

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 150.

Post and Telegraph.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Posts and Telecommunications at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

NOTE: The *Posts and Telecommunications Corporation Act* 1982 (No. 6 of 1982) created the Posts and Telecommunication Corporation. The *Posts and Telecommunications Corporation (Consequential Amendments) Act* 1982 (No. 7 of 1982) amended the *Post and Telegraph Act* in the main by substituting "Board" for "Minister", "Corporation" for "Department" and "Managing Director" for "Secretary". The Regulations made under this Act were not similarly amended and the necessary substitutions should be made.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 150.

Post and Telegraph Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 150.

Post and Telegraph Act.

Being an Act relating to the postal and telegraphic services.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Act unless the contrary intention appears—

“the Board” means the Board of the Corporation;

“construct” includes erect, lay down and place;

“Customs Act” means any Act or Acts relating to the Customs in force within Papua New Guinea and all orders and regulations made under any such Act or Acts;

“the Corporation” means the Post and Telecommunication Corporation established under the *Post and Telecommunication Corporation Act*;

“electric authority” means any Government authority, local authority or person generating, using or supplying electricity;

“electricity” includes electric current, electrical energy or any like agency;

“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 them or any part of, or any apparatus connected with, them.

“Government land” means Government land within the meaning of the *Land Act*;

“Head Office” means the head office of the Corporation;

“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—

(a) venereal or contagious diseases affecting the generative organs or functions; or

(b) nervous debility or other complaint or infirmity arising from or relating to sexual impotence or intercourse or sexual abuse; or

(c) pregnancy; or

(d) any irregularity or obstruction of the female system; or

(e) 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;

“mail” includes every package, receptacle or covering in which postal articles in course of transmission by post are conveyed whether or not it contains postal articles and loose or individual postal articles in transit;

“Managing Director” means the Managing Director of the Corporation;

“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;

“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 Corporation;

"port" includes any harbour, river, lake or roadstead;

"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 Board for the purpose of the payment of postage or fees to be chargeable under this Act;

"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;

"postal order" means a postal order 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 Board received, delivered, sorted or made up or from which postal articles are, by his authority, despatched, including a pillar box or other receptacle provided for the reception of postal articles for transmission;

"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;

"telegraph" or "telegraph line" means a wire or cable used for telegraphic communication including—

(a) any casing, coating, tube, tunnel or pipe enclosing; and

(b) any posts, masts or piers supporting,

the wire or cable and any apparatus connected with it or any apparatus for transmitting messages or other communications by means of electricity;

"telegraphic" includes telephonic;

"telegraph office" means a house, building, room or other place or structure used or occupied by or under the authority of the Board and under its control for the purposes of working a telegraph or for the receipt and delivery of telegrams;

"this Act" includes the regulations;

"vessel" includes every description of vessel employed on the high seas, in harbours, 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 description required to supply electricity or to carry into effect the objects of the electric authority.

(Amended by No. 7 of 1982, s. 1 and Schedule 1.)

(2) For the purposes of this Act a newspaper means any publication known and recognized as a newspaper in the generally accepted sense of the word and printed and published within Papua New Guinea for sale if—

- (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.

(3) 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 a newspaper if—

- (a) it consists in substantial part of reading matter other than advertisements or of engravings, prints, lithographs or coloured supplements; and
- (b) it is enclosed in each posted copy of the newspaper with which it is issued; and
- (c) it has the title of the newspaper with which it is issued printed on the top of each page of letter-press; and
- (d) it is not of a size or form which makes it inconvenient for carriage or delivery by post.

2. Declarations to be taken by officers, etc.

Every officer shall, before exercising the duties of his office, take and subscribe before a Commissioner for Oaths a declaration in Form 1.

3. Certain articles deemed to be letters.

Any article that is received at a post office for transmission or delivery shall, if not a packet parcel or newspaper as defined by this Act, be deemed a letter.

4. Packets may be defined.

The Board may, by order in the National Gazette, direct what articles may be sent by post as packets or parcels and on what terms and conditions they may be sent.

(Amended by No. 7 of 1982, Schedule 1.)

5. Officers of the Corporation free from tolls.

(1) 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 not be demanded or taken from, or in respect of—

- (a) any person employed to perform any duty of the Corporation when on duty; or
- (b) any person engaged in the conveyance of mails; or
- (c) any vehicle or horse conveying mail or postal articles; or
- (d) any telegraph messenger or line repairer when on duty; or
- (e) any vehicle or horse used or employed by a telegraph messenger or line repairer in the performance of his respective duties; or
- (f) any material or tools used or employed in the construction or repair of any telegraph line.

(Amended by No. 7 of 1982, Schedule 1.)

(2) Any person who demands or takes any toll in contravention of Subsection (1) is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K10.00.

6. Use of piers, etc.

The Board 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 on and in default of agreement as may be settled by arbitration.

(Amended by No. 7 of 1982, Schedule 1.)

7. Arrangements for foreign mails.

The Minister may make arrangements with the Australian Postal Commission or through him 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—

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

8. Contracts.

The Minister or any person authorized by him for the purpose may enter into written contracts on behalf of the State—

- (a) for or in respect of the carriage of mails by land and sea or either; or
- (b) for any other purpose incidental to the carrying out of this Act,

and may stipulate such terms and conditions as to him seem fit for securing the due regular and efficient performance of the contract.

9. Contributions may be accepted.

The Board may arrange or contract with any local governing body or person applying to it to establish or provide any additional facilities (postal or other) for the contribution by the body or person towards the expense of establishing or providing the facilities or for indemnifying the Board against any loss it may sustain by establishing or providing the facilities.

(Amended by No. 7 of 1982, Schedule 1.)

10. Letters, etc., from places beyond Papua New Guinea.

Every postal article received by post from a place outside Papua New Guinea shall be transmitted and delivered free of charge within Papua New Guinea, except—

(a) where it is necessary to collect the postage under an arrangement made under this Act; and

(b) where otherwise provided by this Act,

in which cases the postage and all other fees or dues (if any) on the postal article shall be collected on or before delivery.

11. Letters, etc., on public service sent free.

(1) Subject to Subsection (2), until the Board by order in the National Gazette directs, any officer of the Public Service may send free of charge letters, packets, newspapers or parcels from one part of Papua New Guinea to another. *(Amended by No. 7 of 1982, Schedule 1.)*

(2) The letters, packets, newspapers or parcels referred to in Subsection (1) must be bona fide on the public service and sent in accordance with the prescribed conditions.

12. Redirection.

(1) No additional charge shall be made on prepaid postal articles, other than parcels, re-addressed within the time and in the manner prescribed and again forwarded by post within Papua New Guinea 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.

(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.

13. Braille etc., postal articles.

All Braille and Moon postal articles shall be conveyed without charge under Departmental regulations.

14. Letters, etc., insufficiently prepaid.

(1) Any letter, post-card, letter-card or packet posted for delivery in Papua New Guinea 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 the letter, post-card, letter-card or packet, by an authorized officer.

(2) 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 where the articles are received.

15. Petitions to the Head of State.

All petitions and addresses to the Head of State shall be transmitted and delivered free of charge if the petitions or addresses do not exceed 453.6g¹ in weight respectively and are without covers or in covers open at the ends or sides.

16. Postage on letters, etc., containing returns of births, etc.

It shall not be necessary to prepay the postage on letters or packets containing only returns of births, baptisms, marriages and deaths, transmitted, in compliance with any law, by ministers of religion or other persons whose duty it is to transmit such returns to any officer appointed to receive them if, on the outside, they bear a statement, signed by the sender, that they contain such matter only.

17. Postage need not be prepaid on electoral matter.

It shall not be necessary to prepay the postage on letters or packets containing any ballot-papers, voting-papers or electoral documents and sent in compliance with any law to any officer of Papua New Guinea if, on the outside, they bear a statement signed by the sender that they contain such matter only.

18. Registration of newspapers, etc.

(1) The proprietor, printer or publisher of any newspaper may at such time and in such form and with such particulars as are prescribed, on payment of a fee of K0.50, register it at the Head Office and the Managing Director may—

- (a) from time to time, subject to appeal as provided in this section—revise the register; and
- (b) call on the proprietor, printer or publisher of any publication, a posted copy of which—
 - (i) contains indecent or obscene matter; or
 - (ii) by reason of the proportion of advertisements to other matter, or for any other reason, is not a newspaper,

to show cause why such publication should not be removed from the register and, if sufficient cause is not shown, he may remove it accordingly.

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

(3) A publication which is tendered for transmission at any post office in Papua New Guinea shall not be sent by post as a newspaper unless this section has been complied with.

(4) The Managing Director may refuse to transmit or deliver any issue of a publication if the issue contains indecent or obscene matter.

(5) Any posted newspaper found to contain indecent or obscene matter may be destroyed by order of the Board.

(6) No action shall be brought against the Board, the Managing Director or any officer of the Corporation for anything done or purporting to be done under this section, but any person aggrieved by anything done or purporting to be done by the Board, the Managing Director or any officer of the Corporation under this section may appeal to a Judge of the National Court by summons or petition in a summary manner.

¹Metricated editorially. The original weight was 16 oz.

(7) On appeal under Subsection (6) a Judge may—

- (a) decide whether the action taken under this section was justified in law or in fact; and
- (b) make such order as to restoration to the register or otherwise as to him seems just; and
- (c) award damages and costs or either in his discretion.

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

(Amended by No. 7 of 1982, Schedule 1.)

19. Postage stamps to be made and sold.

The Managing Director shall with the approval of the Board cause postage stamps to be made and sold indicating such amounts of postage or fees as may be directed by the Board.

(Amended by No. 7 of 1982, Schedule 1.)

20. Postmasters to keep sufficient supply of stamps.

Every postmaster shall—

- (a) procure and keep on hand for sale such quantities of postage stamps as the Managing Director authorizes and directs; and
- (b) sell the stamps without premium to any person desiring to purchase them.

(Amended by No. 7 of 1982, Schedule 1.)

21. Prepayment of postage.

(1) Subject to this section and Section 22, 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 Papua New Guinea for the correspondence of private individuals.

(2) A reply-half of reply post-cards bearing postage stamps of the country in which the cards were issued shall be considered as duly prepaid if addressed to that country.

(3) Official correspondence from the Corporation relative to the postal and telegraphic service and telegraphic messages on which all fees payable under this Act have been paid may be transmitted free by post for delivery within Papua New Guinea.

22. Money in place of stamps.

Notwithstanding Section 21, where it happens that a postmaster does not have postage stamps of the requisite value for sale, the postage and fees on any postal article may be prepaid by money and shall be acknowledged by the postmaster on the face or cover of the article.

23. Prepayment of postage in bulk.

Where a large quantity of letters, packets or newspapers are brought to the post by or on behalf of any person, the Board may authorize any postmaster or other officer to accept money in prepayment of the postage on each letter, packet or newspaper and the postmaster or other officer shall mark on each letter, packet or newspaper the full amount of postage prepaid.

(Amended by No. 7 of 1982, Schedule 1.)

24. Where postage stamps to be affixed.

The postage stamps on all postal articles sent by post shall be impressed or affixed on the face of, and near the address written on, the article and a postmaster shall not be bound to take any notice of stamps which are impressed or affixed elsewhere.

25. Postage stamps may be perforated with letters.

Any person, with the written permission of the Board, may perforate postage stamps with such letters, figures or design as are prescribed in the written permission and stamps so perforated—

(a) shall not be considered to be defaced within the meaning of this Act; and

(b) shall be received in payment of any postage fees or dues and telegraph fees, but stamps so perforated shall not be purchased or exchanged by any postmaster or servant of the Corporation.

(Amended by No. 7 of 1982, Schedule 1.)

26. Erection of letter pillars, etc.

The Board may cause letter pillars or boxes for reception of postal articles to be erected and maintained in any public road, street, highway or other place.

(Amended by No. 7 of 1982, Schedule 1.)

27. Registration.

(1) Any person who sends any letter, packet or newspaper by post is entitled to have it registered at the post office at which it is posted on payment of the prescribed fee for registration.

(2) 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 Board appoints. (Amended by No. 7 of 1982, Schedule 1.)

(3) Any person who sends a registered article by post may obtain an acknowledgement 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.

(4) 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 orders or postage stamps not exceeding K0.50 in value, the postmaster or officer may register the letter or packet and charge it with double the prescribed fee for registration and the fee to be so paid shall be written on the letter or packet by the postmaster or officer of the post office who registers it and the fee shall be paid by the person to whom it is addressed before delivery unless the person, before delivery, opens the letter in the presence of a postmaster or officer of the post office and it is found not to contain any valuable enclosure, in which case the fee shall not be charged.

28. Declaration where missing letter, etc., contained valuables.

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 Form 2 and to pay the fee (if any) prescribed before any inquiry is instituted.

29. Letters, etc., posted in contravention of this Act.

Every postal article received in a post office—

(a) on which the postage stamps have been previously obliterated or defaced unless the postage has been prepaid by money; or

(b) which contains an enclosure contrary to the provisions of this Act or of any other Act; or

(c) which is posted contrary in any other way to the provisions of this Act; 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.

30. Dealing with letters, etc., in contravention of this Act.

(1) 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) on which any postage is payable by the person to whom it is addressed and in respect of which the person refuses to pay the postage,

shall be transmitted without delay by the postmaster receiving it to the Head Office.

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

31. Power to examine newspapers and packets.

(1) The Board or its 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.

(2) The question whether any postal article is entitled to be sent as a newspaper or packet shall, if disputed, be referred to the Board for determination and its decision is final¹.

(Amended by No. 7 of 1982, Schedule 1.)

32. Blasphemous, etc., letters may be destroyed.

(1) The Board may at any time cause any postal article having anything profane, blasphemous, indecent, obscene, offensive or libellous, written or drawn on the outside of it or any obscene enclosure in any postal article to be destroyed.

(2) An action shall not be brought against the Board or any officer of the Corporation for anything done under this section but any person aggrieved by anything done by the Board under this section may appeal to a Judge of the National Court by summons or petition in a summary manner.

(Amended by No. 7 of 1982, Schedule 1.)

33. Indecent pictures, etc., sent by post.

The Board may—

- (a) 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 is of an indecent or obscene nature; and
- (b) cause any such newspaper, packet or parcel to be destroyed.

(Amended by No. 7 of 1982, Schedule 1.)

34. Unclaimed and undelivered articles returned from other countries.

The Board may cause all unclaimed and undelivered postal articles originally posted within Papua New Guinea which have been returned from the place to which they were forwarded to be treated as unclaimed articles and opened in accordance with this Act.

(Amended by No. 7 of 1982, Schedule 1.)

¹But, see Constitution, Section 155.

35. Unclaimed letters, etc., to be kept for certain periods.

(1) Every postal article which remains undelivered at any post office to which it has been transmitted for delivery shall, except as otherwise provided in this Act, be kept at that post office for delivery for such time as is prescribed.

(2) As soon as possible after the expiration of the time prescribed under Subsection (1), the postmaster shall transmit to the head office every postal article that has been kept for the prescribed time and every such postal article so transmitted and any postal article which remains undelivered at the Head Office beyond the prescribed time shall be dealt with in accordance with this Act.

(3) Notwithstanding anything in this Act, when any letter or packet bears an endorsement 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 letter or packet has been transmitted for delivery, shall, as soon as possible after the time so specified, transmit it to the endorsed address and if it is refused at that address it shall be deemed to be undelivered and unclaimed and dealt with accordingly.

36. Letters, etc., at hotels remaining undelivered to be returned.

(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 Board until delivered to the person to whom they are addressed and if—

- (a) they are not delivered within one month after their receipt by the occupier or manager; and
- (b) instructions to the contrary are not received from the person to whom they are addressed,

they shall be returned to the nearest post office and kept there for delivery for such time as is prescribed and at the expiration of that time shall be transmitted to the Head Office.

(Amended by No. 7 of 1982, Schedule 1.)

(2) All telegrams and postal articles transmitted to the Head Office under Subsection (1) shall be dealt with there as undelivered and unclaimed.

(3) Every occupier or manager wilfully omitting or failing to return any telegram or postal article referred to in this section is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K10.00.

37. Dead letters, etc., disposed of at Head Office.

(1) On the receipt at the Head Office of any postal article required by this Act to be transmitted to that Office, the postal article, if—

- (a) it was originally posted in Papua New Guinea; or
- (b) it has been posted or contains any enclosure; or
- (c) it is 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 Head Office in accordance with this Act.

(2) Every letter and packet, if it was originally posted outside Papua New Guinea, shall, subject to Subsection (1), be returned to the proper authorities in the country in which it was posted.

(3) Every newspaper wherever it was originally posted shall be opened in the same place and manner as letters and packets originally posted in Papua New Guinea.

38. Opening of unclaimed or dead letters.

Every postal parcel opened under this Act shall be opened in the presence of not less than two officers at the post office nominated for that purpose by the Managing Director and every such officer shall, before he enters on his duties in this respect, make and subscribe, before a Commissioner for Oaths, a declaration in Form 3.

(Amended by No. 7 of 1982, Schedule 1.)

39. Opened postal articles not containing anything of value.

(1) The Managing Director shall cause every detained, unclaimed, refused and undelivered, postal article posted in any part of Papua New Guinea which has been opened under this Act to be immediately returned to the writer or sender if his name and address can be ascertained by examination of the article and the writer or sender is then liable to pay the original postage payable on the article if not prepaid.

(Amended by No. 7 of 1982, Schedule 1.)

(2) If the writer or sender refuses to receive any article referred to in Subsection (1), the article may be immediately destroyed but the writer or sender is liable to pay the postage on the article.

40. Opened letters and packets containing anything of value.

(1) If any undelivered letter or packet which is opened under the provisions of this Act, contains any valuable or saleable enclosure, it shall be safely kept and a list of the letters or packets together with a memorandum of the contents made and preserved, and the Managing Director shall, unless the contents have been posted—

- (a) 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
- (b) with intent to evade payment of the postage properly chargeable on the letter or packet containing them,

cause notice of the letter or packet and of the contents to be sent—

- (c) to the person to whom it is addressed, if he is known; or
- (d) to the writer or sender, if he is known.

(2) On application by the person to whom it is addressed if known, or if unknown—by the writer or sender if known, the letter or packet and its contents shall be delivered to the person making the application.

(3) If—

- (a) neither of the persons referred to in Subsection (2) can be found or makes an application within three months after the sending of the notice, the letter or packet shall be destroyed and its contents forfeited; or

(b) the contents—

- (i) 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
- (ii) have been posted with intent to evade payment of the postage properly chargeable on the letter or packet containing them,

the letter or packet shall be destroyed and its contents forfeited unless the Board directs that the contents be restored to the writer or sender of the letter or packet.

(4) If the contents referred to in Subsection (3) are not money, or a security, or order for money payable to bearer, they may be destroyed, sold or converted into money in such manner as the Board directs and the proceeds shall be paid into the Consolidated Revenue Fund.

(5) If the contents referred to in Subsection (3) are money, or a security, or order for money payable to bearer, it shall form part of the Consolidated Revenue Fund.

(Amended by No. 7 of 1982, Schedule 1.)

41. Open newspapers.

(1) Every unclaimed or undelivered newspaper opened under this Act may be immediately sold, destroyed or used for any public purpose, unless before the sale, destruction or use, it is claimed and the postage (if any) due on it is paid by the person to whom it is addressed.

(2) If any newspaper has been posted or contains any enclosure—

(a) 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

(b) with intent to evade payment of the postage properly chargeable on it, the newspaper shall be sold, destroyed or used as specified in Subsection (1), and anything which is enclosed in, or with, or which accompanies, the newspaper or its cover shall be forfeited.

(3) If an enclosure or accompaniment referred to in Subsection (2) is not money, or security, or order for money payable to bearer, it may be destroyed, sold or converted into money in such manner as the Managing Director directs and the proceeds shall be paid into the Consolidated Revenue Fund.

(Amended by No. 7 of 1982, Schedule 1.)

(4) If the enclosure or accompaniment referred to in Subsection (2) is money, or a security, or order for money payable to bearer, it shall form part of the Consolidated Revenue Fund.

42. Sender of opened letter to pay postage.

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 on it and in case of refusal to do so, is liable to a penalty not exceeding K4.00.

43. Letters, etc., not to be returned except in certain cases.

Except as provided by this Act, a letter, packet or newspaper—

(a) shall not be destroyed or returned to the writer or sender without—

(i) the written consent of the person to whom it is addressed; or

(ii) the written direction of the Managing Director; and

(b) shall not be delivered to any person not named in the address without such consent or direction.

(Amended by No. 7 of 1982, Schedule 1.)

44. Letters of insolvents to be delivered to trustee.

When any person becomes or is adjudged bankrupt or insolvent by any court of competent jurisdiction within Papua New Guinea the Board, if so directed by the order of the court, shall, until a date to be specified in the order, cause any postal article addressed to the bankrupt or insolvent to be delivered to the official trustee or other person named in the order.

45. Letters, etc., for deceased persons.

Postal articles addressed to deceased persons may be delivered to the executors or administrators of the deceased person on production of the probate or letters of administration, but until such production the Board may cause such postal articles to be delivered as may be prescribed.

(Amended by No. 7 of 1982, Schedule 1.)

46. Power in certain cases to refuse to register or deliver letters, etc.

(1) If the Managing Director has reasonable ground to suppose any person to be engaged either in Papua New Guinea or elsewhere in receiving money or any valuable thing—

(a) as consideration—

(i) for an assurance or agreement express or implied to pay or give; or

(ii) for securing that some other person shall pay or give,

any money or valuable thing on any event or contingency of, or relating to, any horse-race 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

(c) as contributions or subscriptions towards any lottery or scheme of chance; or

(d) under pretence of foretelling future events; or

(e) in connexion with a fraudulent, obscene, indecent or immoral business or undertaking,

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

(2) The order under Subsection (1) shall specify the name or address and shall, on publication, be of full force and effect until cancelled by the Managing Director.

(3) An order under Subsection (1) shall not be made without the direction of the Board.

(Amended by No. 7 of 1982, Schedule 1.)

47. Certain letters to be sent to Head Office.

(1) If any postal article addressed to the person named in an order under Section 46 by the name or address referred to in that section is received at a post office it—

(a) shall not be delivered to that person or at that address but shall be immediately sent to the Head Office; and

(b) shall, if it was originally posted in Papua New Guinea, be opened and immediately returned to the sender; and

(c) shall, if it was not originally posted in Papua New Guinea, be returned unopened to the proper authorities of the colony, possession or country where it was originally posted.

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

48. Heavy letters, packets and newspapers may be refused.

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.

49. Delivery to post office or last known residence sufficient transmission.

(1) The transmission of a postal article addressed to a person in Papua New Guinea 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.

(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 that person, unless he, by written notice to the postmaster of the office to which the article is addressed, has prohibited the delivery.

50. Despatch and delivery of packets, etc., may be delayed.

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, books, 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.

51. Action to recover postage.

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

- (a) the person from whom the postal article purports to have come shall be deemed the sender of it and the onus of proving that the article did not come from or was not sent by him rests on the person proceeded against; and
- (b) the post office stamp or mark denoting that the postal article has been refused or that the person to whom the article is addressed is dead or cannot be found is prima facie evidence of the refusal or that the person is dead or cannot be found; and
- (c) the post office stamp, or mark on the stamp, denoting the postage or fee, is prima facie evidence of the liability of the postal article to the postage or fee and that the sum or marked on it is payable in respect of it.

52. Mail in charge of postmaster, etc., deemed to be in course of post.

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 Corporation or other person employed by, or under, the Managing Director shall, until the contrary is proved, be deemed to be in the course of being sent by post.

(Amended by No. 7 of 1982, Schedule 1.)

53. Power to destroy books, documents, telegrams, etc.

(1) In this section "document" includes documents relating to the parcels post.

(2) Subject to Subsection (3), the Managing Director may, on the direction of the Board, 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 orders, returns, requisitions, orders for delivery of letters or letters to the Corporation or any other document or their butts.

(3) An order under Subsection (2) shall not be made with respect to—

- (a) telegrams written within the period of two years prior to the date of the order; and

- (b) books and other documents, printed, written or prepared, within the period of one year prior to the date of the order.

(4) The Board or the Managing Director or any officer of the post office shall not be accountable in any manner to any person for any telegrams, books or documents, destroyed under this section and no claim for damages shall arise to any person by reason of any such destruction.

(Amended by No. 7 of 1982, Sched. 1.)

54. Appropriation of fees, etc. (Repealed by No. 7 of 1982, s. 2.)

PART II.—CONVEYANCE OF MAILS BY SHIPS.

55. Lockers to be provided.

(1) In all vessels, by which mails are conveyed under any contract entered into by the Board under this Act, there shall be provided a suitable locker or other secure place in which the mails and all postal articles shall be locked up and carried apart from all other articles and things.

(Amended by No. 7 of 1982, Schedule 1.)

(2) If—

- (a) a locker or place is not provided as specified in Subsection (1); or
(b) any such mails or postal articles are carried in the vessel during the whole or any part of the voyage, otherwise than in such locker or place,

the master of the vessel is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K100.00.

56. Delivery of ship mails on arrival of ship.

(1) All mails and any loose postal article on board a vessel at the time of her arrival in a port in Papua New Guinea, directed to a person in Papua New Guinea, except letters—

- (a) concerning goods on board the vessel and to be delivered with the goods; or
(b) sent by way of introduction only or concerning the bearer's private affairs,

shall be immediately 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 in writing under the hand of a postmaster.

(2) Subject to Subsection (1), any master who knowingly or negligently detains or keeps in his possession or neglects or refuses to deliver mail or postal articles after demand is made is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K100.00.

57. Declaration by masters of inward-bound vessels.

(1) Subject to Subsection (3), the master of a vessel arriving at any port in Papua New Guinea shall, as soon as practicable after arrival, sign, in the presence of the postmaster or other officer appointed to receive it at such port or the town or place nearest to the port or town, a declaration in Form 4 and then the postmaster or officer shall grant a certificate under his hand of the making of the declaration and until such certificate has been delivered to the proper officer of Customs at the port he shall not permit such vessel to report.

(2) Subject to Subsection (3), any master who fails or refuses to make a declaration or who makes a false declaration is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K100.00.

(3) A postmaster may, where vessels are known, or reasonably believed, to have no mails on board, authorize the proper officer of the Customs to permit such vessels arriving at any port in Papua New Guinea to report without requiring the declaration to be signed and the certificate to be delivered.

58. Mails on outward-bound and coastwise vessels.

The master of a vessel about to depart from a port in Papua New Guinea to a port or place within or beyond Papua New Guinea—

- (a) may be required, by an officer of the Corporation 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
- (b) must give a receipt for such mail to the person tendering or delivering it; and
- (c) must carefully deposit the mail in some secure and dry place on board the vessel and convey the mail on her then intended voyage.

Penalty: Subject to Section 106, a fine not exceeding K100.00.

(Amended by No. 7 of 1982, Schedule 1.)

59. Payments to master of vessel.

(1) The master of a vessel, about to depart from any port in Papua New Guinea to any other port or place, who receives on board any mail for the purpose of conveying it according to the direction on it, shall be entitled immediately to demand and receive from the person tendering or delivering the mail, payment at such rates as may be prescribed for its carriage, but this does not entitle the master of any vessel under contract for the carriage of mails to receive any such payment.

(2) When mails are brought from one port to another and trans-shipped 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.

60. Notice of departure of vessels.

(1) Subject to Subsection (2), the master of a vessel not carrying mails under a contract for the carriage of mail which is—

- (a) about to depart from any port in Papua New Guinea to any port or place beyond Papua New Guinea 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 the vessel is about to depart, not less than 24 hours' written notice of the intended time of departure; or
- (b) about to depart from a port in Papua New Guinea to another port or place in Papua New Guinea 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' written notice of her intended hour of departure.

(2) A shorter notice than specified in Subsection (1) may be prescribed in any case or special class of cases and every such notice shall commence and expire between 9 a.m. and 5 p.m.

(3) A master of a vessel referred to in Subsection (1) must also give notice to the postmaster or officer of any postponement of the time of departure exceeding one hour.

Penalty: Subject to Section 106, a fine not exceeding K100.00.

(4) On receipt of a notice, the postmaster or other officer of the post office shall grant a certificate of the receipt of the notice to the master and until the certificate has been given the vessel shall not be cleared.

61. Duty of master where ship not sailing pursuant to notice.

When the master of a vessel has received 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 of that time, the master must—

- (a) immediately give notice to the postmaster of the delay; and
- (b) on demand return the mails and 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 authorized for that purpose in writing under the hand of the postmaster.

Penalty: Subject to Section 106, a fine not exceeding K200.00.

62. Masters to give notice of approach to a place appointed for mails.

(1) The master of a vessel, proceeding from a port or place in Papua New Guinea to some other port or place in Papua New Guinea, having on board mail for delivery in the last-mentioned port or place must give notice of the near approach of the vessel 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 that port or place, duly authorized to receive or despatch mail and must give the notice sufficient time before the actual arrival of the vessel to enable that person to be prepared to receive mail from, or despatch mail in, the vessel.

(2) Any master who refuses or omits to give notice under Subsection (1) is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K100.00.

PART III.—MONEY ORDERS AND POSTAL ORDERS.

63. Arrangements for money orders and postal orders.

(1) The Minister may make arrangements with or through the Australian Postal Commission for the issue and payment, by means of the Corporation, of money orders and postal orders between Papua New Guinea and Australia and also between Papua New Guinea and the United Kingdom or any British possession or a foreign country and for the accounting for, and transmission of, moneys required for that purpose.

(2) The Board may make arrangements for the issue and payment by means of the Corporation of money orders and postal orders within Papua New Guinea and for the accounting for, and transmission of, moneys required for that purpose.

(Amended by No. 7 of 1982, Schedule 1.)

64. Amount of money orders and postal orders.

The Board may, by notice in the National Gazette, fix—

- (a) the amounts for which money orders and postal orders may be issued; and
- (b) * * * * *

(Amended by No. 58 of 1983, s. 1.)

65. Payment of out of date postal orders.

A postal order issued under this Act and not presented for payment within six months from the last day of the month of issue shall be payable only under such conditions as are determined by the Board.

(Amended by No. 7 of 1982, Schedule I.)

66. Amount of money order may be refunded in certain cases.

(1) The Board 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) On the repayment all liability (if any) of the Board or of the Managing Director or of any postmaster or officer of the Corporation in respect of the money order or the issue or repayment of the amount of the order shall, as against all persons, cease and determine.

(Amended by No. 7 of 1982, Schedule I.)

67. Orders deemed valuable security and public moneys.

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

68. No stamp duty on money orders or postal orders.

Stamp duty shall not be charged on any money order or postal order issued or paid under this Act.

69. Reference to postal notes, etc.

(1) In this section—

“law of Papua New Guinea” means—

- (a) an Act; or
- (b) an instrument, including regulations or rules, having effect by virtue of an Act; or
- (c) an instrument having effect by virtue of an instrument referred to in Paragraph (b);

“the law in force before 1 June 1966”—

- (a) in relation to the former Territory of Papua, means the *Post and Telegraph Act, 1912*; and
- (b) in relation to the former Territory of New Guinea, means the *Post and Telegraph Act 1912-1916* of the Territory of Papua, in its application to the Territory of New Guinea.

(2) On and after 1 June 1966—

- (a) a reference in a law of Papua New Guinea; and
- (b) a reference in a contract or agreement, whether the contract or agreement is in writing or not, deed or other instrument; and
- (c) a reference in any other manner, not being a reference in a law other than a law of Papua New Guinea,

to a postal note within the meaning of the law in force before 1 June 1966 shall, unless the context is such that it would be inappropriate or the contrary intention appears, be read as a reference to a postal order within the meaning of this Act.

PART IV.—TELEGRAPHS.

70. Exclusive rights of Board.

(1) Subject to Subsection (2), the Board shall have the exclusive privilege of—

- (a) erecting and maintaining telegraph lines; and
- (b) transmitting telegrams or other communications by telegraph within Papua New Guinea and between Papua New Guinea and other countries and ships and aircraft; and
- (c) performing all the incidental services of receiving, collecting or delivering such telegrams or communications,

except as provided by this Act or the regulations.

(2) This section does not prevent any person from maintaining and using any telegraph line previously erected by him or from erecting, maintaining and using any telegraph line—

- (a) which is wholly within or on land of which he is the proprietor or occupier and solely for his own purposes if no part of the line is within 3.658m¹ of any existing line of the Board 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 of which he is the occupier or proprietor and solely for his own purposes.

(Amended by No. 7 of 1982, Schedule 1.)

71. Authority to persons to erect and maintain telegraph lines.

(1) The Board may, on such conditions as it deems fit, authorize any person to erect and maintain telegraph lines within Papua New Guinea and to use them for all purposes of, and incidental to, telegraphic communication.

(Amended by No. 7 of 1982, Schedule 1.)

(2) The conditions and authority referred to in Subsection (1) shall not be required in the case of any person erecting or maintaining telegraph lines erected on private land or within a private building.

72. Board may contract for construction of telegraph lines.

(1) The Board, or a person authorized for that purpose by the Board, may enter into a contract with any person for the construction and maintenance of any telegraph line by the person for the Board or for his own use.

(2) Every telegraph line constructed or to be constructed within Papua New Guinea shall be subject to this Act.

(Amended by No. 7 of 1982, Schedule 1.)

73. Provisions as to crossing roads, etc., by private lines.

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 on both sides of a road, public reserve, Government land or creek, this Act shall not be deemed to prevent such person, on payment of the prescribed fee, from continuing or carrying the private line across any road, public reserve, Government land or creek at a height of at least 5.486m² from the surface of the road, public reserve, Government land or creek or otherwise as approved by the Board.

(Amended by No. 7 of 1982, Schedule 1.)

¹Metricated editorially. The original distance was 12 feet.

²Metricated editorially. The original distance was 18 feet.

74. Lands may be entered and surveyed, etc.

Any person acting under the authority of the Board may, for the purpose of this Act, enter on any land and survey and take levels 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 with a telegraph line.

75. Works to be made on any land, etc.

(1) Subject to Subsection (2), a person authorized under Section 74, may—

- (a) 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 on, under or through any land or any shore of the sea, road, stream, or water; and
- (b) break, excavate and remove any soil, to the extent and depth required, for placing or removing the works.

(2) Every wire or cord crossing a road or commonly used waggon track or water above the surface shall be at least 6.096 m¹ above the surface and the free use of any land, shore, road or water shall not be obstructed more than is necessary for the purposes of this Act.

(3) Where, subsequent to the erection on any footpath, road or highway of any telegraph line, it becomes necessary to remove it owing to any alteration of alignment or other action on the part of a Local Government Council or Authority the cost of removal shall be borne by the Council or Authority concerned.

76. Wires, etc., may be affixed to buildings.

(1) Subject to Subsection (2), a person authorized under Section 74 may, whenever it is necessary for continuing or completing a telegraph line, cause a wire or cord to be supported by affixing or annexing it to, in or on, through or against, any part of a house, building, or other structure, in a city, town or village.

(2) The wire or cord, if aerial, must be at least 5.486 m² from the surface of the earth on which the house, building, or other structure, is situated.

77. Trees obstructing telegraph lines may be cut or lopped.

(1) Any trees or underwood that obstruct or, in the opinion of the Board or an officer duly authorized by it, are likely to interfere with the proper working of any telegraph line—

- (a) if growing on Government land or on any road, street or highway—may, after notice to the local or other authority having the care and management of them, be cut down or lopped as is deemed necessary by the Board or officer after consultation with the authority; and
- (b) if growing on private lands within 6.096m¹ of any such line—the proprietor or occupier of the private lands shall cut down or lop them, as and when required to do so by the Board or officer and, on default, the Board or officer may enter on the private lands and cause the trees and underwood to be cut or lopped away as is deemed necessary.

(2) This Act shall be sufficient to indemnify the Board, the Corporation and its officers, servants, agents and workmen and all other persons for what they shall reasonably do by virtue of the powers granted by this section.

(Amended by No. 7 of 1982, Schedule 1.)

¹Metricated editorially. The original distance was 20 feet.

²Metricated editorially. The original distance was 18 feet.

78. Free access for repair of telegraph line.

(1) In this section, "the owner" includes the person in occupation of the lands on which the fence is erected.

(2) Where, after 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 the telegraph line, the owner of the fence shall, at his own cost, on the written demand of the Board, cause a gate or slip-rails at least 3.048m¹ wide to be put up in the 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 the telegraph line.

(3) If a demand under Subsection (1) has not been complied with within 14 days, any person being employed in the repair of a telegraph line may remove, cut down, or otherwise break through, the fence.

(4) Where, previously to the erection of a telegraph line, a fence has been erected which is afterwards crossed by a telegraph line the person causing the erection of such telegraph line may, if authorized by the Board in writing, cause a gate or slip-rails at least 3.048m¹ wide to be put up in the same manner at the expense of the Board and shall give to the owner of the fence seven day's written notice of its intention to do so.

(Amended by No. 7 of 1982, Schedule 1.)

79. Laying lines under street.

The Board or any person authorized by it, after notice to the local or other authority having the care and management of them, may—

(a) 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

(b) alter or remove them,

and for such purposes may break up any street or public road and alter the position of any pipe, not being a sewer or drain or a main for the supply of water or gas or electricity.

(Amended by No. 7 of 1982, Sched. 1.)

80. Compensation.

(1) In the exercise of the powers conferred by this Act the Board or an authorized person shall do as little damage as possible and the Board may 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) If the amount cannot otherwise be agreed on, compensation shall be settled by arbitration.

81. Board may resume possession of private lines in certain cases.

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 fixed by the Board under the *Post and Telecommunication Corporation Act*; or

(b) in the opinion of the Board—commits a breach of any of the regulations or of the terms or conditions on which the use of the line is granted permitted or continued,

the Board may without prejudice to the remedies for such refusal or neglect prescribed in Section 83 resume possession of the line and prevent the further use of it by the person

¹Metricated editorially. The original width was 10 feet.

and the person shall not be entitled to any compensation for loss arising through the exercise by the Board of the powers conferred by this section.

(Amended by No. 7 of 1982, Schedule 1, No. 58 of 1983, s. 2.)

82. Resumption of private lines after notice.

(1) The Board may, with the consent of the Parliament and after giving six months' notice, resume any private telegraph or telephone line.

(2) If the amount cannot otherwise be agreed on, compensation shall be settled by arbitration.

83. Recovery of rents and charges.

If any person refuses or neglects to pay on demand the rent or charges fixed under the *Post and Telecommunication Act* and due from him for the use of any line of telegraphic communication the Board may recover the rent or charges with costs in any court of competent jurisdiction.

(Amended by No. 7 of 1982, Schedule 1, No. 58 of 1983, s. 3.)

84. Telegraph lines vest in Board.

All telegraph lines erected, acquired or maintained by the Board are vested in the Board.

(Amended by No. 7 of 1982, Schedule 1.)

85. Order of transmitting telegrams.

(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.

(2) Regulations may be made prescribing the order of transmission of delayed telegrams, that is to say telegrams on which reduced rates are to be paid.

(3) An officer wilfully offending against the provisions of this section is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K200.00, or imprisonment for a term not exceeding two years.

86. Blasphemous, etc., telegrams may be refused.

Any person employed under the authority of the Managing Director may refuse to receive or transmit a telegram containing blasphemous, indecent, obscene, offensive or scandalous matter in its contents, address or signature.

(Amended by No. 7 of 1982, Schedule 1.)

PART V.—PENALTIES.

87. Letters not to be carried for hire.

(1) Subject to Subsection (3), a letter shall not be sent or carried for hire or reward otherwise than by post.

(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

- (b) exclusively concerning goods sent and to be delivered with it; or
- (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.

88. Publishing unauthorized telephone list.

(1) Any person who, without the authority (proof of which is on him) of the Managing Director, prints, publishes, or circulates, any list purporting to be a list of the subscribers or persons connected with any telephone exchange is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K20.00.

(2) Every list printed, published, or circulated, in contravention of this section shall be forfeited to the State and shall, on demand by the Board, be delivered up to the Board.

(Amended by No. 7 of 1982, Schedule 1.)

89. Post offices may be entered on behalf of Corporation.

(1) Any person duly authorized for the purpose by the Board may enter into any post office or telegraph office and take possession of all property, moneys, money orders, letters, goods, chattels, or effects, in it belonging to or appertaining to the Corporation and may for that purpose remain a reasonable time in the post office or telegraph office or in or on the premises where the post office or telegraph office is situated.

(Amended by No. 7 of 1982, Schedule 1.)

(2) Any person who wilfully obstructs, hinders, or delays any person entering, taking possession, or remaining, under Subsection (1) is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K50.00 or imprisonment for a term not exceeding six months.

90. Penalty for posting placards on post office pillars, etc.

Any person not duly authorized for that purpose (proof of which is on him), who 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, is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K10.00.

91. Penalty on unauthorized persons opening mail.

Any person, not being a postmaster or a person authorized for the purpose (proof of which is on him) by the Managing Director, who, on any pretence, opens or endeavours to open any mail is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K200.00 or imprisonment for a term not exceeding one year.

(Amended by No. 7 of 1982, Schedule 1.)

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

92. Interpretation of injurious affection.

Any telegraph line vested in the Board 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.

(Amended by No. 7 of 1982, Schedule 1.)

93. Electric authority not to injuriously affect telegraph lines.

An electric authority shall not, except as provided by this Part, construct any electric line or do any other work for the generation, use, or supply, of electricity by which any telegraph line vested in the Board is or may be injuriously affected.

(Amended by No. 7 of 1982, Schedule 1.)

94. Limit of responsibility in case of injurious affection of lines.

In the case of an electric lighting system, the electric authority using the lighting system shall not be held responsible for its lines or works affecting the lines vested in the Board 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.

(Amended by No. 7 of 1982, Schedule 1.)

95. Notice to be given before work by electric authority.

(1) Before the electric line is constructed or work is done by any electric authority within 9.144m¹ of any telegraph line vested in the Board (other than repairs or the laying of consumers' connexions with mains where the direction of the electric line crosses a telegraph line vested in the Board at right angles at the point of shortest distance and continues in the same direction for a distance of 1.828m² on each side of such point and where the connecting wires so crossing are not within .914m³ of any telegraph wire) the electric authority or its agents shall, not less than seven nor more than 28 days before commencing the work, give written notice to the Board specifying—

- (a) the course, nature and gauge of the electric line; and
- (b) the manner in which the electric line is intended to be constructed and used; and
- (c) the amount and nature of the currents intended to be transmitted by the line; and
- (d) the manner in which the 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 Board for the purpose of preventing any telegraph lines of the Board from being injuriously affected by any such work.

(2) In the event of any contravention of, or wilful non-compliance with, this section by the electric authority or its agents the electric authority is liable to a penalty, subject to Section 106, of a fine not exceeding K20.00 for every day during which the contravention or non-compliance continues or, if the telegraphic communication is wilfully interrupted or injuriously affected, a fine not exceeding K100.00 for every day on which the interruption or injurious affection continues.

(3) This section does not subject the electric authority or its agents to a penalty if the court hearing the case is satisfied that—

- (a) the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency; and
- (b) notice of the execution of the work was immediately 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 work without previous notice.

(Amended by No. 7 of 1982, Schedule 1.)

96. Work by electric authority affecting telegraph line.

(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 vested in the Board and provision is not otherwise made by enactment, agreement, or otherwise, with respect to the alteration, or with respect to giving notice to the Board of the

¹Metricated editorially. The original distance was 10 yards.

²Metricated editorially. The original distance was 6 feet.

³Metricated editorially. The original distance was 3 feet.

alteration, or to the expenses of or incidental to the alteration, the following provisions apply :—

- (a) the electric authority or its agents shall give to the Board not less than 14 days' previous notice of the time and place at which the work will be begun and of the nature of the alteration required; and
- (b) before the expiration of seven days after the notice is given, the Board may give the electric authority or its agents a counter-notice—
 - (i) stating its intention to make; or
 - (ii) requiring the electric authority to make under its supervision and to the satisfaction of the Board or its agents,

such alteration in the telegraph line as it deems necessary or expedient to be made in consequence of the proposed work; and
- (c) if the Board by counter-notice states that it is its intention to make such alteration it, or its agents, may make it, and the electric authority or its agents shall pay to the Board all reasonable expenses incurred by it of and incidental to, and the amount of any loss or damage sustained by the Board in consequence of, the alteration; and
- (d) if the Board by 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 it under the supervision and to the entire satisfaction of the Board or its agents and the electric authority shall pay to the Board—
 - (i) all reasonable expenses incurred by it of and incidental to such supervision; and
 - (ii) the amount of any loss or damage sustained by it in consequence of the alteration; and
- (e) if the Board fails to give a counter-notice or if, having undertaken to make the alteration, the Board or its 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 Board or its agents; and
- (f) if the electric authority or its agents—
 - (i) fail to serve on the Board the notice required by this section with respect to any work; or
 - (ii) begins to do the work specified in the notice before the expiration of 14 days after the notice is given,

the electric authority or its agents shall be liable to pay a penalty, subject to Section 106, of a fine not exceeding K20.00 for every day during which the work is continued without the written sanction of the Board and the Board may, at the expense of the electric authority, remove such work; and
- (g) if the electric authority or its agents fail to comply with the reasonable requirements of the Board or its agents under this section they shall be liable to a penalty, subject to Section 106, of a fine not exceeding K20.00 for every day during which the failure continues or, if the telegraphic communication is interrupted or injuriously affected, not exceeding K100.00 for every day on which the interruption or injurious affection continues.

(2) This section does not subject the electric authority or its agents to a penalty for omitting to comply with any requirements of the Board or its agents or for executing without previous notice any work if the court hearing the case is satisfied that—

- (a) 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
- (b) notice of the execution of the work was immediately 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 work without previous notice.

(3) This section does not compel the Board to alter the position of any telegraph line if the circumstances of the case render such alteration objectionable.

(Amended by No. 7 of 1982, Schedule 1.)

97. Electric authority to pay expenses for injury to telegraph line, etc.

(1) If a telegraph line vested in the Board is destroyed, injured or injuriously affected by an electric authority or its agents the electric authority shall not only be liable to pay to the Board such expenses (if any) as it 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, subject to Section 106, of a fine not exceeding K40.00 for every day during which the interruption or injurious affection continues.

(2) If the electric authority liable to pay the daily penalty specified in Subsection (1) to the Board 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—

- (a) for the time during which it actually continues; or
- (b) for such less time as, in the opinion of the court hearing the case would have been sufficient to enable the Board to remedy the interruption or injurious affection.

(3) The Board may, instead of taking proceedings for the recovery of a daily penalty, proceed for the recovery of a penalty of a fine not exceeding K100.00.

(Amended by No. 7 of 1982, Schedule 1.)

98. Penalty for obstruction of Managing Director.

If an electric authority or its agents obstructs the Managing Director 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 under this Act, the electric authority and its agents respectively shall, for every act of obstruction, be liable to a penalty, subject to Section 106, of a fine not exceeding K20.00 and, if the obstruction continues, to a penalty of a fine not exceeding K20.00 for every day during which it continues.

(Amended by No. 7 of 1982, Schedule 1.)

99. Restrictions where telegraph lines injuriously affected.

(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 vested in the Board, the Board may, by notice served on the person owning or using or entitled to use the electric lines or works, require that the supply be continued only in accordance with such conditions and restrictions for the protection of the telegraph lines vested in the Board and the telegraphic communication through the lines as it may prescribe by or in pursuance of the notice.

(2) In default of compliance with conditions and restrictions prescribed by Subsection (1), the Board may require that the supply of electricity through the electric lines or works shall be immediately discontinued until the default ceases.

(3) Where the electric lines or works, referred to in this section, have been lawfully constructed prior to the erection of the telegraph line vested in the Board which is injuriously affected, the Board shall pay to the person owning or using, or entitled to use, the 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.

(Amended by No. 7 of 1982, Schedule 1.)

100. Penalty for unlawfully constructing or using works.

(1) Any electric authority constructing or using any electric line or works, or generating, using or supplying electricity contrary to this Act or the regulations is guilty of an offence.

Penalty: Subject to Section 106, a fine not exceeding K100.00.

Default penalty: A fine not exceeding K10.00.

(2) An electric authority convicted under Subsection (1) is also liable to pay in addition to any penalty all costs and expenses which may—

- (a) be incurred in taking proceedings against the electric authority; and
- (b) be lawfully incurred in remedying the default of the electric authority.

101. Action of Board not to relieve electric authority.

Any action taken by the Board or its 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 the electric authority of any liability under this Act or the regulations or under any Act providing for the safety of persons or property.

(Amended by No. 7 of 1982, Schedule 1.)

102. Provisions as to notices.

(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 Board or Managing Director shall be sufficiently authenticated if it purports to be signed by the Board or Managing Director or by any duly authorized officer and when so authenticated shall be deemed to be given, issued or made by the Board or Managing Director.

(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 Board or Managing Director may be given—

- (a) by leaving it at or by forwarding it by post to the Corporation in a registered letter addressed to the Board or Managing Director; or
- (b) by delivering it or forwarding it by post in a registered letter—
 - (i) 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 situated; or
 - (ii) 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 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.

(Amended by No. 7 of 1982, Schedule 1.)

PART VII.—LEGAL PROCEEDINGS.

103. Proceedings for penalties.

Offences against this Act or the regulations not declared to be indictable offences are punishable on summary conviction by a Magistrate of a District Court or Local Court.

104. Deputation by Minister or Board.

The Minister or the Board, as the case may be, may depute any postal or telegraph officer to appear on his behalf either as prosecutor or defendant and his written authority to that effect shall be good and sufficient in law.

(Amended by No. 7 of 1982, Schedule 1.)

105. Differences to be settled by arbitration.

Any difference which arises between the Board or Managing Director and an electric authority or its agents with respect to any requirements of the Board or Managing Director or as to the cost of any alterations of telegraph lines shall be determined by arbitration.

(Amended by No. 7 of 1982, Schedule 1.)

106. Minister may settle cases.

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

PART VIII.—NOTICE AND LIMITATION OF ACTIONS.

107. Notice and limitation of action.

(1) Any action against the Minister or the Board or the Managing Director or any officer or employee of the Corporation for anything done or omitted to be done under this Act or the regulations shall be commenced within six months after the act is committed or omitted.

(2) An action under Subsection (1) shall not be commenced until one month after notice of, and the cause of, the action 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.

(3) On the back of the notice under Subsection (1) shall be endorsed the name and place of abode or business of the plaintiff and his lawyer or agent if the notice is served by a lawyer or agent.

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

(Amended by No. 7 of 1982, Sched. 1.)

108. Protection from actions.

An action or other proceeding shall not be maintainable against the State or the Minister or the Board or Managing Director or any officer of the Corporation by reason of any default, delay, error, omission or loss, whether negligent or otherwise, in the transmission or delivery or otherwise in relation to—

(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.

(Amended by No. 7 of 1982, Schedule 1.)

109. Actions on money orders or postal orders.

An action or other proceeding shall not be maintainable against the State, the Minister or the Board or Managing Director or any officer of the Corporation—

- (a) by reason of the payment of the amount of a money order or postal order being refused or delayed; or
- (b) 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 order after its payment by whoever presented it if it was paid without fraud or wilful misbehaviour on the part of the person sought to be made liable.

(Amended by No. 7 of 1982, Schedule 1.)

PART IX.—MISCELLANEOUS.

110. Overseas mail charges. (*Repealed by No. 58 of 1983, s. 5.*)

111. Regulations.

(1) The Head of State, acting on advice, may make regulations not inconsistent with this Act prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular for—

- (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 Corporation; and
- (b) * * * *
- (c) prescribing the maximum weight and dimensions of postal articles; and
- (d) providing for—
 - (i) transmission and delivery of parcels; and
 - (ii) the conditions under which parcels may be received, transmitted, delivered, returned to the senders or otherwise disposed of; and
 - (iii) * * * *
 - (iv) 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; and
- (e) * * * *
- (f) providing for private boxes and private bags; and
- (g) prescribing the form of, and the mode of, issuing licences for the sale of stamps and the commission to be allowed on the sale; and
- (h) prescribing the mode of defacing or obliterating stamps on postal articles; and

- (i) prescribing the mode of dealing with postal articles supposed to contain dutiable articles; and
- (j) prescribing the mode of sale distribution or destruction of undelivered newspapers; and
- (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 by which the public may be enabled promptly and safely to remit sums of money through the Corporation; and
- (l) prescribing the conditions relating to the issue, payment and cancellation of postal orders; and
- (m) * * *
- (n) * * *
- (o) * * *
- (p) prescribing the terms and conditions on which agreements may be made by the Board with any person for the construction and maintenance of a telegraph line for the exclusive use of the 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 the person as the consideration for the agreement; and
- (q) securing the telegraph lines and works from interference or injurious affection by electric lines or works; and
- (r) voting by post at elections under any law; and
- (s) providing for the payment by any person instead of the sender of the rate payable on any postal article; and
- (t) the purpose of providing for the payment for a rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be those recognized in the locality in which the work is carried out; and
- (u) prescribing penalties of fines not exceeding K100.00 for offences against the regulations.

(2) The power to make regulations extends to the making of regulations binding not only on officers and persons having business with the Corporation but on all persons.

(Amended by No. 7 of 1982, Schedule 1, No. 58 of 1983, s. 4.)

112. Repeal and saving.

(1) The Acts specified in Schedule 2 are repealed.

(2) All instruments (other than regulations) made and all things done under an Act repealed by Subsection (1), or under regulations made under any such Act, and in force or having effect immediately before 1 May, 1978 continue in force or with effect as if made under this Act.

SCHEDULES.

SCHEDULE 1.

PAPUA NEW GUINEA.
Post and Telegraph Act.

Sec. 2.

Form 1.

DECLARATION OF OFFICE.

I, _____, 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 comes into my hands, power, or custody, by reason of my employment relating to the Corporation, except by the consent of the person, or persons, to whom the postal article is directed or by an express warrant in writing for that purpose under the hand of the Managing Director or unless otherwise in pursuance and under the authority of any of the provisions for the purpose contained in any Act, law, or duly authorized regulation, of the Corporation passed and made for or in relation to the postage and conveyance of postal articles. And I further declare that I will be true and faithful in the execution of the telegraph duties entrusted 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 recognized agents.

Sec. 28.

Form 2.

DECLARATION OF THE PARTICULARS RELATING TO AN UNREGISTERED MISSING
LETTER OR PACKET CONTAINING A VALUABLE ENCLOSURE.

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

I, _____, residing at _____ in _____ declare that the answers to the above questions are correct in every particular. (*Signature of Declarant.*)

Declared before me at _____,

19 _____

Commissioner for Oaths.

Sec. 38.

Form 3.

DECLARATION BEFORE OPENING POSTAL ARTICLES.

I, _____, 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 to do so for the purpose of ascertaining the name and address of the writer or sender of the letter or packet and that I will not divulge to any person, except to the Managing Director on 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 above purpose.

Sec. 57.

Form 4.

DECLARATION BY MASTER OF VESSEL.

I, _____, 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 authorized to receive delivery of them 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.

Dated _____,

19 _____

Master.

SCHEDULE 2.

Sec. 112.

REPEALED ACTS.

Acts of the former Territory of Papua.

Post and Telegraph Act, 1912.

Post and Telegraph Act, 1916.

Post and Telegraph Act, 1920.

Post and Telegraph Act, 1924.

Post and Telegraph Act, 1930.

Post and Telegraph Act, 1941.

Acts of the former Territory of New Guinea.

Post and Telegraph Act, 1912-1916 of the former Territory of Papua, in its application to the former Territory of New Guinea by virtue of the *Laws Repeal and Adopting Act* 1921.

Post and Telegraph Act 1923.

Post and Telegraph Act 1933.

Acts of the former Territory of Papua and New Guinea.

Post and Telegraph (Papua) Act 1951.

Post and Telegraph (Papua) Act 1960.

Post and Telegraph (Papua) Act 1966.

Post and Telegraph (New Guinea) Act 1966.

Acts of the former Territory of Papua New Guinea.

Post and Telegraph (Overseas Telecommunications) (Papua) Act 1973.

Post and Telegraph (Overseas Telecommunications) (New Guinea) Act 1973.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 150.

Postal Regulation.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—
 - "Australia"
 - "Australian Post Office Guide"
 - "Australian Territory"
 - "departmental officer"
 - "domestic post service"
 - "overseas post service"
 - "Postal Charges Directory"
 - "Qualified Publications"
 - "the register".

PART II.—GENERAL.

2. Air Mail.
3. Addressing of postal articles.
4. Grouped articles.
5. Late fees. (*Repealed.*)
6. Return of postal articles.
7. Departmental Mail Notice. (*Repealed.*)

PART III.—LETTER CATEGORY MAIL MATTER.

8. Letter Category Mail Matter.
9. Postage.
10. Letters.
11. Postcards.
12. Certain cards to be enclosed.

PART IV.—PACKETS.

13. Packets.
14. Postage.
15. Packages prepaid at letter rate to be specially marked.
16. Articles, etc., not transmissible as Packet Mail Matter.

PART V.—QUALIFIED PUBLICATIONS.

17. Qualified Publications.
18. Penalty for false inscription.
19. Personal correspondence and sealed articles not transmissible as Qualified Publication.
20. Dimensions of Qualified Publications.
21. Books.
22. Book form.
23. Advertisements in books.

24. Periodicals to be registered.
25. Inscription on periodicals which are Qualified Publications.
26. Supplements to periodicals.
27. Change in form, title, etc., of periodical.
28. Supplements to newspapers.
29. Inscription on newspapers registered as Qualified Publications.
30. Change in form, title, etc., of newspaper.
31. Publications not eligible for registration as books.
32. Registration of books.
33. Periodicals.
34. Application for registration of periodical.
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SCHEDULE—Rates of Postage.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 150.

Postal Regulation.¹

MADE under the *Post and Telegraph Act*.

PART I.—PRELIMINARY.

1. Interpretation.

In this Regulation unless the contrary intention appears—

“Australia” includes all the Territories administered by or under the authority of the Government of Australia;

“Australian Post Office Guide” means the issue of the Post Office Guide issued by the Postmaster-General’s Department of Australia current at the date of posting;

“Australian Territory” means a Territory of or under the authority of Australia;

“departmental officer” means an officer or employee of the Department;

“domestic post service” means the postal service operating within Papua New Guinea;

“overseas post service” means the postal service operating between Papua New Guinea and places outside the domestic post service;

“Postal Charges Directory” means the table of postal charges published by the Secretary current at the date of posting;

“Qualified Publications” means newspapers, periodicals, books and other publications registered in the register;

“the register” means the list of Qualified Publications approved under this Regulation for acceptance at the Qualified Publications rate of postage.

PART II.—GENERAL.

2. Air mail.

(1) Articles prepaid at letter rate of postage shall be carried by air within Papua New Guinea where air service is available and its use will speed delivery.

(2) Articles and parcels which the sender desires to transmit by air mail shall bear near the address an air mail label, or a prominent endorsement of the words “AIR MAIL”.

(3) A parcel posted within Papua New Guinea for delivery within the domestic post service shall be carried by air when the fee specified in the Postal Charges Directory relating to that parcel is prepaid.

(4) The rates of postage for air mail articles posted to places in the overseas post service are those shown in the Postal Charges Directory.

(5) The weights and dimensions of air mail articles shall be those applicable to surface articles of the same categories.

¹1. For offences relating to Posts and Telegraphs generally, *see*, also, Division III.8 of the Criminal Code.

3. Addressing of postal articles.

(1) Every postal article shall be legibly addressed in writing or printing running parallel to the length of the cover, leaving a clear space above the address sufficient to accommodate the postage stamps and postmarks.

(2) Subject to Subsection (3), nothing shall be written, printed or placed on the address side of a postal article which is likely to impede its treatment by postal officials, and a postal article may be deemed to contravene this subsection if matter such as advertisements, pictorial representations, ornamentations, and such like additions (other than headings which leave sufficient space for the postage stamps and postmarks) extend beyond the left half of the envelope, cover or wrapper.

(3) Notwithstanding the provisions of Subsection (2), a postal article for transmission by air mail may be enclosed in an envelope with a varicoloured border.

(4) An article shall not be accepted for transmission by post if it is enclosed in an envelope, wrapper or cover bearing cancelled postage stamps, postmarks or other evidence of previous transmission through the post, but the provisions of this subsection do not apply to an article which has been redirected in accordance with the provisions of this Regulation relating to redirection.

4. Grouped articles.

(1) Subject to Subsection (2), an article other than a parcel containing enclosures liable to different rates of postage shall be treated as if the whole contents were in the same category as the portion to which the highest rate is applicable, and if the postage has not been fully prepaid at the rate prescribed for that portion the article shall be dealt with as an insufficiently prepaid postal article.

(2) On a letter and article of the Packet Mail Matter category posted in a dual envelope in accordance with the requirements of the Secretary the postage charged shall be that applicable respectively to the letter and the Packet Mail Matter category.

5. Late fees. (*Repealed by No. 43 of 1981, s. 1.*)

6. Return of postal articles.

(1) For the purposes of this section, "office of posting" in relation to a postal article, means the post office at which the article was posted, or, if it was posted at a street letter receiver or other receptacle, the post office to which it was conveyed, or would, in the ordinary course, have been conveyed, for the purpose of post-marking and despatch.

(2) Except as otherwise provided in this Regulation, a postal article shall not—

(a) be returned to the sender; or

(b) be withheld from due transmission to its destination according to the address appearing on it; or

(c) be delivered to any person other than the addressee, without the written consent of the addressee or the written direction of the Secretary.

(3) Where the sender applies for the withdrawal of a postal article before delivery to the addressee, the Secretary may give the necessary written direction if he considers the reasons for withdrawal are satisfactory.

(4) An applicant for the withdrawal of one or more postal articles before despatch from the office of posting shall, at the time of lodging the application, pay a search fee of K2.00.

(5) Where the withdrawal of more than one postal article is applied for before despatch from the office of posting and the withdrawal occasions a search at more than one point in that office, the applicant shall, before the return of the articles, pay, in addition to the fee prescribed by Subsection (4) a fee of K2.00 in respect of each point more than one at which a search is necessary.

(6) Where application is made for the withdrawal of one or more postal articles after despatch from the office of posting, the applicant shall at the time of lodging the application pay a search fee of K4.00 in respect of each article, and, in addition, the cost of any necessary overseas telegrams.

(7) The fees and costs referred to in Subsections (4), (5) and (6) shall be retained by the Secretary whether or not the effort to intercept the article is successful.

(8) The postage or registration fee (if any) paid on a postal article which is returned in accordance with this section shall not be refunded, but, if the stamp affixed to any such article has not been impressed with an official postmark at the time it is found, the article shall be returned with the stamp uncanceled.

(9) Where stamps denoting payment of postage at air mail rate have been cancelled on a postal article or on a parcel and the article or parcel is returned to the sender under this section, the amount paid in excess of the surface rate for an article or parcel of the same weight may, if no portion of the air mail transmission is effected, be refunded.

(Amended by No. 43 of 1981, s. 2.)

7. Departmental Mail Notice. *(Repealed by No. 43 of 1981, s. 3.)*

PART III.—LETTER CATEGORY MAIL MATTER.

8. Letter Category Mail Matter.

Subject to this Part, Letter Category Mail Matter consists of letters, letter-cards and postcards.

9. Postage.

The rates of postage for Letter Category Mail Matter are those shown in the Schedule.

10. Letters.

(1) Subject to Subsection (2), any article of convenient shape, size (not being less than 140 mm long and 90 mm wide) and weight, but not exceeding 500 g in weight, which is eligible for transmission through the post may be accepted for transmission as a letter.

(2) The weight of a letter posted for transmission through the overseas post shall not exceed 2 kg.

11. Postcards.

A postcard, to be eligible for transmission at the rate prescribed for postcards, shall comply with the following conditions :—

- (a) it shall be posted without envelope or wrapper; and
- (b) the name and address of the addressee shall appear on the front; and
- (c) only the name and address of the addressee shall appear on the right half of the front; and
- (d) any attachment shall consist of paper or other very thin substance, and adhere completely to the card; and
- (e) stamps, other than those in prepayment of postage, liable to be mistaken for postage stamps may be affixed only to the back; and
- (f) nothing in the nature of samples of merchandise or similar articles shall be affixed or attached; and
- (g) it shall be made of cardboard or paper stout enough to be easily handled in the post; and
- (h) its dimensions shall not be less than 140 mm long and 90 mm wide, and not more than 148 mm long and 105 mm wide.

12. Certain cards to be enclosed.

Cards of the varieties known as "tinselled" and "beaded", and cards with "pearling" decorations, are not transmissible through the post unless enclosed in envelopes.

PART IV.—PACKETS.

13. Packets.

Packets comprise all postal articles of convenient shape and size weighing not more than 500 g and not paid at letter rate.

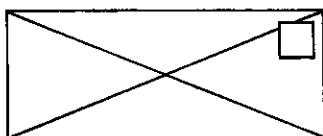
14. Postage.

The rates of postage for Packet Mail Matter posted in the country for delivery in the country are those shown in the Schedule.

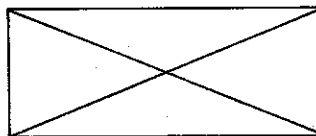
15. Packages prepaid at letter rate to be specially marked.

(1) The sender of a postal article in respect of which postage at letter rate is paid shall, if the article is made up in such a manner that it might be mistaken for an article of the Packet Mail Matter Category or a parcel, endorse the article on the address side with the words "Letter Post" and mark it by drawing lines across the front and back, in colour other than red, in the following manner :—

On the front—



On the back—



(2) The postal article shall also bear on the address side an air mail label or a prominent endorsement of the words "AIR MAIL".

16. Articles, etc., not transmissible as Packet Mail Matter.

(1) A notice or other document relating to lotteries and schemes of chance, other than an art union, shall be accepted for transmission only as a letter.

(2) Perishable substances, such as game, fish, flesh, fruit and vegetables, are not eligible for transmission as Packet Mail Matter and the rates and conditions prescribed for parcels apply.

PART V.—QUALIFIED PUBLICATIONS.

17. Qualified Publications.

Qualified Publications are eligible for transmission by post at the rate specified in the Schedule.

18. Penalty for false inscription.

A person who places or causes to be placed on any book, newspaper, periodical or other publication, not being a Qualified Publication, for transmission through the post, an inscription likely to give the impression that the book, newspaper, periodical or other publication, as the case may be, is a Qualified Publication, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

19. Personal correspondence and sealed articles not transmissible as Qualified Publication.

(1) An article bearing or containing anything of the character of actual or personal correspondence, or which is closed against inspection is not eligible for transmission through the post as a Qualified Publication, and any article which is posted contrary to the provisions of this section shall be treated as an insufficiently prepaid postal article.

(2) If, on receiving an article which has been surcharged owing to its being closed against inspection, the addressee opens it in the presence of the postmaster and it is found not to contain anything rendering the article liable to surcharge, the surcharge imposed on account of its being closed against inspection may be remitted.

20. Dimensions of Qualified Publications.

An article posted at the Qualified Publications rate under this Regulation shall not exceed 10 kg in weight and shall be of convenient shape and size.

21. Books.

(1) For the purposes of this Regulation, a book shall—

- (a) consist of printed or printed and illustrated publications of a literary or educational character, wholly set up and printed in Papua New Guinea; and
- (b) be in book form; and
- (c) if printed after 30 June 1922, be registered at the General Post Office, Port Moresby, for transmission through the post as a book.

(2) A publication which is not in book form nor of the character specified in the conditions governing the classification of books, or is published for the purpose of advertisement, is not eligible for transmission at the rate of postage prescribed for a Qualified Publication.

22. Book form.

In order to be in book form, a publication shall consist of printed or printed and illustrated pages fastened together by stitching or stapling and bound in covers of paper, cardboard, cloth, leather or other ordinary binding material.

23. Advertisements in books.

A book may contain on the cover, or on pages of the book, advertisements relating to the book itself, or to books written by the same author or published by the same publisher, and other advertisements may appear on the permanent cover, but not on any of the pages of the book.

24. Periodicals to be registered.¹

For the purpose of this Regulation, periodicals consist of magazines, reviews and other similar publications registered at the General Post Office, Port Moresby for transmission through the post as Qualified Publications.

25. Inscription on periodicals which are qualified publications.

The publisher of a periodical which is a Qualified Publication shall print on the outside of the front cover, or on the front page where the periodical has no cover, of each copy issued the words "Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication".

26. Supplements to periodicals.

(1) A publication which is printed on paper and issued as a supplement to a periodical and which—

- (a) consists in substantial part of reading matter other than advertisements, or of engravings, prints or lithographs and is enclosed in each copy of the relevant issue of the periodical; and
- (b) is enclosed in each posted copy of the periodical with which it is issued; and

¹See, also, Sections 33 and 35.

(c) has the date, publication and title of the periodical with which it is issued printed at the top of each page, or when in the form of an engraving, print or lithograph at the top of each sheet; and

(d) does not exceed the periodical itself in size or weight,

shall be deemed to be a supplement and to be part of that periodical.

(2) A publication designed primarily for advertising purposes shall not be deemed to be a supplement to a periodical within the meaning of this Regulation.

27. Change in form, title, etc., of periodical.

The publisher, printer, or proprietor of a periodical registered as a Qualified Publication shall notify the Secretary of any proposed change in the form, title, frequency of issue, or proprietorship of the periodical and a copy of the first issue of the periodical under the changed form, title, frequency of issue, or proprietorship shall immediately be furnished to the Secretary.

28. Supplements to newspapers.

For the purposes of this Regulation, a supplement to a newspaper shall not exceed in size or weight the newspaper with which it is issued.

29. Inscription on newspapers registered as Qualified Publications.

The publisher of a newspaper registered as a Qualified Publication shall print on the outside of the front cover, or on the front page where the newspaper has no cover, of each copy issued the words "Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication".

30. Change in form, title, etc., of newspaper.

The publisher, printer, or proprietor of a newspaper registered as a Qualified Publication shall notify the Secretary of any proposed change in the form, title, frequency of issue, or proprietorship of the newspaper and a copy of the first issue of the newspaper under the changed form, title, frequency of issue, or proprietorship shall immediately be furnished to the Secretary.

31. Publications not eligible for registration as books.

A publication which is not in book form nor of the character specified in the conditions governing the transmission of books, or is published for the purpose of advertisement, is not eligible for registration as a Qualified Publication.

32. Registration of books.

(1) A printed or printed and illustrated book of a literary or educational character wholly set up and printed in Papua New Guinea may be registered as a Qualified Publication.

(2) An application for registration of a book as a Qualified Publication shall be made to the Secretary in the form required by him and shall be accompanied by a copy of the relative publication in proof or complete form.

(3) When registration is granted, the words "Registered at the General Post Office, Port Moresby, for transmission through the post as a Qualified Publication" shall be printed or stamped on the title leaf of the publication.

33. Periodicals.

(1) For the purposes of this Regulation, a publication shall be deemed to be a periodical if it is printed and published within Papua New Guinea for bona fide sale at the advertised price, and is a publication which—

- (a) is originated and published for the dissemination of information of public interest, or is devoted to literature, the sciences, arts, or religious, technical, or practical subjects; and
- (b) is regularly published in numbers at intervals not exceeding three calendar months; and
- (c) has the full title and date of publication printed on the cover and at the top of each page consecutively numbered; and
- (d) is formed of printed paper sheets without board, cloth, leather, or other substantial binding.

(2) The provisions of this section in regard to sale, and the provisions of Subsection (1)(b) and (c) do not apply to school magazines or to periodical publications consisting in substantial part of articles on scientific, technical, or educational subjects issued by local scientific, technical or educational institutions or societies.

(3) A publication designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates, shall not be deemed to be a periodical within the meaning of this Regulation.

34. Application for registration of periodical.

The proprietor, printer, or publisher of a periodical publication may, subject to the following conditions, apply to have it registered as a Qualified Publication at the General Post Office, Port Moresby :—

- (a) the application for registration shall—
 - (i) be made in writing; and
 - (ii) contain a description of the periodical to be registered; and
 - (iii) show at what interval the periodical is published; and
- (b) three copies of the latest issue of the periodical, and one copy of the last preceding issue, shall accompany the application; and
- (c) a statutory declaration by the applicant declaring—
 - (i) that the periodical is printed and published within Papua New Guinea for bona fide sale at the advertised price and is not designed primarily for advertising purposes or for free circulation or circulation at nominal rates; and
 - (ii) that at least 75% of the copies issued are sold to bona fide purchasers, or to bona fide subscribers; and
 - (iii) whether or not any previous application has been made for registration of the periodical under the same or any other title,shall accompany the application.

35. Registration of periodicals.

(1) Subject to Subsection (2), if on receipt of an application the Secretary is satisfied that the publication is a periodical within the meaning of this Regulation, and that the requirements of this Regulation have been complied with, he may register it accordingly,

and any publication for the time being on the register shall be deemed to be a periodical registered at the General Post Office, Port Moresby, as a Qualified Publication.

(2) A publication which contains profane, blasphemous, indecent, obscene, immoral, or seditious matter shall not be registered under this section.

36. Deregistration of periodicals.

If, in the opinion of the Secretary—

- (a) any posted copy of a registered periodical contains profane, blasphemous, indecent, obscene, immoral or seditious matter; or
- (b) a registered periodical has ceased to conform to the definition of a periodical contained in this Regulation,

he may—

- (c) by notice—call on the proprietor, printer or publisher of the periodical to show cause, within the time specified in the notice, why the periodical should not be removed from the register; and
- (d) if, in his opinion, within that time, sufficient cause has not been shown—remove the periodical from the register, and on such removal the periodical shall be deemed not to be registered.

37. Evidence as to sale, etc., of periodicals.

The Secretary may, at any time, call on the proprietor, printer or publisher of a periodical to furnish evidence by statutory declaration as to the total percentage of copies issued which are sold to bona fide purchasers or to bona fide subscribers, and any other particulars which are, in his opinion, necessary to show whether in respect of the periodical the requirements of this Regulation are being complied with.

38. Registration of newspapers.

(1) The proprietor, printer or publisher of any newspaper, as defined by Section 1(2) and (3) of the Act, may have it registered at the General Post Office, Port Moresby, subject to the conditions set out in this section.

(2) The application for registration shall—

- (a) be made in writing; and
- (b) contain a description of the newspaper to be registered; and
- (c) show at what intervals the newspaper is published.

(3) Three copies of the latest issue of the newspaper and one copy of each of the last two preceding issues shall be forwarded with the application, together with a fee of K0.50.

(4) The following statutory declarations shall be forwarded with the application :—

- (a) a statutory declaration by the applicant declaring—
 - (i) that the publication is printed and published within Papua New Guinea for sale, and not for free distribution to any great extent; and
 - (ii) that at least 75% of the copies issued are sold to bona fide purchasers or to bona fide subscribers who have ordered the paper; and
 - (iii) whether or not any previous application has been made for registration of the publication under the same or any other title; and

- (b) two statutory declarations by independent publishers, newsagents or other persons in the trade who are not in any way interested in the proprietorship or printing of, and are not subscribers to, the publication, declaring—
- (i) that the declarant personally knows and recognizes the publication as a newspaper in the generally accepted sense; and
 - (ii) that to the best of his knowledge and belief the publication is known and recognized by purchasers as a newspaper in the generally accepted sense; and
 - (iii) that the publication is not, to the best of his knowledge and belief, recognized as a magazine, review or other similar publication; and
 - (iv) that he is not the proprietor or the printer of, or not a subscriber to, the publication, and is not in any way interested in the proprietorship or printing of the publication.

39. Deregistration of newspapers.

The Secretary when revising the register, under Section 18 of the Act, may call on the proprietor, printer or publisher of any newspaper appearing in the register to furnish evidence by statutory declaration as to the total percentage of copies issued that are sold to bona fide purchasers or to bona fide subscribers, and any other particulars that are, in his opinion, necessary to enable him to determine whether the newspapers should be removed from the register or not.

PART VI.—PARCELS.

40. Parcels.

Postal articles of convenient shape and size exceeding 500 g but not exceeding 10 kg in weight shall be classed as parcels.

41. Postage on parcels must be prepaid.

(1) Except where authority is given under Section 112 for payment of the postage to be made by the addressee, the postage on a parcel shall be fully prepaid—

- (a) by means of adhesive postage stamps affixed either on the cover of the parcel close to the address or on a label affixed to the parcel; or
- (b) by means of franking machine impressions made in accordance with Part XVI; or
- (c) by payment in cash at the post office at which the parcel is handed in.

(2) The franking machine impressions appearing on any one parcel shall not exceed five in number.

(3) A combination of franking machine impressions and postage stamps for the prepayment of the postage on any one parcel shall not be used.

(4) Where—

- (a) the covering of a parcel is of material to which stamps and labels will not readily adhere; or
- (b) the covering or contents of the parcel might be damaged by the pressure of an obliterating stamp; or
- (c) the article for transmission is posted without a cover,

the postage stamps or franking machine impressions may be placed on a tie-on label which is securely attached to the parcel.

42. Addressing of parcels.

The sender of a parcel shall clearly indicate on the outside the name and full address of the addressee, and where a tie-on label is used the name and address shall be indicated on the cover of the parcel as well as on the tie-on label.

43. Name of sender to appear on cover.

(1) Subject to Subsection (2), the sender of a parcel shall indicate his name and address—

- (a) on the cover of the parcel in such a position that it will not be confused with the name and address of the addressee; or
- (b) in the space provided for the purpose on a label supplied by the Department to be affixed to the parcel.

(2) Where the sender of a parcel addressed to a place within Papua New Guinea objects to his name and address appearing on the parcel, the requirement of Subsection (1) may be waived if the parcel does not contain a liquid, powder or semifluid or any other substance which, in the event of breakage of the containing vessel or covering, might injure other postal articles.

44. Parcels not properly packed may be refused.

When it is apparent to the official to whom a parcel is tendered for transmission that the parcel is not packed in accordance with the prescribed conditions, he shall refuse to accept it for transmission until those conditions are complied with.

45. Posting of parcels.

(1) A parcel intended for transmission by parcel post shall not be posted in a posting receptacle but shall be handed in at a post office.

(2) The officer to whom a parcel is handed shall check the weight, size and postage before accepting it.

(3) If the postage is not fully prepaid, except where authority is given under Section 112 for payment of postage by the addressee, or if the parcel exceeds the limits of weight or size, it shall not be accepted.

(4) Where an article which is transmissible through the post only as a parcel is posted in a posting receptacle instead of being handed in at a post office in the prescribed manner, it shall be regarded as being irregularly posted, and the following procedure shall be adopted :—

- (a) if for delivery within Papua New Guinea the parcel shall, if it bears sufficient address and is properly packed, be forwarded to its destination, but double the amount of any deficient postage shall be charged on delivery; or
- (b) if addressed to a place beyond Papua New Guinea, the parcel shall be detained, and, if practicable, a notice shall be forwarded to the sender requiring him to complete the necessary Customs declaration and pay the deficient postage (if any) on the parcel and the postage on the notice sent to him.

(5) If the name and address of the sender of a parcel referred to in Subsection (4)(b) cannot be ascertained, the parcel shall be dealt with as follows :—

- (a) if the parcel is addressed to Australia, the Union of South Africa or New Zealand, and bears a sufficient address and is properly packed, it shall be forwarded to its destination surcharged double the amount of any deficient postage; or
- (b) if the parcel is addressed to a country other than Australia, the Union of South Africa or New Zealand, it shall be detained and a notice shall be sent to the addressee informing him of the detention of the parcel and the reason for the detention and that, on the receipt of the amount of deficient postage (if any) and the postage on the notice, the parcel will be forwarded.

(6) If an irregularly posted parcel is not properly packed it shall, if possible, be returned to the sender.

(7) Should an irregularly posted parcel not bear an address sufficient to permit of despatch to its destination, a notice shall, if possible, be sent to the sender informing him that, on furnishing the requisite address and on payment of the deficient postage (if any) on the parcel and of the postage on the notice sent to him the parcel will be forwarded to its destination.

(Amended by No. 43 of 1981, s. 4.)

46. Number may be restricted.

Where, in the opinion of the Secretary, it is necessary in the interests of the Department, the number of parcels that may be accepted at a post office from any one sender on any one day may be restricted to the extent determined by the Secretary.

47. Customs declaration.

The sender of a parcel addressed to a place beyond Papua New Guinea shall sign a declaration on a form provided by the Department for the purpose setting forth in the English language—

- (a) an accurate statement of the contents; and
- (b) the value of each article of the contents; and
- (c) the name and address of the addressee; and
- (d) the sender's name and address; and
- (e) if possible, the net weight or quantity of the various articles contained in the parcel; and
- (f) where articles contained in the parcel are being returned to the country of origin, that such is the case; and
- (g) any other particulars which may facilitate the assessment of Customs duty.

48. Acknowledgement of delivery.

(1) The sender of an unregistered parcel addressed to a place within Papua New Guinea may obtain an acknowledgement of its delivery to the addressee or other person to whom it is delivered on payment of a fee of K0.25 in addition to postage.

(2) The sender shall enter the necessary particulars in a form provided by the Department for the purpose and shall affix to that form postage stamps in payment of the fee.

(Amended by No. 43 of 1981, s. 5.)

49. Parcels containing valuables.

(1) In this section, "valuables" include cheques, money orders, postal notes and bank drafts.

(2) Where a parcel found to contain valuables is to be returned to the sender, the parcel shall be sent to the Dead Letter Office and from there to the sender.

(3) A parcel referred to in Subsection (2) shall be transmitted as if it were a postal article accepted for registration under Section 84.

50. Contents of parcels.

A parcel shall not contain a package intended for delivery at an address other than that borne by the parcel itself, and where a parcel contains any such enclosure it shall be surcharged on delivery double the postage chargeable on the enclosure as a separate postal article.

51. Prohibited articles.

(1) A parcel bearing or containing any indecent, obscene, profane or libellous writing, signature, address, mark, design, print, photograph, lithograph, engraving, book, card or other article, or anything explosive or liable to sudden combustion, matches, live animals, opium suitable for smoking, alcoholic beverages other than bona fide samples each of which does not exceed 170 g in weight, contraband articles, offensive or filthy matter, or unless properly packed, any article likely to cause injury to other parcels or to postal officials shall not be accepted for transmission.

(2) Where a parcel referred to in Subsection (1) is detected in transit through the post the prohibited contents shall be confiscated and shall be disposed of in such manner as the Secretary directs.

52. Offensive contents.

Where the contents of any parcel become offensive or otherwise objectionable while in transit through the post, the parcel or its contents may be destroyed immediately.

53. Information relating to lotteries, etc.

(1) The transmission by parcel post of notices or information relating to lotteries, schemes of chance, unlawful games, fraudulent, obscene, indecent, or immoral business or undertakings, and other matters coming within the provisions of Section 46 of the Act, is prohibited.

(2) If a parcel containing an article referred to in Subsection (1) is posted in contravention of this section or is received by post from any place outside Papua New Guinea, it shall be sent to the Dead Letter Office for disposal.

54. Examination of parcels.

(1) Parcels may be opened by postal officials for the purpose of examination of the contents.

(2) In the case of a parcel from a place beyond Papua New Guinea, the contents are subject to examination by the Customs and, where duty is payable, the duty shall be paid before the parcel is delivered.

55. Customs clearance charge.

A postal charge of K0.25 shall be collected from the addressee on delivery of each parcel received from a place beyond Papua New Guinea having contents on which Customs duty is payable.

(Amended by No. 43 of 1981, s. 6.)

56. Delivery.

(1) In the case of a parcel, delivery of which will not be effected by the Department at its address, the addressee shall be notified of the arrival of the parcel and delivery shall be made to the addressee or his agent at the post office mentioned in the notice.

(2) A receipt in the form required by the Secretary shall be given by the addressee or his agent on delivery of a parcel.

57. Demurrage.

(1) Where a postal article from a place beyond Papua New Guinea having contents—

- (a) on which Customs duty is payable; or
- (b) imported through the post for commercial purposes, whether liable for Customs duty or not,

remains undelivered at a post office at which duty is assessed by a Customs Officer or a Departmental Officer for more than 96 hours, exclusive of Sundays and holidays, after the posting to the addressee of a notification of its arrival, demurrage on the postal article is, subject to this section, chargeable at the rate of K0.15 for each 24 hours or part of 24 hours after the end of that period of 96 hours.

(2) Demurrage is not chargeable for any period in respect of which it is shown to the satisfaction of the Secretary that the detention of the article was not due to the fault or negligence of the sender or the addressee or a person acting on behalf of the sender or the addressee.

(3) Subsection (2) does not relieve the addressee from liability to pay demurrage where the detention of the article is due to delay in producing invoices, documents, descriptions of contents, or information required by a Customs Officer or a Departmental Officer.

(4) The date from which demurrage shall be charged shall be specified in the notification.

(5) A postal article on which demurrage is chargeable shall not be delivered until all demurrage due on it has been paid.

(6) Demurrage shall not be charged on postal articles addressed to persons on board ship.

(7) Where postal articles are returned to the country of origin as undeliverable, the charge for demurrage shall be cancelled.

(Amended by No. 43 of 1981, s. 7.)

58. Return of parcel to sender.

(1) If the sender of a parcel makes written application, in a form approved by the Secretary, for the return of the parcel to him prior to its despatch from the office at which it was posted—

- (a) the parcel shall, on payment of a fee of K2.00, be handed back to the sender; and
- (b) subject to surrender to the Department at the time when the parcel is so returned of the stamps affixed to the parcel in prepayment of postage—the postage prepaid shall be refunded to the sender.

(2) If the sender of a parcel which has been posted for delivery within Papua New Guinea applies for its return after it has been despatched from the office at which it was posted, but before it has been delivered to the addressee, the request shall, if practicable, be complied with, subject to payment by the sender of a fee of K4.00 in addition to the charges prescribed by Subsection (4).

(3) If the sender of a parcel which has been posted for delivery beyond Papua New Guinea applies for its return after it has been despatched from the office at which it was posted, the request shall, if practicable, be complied with, subject to payment by the sender of a fee of K4.00, in addition to the charges prescribed by Subsection (4).

(4) For the return of a parcel the sender shall pay—

- (a) at the time of making application under Subsection (3)—the cost of any telegram which it is necessary to send in order to secure the return of the parcel; and
- (b) before the parcel is handed back under Subsection (2) or (3)—
 - (i) a fee equal to the rate prescribed for an ordinary parcel from the office of withdrawal to the office at which the parcel is returned to the sender; and
 - (ii) any other charges due on the parcel.

(Amended by No. 43 of 1981, s. 8.)

59. Redirection of parcels.

(1) On receipt of a properly signed authority from the sender or addressee, a parcel shall be redirected, on the following conditions :—

- (a) if the redirection is to an address within the same delivery as the original address, no charge will be made for redirection; and
- (b) if the redirection is to another delivery or post town within Papua New Guinea, the charge for redirection is at the rates prescribed for original postage on the parcel, calculated on the basis that—
 - (i) the redirecting office is the new office of posting; and
 - (ii) the office to which the parcel is redirected is the office of destination, and a fresh charge shall be made for each such redirection; and
- (c) if the redirection is to a country beyond Papua New Guinea, the parcel is subject to additional postage at the fully prepaid rate; and
- (d) if after delivery a parcel is redirected, it is subject to additional postage at the fully prepaid rate.

(2) The sender or addressee, or the person presenting a parcel for redirection, shall, subject to Subsection (3) either prepay the additional redirection charges or give a written guarantee, from a person who is known to the officer-in-charge of the post office, that payment of those charges (if any) will be made by the addressee on delivery.

(3) Where it is not practicable for a guarantee to be given in accordance with Subsection (2), the parcel may be redirected to another address within Papua New Guinea if its contents would, in the opinion of the officer-in-charge of the post office, if sold by public auction, return an amount sufficient to defray the fees and charges due.

60. Parcels posted in Papua New Guinea: Undelivered.

(1) A parcel posted in Papua New Guinea for delivery in Papua New Guinea that is undeliverable shall be dealt with as follows :—

- (a) a parcel refused by the addressee shall, if practicable, be at once returned to the sender; and
- (b) a parcel bearing a request for return to the sender, if not delivered after the expiration of seven or more days, but not exceeding one month, shall be so returned; and

- (c) parcels other than those referred to in Paragraph (a) or (b), shall be retained at the office of address for one calendar month from the date of receipt, after which they shall be forwarded to the Dead Letter Office for return to the sender.

(2) Postage on a parcel referred to in Subsection (1) at the fully prepaid rate for ordinary parcels, calculated on the basis that—

- (a) the office at which the parcel is undelivered is the office of posting; and
(b) the office to which the parcel is returned is the office of destination,

shall be paid by the sender in respect of each parcel returned under this section.

(3) Parcels which cannot be delivered to the addressees or returned to the senders shall be retained at the Dead Letter Office for a period of three months, after which the parcels shall be sold by public auction or destroyed, as determined by the Secretary.

61. Parcels received from abroad: Undelivered.

(1) A parcel, received from a place beyond Papua New Guinea, which cannot be delivered shall be dealt with in accordance with the provisions of the Parcels Post Agreement in operation between Papua New Guinea and the country from which the parcel was received.

(2) Where the Parcels Post Agreement does not provide for undeliverable parcels to be returned to the country of origin, the contents of the parcel shall be sold by public auction or destroyed, as determined by the Secretary.

62. Accrued charges on parcels returned from abroad.

(1) If the sender of a parcel addressed to a place beyond Papua New Guinea does not indicate on the relative Customs declaration and on the relative Despatch Note (if any) that he desires the parcel abandoned in the event of its being undeliverable in the country of destination, the parcel, when so undeliverable, may, without previous notification, be returned to him.

(2) On the return of a parcel under Subsection (1), or in pursuance of instructions given by the sender, the sender shall pay to the Secretary, any charges which have accrued in respect of the return of the parcel from the place to which it was addressed, and on refusal to do so, shall be liable to a penalty not exceeding K4.00.

63. Despatch of parcels.

(1) Parcels intended for despatch by the first outgoing mail shall be posted not later than the hour stipulated by the Department.

(2) Parcels are subject to detention at the office of posting or retransmission for later despatch if their transmission by the first outgoing mail would involve delay in the despatch or delivery of letters.

64. Rates of postage.

The rates of postage for parcels posted within Papua New Guinea for delivery in Papua New Guinea are as set out in the Schedule.

65. Aerial conveyance fee. (*Repealed by No. 43 of 1981, s. 9.*)

PART VII.—INSURANCE OF PARCELS.

66. Parcels for certain other countries may be insured.

(1) A parcel which complies with the provisions of this Regulation relating to parcels, and which is addressed to—

- (a) a country with the proper authorities of which the Secretary has entered into an arrangement for the exchange of insured parcels; or
- (b) a country to which parcels are ordinarily sent through the intermediary of one of the countries referred to in Paragraph (a),

may be insured against loss or damage whilst in transmission through the post.

(2) The fees for insurance are as set out in the first column of the table in this subsection, and the maximum amounts of compensation payable in respect of those fees are the amounts respectively set forth in the second column of that table opposite the insurance fees in the first column :—

Insurance Fee.	Maximum Compensation.
K	K
1.00	200.00
1.50	300.00
2.00	400.00
2.50	500.00

(3) The fee for insurance shall be prepaid in postage stamps which the sender of the parcel shall, in addition to the stamps in prepayment of postage, affix to the parcel.

(4) A certificate of insurance, the necessary particulars in which shall, as far as practicable, be inserted by the sender or his representative, shall be issued to the sender of an insured parcel.

(Amended by No. 43 of 1981, s. 10.)

67. Parcel must not be over-insured.

A parcel shall not be insured for a sum in excess of the real value of the contents, and an invoice, or description of the contents, showing the value of each article contained in the parcel shall be enclosed.

68. Packing.

(1) To be eligible for insurance a parcel shall be packed as prescribed in Part X. and shall be secured in such a manner that it cannot be tampered with without leaving obvious traces of violation.

(2) Any label affixed shall be so placed that it does not serve to conceal injury to the cover, and shall not be folded over two sides of the cover so as to hide the edge.

(3) Jewellery and other valuable articles shall be enclosed in a strong box or case which shall be covered in an efficient manner with a wrapper of linen, canvas, strong paper, or other substantial material and be securely fastened with a strong adhesive.

(4) Coin shall be packed so that it cannot move about.

(5) The address shall be written on the cover of the parcel.

(6) If a parcel tendered for insurance does not, in the opinion of the officer to whom it is presented, fulfil the conditions prescribed by this section, the officer shall refuse to insure it.

69. Compensation.

(1) Subject to this section, where the Secretary is satisfied that an insured parcel was lost or the contents or portion of the parcel were lost or damaged while it was in course of transmission through the post, compensation shall be paid for the loss or damage to an amount representing the actual loss or damage sustained, but not exceeding the amount for which the parcel was insured.

(2) Compensation is not payable—

- (a) where, in the opinion of the Secretary, the loss or damage arose from an act of God or Papua New Guinea's enemies, or from tempest, shipwreck, earthquake or other cause beyond control or from any defect in the packing or fastening; or
- (b) where the parcel was insured for an amount in excess of the value of its contents; or
- (c) unless application for compensation be made within 12 months after the date of posting of the insured parcel; or
- (d) in respect of an insured parcel containing anything prohibited from transmission through the post; or
- (e) in respect of an insured parcel which has been delivered without external trace of injury or which has been accepted by the addressee without remark or complaint as to its condition.

(3) For the purposes of Subsection (2)(a), acceptance of a parcel for insurance does not constitute an admission by the Secretary that the parcel was properly packed at the time of acceptance.

(4) Notwithstanding anything in this section, compensation in respect of insured parcels containing liquids, powders or semifluids, perishable articles such as eggs, butter, fruit, flowers, or confectionery, and fragile articles such as glassware, phonograph records, or millinery is payable only in the event of the loss of the entire parcel.

(5) An application for compensation may be made to the Postal Administration of the country of origin or the country of delivery.

(6) An applicant for compensation shall, when required, produce the certificate of insurance of the parcel in respect of which compensation is applied for.

70. Decision of Postal Administration final.

The final decision on all questions of compensation rests with the Postal Administration of the country in which the loss or damage has taken place.

71. Redirection of insured parcels.

(1) Insured parcels shall be redirected only to places within Papua New Guinea or to countries to which insured parcels may be sent.

(2) When an insured parcel is redirected from one country to another, a fresh insurance fee is payable in respect of each fresh transmission.

72. Reports regarding losses, etc.

In the event of the addressee desiring to report that the contents or portion of the contents of an insured parcel delivered to him have been lost or damaged in the post, he shall immediately submit the parcel, as nearly as possible in the condition in which it was received from the office of delivery, for examination by the postmaster or some other responsible officer at the office of delivery.

73. Invalid insurance.

Any insurance effected under this Regulation contrary to the provisions of this Regulation is invalid.

74. Provisions regarding uninsured parcels apply.

Where not repugnant to the provisions of this Part, the provisions of this Regulation relating to uninsured parcels also apply to insured parcels.

PART VIII.—CASH-ON-DELIVERY POST.

(Repealed by No. 43 of 1981, s. 11.)

75. Interpretation of Part VIII.

76. Extent of cash-on-delivery service.

77. Conditions of transmission.

78. Commission.

79. Delivery free of charges.

80. Offices from which delivery made.

81. Undelivered cash-on-delivery article.

82. Return to sender before despatch.

83. Statements furnished to senders.

[The next page is 69.]

PART IX.—REGISTERED POST.

84. Registration of postal articles.

(1) A postal article other than a parcel addressed to a country beyond Papua New Guinea which complies with the conditions relating to registration shall, on presentation at a post office and on payment by the sender of the prescribed fee in addition to the correct postage, be accepted for registration.

(2) Except when the article is posted under the provisions of Section 110, the fee for registration shall be prepaid in postage stamps affixed to the article, or by means of franking machine impressions.

85. Certain articles not acceptable for registration.

(1) A postal article shall not be accepted for registration if—

- (a) it is addressed in pencil, except copying-ink pencil which has been moistened to give it the form of ink; or
- (b) it is addressed to initials or a fictitious name without a supplementary direction for the delivery to the care of some person, firm, or body; or
- (c) subject to the provisions of Subsection (2), it is enclosed in an envelope with black or coloured borders; or

(d) selvage stamp paper or other plain gummed paper is attached to the cover for the purpose of sealing the article; or

(e) it bears the appearance of having been opened and resealed.

(2) Subsection (1) does not prevent the acceptance for registration of a postal article for transmission by air mail enclosed in an envelope with a varicoloured border which does not extend to the sealing flap of the envelope.

86. Receipt to be issued.

An official receipt shall be issued to the sender in respect of each article registered.

87. Distinctive marking.

The distinctive marking of a registered article shall be a red line drawn lengthwise and across the front and back of the article, and a postal article which is so marked shall not be transmitted otherwise than by registered post.

88. Postmaster may require addressee to open certain articles.

A postmaster may require the addressee of a registered postal article which bears postage at the rates prescribed for Qualified Publications to open the article in his presence in order that he may ascertain whether the contents include any article liable to a higher rate of postage.

89. Preparation of articles for registered post.

(1) To be eligible for transmission by registered post within the domestic post service, an article other than a postcard or letter-card shall be enclosed in a cover which is in a sound condition.

(2) An article sent by letter post shall be securely fastened with a strong adhesive in such a way that no portion of its contents can be removed without external and visible damage to the cover.

(3) The following conditions shall be complied with in respect of the transmission of jewellery and other valuable articles by registered post :—

(a) the jewellery or other valuable articles shall be enclosed in a strong box or case; and

(b) the box or case shall be covered in an efficient manner with a wrapper of linen, canvas, strong paper or other substantial material, and be securely fastened; and

(c) coin shall be so packed that it cannot move about; and

(d) the address shall be written on the cover of the package.

90. Registration fee.

The registration fee payable, in addition to postage, on the registration of an article posted in Papua New Guinea is—

(a) in the case of an article transmitted by security registered post—K2.50; and

(b) in the case of an article transmitted by listed registered post—K1.20; and

(c) in the case of an article transmitted by ordinary registered post—K0.60.

(Amended by No. 43 of 1981, s. 12.)

91. Compensation payable on articles for delivery in Papua New Guinea.

Subject to this Regulation, the maximum amount of compensation payable for the loss, damage, loss of contents, whether in whole or in part, or rifling of contents in respect of an article on which registration fees have been paid in accordance with Section 90 is K100.00.

92. Compensation payable for loss, damage or rifling, etc., of articles.

(1) For the purposes of this section, "registered postal article" includes a cash-on-delivery article.

(2) Where the Secretary is satisfied that a registered postal article posted in Papua New Guinea for delivery in Papua New Guinea was lost or the contents, whether in whole or in part, were lost, damaged, or rifled while the article was in course of transmission through the post, compensation is, subject to this section, payable in accordance with this Regulation in respect of the loss, damage, or rifling.

(3) Compensation is not payable—

- (a) where, in the opinion of the Secretary, the loss or damage arose wholly or in part from—
 - (i) any defect in the packing or fastening or from the unsuitability of the container having regard to the nature of its contents; or
 - (ii) any fault on the part of the sender; or
 - (iii) an act of God or Papua New Guinea's enemies, or from tempest, shipwreck, earthquake, civil strife or other cause beyond control; or
- (b) unless application for compensation is made within 12 months after the date of posting of the article concerned; or
- (c) in respect of an article which was not originally tendered for registration by the sender but has been officially registered; or
- (d) in respect of an article containing anything not legally transmissible by post; or
- (e) in respect of loss or damage to anything enclosed in a letter-card; or
- (f) for injury or damage alleged to have been sustained in consequence of loss, damage, delay, non-delivery or misdelivery; or
- (g) except as an act of grace, in respect of any article which has been delivered without external trace of injury, or which has been accepted by the addressee without remark or complaint as to its condition.

(4) For the purposes of Subsection (3)(a), acceptance of an article for registration does not constitute an admission by the Secretary that the article was properly packed at the time of registration.

(5) Notwithstanding this section, where damage occurs to the contents of a postal article containing eggs, fish, meat, fruit, vegetables, glass, crockery, greases, liquids, powders, semi-fluids or anything of an exceptionally fragile nature, compensation is not payable in respect of—

- (a) damage of any kind to the contents; or
- (b) loss of contents through insecurity of, damage to, or breakage of, the container.

93. Limit of compensation.

(1) The compensation payable under this Part shall not in any case exceed the value of the article lost or the amount of the damage sustained, and if the amount of that value or damage exceeds the maximum amount payable under Section 91 then the compensation shall not exceed the maximum amount so payable.

(2) In the case of claims for loss of the contents, in whole or in part, of a postal article, the Secretary may replace the contents of the article instead of paying compensation.

(3) Compensation in respect of coin enclosed in a registered article shall not exceed K10.00.

94. Secretary's decision final.

The final decision on all questions of compensation payable in respect of registered articles rests with the Secretary.

95. Documents to accompany claim.

(1) Subject to Subsection (2), a claim for compensation shall be accompanied by—

(a) the official receipt issued to the sender of the article; and

(b) a statutory declaration made by the claimant setting out the grounds on which the claim is based; and

(c) a statutory declaration made by the addressee, or by some other person who is acquainted with the facts, confirming the statements made by the claimant in regard to the loss of, or damage to, the article.

(2) Where the official receipt cannot be produced, evidence in support of a claim for compensation may be given by statutory declaration made by or on behalf of the claimant, setting out—

(a) the date when, and the place where, the article was posted, so far as this information can reasonably be ascertained; and

(b) a description of the article and its value so far as known to the claimant; and

(c) the grounds on which the claim for compensation is based; and

(d) any other particulars tending to establish the loss of, or damage to, the article and to verify the claim made.

(3) In the case of articles containing bank notes, cheques, money orders, postal orders, bills of exchange, bonds, or other order or authority for the payment of money or security for money, particulars sufficient for their identification shall be furnished.

(4) The Secretary may, if he thinks fit, require additional evidence to be furnished as to the nature, or the value, of the contents of an article or as to the loss of, or damage to, an article.

96. Articles found after compensation paid.

Where a registered postal article in respect of which compensation for loss has been paid subsequently comes into the hands of the Secretary, the Secretary may dispose of the article as he thinks fit.

¹But, see, Constitution, Section 155.

97. Redirected articles.

If a registered article posted in Papua New Guinea is redirected to a place beyond Papua New Guinea, compensation in respect of loss or damage occurring to the article after it has left Papua New Guinea may be paid in accordance with the conditions applicable to articles addressed to other countries, but not otherwise.

98. Compensation for loss of registered article addressed to place beyond Papua New Guinea.

(1) Subject to Subsection (2), where the Secretary is satisfied that a registered postal article addressed to a place beyond Papua New Guinea was lost while in his custody, the Secretary may pay to the sender compensation in accordance with the Universal Postal Convention.

(2) Compensation is not payable—

- (a) except in the case of the loss of the entire postal article; or
- (b) where the loss arose from an act of God or Papua New Guinea's enemies, or from tempest, shipwreck, earthquake or other cause beyond control; or
- (c) unless application for compensation is made within a year after the date of the posting of the article; or
- (d) in respect of an article containing anything prohibited from transmission by post by the Universal Postal Convention for the time being in force.

(Amended by No. 43 of 1981, s. 13.)

99. Compensation for loss of registered articles posted overseas.

If a registered article posted in a place beyond Papua New Guinea is lost whilst in his custody, the Secretary may pay compensation under similar conditions to those prescribed in Section 98 but payment may be made to the addressee only in the case where the sender of the article waives, in writing, his claim in favour of the addressee.

100. Acknowledgement of receipt.

(1) The sender of a registered article may obtain an acknowledgement of its due receipt by the addressee by paying a fee of K0.25 in addition to the postage and registration fee.

(2) The sender shall enter, in the form provided for the purpose, both his own name and address and the name and address of the person to whom the article is sent, and shall affix to the form postage stamps to the value of K0.25 in payment of the fee.

(Amended by No. 43 of 1981, s. 14.)

101. Delivery of registered articles.

(1) Unless a written direction to the contrary has been given, a registered postal article may be delivered to any responsible person known to be a member of the addressee's household.

(2) Except as provided in Subsection (1), a registered article shall not be delivered to any person other than—

- (a) the addressee in person; or
- (b) a person authorized by a written order from the addressee to receive delivery of registered articles on his behalf; or
- (c) in the case of business establishments, public institutions, clubs, hotels, and lodging houses—the proprietor or manager, or some person authorized in writing by the proprietor or manager to receive delivery of mail matter at any such place; or
- (d) a person to whose care the registered article is addressed; or

- (e) a person authorized by power of attorney to conduct business on the addressee's behalf.

(3) A registered article addressed to a person whose mail matter is usually despatched in a private mail-bag or a free mail-bag shall be deemed to have been delivered to the addressee when it has been despatched in that private mail-bag or free mail-bag from the office at which the bag is made up.

(4) An order under Subsection (2)(b) shall be signed by the addressee of the article and shall bear—

- (a) the date on which it was made; and
- (b) the addressee's address and the name of the person in whose favour it is made; and
- (c) a specimen signature of the person in whose favour it is made,

and shall be delivered to the postmaster or some other responsible officer at the office of delivery.

(5) Notwithstanding Subsections (1) and (2), where the sender pays the prescribed fee to obtain an acknowledgement of delivery of the article, delivery of a registered article posted in Papua New Guinea shall be made only to the addressee, and in such cases the sender may endorse the cover of the article with the words "To be delivered to addressee only".

102. Article received to accompany report of damage, etc.

Where the addressee desires to report that the contents, or portion of the contents of a registered article delivered to him have been abstracted, lost or damaged in the post, he shall immediately submit the article as nearly as possible in the condition in which it was received from the office of delivery for examination by the postmaster or some other responsible officer at the office of delivery.

PART X.—PACKING AND PROHIBITIONS.

103. Packing of postal articles.

To be eligible for transmission by post an article shall be packed in such manner as the Secretary considers is necessary to prevent—

- (a) damage to the article arising—
 - (i) from the handling and pressure it may receive; and
 - (ii) from climatic and other conditions to which it may be subjected, in the course of transmission; and
- (b) injury to any person; and
- (c) damage to other postal articles.

104. Damage caused by liquids, etc.

The sender of a postal article which contains a liquid, powder or semi-fluid or any substance likely to damage other postal articles while in transit through the post is, in the event of the liquid, powder, semi-fluid or substance escaping and damaging other postal articles, liable to pay to the Secretary such reasonable compensation as he requires.

105. Boxes containing bees.

(1) On payment of the prescribed fee, in addition to postage, the sender may have boxes containing bees for delivery within Papua New Guinea placed in separate mail-bags containing no postal articles other than bees.

(2) The fee payable for the service referred to in Subsection (1) is K0.50 in respect of each consignment posted at the one time for transmission to the same place of delivery.

(3) The boxes intended for transmission in separate bags shall be marked by the sender "Separate Bag".

(Amended by No. 43 of 1981, s. 15.)

106. Prohibited articles.

(1) The following articles are prohibited from transmission through the post in any form :—

- (a) articles which, by their nature or packing, may expose postal officials to danger, or soil or damage the correspondence; and
- (b) explosives, inflammable or dangerous substances; and
- (c) living animals, except bees and silkworms; and
- (d) opium, morphine, cocaine and other narcotics; and
- (e) articles having on or in them, or on the envelope or cover of them, any words, marks or designs of an indecent, obscene, blasphemous, libellous or grossly offensive character; and
- (f) publications and articles, the importation or transmission of which is prohibited under any law in force in Papua New Guinea or a part of Papua New Guinea; and
- (g) mail matter addressed to certain persons the delivery of which has been prohibited by order of the Secretary under Section 46 of the Act; and
- (h) articles posted in cut-out envelopes; and
- (i) articles posted in entirely transparent envelopes; and
- (j) articles posted in envelopes having transparent panels not complying with the conditions laid down; and
- (k) any articles of which the importation or circulation is forbidden in the country of destination.

(2) Articles having on or in them, or on the envelope or cover of them, any words, marks or designs of an indecent, obscene, blasphemous, libellous or grossly offensive character, if posted for transmission by post, may, by order of the Secretary, be destroyed.

(3) Action shall not be brought against the Secretary or a Departmental Officer for anything done under this section, but any person aggrieved by anything done by the Secretary or a Departmental Officer under this section, may appeal to a Judge by motion or petition in a summary manner.

PART XI.—POSTAGE.

107. Certain stamps not valid.

(1) Subject to Subsection (2), duty stamps, mutilated postage stamps, postage due stamps, or the stamps of any other Postal Administration or country are not valid in Papua New Guinea for prepayment or part prepayment of postage.

(2) A postage stamp issued by another Postal Administration or country is valid for prepayment or part prepayment of postage on mail matter posted on the high seas (otherwise than in a port) and handed to a postmaster in Papua New Guinea for transmission by post, if the postage is prepaid by means of postage stamps issued by the country to which the vessel belongs.

108. Affixture of stamps on postal articles.

Postage stamps shall, except in the case of parcels and articles with tie-on-labels, be placed on the front or address side of the postal articles and in the right-hand upper corner of that side.

109. Postage not payable in cash, except in certain circumstances.

If a postmaster has not sufficient stamps on hand he may receive the amount of postage and fees in cash, in which case he shall acknowledge its receipt by endorsement on the address side of the article.

110. Prepayment of postage in cash.

(1) The postage on postal articles may be prepaid in cash.

(2) The amount of postage and registration fees (if any) payable on postal articles referred to in Subsection (1) posted at one time shall not be less than K5.00.

(3) The articles shall be posted at any post office at which the acceptance of postal articles under this section is permitted by the Secretary.

(4) Postmasters other than those at the offices referred to in Subsection (3) shall not receive cash in prepayment of postage under this section unless the authority of the Secretary has first been obtained.

(5) Postal articles shall be handed in at the post office between the hours of 9 a.m. and 3 p.m. but if handed in after 2 p.m. they are subject to detention if their despatch interferes with the despatch of other postal matter.

(6) Articles of the same weight shall be tied in bundles of 10 or any multiple of 10 up to 100, with the addresses in the same direction, but this requirement may be waived where the articles are posted arranged in groups to facilitate sorting or despatch by mail.

(7) This section does not apply to mail matter posted by authorized users of franking machines under Part XVI.

(8) Subsection (2) does not apply to a Government Department which posts on an average postal articles bearing postage to the total amounts of not less than K5.00 per day.

(Amended by No. 43 of 1981, s. 16.)

111. Imprint system.

(1) Subject to the approval of the Secretary, firms and organizations may have printed on their envelopes and covers an imprint denoting that postage has been paid.

(2) In addition to the general conditions relating to the prepayment of postage in cash, the following conditions apply :—

(a) articles posted under the system will not be date-stamped, but after lodgement will be conveyed directly for processing; and

(b) the system applies to articles posted for delivery in Papua New Guinea and overseas; and

- (c) each article presented for posting shall bear, on the top right-hand corner, the inscription "Postage Paid at " (office of posting) which may be incorporated in a design if so desired; and
- (d) the return address of the sender shall appear on the lower left of the front of the cover, allowing for any undeliverable article to be returned direct to the sender; and
- (e) postage shall be prepaid in cash at the time of posting; and
- (f) application to make use of the system shall be made to the Secretary.

112. Payment of postage by the addressee.

(1) The Secretary may, in such cases and on compliance with such conditions as he thinks fit, allow payment of the postage payable on postal articles by the addressee instead of by the sender.

(2) Subject to Subsection (3), a charge equal to 20% of the amount of postage shall be paid by the addressee to cover the extra services of accounting and collection.

(3) In the case of Business Reply Cards and postal articles contained in Business Reply Envelopes, the charge payable shall be K0.03 in respect of each card or article.

(4) Any person who posts, or aids, abets, counsels or procures the posting of any article bearing an inscription to the effect that postage will be paid by the addressee, is, unless the Secretary has, under this section, allowed payment by the addressee instead of by the sender, of the postage payable on the article, guilty of an offence.

Penalty: A fine not exceeding K10.00.

113. Electoral papers.

(1) Postal articles containing electoral papers may be sent by post free of charge from or to electoral officers or officers of the Police Force if—

- (a) the articles contain only the electoral papers specified in Subsection (2); and
- (b) the words "Electoral Papers Only, Post Free" are printed or written on the envelope or wrapper, or on the papers themselves when they are posted without envelopes or wrappers; and
- (c) when posted by electoral officers or officers of the Police Force to persons who are not electoral officers or officers of the Police Force, the articles bear, printed or written on the envelope or wrapper, or on the papers themselves when the articles are posted without envelope or wrapper, the name and address of the sender.

(2) This section applies only to electoral forms (including rolls) provided for by the *Organic Law on National Elections*.

(3) The sender of articles which, under this section, are entitled to transmission by post free of charge, shall pay the prescribed registration fee on all such articles when sent by registered post.

114. Certain articles for use of the blind transmissible free of postage.

Goods consisting of Braille or Moon articles, plates for embossing literature for the blind or special paper intended solely for the use of the blind may be sent by post free of charge if—

- (a) the envelope or wrapper which contains the goods is open at one end or side or otherwise allows the goods to be easily withdrawn for examination; and

- (b) the words "Blind Literature Only," and the name and address of the sender appear on the outside of the envelope or wrapper.

115. Talking-book records transmissible free of postage.

Goods consisting of talking-book records prepared solely for the use of the blind may be sent by post free of charge if—

- (a) the goods are posted by or addressed to an institution or organization which is recognized by the Secretary as an institution or organization which serves the blind; and
- (b) the goods are packed as prescribed; and
- (c) the words "Blind Literature Only," and the name and address of the sender appear on the outside of the envelope or wrapper which contains the goods; and
- (d) the weight of the package does not exceed 7 kg.

116. Insufficiently prepaid postal articles.

(1) For the purposes of this section—

- (a) "wholly unpaid or insufficiently prepaid postal article" means a postal article in respect of which no postage or insufficient postage has been paid; and
- (b) the person from whom the postal article purports to have come shall be deemed to be the sender of the article.

(2) If the Secretary has reason to believe that any person posts wholly unpaid or insufficiently prepaid postal articles, he may give written notice calling on that person to desist and advising him of the consequences of non-compliance with the notice.

(3) A person who has received a notice under Subsection (2) who, knowingly and without reasonable excuse, posts any wholly unpaid or insufficiently prepaid postal article is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(4) Postal articles, other than Qualified Publications, for delivery within the domestic post service and on which postage is wholly unpaid, other than where—

- (a) allowed under Section 112; or
- (b) there is an evident intent to defraud,

shall be transmitted surcharged double the deficient postage assessed at the cheapest rate for which the article is eligible.

(5) Wholly unpaid newspapers shall be forwarded to the Dead Letter Office.

(6) The postage on all postal articles other than letters, letter-cards, and single postcards posted in Papua New Guinea for places beyond Papua New Guinea shall be fully prepaid and if the postage is not fully prepaid the article shall be forwarded to the Dead Letter Office.

(7) The amount of the surcharge to be made on wholly unpaid or insufficiently prepaid letters, letter-cards, and single postcards transmissible to places beyond Papua New Guinea is double the deficiency in postage and shall be indicated in francs and centimes calculated by the application of such formula as is approved by the Secretary.

(8) The amount to be collected on postal articles, surcharged in francs and centimes, received from places beyond Papua New Guinea shall be calculated by the application of such formula as is approved by the Secretary.

PART XII.—TREATMENT OF MAIL MATTER.

117. Delivery of unregistered postal articles.

(1) Subject to this section, an unregistered postal article, other than a parcel, shall be delivered to—

- (a) the addressee; or
- (b) in the absence of written instructions to the contrary—a responsible member of the addressee's household; or
- (c) on production of a power of attorney—the person named in the power of attorney; or
- (d) a person authorized in writing by the addressee to receive it.

(2) In the case of a postal article delivered by a postman, delivery shall be made by depositing the article in a suitable receptacle or letter-box provided at the address for the purpose.

(3) A postal article addressed to a person at an institution, hotel, club, lodging-house, or at a house at which lodgers are received, or to the care of a firm, company or other body, shall be delivered to the manager or proprietor or to his representative.

(4) A postal article addressed to one person in care of another shall, in the absence of written instructions to the contrary from the addressee, be delivered—

- (a) to either of the persons named who calls for it; or
- (b) at the address of the person in whose care it is directed.

(5) In the case of a postal article addressed to a person, firm, company, institution, or other body renting a private box at a post office, or directed to a private box, the depositing of the article in the private box shall be deemed to be delivered to the addressee.

118. Delivery at post offices.

(1) The privilege of having correspondence delivered at a post office is restricted to—

- (a) visitors and tourists; and
- (b) private box holders; and
- (c) persons who do not reside within the area of a delivery by a postman; and
- (d) others who in the opinion of the postmaster, cannot, for good and sufficient reasons, conveniently receive their correspondence by postman or through a private box.

(2) The persons referred to in Subsection (1), other than private box holders or persons who reside beyond the limits of a delivery by a postman, are not, except as provided in Subsection (3), entitled for a longer period than six months to have correspondence delivered at a post office or addressed to a post office to be called for.

(3) Where an addressee has, for a period of six months, had his correspondence addressed to a post office to be called for, he may, on making application to that effect, have his correspondence redirected to one address for a further period of six months, but, on the expiration of that further period, a further application for redirection shall not be granted, and the correspondence shall be deemed to be insufficiently addressed and shall be forwarded to the Dead Letter Office.

(4) Notwithstanding Subsection (2) or (3), where a visitor or tourist satisfies the Secretary as to his bona fides, the Secretary may make such arrangements as will meet the necessities of the particular case.

119. Correspondence addressed to a post office.

(1) Correspondence addressed to a post office to be called for shall bear the name of the addressee.

(2) The use of initials, figures, given names, fictitious or assumed names, or conventional marks of any kind instead of the name of the addressee is not permissible, and correspondence so addressed shall be deemed to be insufficiently addressed and shall be forwarded to the Dead Letter Office.

120. Delivery by mailman.

(1) Mail contractors may be required by the Secretary to receive, beyond 1.5 km from the post office, correspondence intended for delivery along their line of route.

(2) If fully prepaid and for delivery before a post office is reached, the mailman shall cancel the stamps by crossing them with ink, or in some other effective manner.

(3) If the correspondence is unpaid or insufficiently prepaid, it shall not be delivered, but posted at the next post office on the line of route, where it shall be despatched to the destination charged with double deficiency, to be collected on delivery.

(4) All correspondence received under this section, shall bear an endorsement by the mailman, indicating the particular point on the route at which it was received.

121. Carriage of articles by mail contractors.

Mail contractors shall not carry, or permit their servants or passengers to carry, any letter or packet to the prejudice of the Post Office Revenue.

122. Postal articles addressed to minor.

(1) In this section, "minor" means a person under the age of 18 years.

(2) Where written directions have been given to the postmaster by the parent or guardian of a minor having custody of the minor, the postmaster may deliver or cause to be delivered all postal articles addressed to the minor in accordance with the directions so given.

(3) In the absence of any directions, given under Subsection (2), postal articles addressed to minors shall be delivered in the same manner as other postal articles.

(4) Notwithstanding any directions given under Subsection (2), the Secretary may direct that postal articles addressed to a minor be delivered to the minor.

123. Postal articles addressed to deceased.

(1) Subject to Subsection (2), postal articles addressed to deceased persons may, on production of the probate or letters of administration, be delivered to the executors or administrators of the deceased person's estate, but until production the Secretary may cause the postal articles to be delivered to some near relative of the deceased person.

(2) Registered postal articles posted within Papua New Guinea addressed to a deceased person and in connexion with which the sender has paid the fee for an acknowledgement of receipt shall be returned to the sender.

124. Postal articles "in dispute".

(1) Where a member of, or a person who claims to be entitled to receive the correspondence of—

(a) a firm or partnership or a dissolved firm or partnership; or

(b) a society, association, union, institution or other body, and who satisfies the postmaster that he has reasonable grounds for his claim, gives notice to the postmaster not to deliver to any person, other than himself, any postal article addressed to the firm or partnership, or the society, association, union, institution or other body, the postmaster, unless he is satisfied as to who is entitled to delivery, may refuse to deliver all such postal articles until—

(c) an agreement is arrived at between the persons interested in the delivery; or

(d) the right of one or other of the parties concerned to receive such postal articles has been determined by a competent authority.

(2) In default of an agreement or in the absence of a determination under Subsection (1), the postmaster shall mark the postal articles "In Dispute" and send them to the Dead Letter Office, unless they bear requests for their return if not delivered within a certain time, in which case they shall, at the expiration of the time so specified, be returned to the sender.

(3) A postal article shall not be sent to the Dead Letter Office in accordance with this section until the expiration of 30 days from the date of the receipt of the notice referred to in Subsection (1).

125. Postal articles addressed to "the householder".

(1) Postal articles other than Qualified Publications may be addressed to "The Householder" or any similar address at any place where there is a delivery by a postman.

(2) On arrival at the office of destination, one of the postal articles referred to in Subsection (1) shall, so far as the number posted will permit, be delivered to each delivery point served by that office.

(3) Postal articles referred to in this section shall be posted in bulk, and all articles for the same town shall be tied by the sender in separate bundles.

(4) The postage on articles referred to in this section may, subject to Section 110, be prepaid in cash.

126. Delivery in transit.

Where sufficient reason is shown and where the concession can be granted without undue interference with the public business, postal articles in transit, when lying at a post office awaiting despatch, may be delivered at that office to the person authorized to receive them on personal or written application, if the delivering officer is satisfied as to the identity of the applicant.

127. Letters containing dutiable or prohibited articles.

(1) A letter—

(a) received from a place beyond Papua New Guinea; or

(b) posted at a post office within Papua New Guinea,

which is suspected to contain an article on which Customs duty is payable, or an article the importation of which is prohibited, shall before delivery be opened by the addressee or his representative for examination by an officer of Customs or his agent.

(2) If a letter referred to in Subsection (1) is found to contain an article on which Customs duty is payable, the duty on the article, as assessed by the officer of Customs or his agent, shall be paid before the letter is delivered to the addressee.

(3) If a letter referred to in Subsection (1) is found to contain an article the importation of which is prohibited, it shall be handed to an officer of Customs to be dealt with according to law.

(4) A letter received from a place beyond Papua New Guinea bearing on it a label affixed by the sender indicating—

(a) that the letter contains an enclosure which is or may be subject to Customs duty, and

(b) that the letter may be officially opened,

shall be opened by a Departmental Officer for examination and the duty on the enclosure, as assessed by an officer of Customs or his agent, shall be paid before the postal article is delivered to the addressee.

128. Mail matter other than letters containing dutiable or prohibited articles.

A postal article, not being a letter—

(a) received from a place beyond Papua New Guinea; or

(b) posted at a post office within Papua New Guinea,

which is suspected to contain an article on which Customs duty is payable, may be opened for examination, and, if it is found to contain any such article, the duty on the article, as assessed by an officer of Customs or his agent, shall be paid before the postal article is delivered to the addressee.

129. Articles contravening Customs Act.

Any postal article containing any article forwarded in contravention of any Customs Act or regulation made under it shall be forwarded to the Collector of Customs to be dealt with according to law.

130. Proceedings and seizure.

This Regulation does not prejudice or prevent the taking of any proceedings or the seizure or forfeiture of any goods for any contravention of any Customs Act or regulation made under it.

131. Fee in respect of articles having dutiable contents.

A postal charge of K0.25 shall be collected from the addressee on delivery of each letter or other article received from a place beyond Papua New Guinea having contents on which Customs duty is payable. (*Amended by No. 43 of 1981, Sched.*)

132. Value for duty.

(1) The value stated on the postal declaration attached to any postal article is to be taken only as a rough guide to the value and is not to be regarded as a trustworthy basis for determining the duty.

(2) In the case of a postal article sent from one private person to another where the value is not otherwise ascertainable an assessment shall be made.

(3) In cases where the value of a postal article addressed to a private person from a business house exceeds K4.00 an invoice may be asked for, failing production of which assessment shall be made or the Collector may at his discretion require that a "sight" entry be taken out.

133. Customs entry.

(1) In the case of postal articles addressed to merchants, invoices shall be demanded, and if the invoice be not produced a "sight" entry shall be made.

(2) All postal articles of whatever value imported by private persons and not intended for sale and all other postal articles on which the duty amounts to less than K10.00 will be delivered without entry on payment of the duty due on the article.

(3) For all postal articles not coming within the scope of Subsection (1) or (2) an entry in the form prescribed by the Customs Regulations shall be made in the usual way.

(4) Notwithstanding anything in this Regulation, a Collector of Customs may in any case where, in his opinion, a declaration is necessary require that an entry be made.

(5) In the case of postal articles addressed to places where there is no officer of Customs the entry may—

(a) be declared to by the importer before a Commissioner for Oaths and forwarded to the Collector; or

(b) be made at any Customs House in Papua New Guinea by the importer's duly authorized Customs agent.

134. Redirection of postal articles.

(1) An application to the Secretary for the redirection of a postal article shall be complied with only where the addressee has actually changed his address permanently or temporarily and in the latter case only when the redirection cannot be undertaken by a person at the address at which the addressee resided or carried on business prior to his temporary removal.

(2) An application for the redirection of a postal article addressed to an address at which the applicant has not previously resided or carried on business shall not be complied with, and, unless delivery of the postal article can be made to the addressee or his agent at the address to which it is directed, it shall be forwarded to the Dead Letter Office for return to the sender.

(3) Redirection shall not be effected in the case of a postal article which bears on the address side an instruction from the sender that the article is not to be redirected, to the following effect :—

(a) "Not to be addressed."; or

(b) "If the addressee has left this address return to .".

(4) If the postage originally prepaid on the redirected article is not sufficient for its transmission from the place of origin to the new destination, the deficient postage shall be collected on delivery at the new destination.

(5) Fresh postage shall be charged for the redirection of an article when—

(a) the postage originally paid would not have been sufficient if the article had been originally addressed to its new destination; or

(b) the article has the appearance of having been opened or tampered with; or

(c) the article is redirected to a person other than the original addressee.

135. Redirected registered articles.

(1) An article which is despatched from the office of origin by registered post shall be treated as a registered article throughout the whole course of its transmission and delivery.

(3) Additional postage or registration fee shall not be charged on any articles referred to in this section, if they are presented for re-registration not later than the day (Sunday and public holidays not being counted) after being left at the original address, but if presented after that time they shall be treated as freshly posted, and fresh postage and registration fees are payable in respect of them.

(4) If a registered article, when redirected, instead of being given back to the post office to be dealt with as registered, is dropped into a letter box as an ordinary article, it becomes liable to a surcharge of a single rate of postage and single registration fee.

(1) Subject to Subsection (2), an application for redirection shall be signed by the person to whom the correspondence is addressed.

(2) An application from the head of a household shall be taken to be for the redirection of the correspondence of all the members of the household, unless separate instructions are given by other members.

(3) A redirection order shall be acted on for a term of six months at a maximum, but where the Secretary is satisfied that the circumstances justify an extension of the term he may make such arrangements as will meet the necessities of the case.

Notwithstanding this Regulation, the Secretary will not undertake to intercept and redirect a postal article at any office other than that to which it is addressed, or to intercept and redirect a postal article addressed—

- (a) to the care of a Department of the Government or of Australia, a private box holder or a private mail-bag holder; or
- (b) to an institution, hotel, club, lodging house, or like place; or
- (c) to a residential flat comprising one of a group, the correspondence for the occupants of which is delivered by postman into a common letter box or to a common agent.

(1) Inquiries concerning the alleged non-delivery of any postal article may be undertaken if—

- (a) sufficient time has elapsed to enable the postal article to reach its destination in the ordinary course of post; and
- (b) the person desiring the inquiry to be made furnishes reasonable evidence that the article was posted and has not yet been delivered.

(2) The person requesting that the inquiry be made shall enter on the form provided for the purpose the particulars required in connexion with the article.

(1) A postal article other than a newspaper may bear on the cover an endorsement, requesting that if undeliverable it be returned to the sender, in the following form :—

"If not delivered within _____ days return to _____."

(2) The request for return shall specify a number of days not fewer than seven nor more than 30 and shall contain the sender's name and address, unless he is a private box holder, in which case the private box number shall be given instead of the sender's address.

(3) If a postal article bearing an endorsement, referred to in this section, is undelivered at the expiration of the time specified or at the expiration of the time prescribed in Section 140, whichever first happens, it shall be returned direct to the sender.

140. Undelivered postal articles generally.

(1) An undelivered postal article, except a parcel or an article referred to in Subsection (6), shall—

(a) if posted within Papua New Guinea for delivery in Papua New Guinea be retained at the office of destination—

(i) subject to Subsection (2), if addressed to a fixed address—eight days; or

(ii) subject to Subsections (3) and (4), when only the name of the addressee and that of the post town appear in the address—14 days; or

(iii) subject to Subsection (5), if addressed to a post office—one calendar month; or

(iv) if addressed to a person on board a ship—one calendar month; and

(b) if received from a place outside Papua New Guinea, be retained at the office of destination for one calendar month,

and if still undelivered at the expiration of that period shall be transmitted to the Dead Letter Office, unless the article bears an endorsement on the cover as prescribed in Section 139 in which case it shall be returned direct to the sender.

(2) An article referred to in Subsection (1)(a)(i) shall be retained for one calendar month where the postmaster knows that the addressee is residing in the locality served by his office, or has good reason to believe that the article will be called for during that period.

(3) An article referred to in Subsection (1)(a)(ii) shall be retained for one calendar month where the postmaster knows that the addressee is residing in the locality served by his office, or has good reason to believe that the article will be called for during that period.

(4) Where an article referred to in Subsection (1)(a)(ii) is addressed to a person who previously resided in the locality and the postmaster knows that that person has permanently left the district, the period of the retention of the article shall be eight days.

(5) Where an article referred to in Subsection (1)(a)(iii) is addressed to a person who previously resided in the locality and the postmaster knows that that person has permanently left the district, the period of retention of the article shall be eight days.

(6) A postal article which—

(a) bears no address; or

(b) bears an illegible address; or

(c) is for any reason refused by the addressee; or

(d) is addressed to a deceased person and Section 123 does not apply,

shall not be retained at the office of destination, but shall be transmitted without delay to the Dead Letter Office, unless the article bears an endorsement on the cover, as prescribed by Section 139 in which case it shall be immediately returned to the sender.

(7) Undeliverable postal articles, other than newspapers, transmitted to the Dead Letter Office in accordance with Subsection (6) shall—

- (a) if they were posted in Papua New Guinea—be returned to the sender, if practicable; or
- (b) if they were posted in another country—be dealt with in accordance with any arrangement made with the country of origin.

(8) Except as provided in Subsection (9), undelivered newspapers shall not be returned to the senders.

(9) If the cover or wrapper bears in print the inscription required by the Secretary, an undelivered newspaper which is a Qualified Publication posted by the proprietor, publisher, or newsvendor or their agent, shall be returned to the sender on payment of postage at the rate provided by this Regulation for Qualified Publications.

PART XIII.—POSTAGE STAMPS.

141. Interpretation of Part XIII.

In this Part, "licensed vendor" means a person to whom a licence to sell postage stamps has been granted under Section 146.

142. Impressing of stamps on envelopes, etc.

(1) Subject to the following conditions, and with the consent of the Secretary, postage stamps may be impressed or embossed on envelopes and cards supplied for the purpose by the person concerned :—

- (a) written application shall be made to the Secretary; and
- (b) the application shall be accompanied by a specimen of the envelope or card; and
- (c) the envelopes or cards shall be of quality, colour, and shape approved by the Secretary; and
- (d) envelopes shall be of a size approved by the Secretary; and
- (e) cards shall be not less than 140 mm in length and 90 mm in width and not more than 148 mm in length and 105 mm in width and shall be stout enough to be easily handled in the post; and
- (f) the paper used for envelopes shall be stout enough suitably to bear the impression of the embossing die.

(2) The charge, which is payable in advance, for the service referred to in Subsection (1) is the value of the postage stamps and such sum as the Secretary declares, by notice in the National Gazette, to be the cost, per 1 000 or part of a 1 000, of the impressing or embossing.

143. Sale of post-marked stamps.

Postage stamps issued in Papua New Guinea lightly post-marked, may be purchased at their full face value.

144. Repurchase of stamps.

(1) Subject to Subsections (2) and (3), postage stamps valid in Papua New Guinea which are not perforated, and are in good order and condition, may be repurchased from the public at the General Post Office, Port Moresby, subject to the following conditions :—

- (a) the stamps shall be tendered for repurchase in strips of at least two, and affixed to sheets of paper, each denomination to be on a separate sheet with, as far as possible, 72 stamps on each sheet; and
- (b) payment shall be made for the stamps at their face value, less a discount according to the following scale—
 - (i) repurchases not exceeding K20.00—10%; and
 - (ii) repurchases exceeding K20.00 but not exceeding K40.00—7½%; and
 - (iii) repurchases exceeding K40.00—5%,with a minimum discount of K0.50.

(2) Applications for the repurchase of stamps of denominations above K0.50 shall be made to the Secretary.

(3) Stamps received by Collectors of Public Moneys in their official capacity need not be tendered for repurchase in strips, and the rate of discount is 2½%.

145. Repurchase of envelopes, etc., bearing impressed stamps.

Envelopes bearing embossed or impressed postage stamps which have not been defaced, and spoiled aerogramme forms, letter-cards and postcards bearing undefaced stamps, may be repurchased at the General Post Office, Port Moresby, subject to a discount, in the case—

- (a) of envelopes—at the rate of 5%; and
- (b) of aerogramme forms, letter-cards and postcards—at the rates prescribed by Section 144.

146. Licences to sell stamps.

(1) The Secretary may, on receipt from a person of a written application and information as to the location of his premises and the nature of the business carried on by him, grant, without charge to the person, a licence to sell postage stamps.

(2) A licence authorizes the sale of stamps at the premises named in the licence only, and may be revoked at the pleasure of the Secretary.

147. Licensed vendor to exhibit notice.

(1) A licensed vendor shall exhibit and keep exhibited in some conspicuous place in front of the premises licensed a notice reading—

"Licensed to Sell Postage Stamps."

(2) The letters in the notice shall be at least 25 mm in height and of proportionate breadth.

148. Licensed vendors to have stamps available.

Every licensed vendor shall have postage stamps available for purchase by the public at their face value at any time when his place of business is lawfully open to the public.

149. Purchase of supplies by vendors.

A licensed vendor shall purchase supplies of stamps, by application on the proper form, only from the post office named in the licence, and shall pay cash at face value for those supplies.

150. Interference with postage stamps.

(1) A person who—

- (a) treats or deals with or applies a substance to a postage stamp so as to facilitate the removal of a post-mark which is, or may be placed, on it in a post office; or
- (b) knowingly has in his possession a postage stamp which has been treated or dealt with or to which a substance has been applied so as to facilitate the removal of a post-mark which is, or may be placed, on it in a post office; or
- (c) knowingly takes off or uses for postal or telegraphic purposes a postage stamp which has been treated or dealt with or to which a substance has been applied so as to facilitate the removal of a post-mark which is, or may be placed, on it in a post office,

is guilty of an offence.

Penalty: A fine not exceeding K100.00 and not less than K2.00.

(2) Proof—

- (a) that a postage stamp affixed to a postal article has been treated or dealt with, or has had applied to it a substance, in contravention of this section; and
- (b) that the defendant is—
 - (i) the writer of—
 - (A) the postal article; or
 - (B) a communication in the article; or
 - (C) the address on the article or of any part of the address; or
 - (ii) the sender of the article,

is prima facie evidence that he is guilty of an offence against this section, but nothing in this subsection prejudices the proof of an offence against this section by other evidence.

151. Philatelic Sections.

For the purposes of Section 152, the Secretary may establish Philatelic Sections in post offices.

152. Services at Philatelic Sections.

(1) First day covers, cards or souvenir folders specially designed for philatelic purposes may be supplied by and purchased from Philatelic Sections at a charge of K0.15 for each first day cover, card or souvenir folder in addition to the value of postage stamps affixed.

(2) A person may make a request to a Philatelic Section that postage stamps be affixed to envelopes supplied by the person, and on payment by the person of a charge of K0.03 per envelope in addition to the value of the postage stamps affixed, an officer of the Philatelic Section shall comply with the request.

PART XIV.—PRIVATE BOXES.**153. Private boxes.**

At post offices where locked private boxes are provided, they may be rented on payment in advance of the following rentals :—

- (a) for a large sized box—K18.00 per annum; and

(b) for a medium sized box—K12.00 per annum; and

(c) for a small sized box—K6.00 per annum.

(Amended by No. 43 of 1981, Sched.)

154. Fees for private boxes.

(1) Subject to Subsection (2), an applicant for a private box shall pay in advance the proportion of the fee at the annual rate from the first day of the month in which the tenancy of the box will commence to the end of December next following, and afterwards the annual renewal fee falls due on 1 January in each year, and shall be paid within 14 days of that date.

(2) In respect of a private box service which commences in November or December of any year the initial payment in advance covers the period from the first day of the month in which the tenancy commences to the end of the month of December in the year next following.

155. Temporary services.

(1) Notwithstanding the provisions of Section 154 for the payment of annual fees, a person who at the time of making application satisfies the postmaster that he is a temporary resident only may be allowed the use of a private box for a period of not less than three months and not more than six months.

(2) The fees, payable in advance, are as prescribed by Sections 153 and 154, calculated at the annual rate from the first day of the month during which the tenancy is to commence up to the last day of the month during which the tenancy is to be discontinued.

156. Keys.

(1) The Secretary shall make available to each person who rents a private box one key of the box, for which key the sum of K4.00 is payable, and where a second key is required that second key shall be supplied without further charge.

(2) Additional keys shall be made available on the person who rents the private box paying to the Secretary the sum of K1.00 in respect of each additional key.

(3) All keys for private boxes shall be obtained from and remain the property of the Secretary.

(4) If a key of a private box is lost, the tenant of the box shall at once report the loss and return the remaining keys to the officer-in-charge of the post office at which the box is provided.

(5) A new lock, for which a charge of K4.00 shall be made, will be fitted in the box, and one key of the lock made available and where a second key is required that second key shall be supplied without further charge.

(6) On the tenancy of a private box being discontinued, the person who rented the box shall return to the Secretary all keys of the box issued to him, and if the keys are so returned within 14 days from the day on which the tenancy terminated the amount paid by the lessee under Subsection (1) shall be refunded to him, but no refund shall be made of the amount charged for additional keys supplied under the provisions of Subsection (2).

(7) If the keys are not returned in accordance with Subsection (6), the person who rented the box may be charged the rental fee for the box until the keys are returned.

(Amended by No. 43 of 1981, Sched.)

157. Mail matter exceeding capacity of box rented.

If the quantity of mail matter regularly received for a private box-holder exceeds the capacity of the box or boxes rented by him, the Secretary may require the holder to—

- (a) rent a larger or additional box or boxes, for which the prescribed fees shall be charged; or
- (b) at an office where boxes for this purpose are provided—rent a box through the medium of which business papers, printed papers, merchandise, newspapers, periodicals and books only shall be delivered, on payment of a fee of K18.00 per annum.

(Amended by No. 43 of 1981, Sched.)

158. Clearance of private boxes.

(1) Except when in the opinion of the officer-in-charge of the office at which the box is provided there are good and sufficient reasons for not doing so, the holder of a private box shall arrange for the box to be cleared with sufficient frequency to prevent an accumulation of mail matter in excess of the capacity of the box, and the holder of a box of the type referred to in Section 157(b) shall arrange for the box to be cleared not less than once daily, Sundays and holidays excepted.

(2) If the provisions of this section are not complied with the Secretary may cancel the service, and a refund of rental is not payable.

159. Transfer of tenancy.

(1) The tenancy of a private box may be transferred to the tenant's successor in business on payment of a fee of K1.00 and on application being made by both parties, but an undertaking shall first be furnished by the transferee to accept all liabilities and obligations devolving on the transferor at the time of transfer.

(2) On the transfer of the tenancy of a private box under Subsection (1), the right—

- (a) to receive payment in respect of keys returned on relinquishment of the box, as provided by Section 156(6); and
- (b) to a refund of a portion of the fee, as provided by Section 160,

passes to the transferee.

(3) The private box service of a box-holder may, if a box is available at the post office to which the transfer is desired, be transferred from one post office to another post office staffed by officers or employees of the Department, on payment of a fee of K1.00.

(Amended by No. 43 of 1981, Sched.)

160. Refund on relinquishment of private box.

(1) For the purposes of this section, "quarter" means any period of three months commencing on the first day of the month of January, April, July or October in any year.

(2) Subject to Subsection (3), where a person relinquishes the use of a private box before the expiration of the period for which the prescribed fee has been paid, he shall, on return by him to the Department of all the keys of the box, be refunded such part of the fee paid by him as is attributable to the period remaining after the end of the quarter during which the box is relinquished.

(3) A refund shall not be made under Subsection (2) to a person in respect of a period commencing earlier than 12 months after the date on which the box was first rented by him.

161. Tenancy may be refused.

A private box shall not be let—

- (a) to a person who fails, neglects or refuses to furnish, when required by the Secretary, evidence to the satisfaction of the Secretary—
 - (i) that he is not a person, or the agent or representative of a person, who is engaged in receiving money or any valuable thing for any of the purposes or in connexion with any of the matters referred to in Section 46(1) of the Act; and
 - (ii) that he does not intend to use the box for any such purpose or in connexion with any such matter; or
- (b) to a person using a fictitious or assumed name, unless the Secretary is satisfied as to the bona fides of that person.

162. Cancellation of tenancy.

(1) The Secretary may cancel the tenancy of a private box at any time if the person who rents the box fails to comply with this Regulation or if the Secretary has reason to believe that the box—

- (a) is being used for any purpose, or in connexion with any matter, referred to in Section 46(1) of the Act; or
- (b) has been used by, or by the permission of, the tenant for or in connexion with any illegal, fraudulent, indecent or immoral purpose; or
- (c) is held, used or controlled by a person who has been convicted of an offence involving fraud or dishonesty; or
- (d) is held by a person using a fictitious name or who in his application for the private box service gave a fictitious or assumed name or address, unless the Secretary is satisfied as to the bona fides of that person.

(2) Where the tenancy of a private box is cancelled under Subsection (1), no portion of the rental fee for the box nor the amount paid for the use of keys shall be refunded.

PART XV.—PRIVATE MAIL-BAGS.

163. Interpretation of Part XV.

In this Part, unless the contrary appears—

“person” includes a corporation sole and a body of persons whether corporate or unincorporate;

“subscriber” means a person to whom a service is supplied or a person to whom a service is transferred.

164. Private mail-bag service.

(1) A private mail-bag service by mailman or by private messenger may, on payment of the prescribed fee, and subject to the approval of the Secretary, be obtained by a person or a number of persons in accordance with this Regulation.

(2) The post office at which the private mail-bag shall be made up and received shall be determined by the Secretary.

165. Service by mailman.

A private mail-bag service by mailman may be obtained only—

- (a) when the place of delivery and collection of the bag is situated on a mail route at a point beyond the boundary of a letter delivery by postman and beyond 1.5 km of any post office; and
- (b) on the conditions that the mailman shall not be required to deviate from the recognized mail route for the purpose of delivering and collecting the bag, and conveyance of mails shall not be delayed.

166. Service by private messenger¹.

(1) Subject to Subsections (2) and (3), a private mail-bag service by private messenger may be obtained under the following conditions :—

- (a) where the applicant resides beyond the boundary of a letter delivery by postman and beyond 1.5 km of any post office the service may be obtained with any post office approved by the Managing Director; and
- (b) where the applicant resides within an area served by a letter delivery by postman the only service which may be obtained is that referred to in Section 168; and
- (c) where the applicant resides in an area not served by a letter delivery but within 1.5 km of a post office the service shall be with that post office only, but this restriction may be waived in the case of a public institution.

(2) Where a private box is not available at the time the application is lodged, a private mail-bag service with a post office determined by the Managing Director may be given under this section on the understanding that this service will terminate immediately a private box becomes available at the post office at which the bag is made up.

(3) If, on a private box becoming available, the holder of the private mail-bag service rents a private box and avails himself of the service referred to in Section 168, the provisions of Section 169 in regard to the fee shall not apply until 1 January next following.

167. Fees for services.

(1) The fee for private mail-bag services provided under Section 164 is K10.00 per annum.

(2) An applicant for a private mail-bag service shall pay in advance the proportion of the prescribed fee at the annual rate from the first day of the month in which the service will commence to the end of December next following, and afterwards the annual renewal fee falls due on 1 January in each year, and shall be paid within one month of that date.

(Amended by No. 43 of 1981, Sched.)

168. Locked bag service.

The holder of a private box service who is not eligible to obtain a private mail-bag under Section 164, or who does not desire a private mail-bag service under that section may, on payment of the fee prescribed by Section 169, have the contents of his private box placed in a locked mail-bag at the post office, and handed to his messenger.

169. Fee for locked bag service.

(1) The fee payable by the applicant for the locked mail-bag service referred to in Section 168 is K40.00 per annum in addition to the rental fee for the private box.

¹See, also, Section 177(2).

(2) The applicant for a locked mail-bag service shall pay in advance the proportion of the prescribed fee at the annual rate from the first day of the month in which the service will commence to the end of December next following, and afterwards the annual renewal fee falls due on 1 January of each year, and shall be paid within 14 days of that date.

(Amended by No. 43 of 1981, Sched.)

170. Lockers for holding locked bags. *(Repealed by No. 43 of 1981, s. 17.)*

171. Temporary private mail-bag service.

(1) Notwithstanding the provisions of this Regulation for the payment of annual fees, persons who satisfy the Secretary that they are temporary residents may obtain a temporary private mail-bag service for not more than four consecutive calendar months.

(2) For a service referred to in Subsection (1), one-half only of the annual fee payable under Section 167 shall be charged.

(3) Persons who are granted a temporary private box service under Section 155 may also obtain a temporary locked mail-bag service for the same period as that for which the temporary private box service has been granted.

(4) The fee for a service referred to in Subsection (3) is at the rate of K40.00 per annum, calculated at the annual rate from the first day of the month during which the service is to be commenced up to the last day of the month during which the service is to be discontinued.

(5) The fees for services granted under this section are payable in advance.

(Amended by No. 43 of 1981, Sched.)

172. Refund on discontinuance.

(1) For the purposes of this section, "quarter" means any period of three months commencing on the first day of the month of January, April, July or October in any year.

(2) Subject to Subsection (3), where a person relinquishes the use of a private mail-bag service before the expiration of the period for which the prescribed fee has been paid, he shall, on application, be refunded such part of the fee paid by him as is attributable to the period remaining after the end of the quarter during which the service is relinquished.

(3) A refund shall not be made under Subsection (2) to a person in respect of a period commencing earlier than 12 months after the date on which the bag service was first rented by him.

173. Transfer of service to another office or route.

(1) A person who holds a private mail-bag service under Section 164 may have his service transferred—

(a) from one post office to another within Papua New Guinea; or

(b) from one mail route to another radiating from the same post office,

on payment of a fee of K1.00.

(2) A person who holds a locked mail-bag service under Section 168 may, on payment of a fee of K1.00 in addition to the fee for the transfer of his private box service, have his

service transferred from one post office to another within Papua New Guinea provided that his private box service is transferred to the same office.

(Amended by No. 43 of 1981, Sched.)

174. Transfer to another person.

(1) Subject to Subsection (2), a mail-bag service may be transferred—

(a) to the successor in business of the original subscriber; or

(b) to a person taking occupation of the premises of the original subscriber,

on payment of a fee of K1.00 and on application made by both parties, and an undertaking being furnished by the transferee to accept all liabilities and obligations devolving on the original subscriber in respect of the service at the time of transfer.

(2) In the case of a service held under Section 168, the transferee shall, at the time of the transfer of the service, take over the private box service of the transferor.

(Amended by No. 43 of 1981, Sched.)

175. Material for private bags.

(1) Private mail-bags shall be of strong material suitable for the purpose for which they are to be used, and shall be provided by or at the cost of the persons requiring them.

(2) The bags shall be large enough to contain all articles sent and received by post by the subscriber, and, should at any time a bag be found to be too small for requirements, the holder shall, on receipt of notice from the Department to do so, provide a bag of sufficient size.

176. Locking of bags.

(1) Each private mail-bag shall be fitted with a lock and two keys shall be provided—one to be held by the postmaster and the other to be held by the holder of the service.

(2) Bags shall be locked before despatch from a post office and before return to a post office.

177. Indications on private mail-bags.

(1) There shall be plainly indicated on every private mail-bag made up under the provisions of Section 164, or on a leather or metal label securely attached to the bag, the name of the holder, or the place where the bag is to be delivered and the name of the post office at which the bag is made up.

(2) The provisions of Subsection (1) also apply to bag services by messenger provided under Section 166.

178. Altering or interfering with markings.

A person who, without the approval of the Secretary wilfully alters, or in any way interferes with, any markings on a private mail-bag is guilty of an offence.

Penalty: A fine not exceeding K100.00.

179. Articles sent in private mail-bag free of postage.

The following articles may be sent by private mail-bag free of postage to the postmaster at the office with which the bag is exchanged :—

(a) telegrams for transmission; and

(b) requisitions and remittances for postage stamps, duty stamps, postal orders and money orders; and

- (c) money orders and postal orders to be cashed, and instructions as to the disposal of the cash; and
- (d) remittances in payment for telephone and other post offices services; and
- (e) communications addressed to the postmaster at the office with which the bag is exchanged relating solely to Departmental transactions.

180. Purposes for which service may be used.

A private mail-bag service may be used for the delivery of postal articles addressed to—

- (a) the care of the subscriber; and
- (b) persons in the employ of the subscriber; and
- (c) persons who, with the subscriber's written consent, give written authority to the postmaster to enclose their mail matter in the bag.

181. Responsibility of holder.

(1) The holder of a private mail-bag service is responsible for any unpaid postage and surcharges due in respect of postal articles forwarded in the bag, and shall—

- (a) furnish receipts for all registered articles and parcels enclosed in the bag, and forward to the post office acknowledgments of delivery, duly signed by the addressees; and
- (b) promptly return all postal articles which—
 - (i) are undeliverable; or
 - (ii) are addressed to persons who have changed their address, endorsed with such information as he possesses regarding the new address; or
 - (iii) were enclosed in the bag in error.

(2) A person who wilfully contravenes Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

182. Bag made up for a number of persons.

Where a bag is to be made up for a number of persons, the name of one of the number, to whom the bag may be addressed, and who shall be responsible for all payments in respect of the service, shall be specified, and the last-mentioned person shall sign the application for the service, and for the purpose of this Regulation, shall be deemed to be the holder of the bag.

183. Cancellation of service.

(1) If a holder of a private mail-bag service fails to comply with the provisions of this Regulation relating to services the service may be cancelled.

(2) On the cancellation of a service under this section, a refund shall not be made under Section 172.

PART XVI.—FRANKING MACHINES.

184. Interpretation of Part XVI.

In this Part, unless the contrary intention appears—

“authorized officer” means an officer of the Department authorized by the Secretary for the purposes of this Part;

"franking machine" means a machine for making impressions indicating the value of the postage prepaid on postal articles or for postmarking postal articles;

"person" includes a firm or a Government Department;

"user" means the holder of a licence under this Regulation to use a franking machine.

185. Selling or letting, etc., franking machines.

Subject to the provisions of this Part, the Secretary may authorize a person to sell, let on hire or use a franking machine.

186. Incorporation of meter and locking device.

A franking machine sold, let on hire, or used under this Part shall have attached to or connected with it—

- (a) a meter capable of being set at a figure indicating the value of the impressions paid for in advance at the time of the setting and which will accurately record the value of the impressions made by the machine; and
- (b) a device which will automatically operate to effectually prevent the use of the machine being continued after impressions to the total value paid for have been made,

and shall be of such dimensions and weight as to enable it to be conveniently conveyed to a post office by the user for the purpose of having the meter reset from time to time.

187. Application for authority to sell or let on hire.

(1) Application for the authority of the Secretary to sell or let on hire franking machines shall be made in writing and shall—

- (a) state the name, address, and occupation of the person to whom it is proposed to sell or hire the machine; and
- (b) contain a description of the machine in such detail as is required by the Secretary.

(2) The applicant shall—

- (a) submit for inspection by the Secretary a sample of the franking machine in respect of which approval is sought; and
- (b) give an undertaking in the form required by the Secretary that—
 - (i) he will sell or let on hire only franking machines conforming in all respects with the sample approved by the Secretary; and
 - (ii) he will sell or let on hire those machines only in accordance with this Regulation and the conditions set out in the undertaking; and
- (c) give security by bond for such amount and with such sureties as the Secretary requires for the faithful observance of this Regulation and the terms of the undertaking referred to in Paragraph (b).

(3) If at any time the Secretary is not satisfied with the sufficiency of any security given under Subsection (2), he may require a fresh security, and a fresh security shall be given accordingly.

188. Dies to be of approved design.

A die to be used in franking machines for making impressions indicating the value of the postage prepaid on postal articles or for postmarking postal articles—

- (a) shall be of a design approved by the Secretary; and
- (b) shall include in its design such identification number or marking as is required by the Secretary.

189. Meters to be set before delivery.

A person must not deliver to a user or an agent of a user a franking machine or meter until an authorized officer has set the postage meter at a figure indicating the amount prepaid by the user and has sealed the machine or meter.

Penalty: A fine not exceeding K100.00.

190. Impressions to be paid for before meter set.

A meter shall not be set for the purpose of recording the value of impressions made by a franking machine until the user has paid to the Secretary the amount representing the number of impressions for which it is to be set.

191. Withdrawal of machine for repair.

(1) A person to whom a franking machine or meter is tendered by the user for the purpose of repair or any other purpose must not accept it until the meter has been read by an authorized officer.

(2) The person to whom a franking machine or meter is delivered by the user must not return it to the user until he has obtained the authority of an authorized officer.

Penalty: A fine not exceeding K100.00.

192. Application for licence to use franking machines.

(1) An application for a licence to use a franking machine shall be made in writing, and shall contain a description of the machine in such detail as is required by the Secretary.

(2) On an application under this section being accepted, the applicant shall give security by bond, in accordance with such form and in such amount as the Secretary determines, that he will make good to the Secretary any loss to the revenue of Papua New Guinea arising from—

- (a) the improper use of a franking machine or meter used by him; or
- (b) the failure of the postage meter accurately to record the value of the impressions made by the machine.

193. Granting of licence to use franking machine.

(1) The Secretary may, on security being given by the applicant under Section 192 grant to the applicant a licence to use the franking machine subject to this Regulation and to such conditions as the Secretary thinks fit.

(2) A licence granted under this section may be signed on behalf of the Secretary by an authorized officer.

(3) A person who commits a breach of a condition of a licence granted under this section is guilty of an offence.

Penalty: A fine not exceeding K100.00.

194. Revocation of licence.

(1) The Secretary may revoke a licence under Section 193 if—

- (a) the licensee commits a breach of this Regulation or of the conditions of the licence; or
- (b) the franking machine in respect of which the licence is granted is or may be in the opinion of the Secretary mechanically unsatisfactory; or
- (c) the franking machine is improperly used.

(2) The Secretary may determine a licence, after giving the licensee not less than 14 days' notice of his intention to do so, if, in the opinion of the Secretary any alterations of the conditions governing the use of franking machines or any other circumstance renders the determination necessary or desirable.

195. Franking machine impressions: Refunds.

(1) The Secretary, or an officer authorized by him for the purpose, may, on written application by the user, make a refund of the amount representing the value of—

- (a) defective impressions; or
- (b) impressions made in error; or
- (c) impressions placed on articles which for adequate reasons were not transmitted through the post,

but a reduction of 5% of the face value of the impressions shall be made.

(2) A refund shall be made only when the following conditions are complied with :—

- (a) the application for refund shall be made in writing and be signed by the user or by a responsible person acting on his behalf; and
- (b) the application shall be presented at the time of the first setting of the meter after the date of the impression in respect of which a refund is claimed; and
- (c) if the impression was actually placed on an article intended for transmission by post, the entire envelope, cover, wrapper or label shall be presented with the application for refund; and
- (d) if the impression was made on an impression slip which for any reason was not affixed to the article intended for transmission by post, the entire impression slip shall be presented with the application for refund.

(3) A refund shall not be made where the marking on the envelope, cover, wrapper, label or impression slip does not indicate definitely that it is an impression produced by the operation of the franking machine concerned.

(4) In cases where the denomination of the franking impression is illegible, refund shall be made only in respect of the amount of the lowest denomination of impression which the machine concerned is capable of making.

196. Purpose for which franking machine may be used.

Subject to this Regulation, a franking machine may be used for—

- (a) making impressions indicating the value of the postage and fees prepaid on postal articles; and

- (b) making impressions indicating the date of the posting of the articles on which the value of the postage and fees is impressed by the machine, and the post office at which those articles are posted; and
- (c) impressing on postal articles such additional matter as the Secretary approves.

197. Irregularly posted impressed articles.

A postal article impressed by a franking machine and posted in contravention of the conditions of the licence may be deemed to be a postal article on which the postage is unpaid within the meaning of the Act and this Regulation and surcharged accordingly.

198. Offence under Part XVI.

A person who uses, a franking machine to which a meter, set and sealed by an authorized officer is not attached or connected, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

199. Recovery of loss of revenue.

The amount of any loss to the revenue of Papua New Guinea arising from—

- (a) the improper use of a franking machine or meter; or
- (b) the failure of the meter accurately to record the value of the impressions made by the franking machine,

is recoverable by the State from the user as a debt.

200. Notices to users of franking machines.

Any notice to the user under this Part or under a licence granted under this Part shall be sufficiently given if notified to the user in a letter or writing left at or sent by post addressed to the address specified in the licence of the user's last known place of abode or business.

PART XVII.—MONEY ORDERS¹.

201. Interpretation of Part XVII.

In this Part, unless the contrary intention appears—

“the payee” means the person to whom a money order or money remitted by means of a telegraph money order is payable;

“the remitter” means the person who remits money by means of a money order or a telegraph money order.

202. Hours.

Money orders shall be issued and paid at post offices at which money order business is transacted at such hours as are determined by the Secretary.

203. Authority for issue and sale.

Money orders shall be issued and sold only by persons authorized for the purpose by the Secretary.

¹See, Gazette No. 43, 5 June 1975, p. 10.

204. Through fee may be deducted.

Except in the case of a money order payable in Papua New Guinea or Australia, a through fee may be deducted by intermediary administrations in payment for their services in readvising the order, from the amount in which a money order is issued.

205. Fractions of a toea.

A money order shall not be issued for an amount which includes a fraction of a toea.

206. Applications.

Applications for the issue of money orders shall be made in the form approved by the Secretary and shall contain such information as the Secretary considers necessary.

207. Telegraph money orders.

Remittances may be made by telegraph money orders from post offices in Papua New Guinea at which money order and telegraph business is transacted—

- (a) for payment at other post offices in Papua New Guinea at which that business is transacted; and
- (b) for payment in countries with the Postal Administration of which the Secretary has concluded an arrangement for the exchange of telegraph money orders.

208. Charges for telegraph money order.

The charges for a telegraph money order and other related services payable by the remitter are the charges fixed for those services determined under Section 24 of the *Post and Telecommunication Corporation Act*.

(Replaced by No. 26 of 1984, s. 1.)

209. Notification of payee.

(1) A remitter of money by means of a telegraph money order payable within Papua New Guinea may, if he so desires pass to the officer receiving the money for remittance a message for transmission to the payee, at the cost of the remitter.

(2) The notification to the payee shall be endorsed with a message (if any) and shall be delivered at the post office, and the delivering officer shall satisfy himself, as far as is practicable, that the person presenting the notification is the person for whom it is intended.

(Replaced by No. 26 of 1984, s. 2.)

210. Payments.

(1) Subject to Subsection (2), payment of a money order shall be made only to—

- (a) the payee; or
- (b) a person presenting the money order signed by the payee.

(2) A money order not signed in accordance with Subsection (1)(b) may be paid to a person presenting the money order together with a written authority to receive payment signed by the payee.

(3) A written authority referred to in Subsection (2) shall bear—

- (a) the signature and address of a witness to the payee's signature; and

- (b) the name and the address of the person authorized to receive payment; and
- (c) the date on which the authority was given.

(4) A person receiving payment of a money order shall give a receipt in a form approved by the Secretary.

211. Identification of payee.

(1) A person applying for payment of a money order shall state the name of the remitter and, if he is not personally known to the paying officer, his own name.

(2) In the case of a telegraph money order, if the person applying for payment is not known to the paying officer, the officer shall by inquiry satisfy himself as to the identity of the person, and, if necessary, may require the person applying for payment to produce proof that he is the person entitled to receive payment of the money order.

212. Personation of payee.

(1) In this section, "money order" means a money order or postal order issued under the Act, or a telegram or document by means of which money may be transmitted and paid through the Department.

(2) A person who—

- (a) personates any other person for the purpose of obtaining a money order or for the purpose of obtaining payment of a money order; or
- (b) makes an untrue statement to an officer for the purpose of obtaining payment of a money order,

or, without lawful authority, (proof of which is on him)—

- (c) receives or retains in his possession a money order to which he is not entitled; or
- (d) produces to an officer, for the purpose of obtaining payment, a money order to which he is not entitled; or
- (e) obtains payment of a money order to which he is not entitled; or
- (f) signs the name of any other person on a money order or to a receipt for the money payable in respect of a money order; or
- (g) issues or sells a money order,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) This section does not affect the liability of a person to be proceeded against for any other offence against a law in force in Papua New Guinea or a part of Papua New Guinea.

213. Crossed money orders.

(1) Subject to Subsection (2), money orders may be crossed for payment through a bank, in which case they shall not be paid unless, besides being signed by the payee, they are presented by a bank official, and bear an impression of the bank's stamp.

(2) If a bank refuses to accept without charge a crossed money order, the order may, on presentation at the post office on which it has been issued, be paid if signed by the person or firm to whom it is made payable.

214. Money orders cannot be cancelled.

A money order once issued shall not be cancelled.

215. Repayment, etc.

(1) On written application by the remitter and payment of the appropriate charge—

- (a) repayment shall be made to the remitter; or
- (b) an error in the name of the remitter or payee may be corrected; or
- (c) payment may be transferred to an office other than that on which the money order was originally drawn.

(2) Where the remitter of money by means of a telegraph money order requires an alteration in the name of the remitter or payee to be made by telegraph, he shall—

- (a) produce the receipt issued by the Corporation at the time when the money was accepted for remittance; or
- (b) be identified as the remitter to the satisfaction of the postmaster,

and shall pay the cost of the necessary telegram in addition to the charge payable under Subsection (1).

(Replaced by No. 26 of 1984, s. 3.)

216. Transfers.

(1) Subject to Subsections (2) and (3), transfer of payment of a money order from the post office on which the money order was originally drawn to another post office in Papua New Guinea at which money order business is transacted may be arranged at the request of the payee on the following conditions :—

- (a) application for the transfer shall be made by the payee in writing and shall contain the names of the payee and the remitter; and
- (b) the application shall be accompanied—
 - (i) in the case of a money order, other than a telegraph money order—
 - (A) by the money order correctly receipted by the payee; and
 - (B) by a sum equivalent to commission at the prescribed rate for a money order of the same amount; or
 - (ii) in the case of a telegraph money order, payment of which it is desired to transfer by telegraph—
 - (A) by the Departmental notification to the payee duly endorsed by the payee; and
 - (B) the cost of the official telegram of advice; and
 - (C) a sum equivalent to the commission at the prescribed rate for a money order of the same amount.

(2) The charges prescribed by this section shall, if not prepaid, be deducted from the amount of the money order at the time of payment.

(3) In cases of urgency an application for transfer by telegraph of a telegraph money order may be made by telegraph.

217. Stoppage of payment.

On written application being made to the postmaster at the office at which the order is payable, and on payment of the appropriate charge, payment of a money order payable in Papua New Guinea may be stopped.

(Replaced by No. 26 of 1984, s. 4.)

218. Duplicates.

If a money order payable in Papua New Guinea is lost or destroyed, a duplicate may be obtained on application being made to the Chief Money Order Office, Port Moresby, and on payment of a fee of K0.30.

219. Compensation not payable.

(1) Compensation is not payable for an alleged loss or injury arising from the non-payment of a money order at the expected time.

(2) After a money order has been paid by the Department, the Secretary is not liable for any further payment.

220. Period of validity.

(1) If payment of a money order, whether issued in Papua New Guinea or elsewhere, is not obtained before the expiration of three months after the month in which it was issued, all claim to the money is lost except by the remitter in accordance with Subsection (2).

(2) The remitter may, on payment of the appropriate charge apply to the postmaster at the office at which the money order was issued to have the money order repaid to him.

(Replaced by No. 26 of 1984, s. 5.)

221. Exchange with other countries.

The conditions, other than those prescribed in this Regulation, under which money orders may be exchanged between Papua New Guinea and another country or territory are those provided for in any arrangement concluded between the Secretary and the authorities controlling the issue and payment of money orders in that other country or territory.

PART XVIII.—POSTAL ORDERS.

222. Offices and hours of issue.

Postal orders shall be issued and paid at such post offices in Papua New Guinea and during such hours as are determined by the Secretary.

223. Authority to issue and sell.

Postal orders shall be issued and sold only by persons authorized for the purpose by the Secretary.

224. Penalty for unlawful issue or sale.

A person who, without lawful authority (proof of which is on him), issues or sells a postal order is guilty of an offence.

Penalty: A fine not exceeding K100.00.

225. Name of payee, etc., to be inserted.

(1) The purchaser of a postal order shall insert in the space provided for the purpose the name of the person to whom the amount is to be paid.

(2) Subject to this Part, a postal order shall be paid only to the person named by the purchaser and the payee shall sign the receipt on the face of the order before payment is made.

(3) If a postal order is made payable to a firm or company, the ordinary business stamp of the firm or company shall, when a request to that effect has been made in writing and approved by the Secretary, be accepted as a sufficient receipt.

(4) If a postal order is presented for payment by a person other than the payee—

(a) the payee shall first have receipted the order in the space provided for the purpose; and

(b) the person presenting the order shall sign his name on the back.

226. Repayment.

Repayment of the face value of a postal order may be made to the purchaser at the office of issue, subject to his identity being established to the satisfaction of the paying officer, but the purchaser shall sign his name in the space provided on the order for the payee's signature and write the word "Remitter" underneath.

227. Crossed postal orders.

(1) Subject to Subsection (2), a postal order may be crossed for payment through a bank, in which case it shall not be paid unless it is presented by a bank official and bears an impression of the bank's stamp in addition to the receipt of the payee.

(2) The Secretary may, where he considers there are special reasons applicable in a particular case, authorize payment of a crossed postal order directly to the payee.

228. Secretary not liable after payment.

After a postal order has been paid by the Department the Secretary is not liable for any further payment.

229. Payment after six months.

A postal order presented for payment after six months from the last day of the month of issue shall be paid only on payment by the payee of—

(a) an amount equivalent to the fee payable for a postal order of the same amount; and

(b) an amount for the postal charges payable for referring the application to the Chief Money Order Office.

230. Mutilated postal orders.

If a postal order contains any alteration or erasure, or is cut, defaced, or mutilated, payment may be refused.

231. Information in respect of the payment of postal orders.

(1) Information may be given regarding the payment of a postal order where—

(a) the number and denomination of the postal order is furnished; and

- (b) the inquiry is made within 12 months from the last day of the month of issue of the postal order.
- (2) The fee for an inquiry under Subsection (1) is an amount—
 - (a) equivalent to the fee payable for a postal order of the same amount; and
 - (b) for the postal charges payable for referring the inquiry to the Chief Money Order Office.

232. Lost or destroyed postal orders.

(1) Where a postal order is lost or destroyed, application may, within 12 months from the last day of the month of issue of the postal order, be made for the issue of a duplicate postal order by presenting to a Departmental Officer the counterfoil of the lost or destroyed postal order.

(2) A Departmental Officer who receives an application under Subsection (1) shall, on payment by the applicant of—

- (a) an amount equivalent to the fee payable for a postal order of the same amount; and
- (b) an amount for the postal charges payable for referring the application to the Chief Money Order Office,

forward the application to the General Post Office, Port Moresby, for approval of the issue of a duplicate postal order.

(3) Where approval is given under Subsection (2), the Departmental Officer shall issue to the applicant a duplicate postal order.

PART XIX.—MISCELLANEOUS.

233. Information not to be divulged.

(1) Subject to this section—

- (a) information shall not be given respecting a postal article which passes through a post office except to the person to whom it is addressed; and
- (b) information of a private character, coming to the knowledge of a postmaster or other postal official in the course of his official duties, shall in no way be made public.

(2) A postmaster may give information as to an address if he has no reason to believe that the person whose address it is would disapprove of his doing so.

(3) Notwithstanding anything in this Regulation, the Secretary may from time to time publish lists of post office mail box holders and may include a post office box number in the address of a subscriber's listing in a telephone or telex directory or a box holder's listing in a post office box directory.

(4) No responsibility shall be undertaken and no claim for compensation shall arise or be entertained in respect of any entry or of any error in, or omission from, any listing in a directory published under Subsection (3).

234. Reposting by postmaster.

(1) Subject to Subsection (2), if a postal article is forwarded under cover to a postmaster with a request that he repost it at his office, the article, on being reposted, shall be endorsed with the words "Posted at _____ under cover to the postmaster at _____".

(2) Where the sender indicates in writing to the postmaster that the article forwarded under cover for reposting is of philatelic interest only, the postmaster may waive the endorsement of the article.

235. Weighing of postal articles.

It is not compulsory for postal officials to weigh postal articles for the public if their duties are impeded by so doing, but parcels shall be tested both as to weight and size before being accepted.

236. Payment to masters of vessels.

(1) For the purposes of Section 59(1) of the Act, the rates of payment to the master of a vessel for the conveyance of mails are, subject to Subsection (2), as shown in the following table :—

Conveyance of mails.	Rate of payment per tonne by weight.
	K
To places within Papua New Guinea	55.72
To places beyond Papua New Guinea—	
(a) over a distance of not more than 5 000km	61.44
(b) over a distance of more than 5 000 km and not more than 10 000km	119.32
(c) over a distance of more than 10 000 km	139.67

(2) Where the mail to be conveyed weighs less than a tonne or exceeds one or more tonnes by less than a tonne the rate payable for that mail or that excess, as the case may be, is the proportion of the appropriate rate referred to in Subsection (1) that the weight of that mail or that excess, as the case may be, bears to one tonne.

237. Notices by masters of vessels.

(1) The notices required to be given by masters of vessels under Sections 60 and 61 of the Act shall be in writing.

(2) The notice to be given under Section 60(2) of the Act by the master of a vessel which is—

- (a) under 20 tonnes measurement; and
- (b) not at that time or ordinarily used for the carriage of passengers of freight for hire; and
- (c) about to depart from a port within Papua New Guinea to another port or place in Papua New Guinea

shall be one hour and shall commence and expire between the hours of 8 a.m. and 4 p.m.

238. Change.

Postmasters are not compelled to give change, and when money is paid at a post office, whether as change or otherwise, no question as to its right amount, goodness, or weight shall be entertained after it has been removed from the counter.

239. Articles contravening laws relating to quarantine or disease.

A postal article containing an article forwarded in contravention of any law in force in Papua New Guinea or a part of Papua New Guinea relating to quarantine or prevention of the spread of diseases or pests shall be forwarded to the authority responsible for administering the law or to the Secretary to be dealt with according to law.

240. Proceedings and seizures.

This Regulation does not prejudice or prevent the taking of any proceedings or the seizure or forfeiture of any goods for any contravention of any other law in force in Papua New Guinea or a part of Papua New Guinea.

241. Loitering in post offices.

(1) A person who loiters in a post office is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(2) A person found loitering in a post office may be ejected by any postal official or member of the Police Force.

242. Australian Post Office Guide.

In any matter as to which the Act and this Regulation are silent, the provisions of the Australian Post Office Guide, relating to Postal Services may be followed.

SCHEDULE.

Reg., Sec. 9.14.17.64.

RATES OF POSTAGE.

Domestic Post.

Postal Articles posted in Papua New Guinea for delivery in Papua New Guinea.

Category.	Airmail.	Surface mail.	Maximum weight.
Letters	Up to 50 g—K0.10 51 to 100 g—K0.20 101 to 250 g—K0.30 251 to 500 g—K0.40		500 g
Packets	Same as for letters	Up to 250 g—K0.10 251 to 500 g—K0.20	500 g
Parcels	Same as for letters	per 250 g—K0.10	11 kg
Qualified Publications	Same as for letters	per 250 g—K0.07	11 kg

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Post and Telegraph

Overseas Post.

The rates of postage for mail matter for the Overseas Post are the rates fixed by the Minister by notice in the National Gazette, and set out in the Postal Charges Directory.

(Replaced by No. 5 of 1981.)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 150.

Telegraph Regulation.

ARRANGEMENT OF SECTIONS.

1. Charges for telegrams
2. Registered code addresses.
3. Conditions of registration.
4. Responsibility of Department.
- 4A. Telex service may be disconnected.
5. Entries in Telex Directory, etc.

SCHEDULES.

SCHEDULE 1.—Charges.

SCHEDULE 2.—Code Address.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 150.

Telegraph Regulation.

MADE under the *Post and Telegraph Act*.

1. Charges for telegrams.

The charges for the transmission of telegrams and for other telegraph services are as set out in Schedule 1.

2. Registered code addresses.

(1) Subject to this Regulation, code or abbreviated names to be used in telegraphic addresses may be registered by persons, firms or companies with the Secretary on payment of the fee prescribed in Schedule 2.

(2) On registration, all telegrams received bearing a code or abbreviated names registered under Subsection (1) will be forwarded to the proper addresses of the persons, firms or companies so registered.

3. Conditions of registration.

(1) The following conditions apply to registration of code addresses :—

- (a) the address shall consist of two words only, namely, the code indicator and the name of the office of destination; and
- (b) the word forming the code indicator shall be easy to read; and
- (c) proper names will be registered only in cases where it is considered that the registration of the name is not likely to give rise to confusion; and
- (d) a code indicator, whether a proper name or otherwise, shall be counted at the rate of one word for every 15 letters or part of 15 letters.

(2) Words submitted for code address registration may be rejected by the Secretary.

4. Responsibility of Department.

(1) Subject to Subsection (2), responsibility shall not be undertaken by, nor any claim for compensation entertained against, the Government, the Secretary or any officer—

- (a) for any errors or mistakes in transmission or delay in delivery of telegrams, whether repeated or unrepeated; or
- (b) for non-transmission, non-delivery, or misdelivery of telegrams;

from whatever cause the errors or mistakes in transmission or delay in transmission or delivery, non-transmission or non-delivery may arise.

(2) Where a telegram is lost or mutilated in transit and therefore becomes useless so far as the sender is concerned, the Secretary may refund to the sender the whole or part of the amount paid by him or on his behalf for the transmission.

4A. Telex service may be disconnected.

(1) Where a subscriber fails to pay a charge due and payable under this Regulation within 28 days of the account being rendered, the Secretary may, without notice and without prejudice to any right to recover the charge, disconnect or discontinue the service to that subscriber and remove any telex apparatus or equipment from the premises.

(2) A telex service disconnected in accordance with Subsection (1), shall not be reconnected to the premises of the subscriber unless the subscriber has paid—

(a) the outstanding charge; and

(b) the reconnexion fee specified in Item 2A of Schedule 1.

(Added by No. 21 of 1981, s. 1.)

5. Entries in Telex Directory, etc.

The Secretary may—

(a) insert, delete or amend; or

(b) arrange for the insertion, deletion or amendment,

of any entries in—

(c) the Telex Directory; or

(d) the Directory of Registered Telegraphic Addresses,

at any time, and no responsibility shall be undertaken and no claim for compensation shall arise or be entertained on account of any entry or of any error in, or omission from, the Telex Directory or the Directory of Registered Telegraphic Addresses.

SCHEDULE 1.

Reg., Sec. 1.

CHARGES.

1. Telegram Rates

Ordinary Telegrams (for delivery within Papua New Guinea)

Not exceeding seven words

K0.70

Each additional word

K0.10

The charge for telegrams to places beyond Papua New Guinea and to ships at sea are in accordance with charges fixed by the Minister and listed in the Telecommunications Charges Directory.

2. Telex Calls

National Calls: the charges for telex calls within Papua New Guinea are K0.05 per one tenth of a minute or part thereof.

Overseas Calls: the charges for telex calls to places beyond Papua New Guinea are in accordance with charges fixed by the Minister and listed in the Telecommunications Charges Directory.

2.A. Telex Service.

Connexion Fee: Where a telex service is to be connected to the premises of a person for the first time the fee for that connexion is K100.00.

Reconnexion Fee: Where a telex service has been disconnected and the subscriber requests that the service be reconnected the fee for that reconnexion is K10.00.

(Added by No. 21 of 1981, s. 2.)

3. Telegraph Equipment

Where telegraph equipment or facilities or cables or other arrangements are required the charges are as fixed by the Minister and listed in the Telecommunications Charges Directory.

4. Leased Data Line.

Where a leased data line is to be connected to the premises of a person the connexion fee is K100.00.

5. Broadcast Line.

Where a broadcast line is to be connected to the premises of a person the connexion fee is K100.00.

(Amended by No. 44 of 1981, s. 1.)

SCHEDULE 2.

Reg., Sec. 2.

CODE ADDRESS.

1. The annual fee payable in respect of each code or abbreviated address registered under Section 2 is K30.00, which covers the period from 1 April to 31 March next following.
2. Where registration is effected after 1 April, payment to 31 March next following shall be at the rate of K2.00 per month.
3. The fee shall be charged in respect of each code address and relative full address registered at any one office.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 150.

Telephone Regulation.

ARRANGEMENT OF SECTIONS.

1. Charges for telephone services.
2. Payment for annual rental.
3. Lines may be disconnected.
4. Liability on unauthorized use of service.
5. Wrongful use of telephone.
6. Amendment of entries, etc.

SCHEDULE 1.—Charges for Telephone Services.

- Sch. 1.1.—Rental: Automatic.
- Sch. 1.2.—Rental: Manual
- Sch. 1.3.—Business or residence.
- Sch. 1.4.—Special equipment, etc.
- Sch. 1.5.—Base Rate Area.
- Sch. 1.6.—Removal, etc., of telephone.
- Sch. 1.7.—Unit fee.
- Sch. 1.8.—Unit Fee Area.
- Sch. 1.9.—Public telephones.
- Sch. 1.10.—Special entries in Telephone Directory.
- Sch. 1.11.—Trunk calls, etc.
- Sch. 1.12.—Telephone Service.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 150.

Telephone Regulation.

MADE under the *Post and Telegraph Act*.

1. Charges for telephone services.

The charges for telephone services are as set out in the Schedule.

2. Payment for annual rental.

Annual rentals are due and payable four weeks in advance.

3. Lines may be disconnected.

(1) In the event of a subscriber failing to pay a charge due and payable under this Regulation within 28 days of the account being rendered, the Secretary may, without notice and without prejudice to any right to recover the charge, disconnect the line or discontinue the service to the subscriber and remove any telephone apparatus or equipment from the premises.

(2) A telephone service disconnected in accordance with Subsection (1), shall not be reconnected to the premises of the subscriber unless that subscriber has paid—

(a) the outstanding charge; and

(b) the reconnexion fee specified in Section Sch.1.12.

(Amended by No. 22 of 1981, s. 1.)

4. Liability on unauthorized use of service.

(1) Where any person enters into occupation of any premises where a telephone service is installed, he shall not be entitled to use that telephone service without the prior authority of the Secretary and the transfer of the service to the occupier.

(2) Any person who enters into occupation of any premises where a telephone service is installed, and makes use of that telephone service without having applied for a transfer of the service under Subsection (1) shall be deemed to have assumed the service and shall be liable—

(a) for all amounts owing in respect of the service at the time of entering into occupation of the premises; and

(b) for all amounts accruing in respect of the telephone service after the time of entering into occupation of the premises.

(3) This section does not affect—

(a) any power of the Secretary; or

(b) any liability of a subscriber,

in respect of a telephone service installed in any premises.

5. Wrongful use of telephone.

(1) A person who—

(a) while using a telephone connected to the telephone system, uses any unbecoming expression or language—

(i) of an objectionable, obscene or offensive nature; or

(ii) of a character liable to provoke a breach of the peace; or

(b) mischievously uses any such telephone for the purpose of annoying or irritating a person or of conveying a fictitious order, instruction or message, is guilty of an offence.

Penalty: A fine not exceeding K100.00

(2) Where a subscriber has been convicted of an offence under Subsection (1), the telephone may, without prejudice to the right of the Secretary to recover the rental and other charges payable be disconnected and any instrument or fittings the property of the Secretary removed.

6. Amendment of entries, etc.

The Secretary may—

(a) insert, delete or amend; or

(b) arrange for the insertion, deletion or amendment of,

any entry in the Telephone Directory at any time, and no responsibility shall be undertaken, nor shall any claim for compensation arise or be entertained, on account of any entry or of any error in, or omission from, the Telephone Directory.

SCHEDULE 1.

Reg., Sec. 1.

CHARGES FOR TELEPHONE SERVICES.

Sch.1.1. Rental: Automatic.

The rentals for telephone services connected to automatic telephone exchanges are K65.00 per annum.

(Amended by No. 45 of 1981, s. 1.)

Sch.1.2. Rental: Manual.

The rentals for telephone services connected to manually operated telephone exchanges are :—

ANNUAL RENTAL

For an exclusive service		For each subscriber or instrument on a two-party service		For each subscriber or instrument on a three or more party service.	
Business	Residence	Business	Residence	Business	Residence
K91.00	K52.00	K84.50	K45.50	K78.00	K39.00

Sch.1.3. Business or residence.

The Secretary may for the purpose of this Schedule, determine that a telephone instrument installed in any premises is a business service or a residence service.

Sch.1.4. Special equipment, etc.

Where—

- (a) special equipment or facilities or cables or other arrangements are required in respect of a new or an existing telephone service; or
- (b) a telephone service is connected to premises that are outside the Base Rate Area of an exchange,

the charges are as shown in the Telecommunications Charges Directory.

Sch.1.5. Base Rate Area.

For the purposes of Section Sch.1.4, the Base Rate Area of an exchange is as declared from time to time by the Secretary by notice in the National Gazette.

Sch.1.6. Removal, etc., of telephone.

A subscriber may have his telephone service and other apparatus removed to other premises, or the positions of the telephone or other apparatus changed subject to payment by the subscriber of charges fixed by the Minister by notice in the National Gazette.

Sch.1.7. Unit fee.

- (1) The unit fee for calls from any automatic telephone other than a public telephone is K0.10.
- (2) A subscriber connected to an automatic exchange is entitled to make untimed calls at the unit fee rate to subscribers connected to any exchange in the same Unit Fee Area.
- (3) A subscriber connected to a manual exchange is entitled to make calls free of charge to subscribers connected to any exchange in the same Unit Fee Area.

(Amended by No. 45 of 1981, s. 1.)

Sch.1.8. Unit Fee Area.

For the purposes of Section Sch.1.7, the Unit Fee Area of an exchange is the area within a 40 km radius of that exchange, except in the cases of exchanges for which the Unit Fee Areas are otherwise declared by the Secretary by notice in the National Gazette.

Sch.1.9. Public telephones.

The unit fee for calls from an automatic public telephone is K0.10.

Sch.1.10. Special entries in Telephone Directory.

A subscriber may have special entries inserted in the Telephone Directory at charges fixed by the Secretary.

Sch.1.11. Trunk calls, etc.

- (1) In this section—
 - “radio outstation” means a licensed radio station, other than a zone centre, equipped with a radio transmitting and receiving device capable of transmitting and receiving telephone or telegraph traffic to and from a zone centre or another radio station;
 - “zone centre” means a post office or a telegraph office declared by the Secretary by notice in the National Gazette to be a zone centre;
 - “zone network” means a network of radio outstations all of which are controlled by a single zone centre, together with all telephone exchanges functioning within that network.
- (2) The charges for manually assisted calls made over trunk lines and for calls made to or from radio outstations and VHF telephone services, other than calls to a place beyond Papua New Guinea are—
 - (a) for calls made entirely within the one zone network—at the rate of K0.70 for each three minutes or part of three minutes; and
 - (b) for calls made from one zone network to an adjoining zone network—at the rate of K1.40 for each three minutes or part of three minutes; and
 - (c) for calls from one zone network to a non-adjoining zone network—at the rate of K2.10 for each three minutes or part of three minutes.
- (3) Where a particular person or extension telephone is requested when a trunk line call is ordered there shall be charged in addition to the charges due under Subsection (2) an amount of—
 - (a) for calls made within a zone network—K0.40; and
 - (b) for calls made from one zone network to an adjoining zone network—K0.60; and
 - (c) for calls made from one zone network to a non-adjoining zone network—K1.20.
- (4) The charges for Subscriber Trunk Dialed (STD) calls made over trunk lines from all automatic telephone and automatic VHF telephone services, other than to a place beyond Papua New Guinea are—
 - (a) for calls made entirely within the one zone network—at the rate of one unit fee for each 36 seconds between the hours of 6.00 a.m. and 6.00 p.m. and one unit fee for each 72 seconds between the hours of 6.00 p.m. and 6.00 a.m.; and

- (b) for calls made from one zone network to an adjoining zone network—at the rate of one unit fee for each 18 seconds between the hours of 6.00 a.m. and 6.00 p.m. and one unit fee for each 36 seconds between the hours of 6.00 p.m. and 6.00 a.m.; and
- (c) for calls made from one zone network to a non-adjoining zone network—at the rate of one unit fee for each 12 seconds between the hours of 6.00 a.m. and 6.00 p.m. and one unit fee for each 24 seconds between the hours of 6.00 p.m. and 6.00 a.m.

(5) The charges for calls to places beyond Papua New Guinea are in accordance with charges fixed by the Minister and listed in the Telecommunications Charges Directory.

(Amended by No. 45 of 1981, s. 1.)

Sch.1.12. Telephone Service.

Connexion Fee: Where a telephone service is to be connected to the premises of a person for the first time, the fee for the connexion is K50.00.

Reconnexion Fee: Where a telephone service has been disconnected and the subscriber requests that the service be reconnected, the fee for that reconnexion is K10.00.

(Added by No. 22 of 1981, s. 2, amended by No. 45 of 1981, s. 1.)

Sch.1.13. Private leased line.

Where a private leased line is to be connected, the fee for the connexion is K100.00.

(Added by No. 45 of 1981, s. 1.)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 150.

Post and Telegraph.

APPENDIX 1.

SOURCE OF THE POST AND TELEGRAPH ACT.

Part A.—Previous Legislation.

Post and Telegraph Act (Amalgamated) 1975

as amended by—

Post and Telegraph Act (Amalgamated) (Transfer of Powers) Act 1977 (No. 34 of 1977)

Post and Telecommunication Corporation (Consequential Amendments) Act 1982 (No. 7 of 1982)

Post and Telegraph (Amendment) Act 1983 (No. 58 of 1983).

Part B.—Cross-References.

Section, etc., in Revised Edition	Previous Reference ¹ .	Section, etc., in Revised Edition	Previous Reference ¹
1	4, 26	25	34
2	6	26	35
3	8	27	36
4	9	28	37
5	10	29	38
6	11	30	39
7	12	31	40
8	13	32	41
9	16	33	42
10	18	34	43
11	19	35	44
12	20	36	45
13	21	37	46
14	22	38	47
15	23	39	48
16	24	40	49
17	25	41	50
18	27	42	51
19	28	43	52
20	29	44	53
21	30	45	54
22	31	46	55
23	32	47	56
24	33	48	57

¹Unless otherwise indicated, references are to the Act set out in Part A.

Part B.—Cross References—continued.

Section, etc., in Revised Edition.	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
49	58	84	92
50	59	85	93
51	60	86	94
52	61	87	96
53	62	88	97
54 (Rep)	63	89	98
55	64	90	99
56	65	91	99A
57	66	92	101
58	67	93	100
59	68	94	102
60	69	95	103
61	70	96	104
62	71	97	105
63	72	98	106
64	73	99	107
65	74	100	108
66	75	101	109
67	76	102	110
68	77	103	111
69	77A	104	112
70	78	105	113
71	79	106	114
72	80	107	115
73	81	108	116
74	82	109	117
75	83	110 (Rep.)	95A
76	84	111	95
77	85	112	118
78	86	Schedule 1-	Schedule 2
79	87	Form 1	Form A
80	88	Form 2	Form D
81	89	Form 3	Form B
82	90	Form 4	Form C
83	91	Schedule 2	Schedule 1

APPENDIX 2.

SOURCE OF THE POSTAL REGULATION.

Previous Legislation.

Postal Regulation

as amended by—

Postal (Amendment) Regulation 1984 (Statutory Instrument No. 26 of 1984).

APPENDIX 3.

SOURCE OF THE TELEGRAPH REGULATION.

Part A.—Previous Legislation.

Telegraph Regulation (Amalgamated) 1975

as amended by—

Telegraph Regulation (Amalgamated) (Amendment) Regulation 1976 (Statutory Instrument No. 40 of 1976)

Telegraph Regulation (Amalgamated) (Amendment) Regulation 1981 (Statutory Instrument No. 21 of 1981)

Telegraph Regulation (Amalgamated) (Amendment No. 2) Regulation 1981 (Statutory Instrument No. 44 of 1981).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹
1	5
2	6
3	7
4	8
4A	8A
5	9
Schedule 1	Schedule 1
Schedule 2.	Schedule 2.

¹Unless otherwise indicated, references are to the regulation set out in Part. A.

APPENDIX 4.

SOURCE OF THE TELEPHONE REGULATION.

Part A.—Previous Legislation.

Telephone Regulation (Amalgamated) 1975

as amended by—

Telephone Regulation (Amalgamated) (Amendment) Regulation 1976 (Statutory Instrument No. 37 of 1976)

Telephone Regulation (Amalgamated) (Amendment) Regulation 1981 (Statutory Instrument No. 22 of 1981)

Telephone Regulation (Amalgamated) (Amendment No. 2) Regulation 1981 (Statutory Instrument No. 45 of 1981).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section etc., in Revised Edition.	Previous Reference ¹
1	3	5	7
2	4	6	8
3	6	Schedule 1.	Schedule.
4	6A		

¹Unless otherwise indicated, references are to the regulation set out in Part. A.