



The Wooden that Roared

Our battle with Australia Post

by Chris Murray

Reprinted from Australasian Stamps, July 1999

The tiny World Heritage Listed Island of Lord Howe, administratively part of New South Wales, but geographically 500km from the east coast has recently become the focus of a major postal drama that strangely replicates an earlier event in the Island's postal history. It is strangely reminiscent of events surrounding the issuing of the 1 1/2d Charles Sturt/Lord Howe Island Provisional Stamp of 1930.

Details regarding the 1930 Lord Howe Island Provisional overprints are well detailed by postal historians, Dr Bill Mayo and B.M. Mendelson, in their book, "The Postal History and Philately of Lord Howe Island" and the ACSC. As mail was about to be despatched by the monthly steamer and there was insufficient stamps for the new rate, Mr Fenton the Postmaster radioed to Sydney G.P.O. for instructions and received the reply: "use halfpenny stamps with endorsement 2d paid PM. L.H.I." So he took his 260 Sturt commemorative stamps and wrote across each as instructed. This is not what the Sydney G.P.O. had intended nevertheless their telegram was explicit, and unintentionally they had authorised a very rare local provisional.

The stamps were sold to the public, used on letters, cancelled and delivered as normal. When the mail arrived at Sydney GPO officials saw the overprinted 2d stamps and tried to discredit them, by saying that the postmaster had not understood the telegram correctly and the overprints were not authorised. The postal regulations for such an emergency was that an endorsement for additional postage should be written on the envelope. Mr Fenton had come to Lord Howe Island in 1927 to set the the radio station and was employed by AWA. Later when it was decided to have the post office in the same building he was appointed postmaster.

The Postmaster General's Department in Melbourne was unaware of the provisional overprints for some time. When they found out, disapproval was expressed claiming there was no authorisation. However, Mr Fenton was never officially criticised or reprimanded for his action.

New 'Local' Issued in 1998

No further ripples troubled Lord Howe postal and philatelic waters for nearly 70 years, until a group of keen Island organisers decided to establish a local courier delivery service, and reissue a well known local Cinderella stamp to receipt payment for courier deliveries.

On tiny Lord Howe Island, Australia Post maintains a postal agency, but has never provided local household or business delivery for mail or parcels. Residents have to trek daily to the Post Office to despatch outbound mail, or collect inbound mail from P.O. boxes. The idea of the new courier service, was to provide a pick-up and delivery service from the Post Office to local businesses and

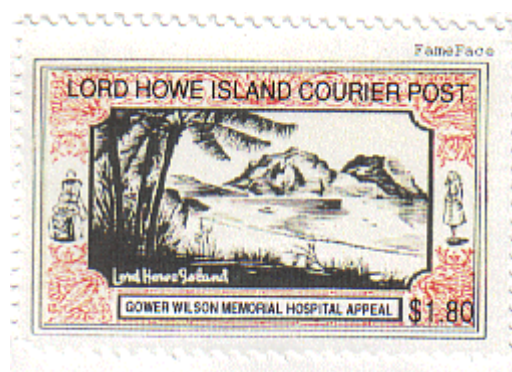
homes on request, and point to point courier delivery from any place on the Island to any other. The business was registered as the 'Lord Howe Island Courier Post'.

The managers of Lord Howe Island Courier Post wanted to launch their enterprise with the utmost propriety, and included as their philatelic adviser and manager, Dr William Mayo, an authority on the philatelic history of Lord Howe Island, who had acted as a consultant to Norfolk Island, Christmas Island and other unique island postal services. His first task in launching the new enterprise was to phone the Legal Section at Australia Post to seek their input.

A lawyer from Australia Post advised that there was no official application to be lodged with A.P. for such a venture. It was understood that the Legal Section at A.P. would have no objections to the Courier Post proceeding, provided that the Cinderella stamps it issued did not have "Australia" or "Australia Post" or the Australia Post logo printed on them, or a value less than \$1.80.

Consequently, the Managers at the Courier Post decided that their very first courier delivery receipt would be of the denomination \$1.80. This Cinderella stamp was a totally unique, indigenous design. No Island resident would confuse it with an Australia Post stamp, as it used a novelty receipt used by the fund-raising committee for the first Island hospital in the late 1930s.

The Courier Post reprinted the 1936 Gower Wilson Hospital Stamp with the addition of "Lord Howe Island Courier Post \$1.80" to the original design. It became the Courier Post's first delivery receipt. The Courier Post managers had no intention of suggesting or implying that theirs was an Australia Post stamp that could be used to consign postal items to mainland Australia. To the contrary, it was intended as a receipt for local deliveries only, in the belief that the local origin, design and use of the stamp would make it even more interesting to visitors and collectors.



All went well with the first philatelic issue, the entire Cinderella stamp stock being sold out within four weeks of the date of issue. The \$7.20 stamp booklets of which only 200 were issued rose quickly in price to \$75 each. However, black clouds began piling up on the horizon in February, 1999, after the managers at the Courier Post began to look for a printer to print their second Cinderella stamp. Wishing to support Australia Post, they somewhat naively contacted Sprintpak (Australia Post's printers) to see if A.P. would be interested to print the second issue.

Australia Post Legal Action

Within a short time a stern letter arrived from the Legal Section at Australia Post stating that "We are of the view that the printing of stamp labels by your organisation is not permitted as such labels fall within the ambit of Australia Post's reserved services as defined in the Australian Postal Corporation Act 1989 (Cth), ('the Act')." The letter went on to stress that only Australia Post had the right to issue postage stamps within Australia under Section 29 of the Act, and that "The printing of stamp labels does not fall within any of the exceptions to the reserved services detailed in section 30 of the Act."

The Courier Post had, of course, never claimed to issue a postage stamp, only a courier delivery receipt in the form of a traditional Cinderella stamp that had been designed over 60 years ago! Like the 1930 Lord Howe Island/Sturt provisional, the postal authorities were now backpedalling and saying that their initial advice had been misunderstood.

At face value, this amazing statement, from Australia Post's seemed to deliver a knockout blow to any person or organisation issuing a stamp-like label for any purpose. It will be interesting news to those who have issued a Cinderella stamp in any shape or form at least since the 1989, when the Australian Postal Corporation Act was passed as, according to Australia Post, they have committed an illegal act against the "reserved services" of the 1989 Act. The numerous "Railway", "Duck" and similar stamps inscribed "Australia" do not appear have attracted legal Action . Australia Post Philatehic itself sold some these items!

The letter from A.P. to the Courier Post also asked for an acknowledgment that it had "issued postage stamps in breach of 29(3) of the Act, that it would "immediately cease from producing any further stamps;" "immediately withdraw all existing postage stamps from the market place;" and provide details of the number of postage stamps produced" and the revenue collected from the sale of postage stamp". If a reply was not forthcoming within a week, the Courier Post was threatened with proceedings in the Australian Federal Court, including the confiscation of profits from its Cinderella stamp.

Three explanatory letters were written by the Lord Howe Courier Post to the Legal Section at Australia Post on 6, 22 and 30 of March, the first tendering samples of the Courier Post Gower Wilson Hospital Stamp, and the second two explaining the courier post service on Lord Howe Island, which was complimentary - not competitive - with Australia Posts' service on the Island.

The Courier Post also offered to send representatives to A.P. headquarters in Melbourne to discuss and hopefully resolve the misunderstanding. However, as a prerequisite to the meeting Australia Post still insisted that the Courier Post acknowledge it was in breach of the Australian Postal Corporation Act, and included the additional indictment "... the postage stamps issued by Lord Howe Island Courier Post may amount to misleading and deceptive conduct in breach of sections 52 and 53 of the Trade Practices Act of 1974 (Clth)..."

The Courier Post managers were certainly not prepared to acknowledge any of these breaches, particularly as they had explained their proposal to Australia Post prior to commencing their operation, and they had never claimed to operate a postal service - only a local courier service. Moverover their pictorial delivery receipt was a pre-existing Cineralla stamp that would never be included in any authoritative guide to, or catalogue of, Australian or world postage stamps.

Last but not least, they were operating under exception (e), 29(2) of the reserved services under the Australian Postal Corporation Act, 1989, which exempted "the carriage of a letter wihtin australia for a charge or fee that is at least 4 times the then rate of postage for the carriage within australia of a standard postal article by ordinary post" (i.e. \$1.80, which was overprinted on all Courier Post Cinderalla stamps)

ACCC Investigates

Having reached an impasse with australia Post, and being threatened with action in the Federal Court, the managers of Courier Post seemed to have no way to continue their business. However, a concerned supporter of the Courier Post in Sydney requested copies of all the correspondence between the Lord Howe Island Courier Post and Australia Post and, based on the available information, lodged a complaint with the Sydney office of the Australian Consumer and Competition Conunission (ACCC), whose charter aims to maximise the benefits of competition to the Australia public. After preliminary investigation, the Commission agreed to pursue the complaint.

At the time of writing, and until the issue of Cinderella stamps is resolved, the Lord Howe Island Courier Post is rushing out an 'Emergency Issue' which consists of a printed label to receipt

deliveries. This simply states 'Lord Howe Island Courier Post \$1.80', has no pictorial content, and is without perforated edges. Nevertheless, it may prove a very significant collectors item, as it symbolises a land-mark dispute about the deregulation of mail services in Australia generally. Perhaps ironically, Australia Post's own Internet site provides substantial information about the forthcoming deregulation of postal services in Australia, due to come into effect in on 1 July, 2000, when private carriers of mail will be permitted to compete down to the 45 cent delivery rate.



In New Zealand, where postal deregulation has already taken place, private carriers are entitled to issue their own bona fide postage stamps (not just Cinderella stamps) and are already doing so.

At the opening of business the Lord Howe Courier Post adopted as its symbol the indigenous Lord Howe Woodhen (*Tricholimnas sylvestris*), a ground dwelling rail found only on Lord Howe Island. Prior to discovery of the Island in 1788 these birds were plentiful, but they became easy pickings for passing ships in search of supplies, and their numbers dwindled perilously close to extinction. However, at this point the situation appears to be in the balance, whilst the A.C.C.C. pursues the complaint against Australia Post, and the final outcome is unknown. Unexpectedly, the Courier Post Woodhen has let out a mighty roar in the philatelic world, but will it be followed by a croak and extinction?

No doubt, philatelists will watch this drama with interest, as the entire future of stamps (Postal and Cinderella) in Australia will be affected by the outcome, with major precedents being set for private postal operators after deregulation in July, 2000. And again, when all is said and done, there is the intriguing question as to whether the end result will echo that of the 1930 Lord Howe Provisional, with Australian postal authorities acquiescing in another unique Lord Howe stamp, or will it be a case of total eradication of this unique local postal experiment?