

No. 56 of 1996.

Postal Services Act 1996.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1996.

Postal Services Act 1996.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1996.

AN ACT

entitled

Postal Services Act 1996,

Being an Act relating to the obligations and constitution of Post PNG and to the provision of postal services and to repeal the *Post and Telecommunication Act* (Chapter 150), and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the effect that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely -

- (a) the right to freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
- (b) the right to freedom of expression conferred by Section 46 of the *Constitution*; and
- (c) the right to freedom of employment conferred by Section 48 of the *Constitution*; and
- (d) the right to privacy conferred by Section 49 of the *Constitution*,

is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

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(2) For the purposes of Section 35 (*Protection from unjust deprivation of property*) of the *Constitution*, it is hereby declared that the provision of postal services of this Act is a public purpose.

2. INTERPRETATION.

- (1) In this Act, unless the contrary intention appears -
- “article” means any matter or thing and includes -
 - (a) a letter; and
 - (b) a message or information; and
 - (c) a direction to pay an amount of money; and
 - (d) an envelope, packet, parcel, container or wrapper containing any matter or thing (including a letter, message, information or direction to pay an amount of money); and
 - (e) a message, information or direction to pay an amount of money that is not in written form;
 - “Board” means that the Board of Directors of Post PNG;
 - “carriage” in relation to a postal article, means -
 - (a) carriage of the postal article from one place to another by physical means (and includes the collection or receipt of the postal article for carriage and delivery of the postal article after carriage); or
 - (b) where the postal article is an unwritten communication - transmission of the postal article from one place to another by electromagnetic or other non-physical means (and includes the collection or receipt of the communication (whether in written or unwritten form) for transmission and delivery of the communication (whether in written or unwritten form) after transmission);
 - “carriage by post”, in relation to a postal article, means a postal article carried by or through Post PNG;
 - “community service obligations” or “CSO” means the obligations under Section 7;
 - “convention” means a convention relating to postal matters to which Papua New Guinea or Post PNG is a party or an arrangement or agreement between Papua New Guinea or Post PNG and a foreign postal administration;
 - “Customs Act” means any Act relating to duties of custom in force within Papua New Guinea and all orders and regulations made under any such Act or Acts;
 - “employee” means any employee or officer in the service of Post PNG;
 - “erect” includes construct, lay down and place;
 - “Head Office” means the head office of Post PNG;
 - “letter” means any form of written communication that is directed to a particular person or address, and includes -

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- (a) any standard postal article; and
 - (b) any envelope, postcard, packet, parcel, container or wrapper containing such a communication; and
 - (c) any enclosed written communication that is directed to a particular person or address;
- “letter service” means the service provided by Post PNG under Section 7;
- “Managing Director” means the Managing Director of Post PNG;
- “money order” means a money order issued under this Act or by any postal authority for payment under this Act and includes Salim Moni Kwik and other methods of remitting funds;
- “ordinary post” in relation to the carrying of a postal article, has the meaning given by Subsection (2);
- “post-box” means any receptacle established by Post PNG for the lodgment, receipt or handling of post articles;
- “post office” means office established by Post PNG in Papua New Guinea for the provision of postal services (and includes, without limitation, a house, building, room, place or structure where postal articles are by permission or under the authority of Post PNG received, delivered, sorted or made up from or from which postal articles are despatched);
- “Post PNG” means Post PNG Limited, a company incorporated or to be incorporated under the *Companies Act* (Chapter 146), being the company to which the assets, rights and liabilities relating to the postal services division of Post and Telecommunication Corporation were transferred under the *Post and Telecommunication Corporation (Corporatisation) Act 1996*;
- “Post and Telecommunication Corporation” means the statutory body established under the *Post and Telecommunication Corporation Act* (Chapter 394);
- “postage” in relation to a postal article, means the amount payable for the carriage of the postal article by post (including any special charge or additional fee payable for special services supplied in relation to the carriage of the post article);
- “postage stamp” includes an imprinted or printed mark, label or design authorized by Post PNG for the purpose of paying postage for a postal article;
- “postal article” means an article of a kind that under the terms and conditions on which Post PNG supplies postal services, may be carried 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;
- “Price Controller” means the Price Controller appointed under the *Prices Regulation Act* (Chapter 320);
- “Salim Moni Kwik” or “SMK” means a transmission of funds from one place to another by electromagnetic means and is a form of money order;

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“standard postal article” means a postal article that satisfies all the following criteria:-

- (a) it does not weigh more than 250 grams;
- (b) it is not more than 5mm thick;
- (c) its other two dimensions form a rectangle:-
 - (i) two of whose sides are shorter than the other sides; and
 - (ii) the shorter sides of which are not more than 122mm long; and
 - (iii) the longer sides of which are not more than 237mm long; and
 - (iv) the adjacent sides of which are in the ratio of 1 to at least 1.414;

“this Act” includes the regulations;

“Universal Postal Union Regulations” or “UPU Regulations” means the Universal Postal Union Regulations, as amended from time to time, and includes appendices, annotated acts and codes, arrangements to those regulations and any additional agreements or regulations published by the International Bureau of the Universal Postal Union in pursuance of the agreement concluded by the postal administration of member countries concerned in the Universal Postal Union Congress;

“unwritten communication” includes a message, information or direction to pay an amount of money, that is not in written form.

(2) For the purposes of this Act, an article is carried by ordinary post if the article is carried by means of the letter service in such a way as will not involve the supply of a special service for which a special charge or additional fee is payable in relation to the carriage of the article.

(3) Unless the contrary intention appears, any words or phrases used in this Act and not defined in this Act and used in the Universal Postal Union Regulations have the same meaning or interpretation given to them in the Universal Postal Union Regulations.

3. DECLARATION 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 the form set out in the Schedule.

PART II. - POST PNG AND ITS BOARD.

4. CONSTITUTION OF POST PNG.

Post PNG is to be incorporated as a company limited by shares under the *Companies Act* (Chapter 146).

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5. POST PNG BOARD.

There shall be a Board of Post PNG which shall be appointed in accordance with the Articles of Association of Post PNG.

PART III. - POST PNG'S OBLIGATIONS AND RESERVED SERVICES.

Division 1 - Obligations.

6. OBLIGATIONS GENERALLY.

Post PNG has the following obligations:-

- (a) its community service obligations under Section 7; and
- (b) its general governmental obligations under Section 8; and
- (c) its other general obligations under Section 9.

7. COMMUNITY SERVICE OBLIGATIONS.

(1) Post PNG shall supply a letter service at a uniform rate of postage for the carriage within Papua New Guinea, by ordinary post, of letters that are standard postal articles.

(2) Post PNG shall ensure -

- (a) that in view of the social importance of the letter service, the service is available to as many people as is practicable and that the service is extended as rapidly as practicable so that all people in Papua New Guinea have access to the service; and
- (a) that the performance standards (including delivery times) for the letter service reasonably meet the social, industrial and commercial needs of the Papua New Guinea community.

8. GENERAL GOVERNMENTAL OBLIGATIONS.

Post PNG shall perform its functions in a way consistent with -

- (a) any general policies of the Government notified by the Minister under Section 20; and
- (b) any directions given by the Minister under Section 21; and
- (c) the obligations under any convention.

9. OTHER GENERAL OBLIGATIONS.

(1) Post PNG shall cause postage stamps to be issued and sold at such amounts as determined by the Board.

(2) Unless otherwise advised to the contrary by the Minister acting in accordance with a National Executive Council directive, Post PNG shall -

- (a) act as adviser to the Government of Papua New Guinea on all matters relating to postal activities in Papua New Guinea; and

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- (b) represent Papua New Guinea as a member of, and actively participate in, international bodies concerned with the administration of postal services or in which Post PNG has an interest; and
- (c) enter into international agreements relating to postal activities where such agreements are in the best interests of Papua New Guinea.

Division 2 - Reserved Services.

10. SERVICES RESERVED TO POST PNG.

(1) Subject to Section 11, Post PNG has the exclusive right to carry letters within Papua New Guinea and between Papua New Guinea and places outside Papua New Guinea.

(2) The reservation of services to Post PNG under Subsection (1) extends to the collection and delivery of letters within, but not outside, Papua New Guinea, and applies in relation to letters irrespective of whether they originated within or outside Papua New Guinea.

- (3) Post PNG also has the exclusive right -
- (a) to provide services for the registration of postal articles and the insurance of postal articles; and
 - (b) to manufacture and issue postage stamps and philatelic products within Papua New Guinea; and
 - (c) to market, including the sale of postage stamps and philatelic products in Papua New Guinea and elsewhere; and
 - (d) to erect post-boxes, and to provide private box, private mail bag and lock mail bag services; and
 - (e) to transact in money orders and postal orders within Papua New Guinea and between Papua New Guinea and other places; and
 - (f) to regulate the sale, hire and use of franking machines; and
 - (g) to fulfil, on behalf of the State, any obligations of the State under any convention, treaty or international agreement entered into by the State relating to postal activities.

11. EXCEPTIONS TO RESERVED SERVICES.

The services reserved to Post PNG do not include -

- (a) the carriage of a letter weighing more than 250 grams unless the letter consists of an envelope, packet, parcel, container or wrapper containing two or more separate letters; and
- (b) the carriage of a letter relating to goods that is sent and delivered with the goods; and
- (c) the carriage of newspaper, magazines, books, catalogue and leaflets; and
- (d) the carriage of a letter otherwise than for a reward; and

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- (e) the carriage of a letter within Papua New Guinea for a charge or fee that is at least 20 times the then rate of postage for the carriage within Papua New Guinea of a standard postal article by ordinary post; and
- (f) the carriage of a letter by the sender or an officer or employee of the sender; and
- (g) the carriage of a letter from an office of the individual or organization sending the letter to another office of that individual or organization; and
- (h) the carriage of a letter to or from -
 - (i) the nearest office of Post PNG; or
 - (ii) another office of Post PNG authorized by it; and
- (i) the carriage of a letter on behalf of Post PNG under an agreement with it; and
- (j) the carriage of writs, warrants or other documents require or permitted to be served, given or sent under the practice and procedure of any court or tribunal; and
- (k) the carriage of a letter solely by any electromagnetic or other non-physical means; and
- (l) the carriage of an unwritten communication solely by any electromagnetic means or other non-physical means; and
- (m) any service that, under the regulations, is not reserved to Post PNG.

12. ACTIONS FOR INFRINGEMENT OF RESERVED SERVICES.

(1) Where a person has engaged, or is proposing to engage, in conduct that involves, or would involve, an infringement of an exclusive right that Post PNG has under this Act, Post PNG may apply to the National Court for relief.

(2) The relief that may be granted includes an injunction and, at the option of Post PNG, either damages or an account of profits.

(3) Where, in the opinion of the National Court, it is desirable to do so, the Court may grant an interim injunction pending determination of an application under Subsection (1).

(4) The power of the National Court to grant an injunction restraining a person from engaging in conduct may be exercised -

- (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; and
- (b) whether or not the person has previously engaged in conduct of that kind; and
- (c) whether or not there is imminent danger of substantial damage to Post PNG if the person engages in conduct of that kind.

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Division 3 - Arrangements for foreign postal articles.

13. ARRANGEMENTS FOR FOREIGN POSTAL ARTICLES.

Post PNG may make arrangements with the proper authorities of a foreign country with respect to -

- (a) the carriage by air, land or sea or a combination thereof of postal articles between Papua New Guinea and a foreign country; and
- (b) the appointment, determination and collection of postage and fees or other charges on postal articles conveyed between Papua New Guinea and a foreign country; and
- (c) the division and mutual accounting for the payment of the funds collected under any such arrangements; and
- (d) the purposes specified in Paragraph (a), (b) and (c) in the case of postal articles carried through Papua New Guinea to or from any part of the world; and
- (e) the payment, in full or otherwise, of the postage payable on the postal articles; and
- (f) the carriage, to places out of Papua New Guinea free of postage or on such terms as to the amount of postage or fees 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 fees 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.

Division 4 - Money orders and postal orders.

14. ARRANGEMENTS FOR MONEY ORDERS AND POSTAL ORDERS.

(1) Post PNG may make arrangements for the issue and payment of money orders and postal orders -

- (a) within Papua New Guinea; and
- (b) between Papua New Guinea and a foreign country,

and for the accounting for, and remittance of, moneys required for that purpose.

(2) A money order or postal order issued under this Act and not presented for payment within 12 months from the last day of the month of issue shall be payable under such conditions as are determined by Post PNG.

15. ORDERS DEEMED VALUABLE SECURITY.

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

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16. NO TAX ON MONEY ORDERS OR POSTAL ORDERS.

No stamp duty, tax, levy or imposts (whether national, provincial or National Capital District Commission), shall be charged, levied or imposed on any money order or postal order issued or paid under this Act or on or in connection with any fees or charges for or on any money order or postal issued or paid under this Act.

PART IV. - POST PNG'S OPERATIONS.

Division 1. - Terms and conditions applying to services.

17. RATES OF POSTAGE AND OTHER CHARGES.

(1) Subject to Section 19 -

- (a) amounts to be charged for or in connection with work done, or services, goods or information supplied by Post PNG shall be determined by the Board or an authorized person within the meaning of Section 31(2); and
- (b) without limiting the generality of Paragraph (a), the rates of postage payable for the carriage of a postal article shall be the rates determined by the Board for the carriage of that postal article.

(2) The Board shall ensure that the rates of postage payable for the carriage of a postal article are made available for inspection and purchase at Head Office, a post office or such other places as the Board may determine.

18. TERMS AND CONDITIONS GENERALLY.

(1) Subject to any express provision of this Act, the terms and conditions of a service supplied by Post PNG are -

- (a) so far as the regulations specify the terms and conditions for the supply of the service - the terms and conditions specified in the regulations applicable to the supply of the service; and
- (b) so far as the regulations -
 - (i) do not specify the terms and conditions for the supply of the service; or
 - (ii) provide for Post PNG to determine the terms and conditions for the supply of the service,

the terms and conditions determined by the Board or an authorized person within the meaning of Section 31(2) that are applicable to the supply of the service.

(2) Without limiting Subsection (1), the terms and conditions determined by the Board may make provision with respect to -

- (a) the kinds of articles that may be carried by post and the means by which different kinds of articles may be carried; and
- (b) the carriage of letters and other postal articles; and
- (c) rates of postages; and
- (d) amount to be charged for work done, or services, goods or information supplied by Post PNG; and

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- (e) the payment of postage, including the issue and sale of postage stamps, the pre-stamping of postal articles and the use of franking machines; and
- (f) the carriage of letters to or from an office of Post PNG that is not the nearest office of Post PNG; and
- (g) undelivered letters and other articles (including the forfeiture and destruction of such articles); and
- (h) the publications that may be carried by post as qualified publications.

(3) Where the Board determines terms and conditions applicable to the supply of a service, copies of the determination made by it under this section shall be made available for inspection and purchase at Head Office as soon as practicable after the determination is made.

(4) A contravention of Subsection (3) in relation to a determination does not affect the validity of the determination.

19. CERTAIN CHARGES SUBJECT TO PRICE REGULATION ACT (CHAPTER 320) AND MINISTERIAL REVIEW.

(1) This section applies to the rates of postage for the carriage within Papua New Guinea of standard postal articles by ordinary post.

(2) Before making a determination under Section 18 fixing or varying rates of postage or annual fees to which this section applies, the Board shall give the Price Controller written notice of the proposed determination.

(3) The Price Controller shall within 60 days after receiving notice of a proposed determination give the Board written advice of approval, in total or in part, or disapproval of the proposed determination.

(4) Where Post PNG is aggrieved by the decision of the Price Controller, Post PNG may apply to the Minister for relief and such relief may include full approval of the determination.

(5) The Board may make a determination under Section 17 fixing or varying rates of postage or annual fees to which this section applies, only if 60 days have elapsed since the Price Controller received the notice of it and the Price Controller has not, within that period, given the Board the necessary written advice of this decision.

Division 2. - Other accountability requirements.

20. MINISTER MAY NOTIFY BOARD OF GENERAL POLICIES OF GOVERNMENT.

(1) The Minister may notify the Board of general policies of the Government that are to apply in relation to Post PNG.

(2) The Board shall ensure that the policies are carried out in relation to Post PNG.

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(3) A notification under Subsection (1) shall be given in writing.

21. MINISTER MAY GIVE DIRECTIONS TO THE BOARD.

(1) Subject to this section, the Minister may, after consultation with the Board, give to the Board such written directions in relation to Post PNG's community service obligations as appear to the Minister to be necessary in the public interest.

(2) Any written direction given by the Minister under Subsection (1) shall specify the amount by which Post PNG is to be compensated in accordance with Subsection (3).

(3) Where Post PNG satisfies the Minister that it will, or will be likely to, suffer financial detriment as a result of complying with a direction to be given under Subsection (1), Post PNG shall be entitled to be compensated by the State for an amount that the Minister, after consultation with the Board, reasonably determines to be the amount necessary adequately to compensate Post PNG for the financial detriment suffered, or likely to be suffered, as a result of complying with the direction.

(4) Prior to giving a direction under Subsection (1), the Minister shall -
(a) have regard to any advice that the Board has given the Minister as to the financial detriment which will, or will be likely to, be suffered by Post PNG; and
(b) have the amount of compensation to be paid to Post PNG in accordance with Subsection (3) included in the National Budget of the State.

(5) The Minister shall not give a direction under Subsection (1) in relation to -
(a) rates of postage; or
(b) amounts to be charged for work done, or services, goods or information supplied by Post PNG.

(6) Where the Minister gives a direction under Subsection (1), the Minister shall cause a copy of the direction to be laid before Parliament within 15 sitting days after giving the direction.

(7) For the purposes of this section "financial detriment" includes, without limitation -
(a) costs or expenditure incurred or likely to be incurred in excess of that which would otherwise be incurred or likely to be incurred; and
(b) revenue that would be forgone or likely to be foregone which would otherwise be received or likely to be received.

22. POST PNG AND BOARD NOT OTHERWISE SUBJECT TO GOVERNMENT DIRECTION.

Except as otherwise provided by or under this or any other Act, Post PNG and its Board are not subject to direction by or on behalf of the Government.

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PART V. - NOTICE AND LIMITATIONS OF ACTIONS.

23. NOTICE AND LIMITATIONS OF ACTION.

(1) Subject to Sections 24 and 25, any action against Post PNG, the Board, the Managing Director or any officer of Post PNG for anything done or omitted to be done under this Act shall be commenced within six months after the act is done or omitted to be done.

(2) An action under Subsection (1) shall not be commenced until one month after notice of, and the cause of, the action has been duly served on the defendant.

(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.

24. IMMUNITY FROM ACTIONS.

An action or other proceeding shall not be maintainable against Post PNG, the Board, the Managing Director or any officer of Post PNG, in relation to any loss or damage suffered, or that may be suffered, by a person by reason of any act, default, delay, error, omission or loss (whether negligent or otherwise) by or on behalf of Post PNG in the carriage or delivery of, or otherwise in relation to, a postal article by means of the letter service.

25. ACTIONS IN RELATION TO MONEY ORDERS OR POSTAL ORDERS.

An action or other proceeding shall not be maintainable against Post PNG, the Board, the Managing Director or any officer of Post PNG -

(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 to whomsoever presented it if it was paid without fraud or wilful misbehaviour by the person sought to be made liable.

PART VI. - PENALTIES.

26. PENALTY FOR INFRINGEMENT OF RESERVED SERVICES.

A person, who engages in conduct that involves an infringement of an exclusive right that Post PNG has under this Act, is guilty of an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 10 years, or both.

27. PENALTY FOR PLACING PLACARDS ON POST PNG PROPERTY.

A person not duly authorized for that purpose (proof of which is on him or her), who places any placard or other document, writing, or painting on, or who otherwise defaces, any building or property (including, without limitation, a post-box) of Post PNG, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding two years or both.

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28. PENALTY ON UNAUTHORIZED PERSON OPENING POSTAL ARTICLES.

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

Penalty: A fine not exceeding K10,000.00 or imprisonment for a term not exceeding five years, or both.

PART VII. - MISCELLANEOUS.

29. CONTRIBUTIONS MAY BE ACCEPTED.

Post PNG may arrange or contract with any local governing body or person applying to it to establish or provide any special or 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 Post PNG against any loss it may sustain by establishing or providing the facilities.

30. POST-BOXES.

(1) Post PNG may erect, maintain and use post-boxes in any public road, street or highway or in any other public place.

(2) Subject to Subsection (3), Post PNG shall keep in good order all post-boxes erected by it.

(3) Post PNG may remove any post-boxes erected by it.

31. DELEGATION.

(1) Where under this Act a matter is to be determined by Post PNG, that matter shall be determined by the Board or an authorized person.

(2) In Subsection (1), "authorized person" means an officer of Post PNG who is for the time being, authorized by the Board for the purposes of this section.

32. ACTION TO RECOVER POSTAGE.

In any action or other proceeding for the recovery of any postage or fee payable in respect of a postal article -

- (a) the person from whom the article purports to have come shall be deemed to be 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 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 article to the postage or fee and that the sum or marked on it is payable in respect of it.

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33. POSTAL ARTICLES DEEMED TO BE IN COURSE OF POST.

In any action or other proceeding every postal article in charge of, or being carried by, a postmaster, officer or servant of Post PNG or other person employed by, or under, Post PNG shall, until the contrary is approved, be deemed to be in the course of being sent by post.

34. POSTAL ARTICLES CARRIED BY POST TO BE TAKEN TO BE POST PNG'S PROPERTY.

For the purpose of any legal proceeding or action in relation to a postal article carried by post or under the control of Post PNG, the article shall be taken to be, while it is being carried by post or under the control of Post PNG, the property of Post PNG.

35. REGULATIONS.

The Head of State, acting on advice, may make regulations not inconsistent with this Act prescribing matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act and may, in particular, make regulations with respect to -

- (a) the terms and conditions (other than rates of postage or amounts to be charged) applicable to the supply of postal and related services by Post PNG including, without limitation -
 - (i) prescribing the form and mode of packaging and dealing with postal articles and qualified publications; and
 - (ii) providing for the receipt, carriage, delivery, return or other disposal of postal articles; and
 - (iii) prescribing the form and mode of dealing with registered postal articles and insured postal articles; and
 - (iv) providing for private boxes and private bags; and
 - (v) providing for the payment by any person instead of the sender of the postage payable on any postal article; and
- (b) the form and mode of dealing with the manufacturing, marketing and sale of postage stamps including licensing of vendors and arrangements with philatelic outlets; and
- (c) the form and mode of dealing with the licensing and use of franking machines; and
- (d) the conditions relating to the issue, payment and cancellation of money orders and postal orders.
- (e) the arrangements for collecting duties of customs and other duties payable in relation to postal articles carried by post; and
- (f) dealing with postal articles that may contain goods on which duties of customs or other duties are payable; and
- (g) the forfeiture and destruction of postal articles carried by post; and
- (h) the opening and examination of postal articles, and the examination of contents of postal articles, carried by post; and
- (i) prescribing penalties of fines not exceeding K15,000 and/or imprisonment for a term not exceeding ten years for offences against this Act.

Postal Services

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

36. REPEAL AND SAVING.

(1) The following Acts are repealed:-

- (a) *Post and Telecommunications Act* (Chapter 150).
- (b) *Post and Telegraph (Amendment) Act 1990.*

(2) A licence to use a franking machine issued under an Act repealed by Subsection (1)(or under Regulations made under an Act repealed by Subsection (1)) and valid and in force immediately before the coming into operation of this Act, shall, on that coming into operation, continue to be valid and in force until it lapses or is otherwise terminated according to law.

(3) All instruments (other than regulations) made and all things done under an Act repealed by Subsection (1), and in force or having effect immediately before the coming into operation of this Act continue in force and have effects as if made under this Act.

SCHEDULE PAPUA NEW GUINEA.

Sec.3.

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 Post PNG, 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 Post PNG 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 duties entrusted to me and that I will hold strictly secret all communications that may pass through my hands in the performance of my duties.

I hereby certify that the above is a fair print of the *Postal Services Act 1996* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Postal Services Act 1996* was made by the National Parliament on 13 November 1996 by an absolute majority in accordance with the Constitution.

Speaker of the National Parliament.

