

Universal Postal Union: Seventh Additional Protocol to the Constitution of 10 July 1964, as amended; Convention, and Final Protocol; General Regulations

Introduction

- 3.1 The Universal Postal Union (UPU) provides the basis for the exchange of international mail and helps to develop and maintain international postal services.¹ The proposed amendments to the Universal Postal Convention (the Convention), the Final Protocol and the General Regulations of the UPU (referred to collectively as ‘the Amendments to the Acts of the UPU’) will assist in developing a more efficient and effective international postal service.²

The Amendments

- 3.2 The Constitution provides the fundamental rules for the UPU, provides for its legal foundation and is binding on all members.³ The

1 National Interest Analysis (NIA), para. 6.

2 NIA, para. 7.

3 NIA, para. 13.

Constitution is amended by Additional Protocols and the Seventh Additional Protocol is the most recent amendment to the Constitution.

- 3.3 The General Regulations implement the Constitution, provide for the day-to-day working of the UPU and are binding on all members.⁴ Previously, the General Regulations have been renewed as a whole every five years by the UPU Congress. The Amendments will make the General Regulations permanent. Any future changes to the General Regulations will be made as Additional Protocols.⁵
- 3.4 The Amendments to the Final Protocol to the Universal Postal Convention incorporate the reservations lodged by Australia and other UPU members. As a general principle, reservations applied to one country will be applied on a reciprocal basis to other members.⁶
- 3.5 Australia's reservations include the following articles:
- II(1) authorises Australia to collect postal charges other than those provided in the Regulations, when such charges are consistent with the legislation of their countries
 - III(2) allows Australia to collect the charges for special services which are applied to literature for the blind in the internal service
 - XIII(1) reserves the right of Australia to impose a charge, equivalent to the cost of the work it incurs, on any administration which under the provisions of article 27.4, sends to it items for the disposal of postal items in the country of destination
 - XIII(3) allows Australia the option of limiting the payment of delivery for letter-post items to the appropriate domestic tariff for equivalent items in the country of destination.⁷
- 3.6 The Convention and Additional Protocol comprises the rules applicable throughout the international postal service. Some of the key changes include:
- revision of postal security provisions for the exchange of information between member countries on maintaining the safe and secure transport of mail items (Article 9)

4 NIA, para. 13.

5 NIA, para. 17.

6 Article 37 of the Convention

7 NIA, para. 32.

- an outward mandatory registration service for priority and airmail letter-post items is required, a registration service for outbound non-priority and surface letter-post items but only to destinations for which there is no priority or airmail service (Article 13)
- postal administrations must establish delivery standards and targets for their inward letter-post items and parcels (Article 20)
- it is no longer mandatory to accept inquiries about the non-receipt of ordinary letter-post items (Article 17)
- senders of prohibited articles that cause damage to other postal items, postal officials or postal equipment are now liable for that damage (Article 23)
- the establishment of a terminal dues system consisting of two subsystems:⁸ a target system applicable to industrialised countries and a transition system intended for developing countries (Articles 28, 29, 30)
- the introduction of a Quality of Service Fund designed to help developing nations improve their postal infrastructure and quality of service. The Fund will ensure that countries and territories in most need of funds receives them (Article 31).

Regulation Impact Statement

- 3.7 A Regulation Impact Statement (RIS) examining amendments which could potentially impact on Australia Post's international mail system was prepared in relation to the Amendments.
- 3.8 The RIS notes that
- The majority of the proposed amendments were procedural in nature and do not have any significant impact on Australia Post's international mail systems.⁹
- 3.9 The provisions which could possibly impact on Australia Post include the establishment of a new terminal dues system under Articles 28, 29
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8 Terminal dues are the payments made between UPU members to compensate for the delivery of international letter-post items in a destination country.

9 RIS, para. 12.

and 30 of the Universal Postal Convention, the outward mandatory registration service under Article 13, the non-mandatory acceptance of inquiries about ordinary letter-post items under Article 17, the establishment of a quality of service standards and targets under Article 20, and the new inward land rates for parcel post items under Article 34.

- 3.10 The RIS concludes that notwithstanding the estimated \$A 2 – 3 million costs which will result from the Amendments, the general outlook for Australia Post’s international business remains strong. UPU membership remains an affordable option compared with alternatives in the provision of international postal services for the Australian community.¹⁰

Implementation

- 3.11 The Amendments to the Acts of the UPU can be implemented through administrative arrangements and will not require any change to existing legislation.¹¹

Costs

- 3.12 At present, Australia provides approximately A\$840 000 per annum to the UPU budget.¹²
- 3.13 The Amendments will create additional costs for Australia as a result of the introduction of the new terminal dues system, the proposed changes to procedures for internal air conveyance charging and the reimposition of liability provisions for uninsured parcels.¹³ The National Interest Analysis estimates that this will cost an additional A\$2 to 3 million.¹⁴

10 NIA, paras 35, 36 and 37.

11 NIA, para. 34.

12 NIA, para. 36.

13 NIA, para. 39.

14 NIA, para. 39.

Conclusion and recommendation

- 3.14 The Committee recognises the value of cooperation between States for the effective operation of international mail and considers the Amendments to be a move towards a more efficient and effective international postal service.

Recommendation 2

The Committee supports the *Universal Postal Union: Seventh Additional Protocol to the Constitution of 10 July 1964, as amended; Convention, and Final Protocol; General Regulations* and recommends that binding treaty action be taken.

