisance of the case is satisfied that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that notice of the execution of the work was forthwith served on the officer in charge of the telegraph office nearest to the place where the work was done stating the reason for executing the same without previous notice.

(3) Nothing in this section shall compel the Postmaster-General to alter the position of any telegraph line if the circumstances of the case render such alteration objectionable.

Penalty for injury to telegraph line and for interruption of telegraphic communication.

Qd. El. L. & P. Act 1896 s. 31.

140. (1) If a telegraph line of the Postmaster-General is destroyed injured or injuriously affected by an electric authority or its agents such electric authority shall not only be liable to pay to the Postmaster-General such expenses if any as he may incur in making good the destruction injury or injurious affection but shall also if the telegraphic communication is carelessly or wilfully interrupted or injuriously affected be liable to a penalty not exceeding Twenty pounds for every day during which the interruption or injurious affection continues.

(2) If the electric authority liable to pay such daily penalty to the Postmaster-General is not authorized to execute such works as may be required for remedying the interruption or injurious affection, the interruption or injurious affection shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognisance of the case would have been sufficient to enable the Postmaster-General to remedy the interruption or injurious affection.

(3) The Postmaster-General may instead of taking proceedings for the recovery of such daily penalty proceed for the recovery of a penalty not exceeding Fifty pounds.

141. If

141. If an electric authority or its agents obstructs the Postmaster-General or his agents in constructing maintaining altering examining repairing or removing a telegraph line, or in supervising or directing any alteration in a telegraph line made by an electric authority or its agents in pursuance of this Act such electric authority and its agents respectively shall for every act of obstruction be liable to a penalty not exceeding Ten pounds, and if the obstruction continues to a penalty not exceeding Ten pounds for every day during which it continues.
142. (1) When any electric lines or works are used for the generation use or supply of electricity in such a manner as to injuriously affect any telegraph line of the Postmaster-General the Postmaster-General may by notice to be served upon the person owning or using or entitled to use such electric lines or works require that such supply be continued only in accordance with such conditions and restrictions for the protection of the telegraph lines of the Postmaster-General and the telegraphic communication through the same as he may by or in pursuance of such notice prescribe.
- (2) In default of compliance with such conditions and restrictions the Postmaster-General or Deputy Postmaster-General may require that the supply of electricity through such electric lines or works shall be forthwith discontinued until such default ceases.
- (3) Where such electric lines or works have been lawfully constructed prior to the erection of the telegraph line of the Postmaster-General injuriously affected thereby, the Postmaster-General shall pay to the person owning or using or entitled to use such electric lines or works the amount of any costs reasonably incurred or damages sustained by him by reason of compliance with such conditions and restrictions.
143. (1) Any electric authority constructing or using any electric line or works or generating using or supplying electricity contrary to the provisions of this Act or the regulations shall be liable to a penalty not exceeding Fifty pounds and a further penalty of Five pounds for each day such offence is continued after any conviction.
- (2) The electric authority so offending shall also be liable to pay in addition to any penalty all costs and expenses which may be incurred in taking proceedings against such electric authority and any costs or expenses that may be lawfully incurred in remedying the default of such electric authority.
144. Any action taken by the Postmaster-General or his agents for the protection of any telegraph line whether at the request of or by arrangement with any electric authority or otherwise shall not relieve such electric authority of any liability under this Act or the regulations or under any Act providing for the safety of persons or property.
145. (1) A notice under this Act or the regulations or any order may be in writing.
- (2) A notice appointment direction or document given issued or made for the purposes of this Act by the Postmaster-General or a Deputy Postmaster-General shall be sufficiently authenticated if it purports

Penalty for obstruction of Postmaster-General.
Qd. El. L. & P. Act 1896 s. 32.

Restrictions when telegraph lines injuriously affected.
Qd. ib. s. 34.

Penalty for unlawfully constructing or using works.
Qd. ib. s. 50.

No action of Postmaster-General to relieve electric authority.

Provisions as to notices.
Qd. ib. s. 60.

purports to be signed by the Postmaster-General or Deputy Postmaster-General or by any duly authorized officer and when so authenticated shall be deemed to be given issued or made by the Postmaster-General or Deputy Postmaster-General.

(3) When a notice is given by an electric authority the notice shall be sufficiently authenticated if it purports to be signed by the chairman secretary or other principal officer of the electric authority. 5

(4) A notice required to be given under this Act to the Postmaster-General or a Deputy Postmaster-General may be given by leaving it at or by forwarding it by post to the Department in a registered letter addressed to the Postmaster-General or Deputy Postmaster-General as the case may be or by delivering it or forwarding it by post in a registered letter addressed to the officer in charge of the telegraph office nearest to the place in which the work telegraph line or other matter referred to in the notice is situate or by forwarding it by post in a registered letter addressed to him at his office or usual place of residence. 10 15

(5) A notice required to be given under this Act to an electric authority may be given by leaving it at or by forwarding it by post in a registered letter to its office or if there is more than one office to the principal office of the electric authority in a registered letter addressed to the electric authority or to its chairman secretary or other principal officer. 20

PART VIII.—LEGAL PROCEEDINGS.

146. Offences against this Act or the regulations not declared to be indictable offences are punishable upon summary conviction by a police, stipendiary, or special magistrate. 25

147. (1) In any information or complaint for an offence committed or attempted to be committed with respect to the Department or the revenue of the Department or in upon or with respect to any mail or postal article sent or being carried by post or any property moneys money orders postal notes goods chattels or effects under the management or control of the Postmaster-General or with respect to any act matter or thing which has been done or committed with any malicious injurious or fraudulent intent and in anywise relating to or concerning the Department or the revenue thereof or any such property moneys money orders goods chattels or effects as aforesaid under the management or control of the Postmaster-General it shall be sufficient to lay any such property in and to state or allege the same to belong to and to state or allege any such act matter or thing to have been done or committed with the intent to injure or defraud the Postmaster-General without mentioning his name. 30 35 40

(2) In all informations or complaints relating to or in anywise concerning the Department it shall be sufficient to name and describe the Postmaster-General as "the Postmaster-General" without any further or other name addition or description whatsoever. 45

148. The

Proceedings for penalties.

Form of information
—Property to be
laid in the
Postmaster-
General.

Qd. El. L. & P. Act
1896 s. 128.

148. The Postmaster-General or a Deputy Postmaster-General may depute any postal or telegraph officer to appear on his behalf either as prosecutor or defendant, and his authority in writing to that effect shall be good and sufficient in law.

Postmaster-General or Deputy Postmaster-General may depute another officer to appear on his behalf.

5 148A. Any difference which arises between the Postmaster-General and an electric authority or its agents with respect to any requirements of the Postmaster-General, or as to the cost of any alterations of telegraph lines, shall be determined by arbitration.

Differences to be settled by arbitration.

10 149. Whenever any matter under this Act is to be settled by arbitration it shall be referred to arbitration in accordance with the law of the State in which the dispute arises.

Arbitration in accordance with State law.

15 150. Where any person admits to the Postmaster-General that he has committed a breach of this Act other than an indictable offence the Postmaster-General may with the consent in writing of such person determine the matter and may order such person to pay such pecuniary penalty as he may think proper and upon payment of such penalty such person shall not be liable to be further proceeded against in respect of the same matter.

Postmaster-General may settle cases.

PART IX.—NOTICE AND LIMITATION OF ACTIONS.

20 151. (1) Any action against the Postmaster-General or any officer or servant of the Department for anything done or omitted to be done in pursuance of this Act or the regulations shall be commenced within six months after the act committed or omitted and not afterwards. And the action shall not be commenced until one month after notice
25 thereof and of the cause thereof has been delivered to the defendant or left for him at his usual place of abode or business by the party intending to commence the action, and upon the back of the notice shall be indorsed the name and place of abode or business of the plaintiff and his solicitor or agent if the notice is served by a solicitor or agent.

Notice and limitation of action. Qd. P. & T. Act 1891 s. 129.

30 (2) Contractors and their mailmen shall not be considered as officers or servants of the Department under this section.

Contractors and mailmen excepted

35 152. An action or other proceeding shall not be maintainable against the King or the Postmaster-General or any officer of the Department by reason of any default delay error omission or loss whether negligent or otherwise in the transmission or delivery or otherwise in relation to—

Protection from actions. Qd. ib. s. 130.

(a) a postal article posted or received or omitted to be posted or received under this Act ; or

40 (b) a telegram sent or received or omitted to be sent or received under this Act.

153. An action or other proceeding shall not be maintainable against the King or the Postmaster-General or any officer of the Department

In case of money orders or postal notes. Qd. ib. s. 131.

Department by reason of the payment of the amount of a money order or postal note being refused or delayed or on account of any accidental neglect omission or mistake or for any other cause, and no action or other proceeding shall be maintainable in respect of a money order or postal note after payment thereof by whomsoever presented if it was paid without fraud or wilful misbehaviour on the part of the person sought to be made liable. 5

SCHEDULES.

FIRST SCHEDULE.

Section

Date.	State.	Title.
31 Vic. No. 4 ...	New South Wales	<i>Postage Act 1867.</i>
37 Vic. No. 1 ...	New South Wales	<i>An Act to abolish the imposition of postage rates on newspapers.</i>
56 Vic. No. 31 ...	New South Wales	<i>Postage Acts Amendment Act 1893.</i>
20 Vic. No. 41 ...	New South Wales	<i>An Act to establish and regulate Electric Telegraphs.</i>
54 Vic. No. 1128 ...	Victoria ...	<i>Post Office Act 1890.</i>
61 Vic. No. 1537 ...	Victoria ...	<i>Post Office Act 1897.</i>
55 Vic. No. 15 ...	Queensland ...	<i>The Post and Telegraph Act 1891.</i>
1857 No. 6 ...	South Australia...	<i>An Act to regulate the construction and management of Electric Telegraphs.</i>
39 & 40 Vic. No. 49	South Australia...	<i>The Post Office Act 1876.</i>
44 & 45 Vic. No. 207	South Australia...	<i>The Telephone Act 1881.</i>
49 & 50 Vic. No. 370	South Australia...	<i>The Postal Notes Act 1886.</i>
49 & 50 Vic. No. 374	South Australia...	<i>The Parcels Post Act 1886.</i>
54 & 55 Vic. No. 535	South Australia...	<i>Post Office Act 1891.</i>
57 Vic. No. 5 ...	Western Australia	<i>The Post and Telegraph Act 1893.</i>
20 Vic. No. 22 ...	Tasmania ...	<i>The Electric Telegraph Act 1857.</i>
45 Vic. No. 13 ...	Tasmania ...	<i>The Post Office Act 1881.</i>
46 Vic. No. 5 ...	Tasmania ...	<i>The Telephone Act 1882.</i>
49 Vic. No. 30 ...	Tasmania ...	<i>The Post Office Act Amendment Act 1885.</i>
52 Vic. No. 42 ...	Tasmania ...	<i>The Post Office Amendment Act 1888.</i>
55 Vic. No. 19 ...	Tasmania ...	<i>The Post Office Act Amendment Act 1891.</i>
59 Vic. No. 18 ...	Tasmania ...	<i>The Post Office Amendment Act 1895.</i>

Section

SECOND SCHEDULE.

FORM A.

I, A.B., do solemnly and sincerely declare that I will not willingly or knowingly open detain return or delay or cause or suffer to be opened detained returned or delayed any postal article which shall come into my hands power or custody by reason of my employment relating to the Department except by the consent of the person or persons to whom such postal article shall be directed, or by an express warrant in writing for that purpose under the hand of the Postmaster-General or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Act law or duly authorized regulation of the Department passed and made for or in relation to the postage and conveyance of postal

postal articles. And I further declare that I will be true and faithful in the execution of the telegraph duties intrusted to me, and that I will hold strictly secret all telegraphic or other communications that may pass through my hands in the performance of my duties. I also further declare that I will not give any information directly or indirectly respecting any telegrams or despatches transmitted or intended to be transmitted by telegraph except to the persons to whom such telegrams or despatches may be addressed or to their recognised agents.

FORM B.

Section 47.

I, A.B., do solemnly declare that I will not intentionally read the contents or any part of the contents of any letter or packet which I may open in the discharge of my duty except so far as it may be necessary so to do for the purpose of ascertaining the name and address of the writer or sender of the same; and that I will not divulge to any person whomsoever except to the Postmaster-General upon demand by him any of the contents of any such letter or packet which may have come to my knowledge in the course of opening and examining the same for the purpose aforesaid.

FORM C.

Section 66.

I, A.B., the master or person in charge of [state the name of the ship or vessel] arrived from [state the place] do as required by law solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the person duly authorised to receive delivery thereof every mail and postal article that were on board the [state the name of the ship or vessel] except such letters as are exempt by law from postage.

FORM D.

Section 37

Declaration of the particulars relating to a missing letter or packet containing a valuable enclosure unregistered.

- | | |
|--|--------|
| 1. What is the exact address of the letter or packet? | 1. |
| 2. Why was the letter or packet unregistered? | 2. |
| 3. Describe precisely all the contents of the letter or packet. | 3. |
| 4. By whom was the letter or packet addressed? (Name and address.) | 4. |
| 5. Who placed the letter and enclosure in the cover and how was the cover fastened? | 5. |
| 6. What was the value of the postage stamp affixed? | 6. |
| 7. By whom was the letter or packet posted and through whose hands did it pass before it was posted? | 7. |
| 8. (1) At what post office was the letter or packet posted? | 8. (1) |
| (2) On what date? and | (2) |
| (3) At what time? | (3) |
| 9. What is the name and address of the sender of the letter or packet? | 9. |

I, A.B., residing at _____ in the State of _____ do hereby declare that the answers to the above questions are correct in every particular.

Declared before me at _____ in the State of _____
this _____ day of _____

C.D., J.P.

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

**Proposed Amendments in the Post and Telegraph
Bill.**

*Mr. Hughes to move that the following new Clause be added to the
Bill:—*

New Clause (to follow Clause 15)—

Notwithstanding anything contained in the preceding section no contract shall be entered into with any person company or corporation that directly or indirectly employs coloured labour in the carrying out of such contract.

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ROBT. S. BRAIN, Government Printer for the State of Victoria.

[C. 7]—500/5.8.1901.—F.4624.

5th August, 1901.



1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Proposed Amendments in the Post and Telegraph Bill.*Mr. Hume Cook to move the following amendment:—*

Clause 26, sub-clause (2), line 27—

After the word "supplement" insert "the letter-press of the same being printed within the Commonwealth from type set up within the Commonwealth or from stereotypes or electrotypes made therefrom."

See Queensland 55,
Vic. 15, sec. 20.

Mr. Piesse to move the following amendment:—

Clause 55, sub-clause (b). Amend the sub-clause (b) so that it shall be divided into two sub-clauses, and by introducing before the words "a lottery" in line 17 of page 15, the following words, viz.:—

(bb) for promoting or carrying out a scheme connected with.

Mr. Clarke to move the following amendment:—

Clause 55. Add the following proviso at end of clause:—"Provided however that the Postmaster-General shall not have power to make such order with respect to any of the matters referred to in sub-sections (a) and (b) which have been already sanctioned or may be hereafter sanctioned by law of any State or States of the Commonwealth."

Mr. Piesse to move the following amendment:—

Clause 80, line 40. Leave out words "Provided that," and in line 43 omit "then."

The whole of this clause as thus amended to be a separate clause in the Bill, and to bear marginal note as follows:—

Provisions as to crossing roads, &c., by private lanes.

[C. 7]—500/13.8.1901.—F.4624.

12th August, 1901.

Sir Edward Braddon to move the following amendment :—
 Clause 86, line 27. The words after “ pipe ” to be in brackets.

Mr. Piessé to move the following amendments :—
 Clause 93, sub-clause (i)—

Add to sub-clause, “ but so that after the Customs duty payable thereon is assessed the postal article shall be transmitted and delivered upon payment at the time of delivery of such duty together with any other duties rates and fees which may be lawfully payable in respect of such postal article.”

Clause 126, insert after “ who,” line 23, “ unlawfully or maliciously,” and omit the same words in lines 24 and 29.

Sir Edward Braddon to move the following amendments :—
 Clause 138, line 7. After the word “ authority ” insert the words “ within ten yards of any telegraph line.”
 „ lines 6 to 11. The words from “ other than ” to “ any telegraph wire ” to be placed in brackets.

Clause 142 (1). Add “ This shall not apply to the supply of electricity through any electric lines or work lawfully laid down previous to the erection of the telegraph line so effected.”

Mr. Hughes to move that the following new Clause be added to the Bill :—

New Clause (to follow Clause 15)—

Notwithstanding anything contained in the preceding section no contract shall be entered into with any person company or corporation that directly or indirectly employs coloured labour in the carrying out of such contract.

ON RECOMMITTAL OF THE POST AND TELEGRAPH
BILL.

Mr. Thomas to move the following amendment:—

Clause 26, add the following new sub-clause:—

- (1A) All periodicals, whatever their size, weight, contents, arrangement of matter, or intervals of publication shall be forwarded through the post at newspaper rates.

A periodical must, however, be formed of printed paper sheets, without board, leather, cloth, or other substantial binding such as distinguish printed books, for preservation, from periodical publications.

Mr. Piessé to move the following amendment:—

Clause 42, amend the clause by inserting before "picture" in lines 27 and 28 the words "article, book."

And add to the clause—

(2) The provisions of this section shall extend to authorize the Postmaster-General, or any Deputy Postmaster-General, to refuse to transmit or deliver through or in any State any newspaper, packet, or parcel containing any article, book, picture, or printed matter which within the intention and meaning of any Act of that State for the time being in force is of an indecent or obscene nature, and to cause the same to be destroyed.

Authority to enforce provisions of State Acts.

POST AND TELEGRAPH BILL.

Mr. Watkins to move the following amendment:—

Add the following new clause (to follow Clause 88):—

88A. (1) The Postmaster-General may after giving six months' notice resume any private telegraph or telephone line.

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.



1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Proposed Amendments in the Post and Telegraph Bill.*Mr. Mahon to move the following amendments :—*

Clause 27. Add to sub-clause (3):—

Provided that no publication shall be deemed to contain seditious blasphemous indecent or obscene matter unless such matter shall be so adjudged by a Justice of the High Court, or until the establishment of such Court by a Judge of a Supreme Court to whom the Postmaster-General or a Deputy Postmaster-General may apply by summons or petition in a summary manner, and whose decision shall be final.

Strike out sub-clause (5) or add to sub-clause (5):—

And such Justice or Judge may if he allow such appeal order that the person so aggrieved shall be paid such damages and costs as he deems just [which damages and costs are hereby appropriated from the consolidated revenue].

Sir Philip Fysh to move the following amendment :—

Clause 55, page 16, line 7. Before "The" insert "if"; omit "if he." Line 10. After "consideration" insert "(1)." Line 11. Omit "as consideration," insert "(2)." After line 27. At end of sub-clause (1) insert "Provided that paragraph (a) of this sub-section shall not apply to the receipt of money or any valuable thing as an entrance-fee for any horse race or other race or any lawful game, sport, or exercise." Line 23. Before "may" insert "he."

Mr. Piessé to move the following amendment :—

Clause 55, sub-clause (b). Amend the sub-clause (b) so that it shall be divided into two sub-clauses, and by introducing before the words "a lottery" in line 17 of page 15, the following words, viz:—

(bb) for promoting or carrying out a scheme connected with.

[C. 7]—150/21.8.1901.—F.4624.

21st August, 1901.

Mr. Clarke to move the following amendment :—

Clause 55. Add the following proviso at end of clause :—“ Provided however that the Postmaster-General shall not have power to make such order with respect to any of the matters referred to in sub-sections (a) and (b) which have been already sanctioned or may be hereafter sanctioned by law of any State or States of the Commonwealth.”

Mr. Piesse to move the following amendments :—

Clause 77. Omit the clause.

Clause 80, line 40. Leave out words “ Provided that,” and in line 43 omit “ then.”

The whole of this clause as thus amended to be a separate clause in the Bill, and to bear marginal note as follows :—

Provisions as to crossing roads, &c., by private lanes.

Clause 84. Omit sub-clause 2 or insert—

(3) Nothing herein contained shall prevent the recovery of compensation for any damage sustained by any proprietor or occupier.

Sir Edward Braddon to move the following amendment :—

Clause 86, line 27. The words after “ pipe ” to be in brackets.

Sir Philip Fysh to move the following amendment :—

Clause 90, page 25, line 8. Omit “ posts and wires,” insert “ lines.”

Line 11. Omit “ are hereby vested in and.” After line 12 insert new sub-clause :—

“(2) All telegraph lines erected or maintained by the Postmaster-General, whether before or after the commencement of this Act, are hereby vested in the Postmaster-General.”

Mr. Piesse to move the following amendments :—

Clause 93, sub-clause (i)—

Add to sub-clause, “ but so that after the Customs duty payable thereon is assessed the postal article shall be transmitted and delivered upon payment at the time of delivery of such duty together with any other duties rates and fees which may be lawfully payable in respect of such postal article.”

Clause 124, line 9, page 37. Insert after “ general ” “ such charges not being in excess of what the person sought to be charged may be liable to pay under any existing contract.”

Clause 126, insert after "who," line 23, "unlawfully or maliciously," and omit the same words in lines 24 and 29.

Sir Edward Braddon to move the following amendments:—

Clause 138, line 7. After the word "authority" insert the words
"within ten yards of any telegraph line."

„ lines 6 to 11. The words from "other than"
to "any telegraph wire" to be placed in
brackets.

Clause 142 (1). Add "This shall not apply to the supply of electricity through any electric lines or work lawfully laid down previous to the erection of the telegraph line so effected."

Mr. Hughes to move that the following new Clause be added to the Bill:—

New Clause (to follow Clause 15)—

Notwithstanding anything contained in the preceding section no contract shall be entered into with any person company or corporation that directly or indirectly employs coloured labour in the carrying out of such contract.



1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Proposed Amendments in the Post and Telegraph Bill.*Sir Edward Braddon to move the following amendments:—*

Postponed Clause 137, add at end of Clause—

Provided that in the case of an electric tramway the electric authority using such tramway shall not be held responsible for its lines or works affecting the lines of the Postmaster-General on which an earthed return is used if such electric authority has adopted all known and reasonable precautions to avoid such injurious affection.

Clause 138, line 7, after "authority" insert "within ten yards of any telegraph line."

„ lines 6 to 11, the words from "other than" to "any telegraph line" to be placed in brackets.

Clause 139, sub-clause (c), line 23, before "expenses" insert "reasonable."

„ sub-clause (c), line 32, the same amendment.

Clause 142, end of sub-clause (1), line 18, insert "Provided that this shall not apply to the supply of electricity through any electric lines or work lawfully laid down previous to the erection of the telegraph line so affected."

Clause 143, sub-clause (1), line 29, after "authority" insert "wilfully."

NEW CLAUSES.

*Mr. Hughes to move that the following new Clause be added to the Bill:—**New Clause (to follow Clause 15)—*

Notwithstanding anything contained in the preceding section no contract shall be entered into with any person company or corporation that directly or indirectly employs coloured labour in the carrying out of such contract.

[C. 7]—100/29.8.1901—F.4624.

28th August, 1901.

Mr. McDonald to move that the following new Clause be added to the Bill:—

New Clause (to follow Clause 88)—

88A. (1) The Postmaster-General may after giving six months notice resume any private telegraph or telephone line.

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.

ON THE RECOMMITTAL OF THE BILL.

Mr. Thomas to move the following amendment:—

Clause 26, add the following new sub-clause:—

(1A) All periodicals, whatever their size, weight, contents, arrangement of matter, or intervals of publication shall be forwarded through the post at newspaper rates.

A periodical must, however, be formed of printed paper sheets, without board, leather, cloth, or other substantial binding such as distinguish printed books, for preservation, from periodical publications.

Mr. Piessé to move the following amendment:—

Clause 42, amend the clause by inserting before "picture" in lines 27 and 28 the words "article, book."

And add to the Clause—

Authority to enforce provisions of State Acts.

(2) The provisions of this section shall extend to authorize the Postmaster-General, or any Deputy Postmaster-General, to refuse to transmit or deliver through or in any State any newspaper, packet, or parcel containing any article, book, picture, or printed matter which within the intention and meaning of any Act of that State for the time being in force is of an indecent or obscene nature, and to cause the same to be destroyed.

HOUSE OF REPRESENTATIVES.

POST AND TELEGRAPH BILL.

(Amendments to be proposed by the Hon. Sir Philip Fysh.)

Clause 2, page 1, line 7, after "this Act" omit "are repealed to the extent in the said Schedule indicated," insert "shall cease to apply to the postal and telegraphic services of the Commonwealth."

„ page 1, line 10, after "revoked" insert "in whole or in part."

„ page 1, lines 12, 13, omit "until rates and charges fixed by the Governor-General under this Act come into operation."

After clause 9, insert new clause—

Every person taken into the employment of the Department as a telegraph messenger after the commencement of this Act shall immediately on attaining the age of seventeen years cease to be so employed.

Clause 13, page 4, insert the following paragraph at the end of the clause—

The Postmaster-General may pay to the person entitled by way of compensation for the use of any pier wharf quay landing place or ferry in the landing shipping or conveying any material or tools for the construction or repair of a telegraph line such sum as may be agreed upon, and in default of agreement as may be settled by arbitration.

Clause 26, page 8, omit the clause, and insert in lieu thereof—

26. (1) A publication known and recognised as a newspaper in the generally accepted sense of the word, and printed and published within the Commonwealth for sale, shall be deemed to be a newspaper if—

(a) it consists in substantial part of news and articles relating to current topics, or of technical or practical information; and

(b) it is published in numbers at intervals of not more than one month; and

(c) the full title and date of publication are printed at the top of the first page, and the whole or part of the title and the date of publication are printed at the top of every subsequent page.

(2) A publication printed on paper and issued as a supplement to a newspaper shall be deemed to be a supplement and to be part of the newspaper if—

- (a) it consists in substantial part of reading matter other than advertisements, or of engravings, prints, or lithographs ; and
- (b) its letterpress is printed within the Commonwealth from type set up within the Commonwealth, or from stereotypes or electrotypes made therefrom ; and
- (c) it is enclosed in each posted copy of the newspaper with which it is issued ; and
- (d) it has the title of the newspaper with which it is issued printed on the top of each page ; and
- (e) it is not of a size or form which makes it inconvenient for carriage or delivery by post.

Clause 80, page 22, line 40, omit “ provided that.”

„ page 22, line 43, after “ creek ” omit “ then.”

Proviso to stand as new clause 80A.

Clause 82, page 23, line 15, after “ road or ” insert “ commonly used waggon track or.”

„ page 23, line 16, omit “ eighteen,” insert “ twenty.”

Clause 93, after paragraph (g) insert new paragraph—

For the purpose of providing for the conditions in regard to the employment of persons in or about the carriage of mails under any contracts entered into by or on behalf of the Commonwealth.

Clause 126, page 37, line 23, after “ who ” insert “ unlawfully.”

„ page 37, line 24, omit “ unlawfully or maliciously.”

„ page 37, line 29, omit “ unlawfully or maliciously.”

„ page 37, after line 36 insert “ Provided that if it appears to a Justice of the Peace, on the examination of a person charged with an offence against this section, that it is not expedient to the ends of justice that it should be prosecuted as an indictable offence, the case may be heard and determined in a summary way; and the offender shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding three months.”

Clause 136, page 38, line 39, after “ not ” insert “ except subject to the conditions hereinafter contained.”

Clause 138, page 39, lines 25-27, omit sub-clause (2).

Clause 146, page 43, line 26, after "conviction" insert "by a police, stipendiary, or special magistrate."

After clause 148 insert new clause—

Any difference which arises between the Postmaster-General and an electric authority or its agents with respect to any requirements of the Postmaster-General, or as to the cost of any alterations of telegraph lines, shall be determined by arbitration.

First Schedule, page 45, omit "colony," insert "State."

„ Omit column headed "extent of repeal."

POST AND TELEGRAPH BILL.

(Amendment to be moved in Committee.)

Insert new clause to follow clause 15:—

“(1) No contract or arrangement for the carriage of mails shall be entered into on behalf of the Commonwealth unless it contains a condition that only white labour shall be employed in such carriage.

“(2) This condition shall not apply to the coaling and loading of ships at places beyond the limits of the Commonwealth.”

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and analysis processes, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that the data remains reliable and secure throughout its lifecycle.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of a data-driven approach in decision-making and the need for continuous monitoring and improvement of data management practices.

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Proposed Amendment in the Post and Telegraph Bill.

Upon the Order of the Day for the consideration of the Committee's Reports being read, Mr. Piesse to move that the Bill be again recommitted for the purpose of inserting in

Clause 3 (Interpretation Clause) the following :—

“Indecent or obscene matter” includes any drawing or picture or advertisement or any printed or written matter in the nature of an advertisement if it relates to venereal or contagious diseases affecting the generative organs or functions or to nervous debility or other complaint or infirmity arising from or relating to sexual impotence or intercourse or sexual abuse or to pregnancy or to any irregularity or obstruction of the female system or to the treatment of any complaint or condition peculiar to females.

Compare N.S.W.
Act 1900. S.A.
No. 680. Qd. 56
Vic. No. 20. Tas.
64 Vic. No. 26.
Vict. No. 1643.

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[C. 7]—650/10.9.1901—F.4624.

10th September, 1901

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

POST AND TELEGRAPH BILL.

SCHEDULE SHOWING THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES IN THE POST AND TELEGRAPH BILL.

- No. 1.—Page 1, in enacting words, line 1, omit “and.”
- No. 2.—Page 1, clause 1, lines 5 and 6, omit “first day of October, One thousand nine hundred and one.”
- No. 3.—Page 1, clause 2, lines 7 and 8, omit “are repealed to the extent in the said Schedule indicated” and insert “shall cease to apply to the Postal and Telegraphic Services of the Commonwealth.”
- No. 4.—Page 1, clause 2, line 10, after “revoked” insert “in whole or in part.”
- No. 5.—Page 1, clause 2, lines 12 and 13, omit “until rates and charges fixed by the Governor-General under this Act come into operation.”
- No. 6.—Page 2, clause 3, after line 18, insert “‘Indecent or obscene matter’ includes any drawing or picture or advertisement or any printed or written matter in the nature of an advertisement if it relates to venereal or contagious diseases affecting the generative organs or functions or to nervous debility or other complaint or infirmity arising from or relating to sexual impotence or intercourse or sexual abuse or to pregnancy or to any irregularity or obstruction of the female system or to the treatment of any complaint or condition peculiar to females or may reasonably be construed as relating to any illegal medical treatment or illegal operation.”
- No. 7.—Page 3, clause 6, line 41, omit “principal.”
- No. 8.—Page 4, clause 10, omit this clause and insert the following new clause:—
- “9A. Every person taken into the employment of the Department as a telegraph messenger after the commencement of this Act shall immediately on attaining the age of seventeen years cease to be so employed.”

Future telegraph messengers to retire on attaining age of seventeen.

No. 9.—Page 4, clause 13, at end of clause add the following :—

“The Postmaster-General may pay to the person entitled by way of compensation for the use of any pier wharf quay landing place or ferry in the landing shipping or conveying any material or tools for the construction or repair of a telegraph line such sum as may be agreed upon, and in default of agreement as may be settled by arbitration.”

No. 10.—Page 5, after clause 15 insert the following new clause :—

“15A. (1) No contract or arrangement for the carriage of mails shall be entered into on behalf of the Commonwealth unless it contains a condition that only white labour shall be employed in such carriage.

White labour in
mail contracts.

(2) This condition shall not apply to the coaling and loading of ships at places beyond the limits of the Commonwealth.”

No. 11.—Page 6, clause 19, omit this clause.

No. 12.—Page 8, after clause 25 insert the following new clauses :—

“25A. Where any State Act whether passed before or after the commencement of this Act purports to confer or impose upon postmasters any powers or duties—

Powers and
duties conferred
upon
postmasters by
State Acts.

- (a) with respect to the preparation of lists or rolls of electors for parliamentary or other elections ; or
- (b) for the purpose of facilitating the voting at such elections, the Governor-General may at the request of the Governor of the State direct, by order under his hand, that postmasters may exercise such powers and shall perform such duties accordingly ; and thereupon postmasters may exercise such powers and perform such duties accordingly, and shall be bound by the provisions of the State Act relating to such powers and duties.

25B. It shall not be necessary to prepay the postage upon letters or packets containing only ballot-papers or voting-papers or other electoral documents and sent in compliance with the law in that behalf to any electoral officer of a State, if on the outside thereof they bear a statement, signed by the sender, that they contain such matter only ; but the postage thereon at prepaid rates shall be paid by such officer on delivery of the letters or packets.”

Postage need not
be prepaid on
letters or
packets
containing
electoral
matter.

No. 13.—Page 8, clause 26, omit this clause, and insert the following new clause :—

“26A. (1) For the purposes of this Act a newspaper shall mean any publication known and recognised as a newspaper in the generally accepted sense of the word, and printed and published within the Commonwealth for sale, if—

Definition of
newspaper and
supplement.

- (a) it consists in substantial part of news and articles relating to current topics, or of religious technical or practical information ; and
- (b) it is published in numbers at intervals of not more than one month ; and
- (c) the full title and date of publication are printed at the top of the first page, and the whole or part of the title and the date of publication are printed at the top of every subsequent page.

(2) A publication printed on paper and issued as a supplement to a newspaper shall be deemed to be a supplement and to be part of the newspaper if—

- (a) it consists in substantial part of reading matter other than advertisements, or of engravings, prints, lithographs, or coloured supplements ; and
- (b) its letterpress other than any title or short description on any engraving print lithograph or coloured supplement or the title and date of the newspaper thereon is printed within the Commonwealth from type set up within the Commonwealth, or from stereotypes or electrotypes made therefrom ; and
- (c) it is enclosed in each posted copy of the newspaper with which it is issued ; and
- (d) it has the title of the newspaper with which it is issued printed on the top of each page of letterpress ; and
- (e) it is not of a size or form which makes it inconvenient for carriage or delivery by post.”

- No. 14.—Page 8, clause 27, line 41, before “revise” insert “subject to appeal as hereinafter mentioned.”
- No. 15.—Page 8, clause 27, line 42, omit “remove therefrom” and insert “may call upon the proprietor printer or publisher of.”
- No. 16.—Page 9, clause 27, line 1, omit “seditious blasphemous.”
- No. 17.—Page 9, clause 27, line 3, after “aforesaid” insert “to show cause why such publication should not be removed from the register and if sufficient cause be not shown he may remove it accordingly.”
- No. 18.—Page 9, clause 27, line 11, before “publication” insert “issue of a.”
- No. 19.—Page 9, clause 27, line 11, omit “containing seditious blasphemous” and insert “if such issue contains.”
- No. 20.—Page 9, clause 27, line 13, omit “seditious blasphemous.”
- No. 21.—Page 9, clause 27, line 17, after “done” insert “or purporting to be done.”
- No. 22.—Page 9, clause 27, line 18, after “done” insert “or purporting to be done.”
- No. 23.—Page 9, clause 27, lines 20 and 21, omit “until the establishment of such Court.”
- No. 24.—Page 9, clause 27, lines 22 and 23, omit “and the decision of such Justice or Judge shall be final.”
- No. 25.—Page 9, clause 27, at end of sub-clause (5), add—
 “The Justice or Judge may decide whether the action taken under this section was justified in law or in fact and may make such order as to restoration to the register or otherwise as to him may seem just and may award damages and costs or either in his discretion.”
- No. 26.—Page 11, clause 37, line 16, omit “of the like kind.”
- No. 27.—Page 12, clause 41, lines 21 and 22, omit “until the establishment of such Court.”
- No. 28.—Page 12, clause 41, lines 23 and 24, omit “and the decision of such Justice or Judge shall be final.”
- No. 29.—Page 12, clause 42, line 27, before “picture” insert “article book.”
- No. 30.—Page 12, clause 42, line 28, before “picture” insert “article book.”
- No. 31.—Page 15, clause 53, line 36, after “person” insert “becomes or.”
- No. 32.—Page 15, clause 53, lines 38 and 39, omit “may order that” and insert “shall.”
- No. 33.—Page 15, clause 53, lines 39, 40, and 41 omit “such date not being later than the time when such bankrupt or insolvent has passed his last examination” and insert “cause.”
- No. 34.—Page 15, clause 53, line 41, before “insolvent” insert “bankrupt or.”
- No. 35.—Page 15, clause 53, line 41, omit “shall” and insert “to.”
- No. 36.—Page 16, clause 54, lines 3 and 4, omit “in the event of there being no legal representative” and insert “until such production.”
- No. 37.—Page 16, clause 54, lines 5 and 6, omit “open or cause to be opened such postal articles and deliver the same to some near relative of the deceased person” and insert “cause such postal articles to be delivered as may be prescribed.”
- No. 38.—Page 16, clause 55, line 7, before “The” insert “If.”
- No. 39.—Page 16, clause 55, line 7, omit “if he.”
- No. 40.—Page 16, clause 55, line 10, after “consideration” insert “(1).”
- No. 41.—Page 16, clause 55, line 11, omit “as consideration” and insert “(2).”
- No. 42.—Page 16, clause 55, line 18, omit “not sanctioned by law.”
- No. 43.—Page 16, clause 55, after paragraph (b) insert the following new paragraph:—
 “(bb) As contributions or subscriptions towards any lottery or scheme of chance.”

- No. 44.—Page 16, clause 55, line 23, before “may” insert “he.”
- No. 45.—Page 16, clause 55, line 25, after “name” insert “or to any agent or representative of his.”
- No. 46.—Page 16, clause 57, line 42, omit “described” and insert “prescribed.”
- No. 47.—Page 18, clause 63, line 17, omit “ninety-two” and insert “ninety-one.”
- No. 48.—Page 19, clause 66, line 2, after “forth” insert “in Form C.”
- No. 49.—Page 22, clause 78, line 7, after “provided that” insert “(a).”
- No. 50.—Page 22, clause 78, line 9, after “railways” insert “and (b) the owners of any railway or tramway may maintain for the time and to the extent authorized by any State Act any telegraph lines which were erected before the commencement of this Act in pursuance of rights conferred by any State Act and which are required for the working of the railway or tramway.”
- No. 51.—Page 22, clause 78, line 14, after “authorities” insert “or owners.”
- No. 52.—Page 22, clause 78, line 21, after “any” insert “existing.”
- No. 53.—Page 22, clause 78, line 22, after “Postmaster-General” insert “except for the purpose of connecting with or crossing such line.”
- No. 54.—Page 22, clause 80, line 40 (proviso to become new clause) omit “Provided that” and insert “80A.”
- No. 55.—Page 22, clause 80, line 43, omit “then.”
- No. 56.—Page 23, clause 82, line 15, before “water” insert “commonly used waggon track or.”
- No. 57.—Page 23, clause 82, line 16, omit “eighteen” and insert “twenty.”
- No. 58.—Page 23, clause 83, line 26, omit “in or.”
- No. 59.—Page 23, clause 83, line 26, omit “through.”
- No. 60.—Page 23, clause 84, line 36, after “may” (*where it first occurs*) insert “after notice to the local or other authority having the care and management thereof.”
- No. 61.—Page 23, clause 84, line 37, after “officer” insert “after consultation with such authority.”
- No. 62.—Page 23, clause 84, sub-clause (2), omit this sub-clause.
- No. 63.—Page 24, clause 86, line 23, after “may” insert “after notice to the local or other authority having the care and management thereof.”
- No. 64.—Page 24, clause 86, line 27, the words “not being a sewer or drain or a main” to be within parentheses.
- No. 65.—Page 24, clause 87, line 32, after “all” insert “local authorities and.”
- No. 66.—Page 25, after clause 88, insert the following new clause :—
“88A. (1) The Postmaster-General may after giving six months’ notice
resume any private telegraph or telephone line. Resumption of private lines after notice.
(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.”
- No. 67.—Page 25, clause 90, line 8, omit “posts and wires” and insert “lines.”
- No. 68.—Page 25, clause 90, line 11, omit “are hereby vested in and.”
- No. 69.—Page 25, clause 90, at end of clause add the following new sub-clause :—
“(1A) All telegraph lines erected or maintained by the Postmaster-General, whether before or after the commencement of this Act, are hereby vested in the Postmaster-General.”
- No. 70.—Page 25, clause 91, line 21, before “paid” insert “to be.”
- No. 71.—Page 25, clause 92, line 25, omit “person employed in a telegraph office” and insert “postmaster.”

- No. 72.—Page 25, clause 92, sub-clause (2), omit this sub-clause.
- No. 73.—Page 26, clause 93, line 45, before “generally” insert “and.”
- No. 74.—Page 26, clause 93, line 45, after “generally” insert “for.”
- No. 75.—Page 27, clause 93, after paragraph (o) insert the following new paragraphs :—
 “(o1) Voting by post at elections under the law of the Commonwealth or that of a State, but in the latter case only at the request of the Governor of the State and on such terms as the Governor-General prescribes.
 (o2) Providing for the payment by the receiver or by the Governor of any State instead of the sender of the rate payable on any postal article.”
- No. 76.—Page 27, clause 93, line 24, after “law” insert “from a date to be specified in such regulations, but not less than fourteen days from such publication.”
- No. 77.—Page 28, clause 95, line 33, after “the” insert “burden of.”
- No. 78.—Page 29, clause 95, line 7, after “the” insert “burden of.”
- No. 79.—Page 29, clause 95, line 38, after “the” insert “burden of.”
- No. 80.—Page 30, clause 96, line 1, after “the” insert “burden of.”
- No. 81.—Page 30, clause 97, line 28, after “the” insert “burden of.”
- No. 82.—Page 30, clause 98, line 40, after “the” insert “burden of.”
- No. 83.—Page 30, clause 98, line 44, before “or” insert “of the Commonwealth.”
- No. 84.—Page 31, clause 99, line 27, after “pounds” insert “or to imprisonment with or without hard labour for any term not exceeding twelve months.”
- No. 85.—Page 32, clause 104, line 31, omit “person not being an.”
- No. 86.—Page 35, clause 116, line 17, after “wilfully” insert “tamper with.”
- No. 87.—Page 37, clause 126, line 23, after “who” insert “unlawfully or maliciously.”
- No. 88.—Page 37, clause 126, line 24, omit “unlawfully or maliciously.”
- No. 89.—Page 37, clause 126, line 29, omit “unlawfully or maliciously.”
- No. 90.—Page 37, clause 126, at end of clause add the following proviso :—“Provided that if it appears to a Justice of the Peace, on the examination of a person charged with an offence against this section, that it is not expedient to the ends of justice that it should be prosecuted as an indictable offence, the case may be heard and determined in a summary way, and the offender shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for any term not exceeding three months.”
- No. 91.—Page 38, clause 136, line 39, after “not” insert “except subject to the conditions hereinafter contained.”
- No. 92.—Page 39, after clause 137 insert the following new clause :—
 “137A. In the case of an electric tramway or electric lighting system the electric authority using such tramway or lighting system shall not be held responsible for its lines or works affecting the lines of the Postmaster-General on which an earthed return is used if such electric authority has adopted all known and reasonable precautions to avoid such injurious affection and has complied with the regulations.” Limit of responsibility in case of injurious affection of lines.
- No. 93.—Page 39, clause 138, line 6, after “authority” insert “within ten yards of any telegraph line of the Postmaster-General.”
- No. 94.—Page 39, clause 138, words commencing with “other,” in line 6, and ending with the words “telegraph wire,” in line 11, to be within parentheses.
- No. 95.—Page 39, clause 138, sub-clause (2), omit this sub-clause.
- No. 96.—Page 40, clause 139, line 23, omit “the” and insert “reasonable.”
- No. 97.—Page 40, clause 139, line 32, after “all” omit “the” and insert “reasonable.”

No. 98.—Page 43, clause 146, line 26, at end of clause add “by a Police Stipendiary or Special Magistrate.”

No. 99.—Page 44, after clause 148 insert the following new clause:—

“148A. Any difference which arises between the Postmaster-General and an electric authority or its agents with respect to any requirements of the Postmaster-General, or as to the cost of any alterations of telegraph lines, shall be determined by arbitration.”

Differences to be settled by arbitration.

No. 100.—Page 44, clause 151, line 22, after “abode” insert “or business.”

No. 101.—Page 45, First Schedule, in the heading, omit “Colony” and insert “State.”

No. 102.—Page 45, First Schedule, line 18 of first column, omit “1885” and insert “49 Vic.”

No. 103.—Page 45, First Schedule, omit last column.

No. 104.—Page 46, Second Schedule, Form D, in question 4, omit “written” and insert “addressed.”

C. GAVAN DUFFY,
Clerk of the House of Representatives.

26th September, 1901.

POST AND TELEGRAPH BILL.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO CERTAIN AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES IN THE POST AND TELEGRAPH BILL.

In Amendment No. 2, viz. :—

No. 2.—Page 1, clause 1, lines 5 and 6, omit “first day of October, One thousand nine hundred and one.”

Insert in lieu of the words omitted “first day of December, One thousand nine hundred and one.”

In Amendment No. 8, viz. :—

No. 8.—Page 4, clause 10, omit this clause and insert the following new clause :—

“9A. Every person taken into the employment of the Department as a telegraph messenger after the commencement of this Act shall immediately on attaining the age of seventeen years cease to be so employed.”

Future telegraph messengers to retire on attaining age of seventeen.

In line 3, omit “seventeen,” insert “eighteen.”

At end of clause add “but may if eligible be appointed to some other position in the Public Service.”

In Amendment No. 13, viz. :—

No. 13.—Page 8, clause 26, omit this clause, and insert the following new clause :—

“26A. (1) For the purposes of this Act a newspaper shall mean any publication known and recognised as a newspaper in the generally accepted sense of the word, and printed and published within the Commonwealth for sale, if—

Definition of newspaper and supplement.

- (a) it consists in substantial part of news and articles relating to current topics, or of religious technical or practical information ; and
- (b) it is published in numbers at intervals of not more than one month ; and
- (c) the full title and date of publication are printed at the top of the first page, and the whole or part of the title and the date of publication are printed at the top of every subsequent page.

(2) A publication printed on paper and issued as a supplement to a newspaper shall be deemed to be a supplement and to be part of the newspaper if—

- (a) it consists in substantial part of reading matter other than advertisements, or of engravings, prints, lithographs, or coloured supplements ; and
- (b) its letterpress other than any title or short description on any engraving print lithograph or coloured supplement or the title and date of the newspaper thereon is printed within the Commonwealth from type set up within the Commonwealth, or from stereotypes or electrotypes made therefrom ; and
- (c) it is enclosed in each posted copy of the newspaper with which it is issued ; and
- (d) it has the title of the newspaper with which it is issued printed on the top of each page of letterpress ; and
- (e) it is not of a size or form which makes it inconvenient for carriage or delivery by post.”

In sub-clause (2) omit paragraph (b).

In Amendment No. 16, viz. :—

No. 16.—Page 9, clause 27, line 1, omit “seditious blasphemous.”
Omit “seditious.”

In Amendment No. 19, viz. :—

No. 19.—Page 9, clause 27, line 11, omit “containing seditious blasphemous,” and insert
“if such issue contains.”

Omit “seditious.”

Transfer to stand before “seditious,” “if such issue contains.”

In Amendment No. 20, viz. :—

No. 20.—Page 9, clause 27, line 13, omit “seditious blasphemous.”
Omit “seditious.”

In Amendment No. 50, viz. :—

No. 50.—Page 22, clause 78, line 9, after “railways” insert “and (b) the owners of any railway or tramway may maintain for the time and to the extent authorized by any State Act any telegraph lines which were erected before the commencement of this Act in pursuance of rights conferred by any State Act and which are required for the working of the railway or tramway.”

In line 3, omit “which were.”

In line 3, omit “before the commencement of this Act.”

In line 4, after “Act” insert “in force at the commencement of this Act.”

In Amendment No. 66, viz. :—

No. 66.—Page 25, after clause 88 insert the following new clause :—

“88A. (1) The Postmaster-General may after giving six months’ notice resume any private telegraph or telephone line. Resumption of private lines after notice.

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.”

In line 1, after “may” insert “with the consent of the Parliament and.”

In Amendment No. 69, viz. :—

No. 69.—Page 25, clause 90, at end of clause add the following new sub-clause :—

“(1A) All telegraph lines erected or maintained by the Postmaster-General whether before or after the commencement of this Act, are hereby vested in the Postmaster-General.”

In line 1, after “erected” insert “acquired.”

In Amendment No. 71, viz. :—

No. 71.—Page 25, clause 92, line 25, omit “person employed in a telegraph office” and insert “postmaster.”

Omit “postmaster” insert “person employed under the authority of the Postmaster-General.”

In Amendment No. 75, viz. :—

No. 75.—Page 27, clause 93, after paragraph (o) insert the following new paragraphs :—

“(o1) Voting by post at elections under the law of the Commonwealth or that of a State, but in the latter case only at the request of the Governor of the State and on such terms as the Governor-General prescribes.

(o2) Providing for the payment by the receiver or by the Governor of any State instead of the sender of the rate payable on any postal article.”

In paragraph (o2), line 1, omit “by the receiver or.”

In paragraph (o2), line 2, after “State” insert “or by any person.”

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES IN THE POST AND TELEGRAPH BILL, TO WHICH THE SENATE HAS DISAGREED.

- No. 6.—Page 2, clause 3, after line 18, insert “ ‘ Indecent or obscene matter ’ includes any drawing or picture or advertisement or any printed or written matter in the nature of an advertisement if it relates to venereal or contagious diseases affecting the generative organs or functions or to nervous debility or other complaint or infirmity arising from or relating to sexual impotence or intercourse or sexual abuse or to pregnancy or to any irregularity or obstruction of the female system or to the treatment of any complaint or condition peculiar to females or may reasonably be construed as relating to any illegal medical treatment or illegal operation.”
- No. 58.—Page 23, clause 83, line 26, omit “ in or.”
- No. 59.—Page 23, clause 83, line 26, omit “ through.”
- No. 62.—Page 23, clause 84, sub-clause (2), omit this sub-clause.
- No. 87.—Page 37, clause 126, line 23, after “ who ” insert “ unlawfully or maliciously.”
- No. 88.—Page 37, clause 126, line 24, omit “ unlawfully or maliciously.”
- No. 89.—Page 37, clause 126, line 29, omit “ unlawfully or maliciously.”

REASONS OF THE SENATE FOR DISAGREEING TO CERTAIN AMENDMENTS OF THE HOUSE OF REPRESENTATIVES.

As to Amendment No. 6:—

Because the definition is not considered necessary.

As to Amendments Nos. 58 and 59 :—

Because the expense of working an underground system of telephonic communication will be greatly and unnecessarily increased if the Department is not permitted to carry wires through private buildings.

As to Amendment No. 62 :—

Because an aerial system of telephonic communication requires that power should be given to lop encroaching trees, and the Department should be indemnified for any reasonable action taken to insure the proper working of telephone lines.

As to Amendments Nos. 87, 88, and 89 :—

Because the importance of maintaining a telegraphic system inviolate is so great that no person interrupting communication by cutting or breaking wires or otherwise should be excused on the ground that he did not act unlawfully or maliciously.

C. B. BOYDELL,
For the Clerk of the Parliaments.

