



ANNO QUINQUAGESIMO QUARTO ET QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1891.

No. 535.

An Act to amend "The Post Office Act, 1876," and for other purposes.

[Assented to, December 19th, 1891.]

WHEREAS it is expedient to amend "The Post Office Act, 1876," and other Acts relating to the Post Office and Electric Telegraphs—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited for all purposes as the "Post Office Act, 1891," and shall come into operation on the first day of January, one thousand eight hundred and ninety-two.

Short title and commencement of Act.

2. This Act, so far as is consistent with the tenor thereof, shall be construed as one with "The Post Office Act, 1876," hereinafter called the principal Act, and "The Parcels Post Act, 1886."

Incorporation.

3. Sections 19, 21, 86, 87, 88, and 91 of the principal Act are, and the whole of the "Post Office Act Amendment Act, 1881," is, hereby repealed.

Repeal.

4. The expression "post office" in this Act shall mean any house, building, room, carriage, or place where postal packets, as defined by this Act, or any of them, are, by the permission or under the authority of the Postmaster-General or Superintendent of Telegraphs, received, delivered, sorted, or made up, or from which such packets, or any of them, are, by

Definitions.

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by the authority of the Postmaster-General or Superintendent of Telegraphs, dispatched, and shall include any post office letter-box :

The expression "post office letter-box" in this Act shall include any pillar box, wall box, or other box or receptacle provided by the permission or under the authority of the Postmaster-General or Superintendent of Telegraphs for the purpose of receiving postal packets, or any of them, for transmission by or under the authority of the Postmaster-General or Superintendent of Telegraphs :

The expression "electric telegraph" in this Act means any wire or cord used for telegraphic or telephonic communication, including any casing, coating, tube or pipe enclosing the same, and any posts, masts or piers, standard, stay, strut, or other contrivance for suspending or supporting any such wire or cord, and any apparatus connected therewith or used for the transmission of messages or other communications by means of electric signals; also any cables, pneumatic or other tube, under the superintendence of the Superintendent of Telegraphs :

The expression "postal packet" in this Act means a letter, post card, circular, registered newspaper, packet, book packet, or parcel, and every article which is not for the time being prohibited by law from being sent by post, from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed, and includes a telegram; and a delivery of a postal packet of any description to a letter carrier or other person authorised to receive postal packets of that description for the post shall be a delivery to the post office; and a delivery at the house or office of the person to whom the postal packet is addressed, or to him, or to his servant, or agent, or other person considered to be authorised to receive the postal packet, according to the usual manner of delivering that person's postal packets, shall be a delivery to the person addressed :

The expression "newspaper" in the principal Act, so far as it relates to newspapers posted in the said province, shall be deemed to mean a newspaper registered under the provisions of section 7 of this Act.

The expression "Minister" shall mean the Minister for the time being administering the Postal and Telegraph Department of the province.

Certain publications
to be deemed news-
papers.

5. Any publication coming within the following description shall, for the purposes of this Act, be deemed a newspaper, that is to say, any publication consisting wholly or in great part of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, subject to these conditions —

That

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That it be printed and published in numbers, at intervals of not more than one month :

That it have the full title and date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page :

And 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 great part of matter like that of a newspaper or of advertisements, or wholly or in part of engravings, prints, or lithographs illustrative of articles in the newspaper ; such publication in every case being published with the 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 engraving, print, or lithograph appears. Any other matter, such as almanacs, handbills, &c., accompanying a newspaper shall not be deemed a supplement.

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. Unregistered papers, &c., may be treated as packets.

7. Any newspaper within the description aforesaid may be registered at the General Post Office in Adelaide, at such time in each year, and in such form, and with such particulars, as the Governor may by regulation from time to time direct, upon payment of an annual fee of Five Shillings. Registration of newspapers at post office.

The Minister may from time to time revise the register and remove therefrom any publication not being a newspaper, and may refuse to transmit or deliver any publication which contains seditious, blasphemous, or obscene words.

There shall be an appeal to the Supreme Court from every decision under this section.

Any publication for the time being on the register shall for the purposes of this Act be deemed a registered newspaper.

8. On and after the first day of January, one thousand eight hundred and ninety-two, registered newspapers may be sent by post between places in the province at the following rates of postage— Postage on newspapers.

On each number or copy of a registered newspaper, with or without a supplement, and whether singly or in packets of two or more :—

If not exceeding ten ounces in weight ... One Halfpenny

If exceeding ten ounces in weight, for the first ten ounces and for every additional ten ounces or fractional part of ten ounces

One Halfpenny

On

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On every bulk parcel not exceeding fourteen pounds in weight, two feet in length, one foot in breadth, or one foot in depth, and containing not less than four registered newspapers, with or without supplements, and posted by the publisher or any newsvendor, per pound One Penny

Newspapers under arrangement or convention.

9. A newspaper registered under the provisions of section 7 of this Act shall be deemed a newspaper for the purposes of any arrangement or convention between the Governor and the Postmaster-General of the United Kingdom, or the constituted authorities of any British possession or foreign country, for securing advantages for newspapers sent by post, and be subject to such rates of postage and to such regulations as may be mutually agreed to under such arrangement or convention.

Weight and size of parcels limited.

10. In lieu of section 21 of the principal Act, hereby repealed, is substituted the following, that is to say—The Governor may from time to time, by regulation, fix the weight and dimensions of packets and parcels by ordinary post: Provided that no packet or parcel by ordinary post shall exceed one pound in weight, or, if a book packet, seven pounds in weight; nor be of greater dimensions in any one way than two feet in length by one foot in width and one foot in depth; nor shall there be in or upon any parcel or the cover thereof any letter or epistolary communication or intelligence whatever; and provided that every packet or parcel shall be open for inspection.

Not necessary to expose list of unclaimed newspapers.

11. Section 33 of the principal Act is hereby amended by the insertion after the word “thereof” of the words “excepting newspapers.”

Money orders may be granted up to Twenty Pounds.

12. Section 58 of the principal Act is hereby amended by the substitution of the word “Twenty” in the place of the word “Ten.”

Postage on circulars and bulk parcels of newspapers may be paid collectively.

13. Notwithstanding anything in section 11 of the principal Act contained, it shall be lawful for the Minister, subject to such terms and conditions as may be prescribed from time to time by regulations made by the Governor, to authorise any postmaster or other officer of the post office to allow any one person or firm posting large numbers of circulars for delivery within the province, or of bulk parcels of newspapers, to pay the postage on such circulars or bulk parcels by means of postage stamps affixed to an approved docket, such stamps to be obliterated or cancelled by the sender writing his name or initials on such stamps in the presence of such postmaster or other officer.

Letter packets may be returned to sender where request indorsed.

14. Notwithstanding anything in the principal Act contained, when any postal packet bears an indorsement to the effect that if it remains undelivered for a specified time it may be returned to a specified

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specified address, the postmaster at the post office to which the same has been transmitted for delivery shall, as soon as possible after the time specified, transmit it to such indorsed address, surcharged with the amount of the postage thereon to the place or country of destination: And if it be refused at such indorsed address it shall be deemed to be undelivered and unclaimed, and dealt with accordingly, and the sender shall be liable to pay any postage or fees surcharged thereon.

15. In any case where it comes to the knowledge of any postmaster, or officer of the post office, or where any postmaster or officer of the post office has reasonable cause to believe that any postal packet posted in the province, but not registered under the provisions of section 31 of the principal Act, or any postal packet received from but not registered abroad, contains any money or other valuable enclosure, such postmaster or officer shall register such postal packet, and charge it with double the ordinary fee for registration; and the sum to be so paid shall be written in a stamp impressed on such postal packet by the postmaster or officer who registers the same; and such fee shall be paid by the person to whom such postal packet is addressed before delivery, unless such person before such delivery open the same in the presence of some postmaster or officer of the post office, and it be found not to contain money or other valuable enclosure, in which case such fee shall be remitted: Provided that negotiable instruments payable to order, bank notes, post office money orders, and postal notes shall not be deemed valuable enclosures within the meaning of this section.

Postal packets containing money, &c., must be registered.

16. The Postmaster-General and the Superintendent of Telegraphs, each as regards his own department, may from time to time order the destruction, in such manner as he thinks fit, of any books of record, telegraphic messages, telegraph tape, letter bills, registered letter receipts, money orders, returns, requisitions, orders for delivery of letters or letters to the department, or any other document or the butts thereof, provided that the same have not been printed, written, or prepared within the period of five years from the date of such order. And Her Majesty, and the Postmaster-General, and the Superintendent of Telegraphs, or any officer of the Post Office or Telegraph Department, shall not be accountable in any manner to any person for any books or documents so destroyed, and no claim for damages shall arise to any person by reason of any such destruction.

Books and documents may be destroyed after five years.

17. All telegrams, letters, packets, parcels, and newspapers, sent by post and addressed to any person at any inn, hotel, or premises licensed under "The Licensed Victuallers Act, 1880," or any other Act in force relating to licensed victuallers, or at any lodging-house or at any house at which lodgers are received, and received by the occupier or manager of such inn, hotel, or licensed premises or house, at any time after the commencement of this Act, shall be deemed to be under the control of the Postmaster-General until delivered

Telegrams, letters, &c., at hotels, remaining undelivered for two months, to be returned to post office.

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delivered to the person to whom the same are addressed; and if the same are not so delivered within two months 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 the nearest post office, or to the letter carrier from whom they were received, and to be thence transmitted to the General Post Office. All such telegrams, letters, packets, parcels, and newspapers, transmitted to the General Post Office under the provisions of this section, shall there be dealt with as undelivered telegrams, letters, packets, parcels, and newspapers.

Penalty.

Every such occupier or manager wilfully omitting or failing to return any such telegram, letter, packet, parcel, or newspaper, as aforesaid, shall be guilty of an offence, and, on conviction therefor before a Special Magistrate or two Justices, be liable to a penalty of not exceeding Five Pounds.

Gratuities to masters of vessels for conveyance of mails to be fixed by regulation.

18. The words in section 51 of the principal Act from the words "One Penny" to the word "excepted," both inclusive, are hereby repealed, and in lieu thereof are substituted the words following, that is to say—"payment at rates from time to time fixed and determined by the Governor by regulations in that behalf made for all inland and foreign postal packets contained therein."

Postmaster-General may accept short notice of time of sailing.

19. Notwithstanding anything in section 53 of the principal Act, it shall be in the discretion of the Postmaster-General to accept, in cases in which he is of opinion the public interest will not thereby suffer, notices of shorter period than by the said section required.

Erection of letter-boxes.

20. The Postmaster General may from time to time cause post office letter-boxes to be erected and maintained in any public roads, streets, or highways.

Urgent telegrams.

21. Notwithstanding anything contained in section 7 of an Act to regulate the construction and management of Electric Telegraphs, No. 6 of 1857, urgent telegraphic messages, on which double fees have been paid, shall be transmitted in preference to any message, or despatch, or communication other than such messages or despatches as are referred to in the proviso to the said section.

Blasphemous, seditious, obscene, or scandalous messages may be refused.

22. Any officer, clerk, or operator employed in the working of any line of electric telegraph may refuse to receive or transmit any message of a blasphemous, seditious, obscene, or scandalous character in its contents, address, or signature.

Trees obstructing telegraph lines may be cut or lopped.

23. Such trees and underwood as obstruct, or, in the opinion of the Superintendent of Telegraphs or other officer duly authorised by him, are likely to interfere with the proper working of any line of communication by electric telegraph, if growing upon any lands of the Crown, or upon any road, street, or highway, may be cut down or lopped by the said Superintendent or such officer, as may be deemed necessary; and if growing upon private lands within
twenty

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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 Superintendent or such officer; and upon default the said Superintendent 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, and this Act shall be sufficient to indemnify the said Superintendent 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.

24. If any person wilfully sends or delivers, or causes to be sent or delivered to any public officer, operator, clerk, or servant, for the purpose of being transmitted as a telegraphic message, any message or writing which purports to be signed or sent by any other person, the same being so signed or sent without such person's authority, or wrongfully signs any telegraphic message with the name of any other person without such person's authority, or with the name of some fictitious person, or wilfully and without the authority of the sender alter any such message or writing, or writes, issues, or delivers a document purporting to be a telegram received through a telegraph office, and which was not so received, he shall be liable to a penalty not exceeding Fifty Pounds, or to imprisonment with or without hard labor for any term not exceeding one year, or both.

Penalties for sending false telegrams.

25. The Governor may from time to time make, in relation to postal packets, such regulations as he thinks fit for all or any of the following purposes:

Post office regulations.

For prescribing and regulating the times and modes of posting and delivery:

For regulating the affixing of postage stamps:

For regulating the nature and form of covers:

For prohibiting and restricting the printing or writing of marks, or communications, or words:

For prohibiting unauthorised enclosures:

And such other regulations as from time to time seem expedient for the better execution of this Act and the Acts hereby amended: Provided that all existing post office regulations shall continue in force until revoked; and that until other regulations relative to registered newspapers be made under the powers herein contained in lieu thereof, the regulations contained in the Schedule A hereto shall be in force.

26. A person shall not place or attempt to place in or against any post office letter-box any fire, any match, any light, any explosive substance, any dangerous substance, any filth, any noxious or deleterious substance, or any fluid, and shall not commit a nuisance

Prohibition of placing injurious substances in or against post office letter-boxes, &c.

in

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in or against any post office letter-box, and shall not do or attempt to do anything likely to injure the box, appurtenances, or contents.

Any person who acts in contravention of this section shall be liable to a penalty not exceeding Twenty Pounds, or to imprisonment with or without hard labor for any period not exceeding six months.

Prohibition of sending by post explosive, inflammable, or deleterious substances, or indecent prints, words, &c.

27. 1. A person shall not send, or attempt to send, a postal packet which either—

- (a) Encloses any explosive substance, any inflammable substance, any dangerous substance, any filth, any noxious or deleterious substance, any poison, any sharp instrument not properly protected, any living creature which is either noxious or likely to injure other postal packets in course of conveyance or an officer of the post office, or any article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or an officer of the post office ; or
- (b) Encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book or card, or any indecent or obscene article, whether similar to the above or not ; or
- (c) Has on such packet or on the cover thereof any words, marks, or designs of an indecent, obscene, or grossly offensive character.

11. Any person who acts in contravention of this section shall be liable to a penalty not exceeding One Hundred Pounds, or to imprisonment with or without hard labor for a period not exceeding twelve months.

III. The detention in the post office of any postal packet on the ground of its being in contravention of this section shall not exempt the sender thereof from any proceedings which might have been taken if the same had been delivered in due course of post.

Prohibition of affixing placards, notices, &c., on post office or letter-box, &c.

28. A person shall not, without due authority, affix or attempt to affix any placard, advertisement, notice, list, document, board, or thing on, or paint or tar any post office, post office letter-box, telegraph post, or other property belonging to or used by or on behalf of the Postmaster-General or to the Superintendent of Telegraphs, and shall not in any way disfigure any such office, box, post, or property. Any person who acts in contravention of this section shall be liable to a penalty not exceeding One Pound, or to imprisonment with or without hard labor for a period not exceeding one month.

Prohibition of imitation of post office stamps, envelopes, forms, and marks.

29. 1. A person shall not, without due authority—

- (a) Make, issue, or send by post or otherwise, any envelope, wrapper, card, form, or paper in imitation of one issued by

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by or under the authority of the Postmaster-General, or of the Imperial or any colonial or 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 packet bearing the same is sent on Her Majesty's service; or

(b) Make on any envelope, wrapper, card, form, or paper, for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of or similar to, or purporting to be, any stamp or mark of any post office under the Postmaster-General, or under the Imperial or any colonial or 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 packet bearing the same is sent on Her Majesty's service; or

(c) Issue or send by post or otherwise any envelope, wrapper, card, form, or paper so marked.

11. A person who acts in contravention of this section shall be liable to a penalty not exceeding Fifty Pounds, or to imprisonment, with or without hard labor, for any period not exceeding six months.

30. A person shall not—

Prohibition of
fictitious stamps.

(a) Make, knowingly utter, deal in, or sell any fictitious stamp, or knowingly use for any postal purpose any fictitious stamp; or

(b) Have in his possession, unless he shows a lawful excuse, any fictitious stamp; or

(c) Make, or, unless he shows a lawful excuse, have in his possession, any die, plate, instrument, or materials for making any fictitious stamp.

Any person who acts in contravention of this section shall be liable to a penalty not exceeding Fifty Pounds, or to imprisonment with or without hard labor for any period not exceeding six months.

Any stamp, die, plate, instrument, or materials found in the possession of any person, in contravention of this section, may be seized and shall be forfeited.

For the purposes of this section "fictitious stamp" means any *facsimile*, or imitation, or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage, whether of any of Her Majesty's dominions or of any foreign country.

31. 1. Any person who wilfully obstructs, or incites anyone to obstruct, an officer of the Post and Telegraph Department in the execution of his duty, or who whilst in any post or telegraph office, or within any premises belonging to any post or telegraph office or

Commission of
offences in Post Office
and obstruction of
officers of Post Office.

used

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used therewith, obstructs the course of business of the post or telegraph office, shall be liable to a penalty not exceeding Five Pounds.

11. Any officer of the post or telegraph office may require any person guilty of an offence under this section to leave a post or telegraph office or any such premises as aforesaid, and if such person fails or refuses to comply with such request such person shall be liable to a further penalty not exceeding Ten Pounds, and may be removed by any officer of the post or telegraph office; and all constables are required on demand to remove or assist in removing every such person.

Declaration by
Telegraph officers.

32. Every officer employed in the telegraph department shall, before he enters upon his duties, make and subscribe before a Justice of the Peace a declaration in the form contained in Schedule B to this Act annexed; and if any such officer acts contrary to such declaration he shall be guilty of a misdemeanor, and on conviction shall be liable to be imprisoned with or without hard labor for any period not exceeding six months

Saving clause as to
liability.

33. This Act shall not exempt any person from any proceeding for an offence which is punishable at common law, or under some Act other than this Act: Provided that no person be tried or punished twice for the same offence.

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

KINTORE, Governor.

SCHEDULES REFERRED TO.

SCHEDULE A.*Regulations in relation to Transmission of Registered Newspapers.*

1. Every such newspaper shall be folded so as to expose the title to view.
2. When posted in a cover, such cover must be open at both ends, so as to admit of the contents being easily withdrawn for examination, and shall not bear anything besides the title of the paper, a memorandum that the same is registered as a newspaper, and the name and address of the sender and of the person to whom it is addressed. Sec. 25.

SCHEDULE B.*Declaration by Officers of the Telegraph Department.*

I, A.B., do declare that I will be true and faithful in the execution of the duties entrusted to me, and that I will hold strictly secret all telegraphic or other communications that may pass through me in the performance of my duties. I also further declare that I will not divulge any information, directly or indirectly, respecting any messages or despatches transmitted, or intended to be transmitted, by electric telegraph, except to the persons to whom such messages or despatches may be addressed, or to their recognised agents. Sec. 32.

Declared before me, one of Her Majesty's Justices of the Peace, at
 , this day of , 18 .

, J.P.