

Can you ever throw out a previous home owner or renter's mail?



By Amy Sheehan

ABC Lifestyle

Postal and Delivery Services

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Experts say there are do's and don'ts when you receive mail that's not yours. (Adobe Stock)

Getting mail delivered to your letterbox that's not yours can be frustrating, especially if it's been happening for months or longer.

Let's be honest, having to return it to the sender by taking it to a post box or post office is an inconvenience.

But before you glance at the wheelie bin after your next trip from the letterbox, we asked some experts to explain the dos and don'ts of receiving mail that's not yours.

Can you throw out someone else's mail?

The short, and very definite, answer is no.

It is **illegal to throw out mail** intended for someone else, **no matter how long you have been receiving it.**

Only Australia Post (or other authorised postal services) has the authority to dispose of mail, says Sydney/Gadigal based solicitor Angela Omari.

"It is never OK to throw it away," Ms Omari says.

"Even if you have been receiving mail for someone else for a long period, you are not legally allowed to throw it away."

She says throwing it away **could amount to destroying or concealing mail**, which is a criminal offence.

"Under the Criminal Code Act 1995 — Division 471 Postal offences, it is an offence to intentionally or dishonestly interfere with a postal article without authority," she says.

"The consequences depend on whether dishonesty is proven."

Dishonestly interfering with mail can carry a prison term of five years, while intentionally interfering with mail carries a maximum penalty of two years' imprisonment.

How to stop receiving someone else's mail

The best chance of having the unwanted mail stop is to return it to the sender.

"If you receive mail to your address but it's not for you or anyone who currently uses the address, please mark it as 'return to sender — unknown



Solicitor Angela Omari says dishonestly interfering with mail is a criminal offence.
(Supplied: Angela Omari)

at this address'," an Australia Post spokesperson says, "and place it in a red posting box or hand it in at any post office".



The best chance of having the unwanted mail stop is to return it to the sender. *(Supplied: Australia Post)*

Ms Omari says if returning the mail has not resolved the problem, lawful alternatives include **contacting Australia Post directly**.

"You can lodge a delivery complaint so that Australia Post can investigate ... the easiest way to do this is to [lodge an online complaint](#)," she says.

The second option would be to **visit your local post office**.

"You can request assistance from postal staff who have authority under the Australian Postal Corporation Act 1989 to manage misdelivered or wrongly addressed mail."

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Gold Coast resident Frank Hughes says he bought a property 10 months ago and is still receiving mail for the previous owners.

"To date, there are more than 70 letters, sometimes four a day, which I have returned to sender, asking that they update their records," he says.

Frank says he was instructed by Australia Post to place a note on his mailbox stating 'No mail for [previous resident's name]', to assist posties in identifying and redirecting mail.

It also encouraged him to contact the senders directly to update their mailing lists if he could identify who they were on the envelope.

Australia Post says mail that does not have a written sender address, whether it be personal or company mail, is sent to a mail redistribution centre where authorised team members open it to see if there is a sender address inside.

"Every effort is made to repack and redirect the mail to the sender, however if an address cannot be found, the mail may be appropriately disposed of."

Can you open the mail if there's no return address?

The expert advice is don't try to solve the problem by opening the mail yourself.

Principal lawyer for Astor Legal in Sydney/Gadigal, Avinash Singh, says opening someone else's mail could be **viewed under the law as mail tampering**.

"The maximum penalty for tampering with mail in Australia is five years' jail," Mr Singh says.

He says if you **accidentally open** someone else's mail, you will not be committing a criminal offence.

Ms Omari says it's a circumstance many people have found themselves in.

"You open up all your mail only to realise that a letter or package has someone else's name on it," she says.

"Maybe you've moved houses, or maybe it was erroneously redirected to your address.

"Accidents can happen, and you may not intend to open people's mail."

She says **what you do with it afterwards can be incriminating.**

"If you open the mail that has been wrongly delivered and also hold onto it dishonestly, you can be charged with concealment," she says.

Australia Post says if you're moving house or office, **notify key contacts of your change of address.**

It can also redirect your mail for a set period of time to ensure you haven't missed any change of address changes.

Mail redirection services cost between \$38 per month and \$192 per year.

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