

2019

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Australian Postal Corporation
(Unsolicited Political Communications)
Bill 2019**

No. , 2019

*(PM-ME-SPRINKLES)
(Witten by PM-ME-SPRINKLES)
(Drafted by Tobycool2001_1)*

A Bill for an Act to amend the *Australian Postal Corporation Act 1989*, and for related purposes

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1 **A Bill for an Act to amend the *Australian Postal***
2 ***Corporation Act 1989*, and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act is the *Australian Postal Corporation (Unsolicited*
6 *Political Communications) Act 2019*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.

Commencement information

Column 1**Column 2****Column 3**

Provisions**Commencement****Date/Details**

1. The whole of
this Act

The day this Act receives the Royal Assent.

1
2
3

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

4
5
6

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

7

3 Schedules8
9
10
11

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Australian Postal Corporation Act 1989

1 At the end of section 32A

Add:

(4) Australia Post must not deliver to premises within Australia:

(a) an election advertisement while supplying a bulk interconnection service; or

(b) an unaddressed election advertisement;

if there is a notice displayed at the premises that contains the phrase ***no election mail***, or a phrase with the same meaning.

(5) Australia Post must not deliver to premises within Australia:

(a) a political advertisement while supplying a bulk interconnection service; or

(b) an unaddressed political advertisement;

if there is a notice displayed at the premises that contains the phrase ***no political mail***, or a phrase with the same meaning.

(6) A phrase will have the same meaning as ***no election mail*** or ***no political mail*** regardless of:

(a) the specific type of communication referenced, so long as it can be sent through the mail;

Note: Examples of communications that can be sent through the mail includes materials, notices, advertisements, campaigns, information etc.

(b) a reference to unsolicited or unaddressed communications; or

Note: For example, 'no unsolicited election materials.'

(c) the usage of words indicating politeness.

Note: For example, 'no political notices please'.

(7) Sections 1(4) or 1(5) do not apply if the notice displayed at the premises purports to exempt to a person, entity, political party or political view from the application of 1(4) or 1(5).

Note: For example, 'no [XYZ Party] ads'.

1 **2 Section 3**

2 Insert:

3 ***election advertisement***, in relation to an election, means:

- 4 (a) a letter that contains election matter that relates to that
5 election;
- 6 (b) a letter containing a statement to the effect that the letter has
7 been sponsored by a person or persons and indicating that the
8 person is a candidate, or one or more of the persons is or are
9 candidates, at the election; or
- 10 (c) a letter containing a statement to the effect that the letter has
11 been sponsored by a particular political party where a
12 candidate at the election belongs to that party.

13 ***election matter***, in relation to an election, means matter of any of
14 the following kinds:

- 15 (a) matter commenting on, or soliciting votes for, a candidate at
16 the election;
- 17 (b) matter commenting on, or advocating support of, a political
18 party to which a candidate at the election belongs;
- 19 (c) matter commenting on, stating or indicating any of the
20 matters being submitted to the electors at the election or any
21 part of the policy of a candidate at the election or of the
22 political party to which a candidate at the election belongs; or
- 23 (d) matter referring to a meeting held or to be held in connection
24 with the election.

25
26 ***political advertisement*** means a letter that contains political
27 matter.

28
29 ***political matter*** means any political matter, including the policy
30 launch of a political party.

31 **3 Constitutional matters**

- 32 (1) The amendment made by item 1 and 2 does not apply to the extent
33 (if any) that it would infringe any constitutional doctrine of implied
34 freedom of political communication.

- 1 (2) The amendment made by item 1 and 2 does not apply to the extent
2 (if any) that it would result in an acquisition of property (within the
3 meaning of paragraph 51(xxxi) of the Constitution) from a person
4 otherwise than on just terms (within the meaning of that paragraph
5 of the Constitution).