

## New Zealand.



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33. Power to examine certain postal packets sent as exempt from postage. Questions as to exemptions from postage.
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**POST AND TELEGRAPH ACT 1928.**

**AMENDMENT ACTS:—**

**REGULATIONS:—**

NOTE: A large number of unimportant Departmental Regs are not noted.

**SAVINGS BANK REGULATIONS:—**

|               |                    |
|---------------|--------------------|
| General Regs: | Gaz. 1913 p. 530.  |
| Amended:      | Gaz. 1919 p. 3795. |
|               | 1921 p. 2393.      |
|               | 1924 p. 1987.      |
|               | 1925 p. 3355.      |
|               | 1926 p. 146.       |
|               | 1927 p. 1606.      |

**PROHIBITED TELEGRAMS:** Gaz. 1924 p. 1284.

**BROADCASTING STATIONS AND SALE OF RADIO APPARATUS:**

|          |                    |
|----------|--------------------|
| Amended: | Gaz. 1925 p. 725.  |
|          | Gaz. 1925 p. 1966. |
|          | 1927 p. 1606.      |
|          | 1929 p. 1718.      |

**AMATEUR RADIO REGULATIONS:**

|               |                    |
|---------------|--------------------|
| General Regs: | Gaz. 1925 p. 663.  |
| Amended:      | Gaz. 1926 p. 2966. |
|               | 1927 p. 1370.      |
|               | 1927 p. 751.       |
|               | 1927 p. 2756.      |
|               | 1930 p. 87.        |

**AFFECTED BY ACTS:—**

**TRANSFER OF P.O.S.B. A/C TO OR FROM OTHER COUNTRIES:** Gaz. 1907 p. 3223.

**SAFE DEPOSIT REGULATIONS:** Gaz. 1920 p. 42.

**LOITERING IN POST OFFICES MADE AN OFFENCE:** Gaz. 1920 p. 2541.

**SERVICE OF NOTICES BY TELEGRAPH:** Gaz. 1914 p. 2105.

40. Contents if in fraud of Post Office or Customs to be forfeited. Unless redeemed by owner. Disposal of money enclosures.
41. No postal packet to be returned to writer without express authority.
42. No right to compensation.

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43. Gratuities to owners of vehicles and masters of vessels for conveyance of mails.
44. Carriage of mails on passenger-coaches.
45. Masters or agents of vessels to give timely notice of intending departure. Notices to expire during working-hours. Officer of Customs may refuse clearance unless notice given.
46. Master or agent of vessel proceeding from any place in New Zealand to other place, or to any vessel lying in any port, to give notice of departure.
47. Master of vessel bound to carry mails.
48. Delivery of mails on arrival of vessel.
49. Detention of mail.
50. Declaration of master of vessel on arrival.

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51. Postmaster-General may arrange with postal authority of other places for transmission of mails.
52. Postmaster-General may prohibit Commonwealth of Australia or Colony of Fiji refusing to join in subsidy from using line of vessels for transmission of mails.
53. All mails on board subsidized vessel arriving in New Zealand to be given up to Post officer on demand.
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55. Mails on board subsidized vessels arriving from non-contributing country.
56. Principal officer of Customs may search for and seize mails on board contrary to Act.
57. Postmaster-General may send back mails arriving in New Zealand by such vessels for delivery in non-contributing country.
58. And may send back to non-contributing country mails brought from there for delivery in any foreign country by any such vessel.
59. Regulations.

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61. Provisions respecting foreign parcels. Right of recovering Customs duties. Act not to authorize differential duties.
62. Postmaster-General may enter into contracts for conveyance of parcels.
63. Obligations imposed on railway and tramway authorities to carry parcels.
64. Power to enter into contracts.
65. Not to be required to carry dangerous goods.
66. Application of sections 43 to 50 to parcels.
67. Power to make general regulations.

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77. Amounts may be transferred from one post-office to another.
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79. Moneys received to be paid into Post Office Account.
80. Security to depositors.
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*Interest to be allowed.*

82. Rates of interest payable in respect of deposits.
83. Interest, how calculated.
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86. Provision for withdrawal of fixed deposits in certain cases.
87. Interest on fixed deposits to be computed from date of deposit.

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88. Authorizing payment of amount not exceeding £200 at credit of deceased depositor without requiring probate or letters of administration.

*General.*

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95. Moneys payable out of Post Office Account into Consolidated Fund.
96. Other moneys payable out of Post Office Account.
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100. Investment of surplus moneys belonging to Post Office Account.
101. Power to establish depreciation and other reserves.
102. Special provisions as to existing reserve fund in connection with Post Office Savings-bank.
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 107. Dangerous substances not to be sent by post. Carriage of strychnine by post.  
 108. Putting explosive substances or other things into post-offices or pillars.  
 109. Prohibition of fictitious stamps.  
 110. Fraudulently removing stamp, &c., from postal packet. Onus of proof on defendant. General penalty for offences with intent to defraud revenue. Postal packet includes telegram.  
 111. Stamp purporting to denote rate of postage to be deemed a postage-stamp until contrary proved.  
 112. Forgery of crossing of postal notes, &c.  
 113. Fraud, forgery, and theft of postal notes, &c.  
 114. Illegally opening or delaying postal packets. Postal packet includes telegram.  
 115. Summary proceedings for an offence against preceding section.  
 116. Theft, &c., of postal packet by Post officer. Postal packet includes telegram.  
 117. Stealing newspapers or other printed paper.  
 118. Stealing money, &c., from or out of postal packet.  
 119. Stealing mail-bags or postal packets, or robbing mails.  
 120. Unlawfully opening mail-bags.  
 121. Receivers of property sent by the post and stolen, &c.  
 122. Post officer issuing money-order with fraudulent intent.  
 123. Fraudulently secreting or detaining misdelivered mail-bag or postal packet. Postal packet includes telegram.  
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 125. Detention of mail or postal packet by Post officer.  
 126. Wilful obstruction of Post officer in performance of his duties.  
 127. Offence to personate officer of Department.  
 128. Offence to record on postal packets incorrect time of posting.  
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 131. Mail-carriers liable for delay.  
 132. Exhibiting without authority post-office sign or Royal mail emblem.  
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 134. Imitation of post-office envelopes, forms, stamps, or marks.  
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 150. Lines to be constructed under Public Works Act.  
 151. Governor-General may establish electric lines, enter into contracts for repair of submarine lines, and may purchase lines and plant.  
 152. Wellington Corporation to be liable for damage to cables by discharge of sewage into or near Lyall Bay.  
 153. Lands and easements may be taken or purchased.  
 154. Entry on lands for construction of electric lines.  
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 166. Fees to be paid before sending of telegrams.  
 167. Recovery of fees, &c.  
 168. Offence to record on telegrams incorrect time of receipt, transmission, or delivery.  
 169. Indemnity to His Majesty.

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 171. Unless with consent, or in the case of certain crimes.  
 172. Transcript of telegram admissible as evidence.  
 173. Officer not responsible for transmitting libels.  
 174. Privileged communications conveyed by telegraph not to be deemed maliciously published.

175. Witness before Committee of either House or Royal Commission free from penal actions if he make full disclosures.
176. Chairman may give him certificate of indemnity.
177. Improperly divulging messages.
178. Sending false telegram.

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180. Regulations as to mode of service.
181. Notices may be served by telegraph officers.
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187. Protected telegrams to be distinguished.
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189. Proof of receipt and of wrongful publication.

PART X.

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191. Telephones to be subject to this Act.
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194. Misuse of telephone.
195. Use of private telephone-lines prohibited, save pursuant to license.
196. Private telephone-lines erected before 5th November, 1919, not to be used for profit without consent of Governor-General.

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198. Application of Part VIII.
199. Minister may grant licenses for use of wireless apparatus within New Zealand or on New Zealand ship. Regulations.
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201. Extension of powers as to regulation of wireless telegraphy.
202. Dealers in wireless apparatus to be licensed.
203. Portion of fees received in respect of wireless-telegraphy licenses may be applied in assistance of broadcasting agencies.
204. Persons or companies authorized to maintain broadcasting services deemed for purposes of law relating to patents to be agents of Post and Telegraph Department.
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206. Authority to give effect to resolutions as to Pacific telegraph-cable. Proportion of guarantee.
207. Extensions of Pacific cable.

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208. Electric lines endangering life or property may be ordered to be removed or altered. Officers of companies, &c., to be liable to obey orders made.
209. Persons to obey orders of Court. Removal of dangerous electric lines.
210. Certificate of electric line being constructed contrary to Act to be evidence.

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211. Power to have trees removed in certain cases.
212. Accidental injuries to lines.
213. Injuries by careless driving, how punishable.
214. Offender may be apprehended without warrant.
215. Damage to line to be made good in addition to penalty.

*General.*

216. Penalty for offences by Telegraph officers.
217. Prohibiting use for other purposes of telegraph and other forms provided for use on business of Department.
218. Offences may be prosecuted and fines recovered summarily.
219. Fees and fines, how disposed of.
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222. Constitution of the Post and Telegraph Department.
223. Public Service Act, 1912, excluded.
224. Certain officers to be appointed by the Governor-General.
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226. Tenure of office.
227. Salaries and allowances.
228. Restriction on transfer of officers to other Departments.
229. Classification of Department.
230. Regulations.
231. Special increments to officers on account of outstanding merit and ability.
232. Penalties for minor breaches of duty by officers of Department.
233. Regulations to be laid before Parliament.
234. Post and Telegraph Promotion Board established.
235. Functions of the Promotion Board.
236. Post and Telegraph Appeal Board established.
237. Rights of appeal of officers of Department. Functions of the Appeal Board.
238. Attempts to influence appointments or appeals prohibited.

DIVISION IV.

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239. Governor-General may delegate powers to Postmaster-General.
240. Authority to lay pneumatic tubes under streets.
241. General power to make regulations.
242. Regulations may be made for protection of interests of persons inserting advertisements in departmental publications.
243. Post and Telegraph Fine Fund.
244. Repeals. Savings. Schedules.

1928, No. 12.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Post Office, Electric Lines, and the Post and Telegraph Department. Title.  
[19th September, 1928.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Post and Telegraph Act, 1928, and it shall come into force on the first day of January, nineteen hundred and twenty-nine. Short Title and commencement.

(2) This Act is divided into Divisions and Parts, as follows:—

DIVISION I.—The Post Office. (Sections 2 to 145.) Act divided into Divisions and Parts. 1908, No. 147, s. 1 (4)

Part I.—General Postal Services. (Sections 3 to 59.)

Part II.—Parcels-post. (Sections 60 to 67.)

Part III.—Money-orders and Postal Notes. (Sections 68 to 72.)

Part IV.—Post Office Savings-bank. (Sections 73 to 91.)

Part V.—Post Office Account. (Sections 92 to 105.)

Part VI.—Offences and Penalties. (Sections 106 to 138.)

Part VII.—Miscellaneous Provisions. (Sections 139 to 145.)

DIVISION II.—Electric Lines. (Sections 146 to 220.)

Part VIII.—Construction and Regulation of Electric Lines. (Sections 148 to 184.)

Part IX.—Telegraph Copyright. (Sections 185 to 189.)

Part X.—Telephones. (Sections 190 to 196.)

Part XI.—Wireless Telegraphy. (Sections 197 to 205.)

Part XII.—Pacific Cable. (Sections 206 and 207.)

Part XIII.—Miscellaneous Provisions. (Sections 208 to 220.)

DIVISION III.—The Post and Telegraph Department. (Sections 221 to 238.)

DIVISION IV.—General. (Sections 239 to 244.)

## DIVISION I.

### THE POST OFFICE.

2. In this Division of this Act, if not inconsistent with the context,— Interpretation.

“Customs Acts” includes the Customs Act, 1913, and all other Acts relating to the Customs, and all orders and regulations made under any such Act: Ibid., s. 2

“Foreign parcel” means any package or parcel conveyed or intended to be conveyed by means of the Post Office under this Act, and whether posted in New Zealand and sent to a place out of New Zealand or posted in a place out of New Zealand and sent to a place in New Zealand:

“Foreign port” means any port not included within the boundaries of New Zealand:

“Mail” means postal packets collected for conveyance by means of the Post Office under this Act from one place to another.

whether in mail-bags, baskets, hampers, boxes, parcels, or otherwise; and includes loose or individual postal packets, and also every mail-bag, vessel, and conveyance of any kind by which postal packets are carried, and also every person or animal employed in conveying or delivering mails or postal packets:

“Mail-bag” means a mail of postal packets, and includes every basket, hamper, box, parcel, or other envelope or covering in which postal packets in course of transmission by post are conveyed, whether it does or does not contain postal packets:

“Master” of a vessel means the person for the time being having or taking the charge or command of a vessel, but does not include the pilot:

“Money-order” means a money-order issued under this Act or by any postal authority for payment under this Act:

“Newspaper” means—

(a) Any publication consisting wholly or in great part of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, and whether printed for sale or for gratuitous distribution: Provided that—

(i) It is printed and published in New Zealand;

(ii) It is published in parts or numbers at intervals of not more than thirty days;

(iii) It is printed on a sheet or sheets;

(iv) It has the full title and date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page:

(b) Every such part or number shall be deemed to be a separate newspaper:

(c) The following shall, for the purposes of this Act, be deemed a supplement to a newspaper, and may be transmitted with it, that is to say,—

A publication consisting wholly or in great part of matter like that of a newspaper, or of advertisements, printed on a sheet or sheets of paper, or consisting wholly or in part of engravings, prints, or lithographs, or any other sort of picture, illustrative of articles in the newspaper:

Provided that such publication is printed in New Zealand and published with the newspaper, and has the title and date of publication of the newspaper printed at the top of every page, or at the top of every sheet or side on which any such engraving, print, lithograph, or picture appears:

Provided also that a handbill, poster, or inset shall not be deemed to be a supplement to a newspaper:

“Newspaper exchanges” means newspapers (as hereinbefore defined) forwarded from the office of one newspaper in New Zealand to the office of any other newspaper in New Zealand:

- “New Zealand parcel” means any package, packet, book, or parcel conveyed or intended to be conveyed by means of the Post Office under this Act and posted within any place in New Zealand and addressed to some other place therein :
- “Officer” includes the person for the time being executing the functions of that officer :
- “Port” includes any harbour, river, or roadstead, and any other navigable water :
- “Postage” means the duty chargeable for the transmission of postal packets by post :
- “Postage-stamp” and “stamp” mean any piece of paper or other substance or material whatsoever having thereon the stamp, mark, or impression of any die, plate, or other instrument made or used for the purpose of denoting any of the rates or duties of postage to be charged under this Act :
- “Postal authority” means the Postmaster-General of the United Kingdom or of any British possession, and includes any constituted authority in any foreign country or place by or with whom any convention, agreement, or arrangement may be made under this Act :
- “Postal note” means a postal note issued under this Act or by any postal authority for payment under this Act :
- “Postal packet” means a letter, post-card, letter-card, newspaper, book-packet, pattern or sample packet or parcel, New Zealand parcel, foreign parcel, and every other packet or article transmissible by post, and includes a telegram :
- “Postal service” means the administration of the Post Office under this Act :
- “Postmaster” means the postal officer in charge of a post-office :
- “Post-office” means any house, building, room, or place where postal packets are received or delivered, or where they are sorted, made up, or despatched, and includes a post-office letter-box and a pillar box :
- “Post officer” includes any person employed in or for the purposes of any business of the Post Office ; and includes also any person who contracts for the carriage of mails, and any person employed by such contractor in connection therewith :
- “Prescribed” means prescribed by regulations made under this Act by the Governor-General in Council :
- “Public institution” includes athenæum, hospital, mental hospital, public library or reading-room, sailors’ home, and such other places as the Governor-General from time to time declares to be public institutions for the purposes of this Act : If any question arises as to whether any place comes within any of the descriptions aforesaid the Postmaster-General shall decide :
- “Railway or tramway authority” means any company, association, or person owning, working, or managing any railway or tramway for the public conveyance of passengers and goods, or passengers only or goods only ; and, in the case

of any railway belonging to or worked or managed by or on behalf of His Majesty, includes the Governor-General or the Minister of Railways :

“ Regulations ” means regulations made under this Division of this Act, and, except where otherwise provided, means regulations made by the Governor-General in Council :

“ Valuable security ” includes the whole or any part of any order, money-order, postal note, or other security, and every document forming the title or evidence of the title to any property of any kind whatever :

“ Vessel ” means every description of vessel employed on the high seas or on the coast or on any navigable water.

## PART I.

### GENERAL POSTAL SERVICES.

#### *Administration.*

Postmaster-General  
to administer Act.

1908, No. 147, s. 3

Postmaster-General  
may make contracts  
for mails.

*Ibid.*, s. 4

1918, No. 24, s. 47

3. The Postmaster-General shall have the general administration of this Division of this Act.

4. (1) The Postmaster-General may from time to time enter into any contract with any person for or in respect of the conveyance of mails by sea, inland waters, land, or air upon such terms and conditions in all things as the Postmaster-General thinks fit.

(2) In the case of a contract for the conveyance of mails by sea or inland waters such terms and conditions may include provisions fixing maximum rates of freight and passenger fares to be charged in respect of cargo and passengers carried by the vessel conveying the mails.

Postal packets  
subject to Act.

1908, No. 147, s. 5

Provisions as to  
transmission and  
delivery of postal  
packets.

*Ibid.*, s. 6

5. All postal packets shall be posted, forwarded, conveyed, and delivered subject to the provisions, conditions, prohibitions, and restrictions contained in this Division of this Act.

6. For the purposes of this Act the following provisions shall apply with respect to postal packets of every description :—

- (a) A postal packet shall be deemed to be in course of transmission by post from the time of its being delivered to a post-office to the time of its being delivered to the person to whom it is addressed ; and
- (b) Delivery of a postal packet of any specified description to a Post officer authorized to receive postal packets of that description for the post-office shall be deemed to be a delivery to the post-office ; and
- (c) Delivery of a postal packet at the house or office of the person to whom the postal packet is addressed, or to him, or to his servant or agent, or other person considered to be authorized to receive postal packets for the person addressed, according to the usual manner of delivering that person's postal packets, shall be deemed to be a delivery to the person addressed.

7. Subject to such provisions, conditions, prohibitions, and restrictions as are specified in regulations the Postmaster-General may from time to time, either generally or in the case of any particular person, authorize—

Conveyance and collection of letters otherwise than by post.

1908, No. 147, s. 7

(a) Postal packets or any specified description of postal packets to be sent, conveyed, and delivered otherwise than by post ; and

(b) The collection otherwise than by a Post officer of postal packets or any specified description of postal packets, whether to be sent, conveyed, and delivered by post or otherwise than by post.

8. The Governor-General may from time to time, as he thinks fit,—

Governor-General may establish posts and post-offices.

(a) Establish posts or postal communications within New Zealand :

Ibid., s. 8.

(b) Establish post-offices throughout New Zealand.

9. There may from time to time be appointed such Postmasters, Post officers, servants, messengers, and other persons as may be required for the conduct of the business of the Post Office and the purposes of this Division of this Act.

Postmasters and other officers may be appointed.

Ibid., s. 8

1918, No. 7, s. 6

10. (1) Every Postmaster and other Post officer shall before the exercise by him of the duties of his office take and subscribe a statutory declaration in the form in the First Schedule hereto.

Postmasters and other officers to take declaration.

1908, No. 147, s. 9.

1920, No. 24, s. 3

(2) Such declaration may be taken and subscribed before any person empowered by law to take statutory declarations, or before any Post officer or Telegraph officer whom the Governor-General authorizes to take declarations under this Act.

11. Every person appointed for the purposes of this Division of this Act may be required to give such security as directed for the due and faithful discharge of the duties of the office to which such person is appointed.

Security from officers.

1908, No. 147, s. 10

12. (1) The Governor-General may from time to time, by Order in Council gazetted, make regulations—

Governor-General in Council may make regulations for Post Office service.

(a) For the functions and duties of Post officers :

Ibid., s. 11.

(b) For the managing of post-offices and the conduct of business therein :

1910, No. 36, s. 4

1919, No. 13, ss. 2,

(c) For the mode in which inquiries concerning postal packets may be made and dealt with (including the imposition of fees for such inquiries) :

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(d) For the receiving, despatching, conveying, and delivering of postal packets (including the imposition of fees for private boxes, bags, or deliveries) :

(e) For the exempting of postal packets on the public service from postage :

(f) Requiring the registration of postal packets that contain, or that may be reasonably supposed by any Postmaster in charge of a post-office to contain, money or other valuable property :

(g) For the insurance of postal packets of any description (whether for delivery within or beyond New Zealand), the payment of premiums in respect thereof, and the payment of the amount of the insurance :

Provided that the maximum amount payable in respect of the insurance of any such postal packet shall not exceed four hundred pounds :

- (h) For the detaining, opening, and return or other disposal of irregularly posted, unpaid, insufficiently paid, unclaimed, refused, or rejected postal packets, or such as from any cause whatever cannot be delivered or forwarded, and of the contents thereof, and for the publication of lists of the same :
- (i) For the destroying of any postal packet the destruction of which is authorized by law :
- (j) For the receiving and paying of money in connection with the postal service :
- (k) For the registration of newspapers and magazines :
- (l) For the transmission by post of newspapers and newspaper exchanges :
- (m) For the posting or reposting within New Zealand of foreign newspapers :
- (n) For the making, custody, sale, and use of postage-stamps :
- (o) For the making, custody, sale, and use of special postage-stamps for the payment of postal charges or unpaid or insufficiently paid postal packets :
- (p) For licensing persons to sell postage-stamps :

Postmasters may  
sell stamps without  
license.

Provided that any Postmaster in charge of a post-office or any Post officer employed therein and authorized by the Postmaster in that behalf may, without any other license or authority than this Act, sell at that post-office postage-stamps deposited with him by the Postmaster-General for sale :

- (q) Authorizing the Postmaster - General to accept for safe custody any documents or articles of value of a prescribed kind or kinds, and prescribing the conditions of such acceptance and the charges to be paid in respect thereof.

No liability in  
respect of safe-  
deposit system.

(2) The acceptance by the Postmaster-General of any document or article pursuant to regulations as provided in paragraph (q) of the last preceding subsection shall not impose on the Crown or on the Postmaster-General or on any Post officer any liability in respect of the loss of or damage to any such document or article while in the custody of the Postmaster-General, except in case of the wilful default or wrongdoing of any Post officer.

REFER : S. 32 1929 No. 29

#### *Postage-stamps, Post-cards, &c.*

Postage-stamps  
may be made and  
sold.

1908, No. 147, s. 12

Engraved stamps  
may be used on  
envelopes or  
wrappers.

Ibid., s. 13

13. The Postmaster-General may from time to time cause to be made and sold postage-stamps of such denominations of value as he thinks fit.

14. (1) The Postmaster-General may from time to time cause to be made and sold envelopes or wrappers of various sizes and forms bearing thereon printed, engraved, or lithographed stamps of such denominations of value as he thinks fit.

(2) Such stamp may be so placed on the envelope or wrapper as to permit of the address thereon being written on or across the face of the stamp, and every stamp on or across which the address is written shall be deemed sufficiently defaced without any other obliterating mark.

(3) All the provisions of this Act relating to postage-stamps shall extend and apply to such envelopes or wrappers, and to any die, plate, or stamp made or used therefor under this Act.

15. (1) The Postmaster-General may from time to time furnish and issue post-cards and letter-cards for transmission by post between places either within or beyond New Zealand.

Power to issue post-cards and letter-cards for post either within or beyond New Zealand.

(2) Such cards shall have a stamp of the postage rate impressed, engraved, or printed upon them, and be manufactured of paper of such quality, form, and size as the Postmaster-General thinks fit.

1908, No. 147, s. 14

(3) The postage rate for such cards respectively,—

(a) When transmitted to places within New Zealand, shall be such as is fixed from time to time by the Governor-General in Council; and

(b) When transmitted to places beyond New Zealand, shall be such as is fixed pursuant to arrangements which the Postmaster-General, with the consent of the Governor-General in Council, makes from time to time with any postal authority for the reciprocal transmission of post-cards and letter-cards by means of the Post Office.

16. (1) Private cards may be furnished and issued by the Postmaster-General subject to such regulations as the Governor-General in Council from time to time makes as to the size and weight thereof, the manner of impressing or printing the stamps thereon, and any other conditions which may be necessary.

Private cards may be issued subject to regulations.

Ibid., s. 15

(2) Any person may use as a private card and affix thereto an adhesive stamp of the proper value any piece of paper which conforms to the aforesaid regulations as to size, weight, and otherwise.

(3) All such private cards shall be deemed to be post-cards.

#### *Recording-machines.*

17. (1) The Postmaster-General may from time to time on receiving such security as he thinks fit cause or permit to be issued to any person recording-machines for impressing upon postal packets and other documents the sign of postage or stamp values and recording the amount of such values.

Use of recording-machines for postal packets and telegrams.

Ibid., s. 16

1926, No. 63, s. 6

(2) Such impressions shall be valid for the prepayment of postage and of charges on telegrams in the same manner as if adhesive stamps were used.

(3) The amount of postage and stamp values so recorded shall be collected at such intervals as the Postmaster-General determines from the persons to whom such recording-machines are issued, and the sums so collected shall form part of the postal revenue.

(4) The Minister of Stamp Duties is hereby authorized to pay commission on the amount so collected at the same rate as if adhesive stamps of the same value as the amount so collected had been sold, and to make refunds of the amounts represented by impressions made and recorded in error and not used.

(5) Notwithstanding anything contained in the Stamp Duties Act, 1923, a receipt as defined in section one hundred and seventy-six of that Act shall be deemed to be duly stamped in accordance with that Act if, before the person giving such receipt delivers it out of his hands, there is impressed upon it by any such recording-machine as

Use of recording-machines for stamping receipts.

aforesaid an impression indicating a stamp-value of the appropriate amount, and cancelled in the manner prescribed for the cancellation of adhesive stamps by section fifty-seven of that Act.

(6) In every action or other proceeding in which any receipt is offered or received as evidence it shall be presumed, until the contrary is proved, that any impression appearing on such receipt and purporting to indicate a stamp-value was duly impressed thereon by a recording-machine issued and used under the authority of this Act.

(7) Every person commits an offence and is liable to a fine not exceeding one hundred pounds, or to imprisonment for any period not exceeding one year, who impresses or causes to be impressed upon any postal packet, telegram, receipt, or other document any impression with intent that it shall be mistaken by any person for an impression duly made by a recording-machine issued under the authority of this section.

18. (1) The Governor-General may from time to time, by Order in Council gazetted, make regulations prescribing the documents on which an impression indicating a stamp-value of any prescribed denomination may be made by the recording-machines mentioned in the last preceding section, and the conditions under which such impressions may be made.

(2) The provisions of the said last preceding section shall extend and apply to all documents prescribed in any such regulation.

(3) For the purposes of this section "document" means any writing on which a stamp denoting any duty is required to be affixed or impressed, and includes a cablegram.

#### *Registration of Newspapers.*

19. (1) On payment of a registration fee of five shillings the proprietor or printer of a newspaper as defined in section two hereof may register the same under this Act in such manner and subject to such conditions as are prescribed by regulations.

(2) The Postmaster-General may from time to time revise the register and remove therefrom any publication which in his opinion is not a newspaper or has ceased to be a newspaper as defined.

(3) The decision of the Postmaster-General on the admission to or removal from the register of a publication shall be final, save that the Governor-General in Council may on the application of any person reverse or modify the decision.

(4) Any publication for the time being on the register shall for the purposes of this Act be deemed to be a registered newspaper.

#### *Registration of Magazines.*

20. (1) On payment of a registration fee of five shillings any person may register a magazine under this Act in such manner and subject to such conditions as may be prescribed by regulations. Such regulations may determine the class or classes of publications that shall be deemed to be magazines for the purposes of this section.

(2) The Postmaster-General may from time to time revise the register and remove therefrom any publication which in his opinion is not a magazine or has ceased to be a magazine.

(3) The decision of the Postmaster-General on the admission to or removal from the register of a publication shall be final, save that

Penalty for fraudulently impressing postal packet, &c.

Extended use of recording-machines.  
1911, No. 24, s. 2

Registration of newspapers on payment of fee.  
1908, No. 47, s. 17

Registration of magazines.  
1919, No. 13, s. 3

the Governor-General in Council may on the application of any person reverse or modify the decision.

(4) Any publication for the time being on the register shall for the purposes of this Act be deemed to be a registered magazine.

*Postage Rates, Registration, and other Matters.*

21. The postage and other charges payable within New Zealand upon postal packets posted within New Zealand for delivery within or transmission beyond New Zealand shall be levied according to such respective scales and at such respective rates as are fixed from time to time by the Governor-General in Council.

Postage on postal packets to be fixed by Governor-General in Council.  
1908, No. 147, s. 18

22. (1) The Governor-General in Council may from time to time, as he thinks fit, exempt from payment of postage—

Power to exempt certain newspapers from postage.

(a) All registered newspapers addressed to any person as the manager, secretary, librarian, or other person having the charge of any public institution in New Zealand, or to any such institution without the addition of the name or description of any person :

Ibid., s. 19  
1919, No. 13, s. 4

(b) All registered newspapers addressed to any person as the editor, proprietor, publisher, or manager of any registered newspaper in New Zealand :

Provided that not more than one copy of any issue or number of any newspaper posted to any such person or institution shall be exempted from postage under this section.

(2) Postal packets containing exclusively matter prepared in raised characters for the use of the blind shall be exempt from payment of postage if they are in compliance with such limitations of size and weight as may be prescribed in that behalf by the Postmaster-General.

Also postal packets for the blind.

23. (1) No letter shall be sent or carried for hire or reward otherwise than by post.

Letters not to be carried for hire except by post.

(2) Every person who so sends any letter, or carries it or takes charge of it for the purpose of its being so sent or carried, is liable to a fine not exceeding twenty pounds in respect of every such letter.

1908, No. 147, s. 20  
1920, No. 24, s. 4

(3) The sending, carrying, or taking-charge of any letter to be carried otherwise than by post shall be deemed to be done for hire or reward until the contrary is shown.

(4) Nothing in this section shall be so construed as to render unlawful—

Exception as to circulars and as to letters delivered by servant.

(a) The sending or delivery, otherwise than by post, of any trade announcements, circulars, printed extracts from newspapers, or advertisements that are not addressed to any person :

(b) The delivery of any letter by the servant of the sender or by a messenger specially employed by the sender for the purpose, and not being a person employed generally to deliver letters.

(5) For the purposes of this section the term "letter" includes any letter, post-card, letter-card, commercial paper, pattern or sample packet, and any other postal packet of a class declared by the Governor-General in Council to be letters for the purposes of this section.

Further exceptions  
as to letters.

1908, No. 147, s. 21

24. Nothing in subsections one, two, or three of the last preceding section shall extend to any letter—

- (a) Exceeding sixteen ounces avoirdupois in weight ; or
- (b) Concerning goods, and sent with such goods and to be delivered therewith ; or
- (c) Containing any writ or proceeding out of any Court of justice, or any legal instrument of any kind ; or
- (d) Sent by any person concerning his private affairs by any special messenger ; or
- (e) *Bona fide* sent or carried to or from the nearest post-office.

Postal packets may  
be registered.

*Ibid.*, s. 22  
1919, No. 13, s. 5

25. Any person sending any postal packet by post (other than a postal packet which is or may be insured pursuant to regulations in that behalf) shall be entitled to have the same registered and to obtain a receipt for the same upon the payment of such registration fee, in addition to the ordinary postage, as is prescribed :

Provided that such registration or receipt shall not confer on any person any right to compensation or otherwise or impose upon His Majesty any liability for the loss of any such postal packet or of the contents thereof :

Compensation for  
loss of registered  
postal packet.

Provided also that the Postmaster-General may, in his discretion and subject to regulations, pay out of the Post Office Account any sum not exceeding two pounds as compensation for the loss of any registered postal packet on production of evidence which will satisfy him of such loss.

Postal packets  
delivered at an  
hotel unclaimed  
for two months to  
be returned to post-  
office ; also  
telegrams.

1908, No. 147, s. 23

26. (1) Every postal packet addressed to any person at any premises licensed under the Licensing Act, 1908, or at any shipping office, or public or private lodginghouse, and delivered to or received by the licensee of such premises, or the person apparently in charge of such office or lodginghouse, or any one acting as the agent or servant of any such licensee or person, shall be deemed to be under the control of the Postmaster-General until delivered to the person to whom the same is addressed.

(2) If the same is not so delivered within two months after the receipt thereof by or on behalf of such licensee or other person as aforesaid, and if instructions to the contrary are not received from the person to whom the same is addressed, the licensee or other person as aforesaid shall return the same to the nearest post-office, with the reasons therefor.

(3) Every such postal packet shall be transmitted to the Dead Letter Office, and shall be there dealt with as undelivered.

(4) If any such licensee or other person as aforesaid omits or fails to return any such postal packet as aforesaid he is liable to a fine not exceeding five pounds.

(5) This section shall extend and apply to telegrams.

Power to compel  
senders of rejected  
postal packets to  
pay the postage.

*Ibid.*, s. 24  
1919, No. 13, s. 6

27. If the postage of any postal packet is not paid by the sender thereof, and the person to whom the same is addressed does not for any reason receive it, or on receiving it rejects it, the sender thereof is liable to pay such postage, and also the additional postage (if any) of returning the postal packet :

Provided that nothing herein shall operate to release the person to whom any such postal packet is originally addressed from his liability to pay the postage thereof upon the delivery of such postal packet to him.

28. Every person is liable to a fine not exceeding twenty pounds who knowingly sends to or puts into, or causes to be sent to or put into, any post-office—

Knowingly sending as exempt postal packets not entitled to exemption.

(a) Any postal packet purporting to be entitled to exemption from postage or to transmission at a lower than the ordinary rate of postage, but which is not so entitled; or

1908, No. 147, s. 25

(b) Any postal packet containing any other unstamped or insufficiently stamped postal packet that if sent alone would be liable to postage.

29. In any action or other proceeding for the recovery of any postage—

Post-office stamp to be evidence.

(a) The production of any postal packet in respect of which such postage is claimed, having thereupon a post-office stamp or mark denoting that such postal packet has been refused or rejected, or that the person to whom the same was addressed was dead or could not be found, shall be *prima facie* evidence of such refusal or rejection, or that such person was dead or could not be found, according to the import of such stamp or mark:

*Ibid.*, s. 26

(b) The person from whom such postal packet purports to have come shall be deemed the sender thereof, and the onus shall be on the defendant to prove that such postal packet was not sent by such person:

Who deemed the sender.

(c) The post-office stamp or mark upon such postal packet shall be evidence of the liability of such postal packet to postage, and that the sum marked thereupon is payable for the postage thereof.

Evidence of postage due.

#### *Customs Clearance Fee.*

30. (1) There may be charged in respect of postal packets arriving in New Zealand from parts beyond the seas and containing any goods liable to Customs duty a special fee (herein referred to as a Customs clearance fee) of such amount as may from time to time be prescribed, not exceeding sixpence in respect of any such postal packet.

Authority to charge Customs clearance fee on postal packets containing dutiable goods.

1922, No. 21, s. 2

(2) The Postmaster-General may in his discretion retain possession of any postal packet subject to a clearance fee under this section until such fee has been paid.

(3) All moneys received by the Postmaster-General as Customs clearance fees shall be deemed to be postal revenue, and shall be paid accordingly into the Post Office Account.

#### *Opened or Detained Postal Packets.*

31. The Governor-General, by warrant under his hand, may direct the Postmaster-General or any Post officer to open, detain, or delay any postal packet for any purpose in such warrant mentioned; and every such direction shall be duly obeyed.

Governor-General may direct postal packet to be opened, detained, or delayed  
1908, No. 147, s. 27

32. (1) If the Postmaster-General has at any time reasonable ground to suppose any person in New Zealand or elsewhere to be engaged—

Postal packets and money-orders for keepers of lotteries, gamblers, fortune-tellers, &c., need not be registered or issued.

(a) In receiving any money or valuable thing as the consideration for any assurance or agreement, expressed or implied, to

*Ibid.*, s. 28.

pay or give any money or valuable thing on any event or contingency relating to any horse-race or other race, fight, game, sport, or exercise, or as the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid ; or

(b) In promoting or carrying out any scheme connected with any such assurance or agreement, or any lottery, scheme of chance, or unlawful game ; or

(c) In receiving money under pretence of foretelling future events ; or

(d) In any fraudulent, obscene, immoral, or unlawful business or undertaking ; or

(e) In advertising in direct or indirect terms the treatment of diseases of the sexual organs,—

then the Postmaster-General may by notice under his hand in the *Gazette* order that no postal packet addressed to any such person (either by his own or any fictitious or assumed name), or to any address without a name, shall be either registered, forwarded, or delivered by the Post Office.

(2) Such notice shall specify every such name, whether real, fictitious, or assumed, and every such address in respect of which such order is made.

(3) Until such order is in like manner revoked no such postal packet shall be registered, forwarded, or delivered, nor shall any money-order be issued in such person's favour or be paid to him.

Power to examine certain postal packets sent as exempt from postage.

1908, No. 147, s. 29

Questions as to exemptions from postage.

33. (1) The Postmaster-General and every Postmaster shall be entitled to examine any postal packet (other than a letter) sent by post as exempt from postage, or as entitled to be sent at less than the proper rate of postage, without a cover or in a cover open at the side or end, in order to discover whether it is in conformity with law.

(2) Every question which arises as to whether any such postal packet is entitled to be sent free or at the rate of postage paid for the same shall be decided by the Postmaster-General, whose decision shall be final.

Certain postal packets containing indecent matter may be destroyed. Ibid., s. 30

34. (1) Where the Postmaster-General or any Postmaster has reason to suspect that any postal packet (other than a letter or a letter-card) addressed to any person (either by his own or any fictitious name or assumed name), or to any address without a name, posted in New Zealand or elsewhere, contains or is supposed to contain any printed or written matter of any kind, or any enclosure of any kind—

(a) Which is of a libellous, blasphemous, indecent, or immoral nature, or likely to have an indecent or immoral effect ; or

(b) In advertisement of any lottery or scheme of chance,—  
he may cause such postal packet to be detained and opened, and if it is found to contain any such matter or enclosure he shall cause the postal packet and the contents thereof to be destroyed.

(2) If any Postmaster has any doubt as to whether the provisions of this section should be enforced in any particular case, he shall refer the matter to the Postmaster-General, whose decision shall be final.

35. Where the Postmaster-General or any Postmaster has reason to suspect that in respect of any postal packet the proper postage rate is fraudulently evaded or avoided by the use of defaced or previously used stamps, he may refuse to deliver the postal packet unless the person to whom it is addressed discloses the name, occupation, and address of the sender, and, after opening the postal packet and retaining the enclosures, delivers up the envelope or wrapper bearing the defaced or previously used stamps.

Procedure when postage rate evaded or defaced stamps used.

1908, No. 147, s. 31

36. Where the Postmaster-General or any Postmaster has reason to suspect that any postal packet has been posted or contains any enclosure in fraud or violation of this Act or the Customs Acts he may detain such postal packet, with its enclosures, and the same shall be opened, examined, and dealt with in manner hereinafter mentioned.

Suspected postal packets may be detained and opened.

Ibid., s. 32

37. Every postal packet which is opened and examined under the provisions of this Act shall be opened at a post-office—

Mode of opening suspected postal packets.

Ibid., s. 33

(a) By two Post officers specially nominated for that purpose by the Postmaster-General; or

(b) By one Post officer so nominated, if he opens and examines the same in the presence of any other person, being a Post officer or an officer of the Customs, who before the postal packet is opened makes the declaration set forth in the First Schedule hereto.

38. Every newspaper opened under the provisions of this Act may be forthwith sold, destroyed, or used for any public purpose, unless before such sale, destruction, or use thereof the same is claimed and the postage (if any) due thereon is paid by the person to whom such newspaper is addressed.

Opened newspapers, how dealt with.

Ibid., s. 34

39. (1) Every postal packet opened and examined under the provisions of this Act and found to contain any valuable or saleable enclosure shall together with its contents be safely kept, and a list of such postal packets together with a memorandum of such contents shall be made and preserved.

Opened postal packets containing anything, how to be disposed of.

Ibid., s. 35

(2) The Postmaster-General shall cause notice of such postal packet and of its contents to be sent to the person to whom the postal packet is addressed if he is known, or otherwise to the sender thereof if he is known.

(3) On demand by the first-mentioned person if known, or, if unknown, then by the last-mentioned person if known, and on payment of all charges in respect of postage rates, Customs duties, and otherwise due and payable thereon, but subject in every case to the provisions of the next succeeding section, such postal packet and its contents shall be delivered to the person so making demand.

(4) If neither of such persons is known, or if no demand is made within six months after the sending of such notice, such postal packet shall be destroyed, and its contents shall be forfeited and sold as hereinafter mentioned.

40. (1) If on any such examination such postal packet or enclosures are found to be in fraud or violation, or to have been posted in fraud or violation, of this Act or the Customs Acts, or with intent to evade payment of the proper postage or the proper Customs duties, then, without affecting any liability to penalty or punishment to which the sender is thereby exposed, such postal packet shall be destroyed

Contents, if in fraud of Post Office or Customs, to be forfeited.

Ibid., s. 36

or otherwise disposed of as the Postmaster-General directs, and such enclosures shall be forfeited and may be sold as hereinafter mentioned :

Unless redeemed by owner.

Provided that in lieu of such forfeiture and sale the Governor-General, if he thinks fit, may direct—

- (a) That notice of the detention, opening, and examination of such postal packet be sent to the person to whom the postal packet is addressed, and also to the sender thereof ; and
- (b) That at any time within two months after the date of such notice, and on payment of all charges in respect of postage rates, Customs duties, and fines due and payable, the enclosures be delivered to such person if he claims the same, or, if not, then to the sender thereof if he claims the same.

(2) If such notice is sent and such charges are duly paid within the said period of two months such enclosures shall be delivered up in terms of the notice to the person paying the same, but otherwise they shall be sold.

Disposal of money enclosures.

(3) If the enclosures of any postal packet opened and examined as aforesaid are to be sold they shall be sold or converted into money in such manner as the Postmaster-General directs, and the proceeds thereof, and such of the enclosures as consist of money, shall be paid into the Post Office Account and form part of the postal revenue.

(4) Any such enclosure which consists of any valuable security or order for money shall for the purpose of procuring payment thereof be deemed to be the property of the Postmaster-General.

No postal packet to be returned to writer without express authority.

1908, No. 147, s. 37  
1919, No. 13, s. 7

41. Except as by this Act expressly provided, no postal packet whatever shall be returned to the writer or sender thereof without the authority of the Governor-General :

Provided that letters of an official character sent from or to any Department of the Government, or sent by any such Department to any person, and also postal packets (other than letters) by or to whomsoever sent, may, on payment of the prescribed postage, be so returned under the sole authority in writing of the Postmaster-General.

No right to compensation.

1908, No. 147, s. 38

42. (1) No person shall have any right to compensation or otherwise, nor shall any liability be imposed upon His Majesty or the Postmaster-General, by reason of the detention, opening, or destruction of a postal packet or its enclosure under the powers in that behalf conferred by this Act.

(2) The detention or destruction of a postal packet or its enclosure shall not relieve any person from his liability for any offence against this Act or any other Act.

#### *Provisions regarding Vehicles and Vessels.*

Gratuities to owners of vehicles and masters of vessels for conveyance of mails.

Ibid., s. 39  
1919, No. 13, s. 8 (3)

43. (1) The Governor-General in Council may from time to time determine the amount of gratuities to be paid to the proprietors of passenger coaches or other vehicles, or the masters of vessels, for the conveyance of mails, and the several Postmasters throughout New Zealand shall pay such gratuities accordingly.

(2) Such gratuities may be either a fixed sum or at such rate as the Governor-General in Council from time to time determines.

Carriage of mails on passenger-coaches.  
1919, No. 13, s. 8

44. (1) Any Post officer acting in the course of his duties as such may require the proprietor, driver, or other person in charge of any passenger-coach or other vehicle plying for hire to receive and convey

mails from any place to any other place in the vicinity of which such passenger-coach or vehicle usually plies.

(2) Every person being required to receive and convey any mails as aforesaid commits an offence and is liable to a fine not exceeding one hundred pounds who—

- (a) Refuses to receive such mails, or having received any such mails refuses, if required so to do, to give a written receipt therefor; or
- (b) Refuses or wilfully fails or neglects to convey such mails within a reasonable time, or to deliver those mails on demand to any Postmaster or other Post officer authorized to receive the same; or
- (c) Fails to use due diligence in the delivery of such mails, or does not take due care for the safe custody thereof so long as they remain in his charge.

(3) For the purposes of this and the last preceding section the term "passenger-coach" means any vehicle carrying passengers for hire, whether in the regular course of business or on special occasions.

45. (1) The master or agent of every vessel about to proceed from any one port to any other port in New Zealand or beyond New Zealand—

Masters or agents of vessels to give timely notice of intending departure.

- (a) Shall give at the post-office at such first-mentioned port at least twenty-four hours' previous notice in writing of the intended departure of such vessel; and
- (b) Shall also give timely written notice at the post-office aforesaid in case of any alteration in the time of such departure.

1908, No. 147, s. 40

(2) Every such notice shall when practicable commence and expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon:

Notices to expire during working-hours.

Provided that in special cases the notice may be for such shorter period as from time to time is prescribed by the Post officer at such port.

(3) Every such master or agent who refuses, fails, or neglects to duly give any such notice is liable to a fine not exceeding one hundred pounds.

(4) The Post officer to whom any notice is given under this section shall on demand deliver to the person giving such notice a certificate in writing of the day and hour when the notice was given.

(5) The proper officer of Customs may refuse a clearance of the vessel in respect of which no such certificate is produced to him, or when it appears to him from any such certificate that any such notice has not been duly given.

Officer of Customs may refuse clearance unless notice given.

46. (1) The master or agent of every vessel which is about to proceed from any port situate within three miles of any post-office—

Master or agent of vessel proceeding from any place in New Zealand to other place, or to any vessel lying in any port, to give notice of departure.

- (a) To any other port in New Zealand, whether such last-mentioned port is within three miles from any other post-office in New Zealand or not; or
- (b) To any other vessel lying or being in or within six miles of any port in New Zealand—

Ibid., s. 41

shall give timely notice at such first-mentioned post-office of such intended departure so as to enable the Postmaster to forward mails

by such first-mentioned vessel to the port or vessel to which such first-mentioned vessel is about to proceed.

(2) Every master or agent who refuses, fails, or neglects to give such notice is liable to a fine not exceeding one hundred pounds :

Provided that the Postmaster may exempt any vessel from the operation of this section for such time or on such conditions as he thinks fit.

Master of vessel  
bound to carry  
mails.  
1908, No. 147, s. 42

47. (1) The master of every vessel about to sail from any port in New Zealand—

- (a) Shall receive on board such vessel any mail which is tendered to him by any Post officer ; and
- (b) Shall if required give a written receipt for such mail ; and
- (c) Shall cause a description of such mail to be entered upon the Customhouse manifest ; and
- (d) Shall carefully deposit such mail on board such vessel in some place which is secure, dry, and vermin-proof, wherein it shall be locked up and carried apart and separate from all other things ; and
- (e) Shall convey such mail upon the then intended voyage.

(2) Every master who offends against any of the provisions of this section is liable to a fine not exceeding one hundred pounds.

Delivery of mails on  
arrival of vessel.  
Ibid., s. 43

48. (1) All mails (other than such as are included among the exceptions enumerated in section twenty-four hereof) which at the time of the arrival of any vessel at any port in New Zealand are on board such vessel directed to any person within New Zealand shall be delivered on demand to the Postmaster or other Post officer at such place, who is hereby authorized to give a receipt for the same.

(2) Every master or other person belonging to any such vessel who, having charge of any such mail, refuses or neglects to deliver the same on demand as aforesaid, or detains or permits the detention of the same on board such vessel, or does not use due diligence in the delivery of the same, or does not take due care for the secure and dry custody of the same so long as it is in his charge, is liable to a fine not exceeding one hundred pounds.

Detention of mail.  
Ibid., s. 44  
1913, No. 44, s. 2

49. Every master, passenger, or other person who knowingly or negligently detains or delays on board such vessel or keeps in his possession any such mail after the master has sent to the post-office any of the mails brought by such vessel is liable in respect of each mail so detained, delayed, or kept as aforesaid to a fine not exceeding ten pounds if the offence is committed before demand made as mentioned in the last preceding section, and to a fine not exceeding one hundred pounds if the offence is committed after such demand.

Declaration of  
master of vessel on  
arrival.  
1908, No. 147, s. 45

50. (1) The master of every vessel arriving at any port in New Zealand at which there is any post-office shall as soon as practicable thereafter subscribe a declaration, in the presence of and attested by a witness, in the form or to the effect following, that is to say :—

I, A. B., master of the [*State the name of the vessel*], arrived from [*State the place*], do solemnly declare that I have, to the best of my knowledge and belief, delivered to C. D., the person duly authorized to receive delivery thereof, every mail that was on board the said vessel, except such postal packets as are not required by law to be sent by post :

and shall deliver such declaration to the person duly authorized to receive the mail for the Postmaster or Post officer at such port.

(2) Such person shall thereupon grant a certificate under his hand of the making and delivery of such declaration.

(3) Until such certificate is produced to the Collector or other proper officer of Customs at such port he shall not permit such vessel to report.

(4) Every master who fails or refuses to make such declaration or makes a false declaration is liable to a fine not exceeding one hundred pounds.

*Provisions regarding Foreign Mails.*

51. The Postmaster-General may from time to time make arrangements with the postal authority of the United Kingdom or of any British possession or foreign country for all or any of the following purposes, that is to say :—

Postmaster-General may arrange with postal authority of other places for transmission of mails.

1908, No. 147, s. 46

(a) For the establishment of mail communication and the transmission of mails between New Zealand and such kingdom, possession, or country, or through New Zealand or such kingdom, possession, or country to or from any part of the world, as the case may be, and for the payment of the expenses thereof, not exceeding such sums as from time to time are appropriated by Parliament for the purpose :

(b) For the fixing and collection of postage fees or other dues upon mails transmitted as aforesaid :

(c) For the division and mutual accounting for and payment of the money collected under such arrangement :

(d) For the prepayment, in full or otherwise, of the postage due on any mails.

52. (1) In the event of the Commonwealth of Australia or the Colony of Fiji not agreeing with the Postmaster-General to contribute to the maintenance of any line of mail-vessels plying between New Zealand and the United Kingdom or any British possession or foreign country, and subsidized by the Government of New Zealand (hereinafter called "subsidized mail-vessels"), the Postmaster-General may from time to time order that the Commonwealth or colony so refusing (hereinafter referred to as a "non-contributing country") shall be prohibited from availing itself of such line of subsidized mail-vessels for the purpose of transmission of mails, and every such order shall be gazetted.

Postmaster-General may prohibit Commonwealth of Australia or Colony of Fiji refusing to join in subsidy from using line of vessels for transmission of mails.

Ibid., s. 47

(2) For the purposes of this and the seven next succeeding sections the expression "Commonwealth of Australia" or "Commonwealth" shall be deemed to include all such States as for the time being are parts of the said Commonwealth, including the Northern Territory and every other part of such Commonwealth.

53. (1) All mails which at the time of the arrival at any port in New Zealand of any subsidized mail-vessel are on board such vessel, whether directed to any person in New Zealand or not, shall be delivered on demand to any Postmaster, Customs officer, or Harbour officer of such port, or to any other person duly authorized in writing under the hand of the Postmaster-General or officer in immediate charge of the post-office at such port.

All mails on board subsidized vessel arriving in New Zealand to be given up to Post officer on demand.

Ibid., s. 48

(2) This and the six following sections shall not apply to letters concerning goods on board such vessel and to be delivered with such goods, or sent by way of introduction only, or concerning the bearer's private affairs.

Masters and others neglecting or refusing to give up mails.

1908, No. 147, s. 49

54. Every master or other person belonging to any subsidized mail-vessel who, having charge of any mail, knowingly or negligently detains or keeps in his possession, or neglects or refuses to deliver the same or any part thereof after such demand made as aforesaid, is liable to a fine not exceeding two hundred pounds for every mail so detained, kept, or not delivered.

Mails on board subsidized vessels arriving from non-contributing country.

Ibid., s. 50.

55. The provisions of sections forty-nine and fifty hereof shall apply to all mails on board any subsidized mail-vessel arriving in New Zealand from any non-contributing country, whether they are directed to any person in New Zealand or not.

Principal officer of Customs may search for and seize mails on board contrary to Act.

Ibid., s. 51

56. The Principal officer of Customs at every port in New Zealand may search any subsidized mail-vessel for mails on board or supposed to be on board in breach of the provisions of this Act, and may seize the same and forward them to the nearest post-office.

Postmaster-General may send back mails arriving in New Zealand by such vessels for delivery in non-contributing country.

Ibid., s. 52

57. Where a subsidized mail-vessel arrives at any port in New Zealand from any British possession or foreign country with any mail on board addressed to any person in any non-contributing country, or intended to be carried to or to be delivered at any port or place therein, the Postmaster-General may if he thinks fit, instead of permitting the transmission of such mail to such country, send back the same by the first convenient opportunity to the Post Office of the possession or country from which the same was brought.

And may send back to non-contributing country mails brought from there for delivery in any foreign country by any such vessel.

Ibid., s. 53

58. Where a subsidized mail-vessel arrives at any port in New Zealand from any non-contributing country with any mail on board addressed to any person in any country other than New Zealand, or intended to be carried to or to be delivered at any port or place in any such last-mentioned country, the Postmaster-General may if he thinks fit, instead of permitting the transmission of the same to such last-mentioned country, send back the same by the first convenient opportunity to the Post Office of the non-contributing country from which the same was brought.

Regulations.

Ibid., s. 54

59. The Governor-General in Council may from time to time make regulations for the purpose of preventing and prohibiting any person from posting any postal packet to be sent by post in any of the cases following, that is to say: if any person in New Zealand—

- (a) Receives any postal packet from any place beyond New Zealand for the purpose of posting it to be sent by any subsidized mail-vessel to any non-contributing country; or
- (b) Posts any postal packet in order that it may be sent to any non-contributing country by any such vessel; or
- (c) Receives any postal packet from any non-contributing country by any such vessel for the purpose of posting it to be sent to any place beyond New Zealand; or
- (d) Posts any postal packet as last aforesaid in order that it may be sent to any place beyond New Zealand:

and may provide by such regulations for the imposition of a fine not exceeding one hundred pounds for any offence against any of such regulations.

## PART II.

## PARCELS-POST.

60. (1) New Zealand parcels and foreign parcels may be sent by post, subject to the provisions of this Act and also to the terms or conditions of any contract or arrangement that may be made by the Postmaster-General under the powers hereinafter contained.

Parcels may be sent by post.

1908, No. 147, s. 55

(2) The Postmaster-General may from time to time enter into any convention, agreement, or arrangement with any postal authority for the conveyance of foreign parcels, subject to the provisions of this Act.

Power to make contracts for conveyance of foreign parcels.

61. With respect to foreign parcels the following provisions shall apply:—

Provisions respecting foreign parcels.

(a) The Postmaster-General shall have the same right of recovering any sums payable in pursuance of the Customs Acts or this Act in respect of any foreign parcel as he would have if the sum so payable were a rate of postage under this Act:

Ibid., s. 57.

Right of recovering Customs duties.

(b) Nothing in this Act shall be deemed to authorize the making of any contract, convention, agreement, or arrangement which would have the effect of imposing differential Customs duties or interfering with the operation of the Imperial Act known as the Australian Colonies Duties Act, 1873, or any amendment thereof.

Act not to authorize differential duties.

62. The Postmaster-General may from time to time exercise the following powers or any of them for the purpose of giving effect to this Part of this Act:—

Postmaster-General may enter into contracts for conveyance of parcels.

(a) He may enter into any contract with any railway or tramway authority, or with the owner or master of any vessel, or with any other person, for the conveyance and delivery, or for the conveyance only, or for the delivery only, of New Zealand parcels or foreign parcels:

Ibid., s. 58

(b) He may, with or without any contract as aforesaid, require the master of any vessel to convey any New Zealand parcel or foreign parcel from any place in New Zealand to any other part thereof:

(c) In like manner he may require any person who has entered into a contract with the Postmaster-General for the carriage of mails to carry New Zealand parcels and foreign parcels:

(d) He may agree to pay or allow such remuneration as he thinks fair and reasonable for any such service as aforesaid:

(e) He may in any contract insert such conditions and terms as he thinks necessary in order to secure the performance of the services provided for.

63. (1) Until the making of any contract with any railway or tramway authority under this Part of this Act, every such authority shall be bound to render and perform for the Postmaster-General the services hereinafter set forth, and upon such terms and conditions and for such rate of remuneration as may from time to time be fixed by the Governor-General in Council: that is to say, from time to time, and as occasion requires,—

Obligations imposed on railway and tramway authorities to carry parcels.

Ibid., s. 59

(a) Convey by any train or tramway by which passengers or goods are conveyed all such New Zealand parcels and foreign

parcels as are tendered on behalf of the Post Office for conveyance by such train or tramway, whether such parcels respectively are under the charge of a person appointed by the Postmaster-General or not, and notwithstanding that no notice has been given to the railway or tramway authority with respect to the conveyance thereof:

- (b) Afford all reasonable facilities for the receipt and delivery of the sacks, hampers, boxes, or other receptacles containing the New Zealand parcels or foreign parcels at any of its stations without interposing any delay:
- (c) Transfer all such receptacles to and from the vehicles of the Postmaster-General at the outwards and inwards railway-stations or tramway-stations:
- (d) Accept as remuneration for the services so rendered such rate or scale of payment as is from time to time fixed by the Governor-General in Council:
- (e) Convey free of charge, but in a manner so as not to interfere with the custody of the New Zealand parcels or foreign parcels, any officer or servant of the Postmaster-General appointed to take charge of such parcels during their conveyance by railway or tramway.

(2) The Governor-General in Council may from time to time make regulations prescribing the respective duties to be performed by Post officers, and by the officers and servants of any railway or tramway authority, in respect of the receipt, conveyance, or delivery of New Zealand parcels and foreign parcels.

Power to enter into contracts.

1908, No. 147, s. 60

64. (1) Every railway or tramway authority shall have full power to enter into any contract for the purposes of this Part of this Act, notwithstanding that such contract may be beyond the scope of or not included within the objects or purposes of any such railway or tramway authority; and any such contract shall be made and executed and may be varied or altered in like manner as any other lawful contract of such railway or tramway authority.

(2) In respect of any railways belonging to His Majesty the Governor-General shall on behalf of His Majesty have full power from time to time to enter into any such contract.

Not to be required to carry dangerous goods.

*Ibid.*, s. 61

65. No railway or tramway authority shall be required to carry under this Act or any contract made in pursuance thereof any explosive or dangerous article, or any other article or parcel which, independently of this Act, such authority might refuse or by its by-laws be forbidden to carry.

Application of sections 43 to 50 to parcels.

*Ibid.*, s. 62

66. Subject to the terms of such contract as aforesaid (if any), and except in so far as such contract expressly provides, all and singular the provisions of sections forty-three to fifty hereof shall extend and apply to every railway or tramway authority and every officer and servant thereof, and to every vessel and the master or other person belonging thereto in respect of the conveyance and delivery of New Zealand parcels and foreign parcels.

Power to make general regulations.

*Ibid.*, s. 63

67. The Governor-General may from time to time make regulations for the following purposes, or any of them:—

- (a) Prescribing what New Zealand parcels or foreign parcels may be conveyed by means of the Post Office, and the weight,

contents, mode of packing, receipt and despatch of such parcels :

- (b) Prescribing what kinds of New Zealand parcels or foreign parcels may not be conveyed, and providing for the forfeiture, sale, destruction, or other disposal of any parcel sent in breach of such regulations or of this Act :

Provided that foreign parcels shall in every case be returned to the office of origin unless otherwise directed by that office :

- (c) Prescribing the rates of postage to be paid for the conveyance of New Zealand parcels or foreign parcels, but so that all such rates shall be prepaid in postage-stamps :
- (d) Providing for the due insurance of New Zealand parcels and foreign parcels and the payment of premiums in respect thereof, and for the payment of the amount of such insurance :
- (e) Providing for the forfeiture, sale, destruction, or other disposal of undelivered or unclaimed New Zealand parcels or foreign parcels, and the mode and terms upon which the same shall be effected :

Provided that foreign parcels shall in every case be returned to the office of origin unless otherwise directed by that office :

- (f) Limiting the liability to be incurred by His Majesty in respect of New Zealand parcels or foreign parcels, or providing that His Majesty shall be so liable on payment of such additional or further rates of postage as may be prescribed :
- (g) Generally for any purpose which the Governor-General deems necessary in order to give full effect to this Part of this Act.

### PART III.

#### MONEY-ORDERS AND POSTAL NOTES.

68. Subject to the provisions of this Act, money may be transmitted either within or beyond New Zealand through the medium of the Post Office or any telegraph-office by means of money-orders and postal notes.

Transmission of money through Post Office.  
1908, No. 147, s. 64

69. The Governor-General in Council may from time to time—

- (a) Make arrangements with any postal authority for the transmission through the medium of the Post Office or any telegraph-office by means of money-orders and postal notes of any money to or from any place whatsoever, and for the reciprocal delivery and payment of the same :
- (b) Fix rates of charges for such transmission, delivery, and payment :
- (c) Appoint agents within or beyond New Zealand with such powers as to the defraying of expenses, the making of payments, and otherwise howsoever as he deems expedient in order to give full effect to any such arrangements :

Power to issue money-orders and postal notes for transmission of money.  
*Ibid.*, s. 65

## Regulations.

(d) Make such regulations as he deems expedient for carrying all such arrangements into effect :

(e) Make such regulations as he thinks fit—

(i) Prescribing the forms and currency of money-orders and postal notes ;

(ii) Authorizing the issue thereof and the payment thereof at any post-office appointed for that purpose ;

(iii) Prescribing the manner in which and the conditions subject to which money-orders and postal notes may be issued and paid ;

(iv) Prescribing the mode of accounting for all moneys received and paid in respect of money-orders and postal notes ;

(v) Prescribing the time for which paid money-orders and paid postal notes shall be kept in the custody of the Postmaster-General, and the mode in which they shall thereafter be destroyed or otherwise disposed of.

Regulations to be binding.

1908, No. 147, s. 66

70. All such arrangements and regulations shall be binding and conclusive upon the persons for whom or in favour of whom such money-orders and postal notes are issued, and upon all persons interested through or claiming under those persons, and upon all holders of money-orders and postal notes.

Protection of postal officers in respect of delay or non-payment of orders or notes.

Ibid., s. 67

71. (1) No person shall have any claim or right to compensation or otherwise, nor shall any liability be imposed on His Majesty, by reason of the payment of any money-order or postal note being delayed or refused, or by reason of any neglect, omission, or mistake in the issue or payment thereof.

(2) After any money-order or postal note has been once paid to any one whomsoever His Majesty shall not be liable for any further claim in respect thereof.

No interest or stamp duty payable on orders or notes.

Ibid., s. 68

72. No interest or stamp duty shall be payable in respect of a money-order or postal note.

## PART IV.

## POST OFFICE SAVINGS-BANK.

*Appointment and Conduct of Post Office Savings-bank.*

Postmaster-General may appoint Post Office Savings-banks.

Ibid., s. 69

73. The Postmaster-General may from time to time appoint post-offices to be offices of the Post Office Savings-bank for the purposes of this Act, and may authorize and direct Post officers to receive deposits and to repay such deposits together with the interest accrued thereon :

Provided that, except in the case of savings-banks and societies which are exempt from the limit of interest-bearing deposits, no deposit of less than one shilling or a multiple of one shilling shall be received.

Depositor to make statutory declaration.

1913, No. 44, s. 5

74. (1) Before opening an account in the Post Office Savings-bank in his own name or on behalf of another person the depositor, on or before making the first deposit, shall make and deliver to the officer receiving the deposit a statutory declaration (in or to the effect of such one of the forms in the Second Schedule hereto as is applicable) that he or the person on whose behalf the account is opened by him, as the case may be, is not directly or indirectly entitled to any benefit from any deposit in the Post Office Savings-bank.

(2) Every such declaration shall be exempt from stamp duty, and may be made before and taken by any person empowered by law to take statutory declarations or any officer authorized to receive deposits.

(3) Every person who by means of any false statement in any such declaration receives or is credited with any sum by way of interest in excess of that authorized by law is liable (in addition to any penalty to which he may be liable in respect of making a false declaration) to a fine of not less than ten pounds and not more than one hundred pounds, and any interest so received in excess may be recovered from him as a debt due to the Crown, and any such interest credited to but not received by him shall be forfeited. Penalty for false declaration.

(4) For the purposes of this section the expression "the depositor" means, in the case of a savings-bank or society, the trustee or other responsible officer of the savings-bank or society duly authorized to open the account.

(5) For the purposes of this section a person shall not be deemed to be entitled to any benefit from any deposit—

(a) Made by him as trustee for any other person; or

(b) Made by any society to which the limit of interest-bearing deposits does not apply and of which he may be a member.

75. (1) The Post officer receiving a deposit shall at the time when he receives it enter the amount thereof in the depositor's book and attest the entry by his initials and the dated stamp of his office. Deposits to be entered in books and acknowledged.  
1908, No. 147, s. 70  
1919, No. 13, s. 9

(2) He shall also report the amount of such deposit to the Chief Postmaster under whose control he is, and the Chief Postmaster shall report the same to the Postmaster-General, who shall acknowledge the same to the depositor.

(3) The acknowledgment of the Postmaster-General signified in the prescribed manner by the officer whom he appoints for that purpose shall be forthwith transmitted by post to the depositor by that officer, and such acknowledgment shall be conclusive evidence of the fact and amount of the deposit:

Provided that in the case of a deposit of less than twenty pounds the entry in the depositor's book shall be conclusive evidence of title in the same manner as an acknowledgment by the Postmaster-General of a deposit is evidence of title under this subsection, and it shall not be necessary to transmit any such acknowledgment in the case of such a deposit.

76. (1) A depositor desiring to withdraw any money from his account may be required to give at least seven days' previous notice in the prescribed form to the Chief Postmaster of the postal district in which the account is kept, and in such notice shall specify the amount to be withdrawn and the Post Office Savings-bank office at which he desires the payment to be made. How deposits may be withdrawn.  
1908, No. 147, s. 71

(2) Upon receipt of such notice the Chief Postmaster shall forward to the depositor a warrant in the prescribed form authorizing the payment to be made in terms thereof.

(3) Forthwith upon the expiration of such notice (or earlier if the Postmaster-General thinks fit) the depositor, on presentation of his deposit-book and the aforesaid warrant at the Post Office Savings-bank office where the amount to be withdrawn is payable, shall be entitled to receive payment thereof.

(4) Subject to regulations, the payment may be arranged by telegram.

Amounts may be transferred from one post-office to another.

1908, No. 147, s. 72

Names of depositors, &c., not to be disclosed.

Ibid., s. 73

1913, No. 44, s. 3

Exception.

77. Any depositor whose account has been opened in any Post Office Savings-bank office in any postal district for at least three months may in the prescribed manner transfer his account from that office to any Post Office Savings-bank office in another postal district.

78. The officers engaged in the receipt or payment of deposits shall not disclose the name of any depositor, nor the amount deposited or withdrawn, except to the Postmaster-General or to such of his officers as are appointed to assist in carrying this Division of this Act into operation :

Provided that nothing in this section shall be deemed to exempt any officer from disclosing in evidence any matters in obedience to the process of any Court of justice, or on an examination before any person having authority to take evidence in any proceeding under any law for the time being in force relating to bankruptcy or to old-age pensions, or from disclosing any matter in compliance with any Act.

Moneys received to be paid into Post Office Account.

1908, No. 147, s. 74

Security to depositors.

Ibid., s. 75

79. All deposits shall be paid into the Post Office Account, and all sums withdrawn by depositors or by parties legally authorized to claim on account of depositors shall be paid to them out of the said account.

80. If at any time the funds paid into the Post Office Account under this Part of this Act and the interest arising therefrom are insufficient to meet the lawful claims of all depositors, it shall be the duty of the Minister of Finance to issue the amount of such deficiency out of the Consolidated Fund without further appropriation than this Act and to report such deficiency to Parliament.

Disputes to be referred to arbitration.

Ibid., s. 76

81. If any dispute arises between the Postmaster-General or any person acting on his behalf and any depositor or any person claiming in right of such depositor, the matter in dispute shall be referred to arbitration, and for that purpose this section shall be deemed to be a submission within the meaning of the Arbitration Act, 1908, and the reference shall be deemed to be to two arbitrators.

#### *Interest to be allowed.*

Rates of interest payable in respect of deposits.

1927, No. 48, s. 16

82. (1) The Minister of Finance shall from time to time, by notice published in the *Gazette*, fix the rates of interest to be payable in respect of moneys deposited in the Post Office Savings-bank, and may fix different rates in respect of different amounts deposited by the same or by different depositors.

(2) The forms in the Second Schedule hereto may from time to time be altered by the Governor-General in Council to such extent as may be required by reason of any alteration that may be effected by the Minister of Finance pursuant to this section in the rates of interest for the time being payable in respect of deposits in the Post Office Savings-bank.

Interest, how calculated.

1908, No. 147, s. 78

1920, No. 24, s. 7 (1)

83. (1) Interest shall in the case of each deposit be computed from the first day of the month next following the day on which a complete pound, either in one sum or in several sums of less amount, has been deposited, and, as to moneys withdrawn, shall cease on the first day of the month in which they are withdrawn :

Provided that when any such deposit is duly made on the first day of any month interest for that month shall be computed and allowed in respect of such deposit.

(2) Interest shall be calculated to the thirty-first day of March in every year, and shall then be added to and become part of the principal money.

(3) Interest shall in no case be payable on any sum less than a pound or a multiple of a pound.

84. The moneys paid into the Post Office Account under this Part of this Act and the interest accruing thereon, or such part thereof as the Governor-General in Council directs, shall be from time to time invested in the manner prescribed in the Public Revenues Act, 1926, for the investment of moneys lying to the credit of the Post Office Account.

Moneys accruing under this Part may be invested.

1908, No. 147, s. 79

#### *Fixed Deposits.*

85. (1) In addition to the powers conferred by this Part of this Act the Postmaster-General may from time to time receive into the Post Office Savings-bank fixed deposits of amounts, not being less in any case than fifty pounds, at such rate of interest (not exceeding five per centum per annum) as the Minister of Finance may from time to time by notice in the *Gazette* determine.

Providing for fixed deposits in Post Office Savings-bank.

1915, No. 70, s. 2

(2) Such deposits shall be lodged on the condition that they shall not be withdrawn within such period as may be agreed on between the Postmaster-General and the depositor, being not less than twelve months.

86. It shall be lawful for the Postmaster-General if he thinks fit to permit the withdrawal of the whole or any portion of any sum forming part of a war fund within the meaning of the War Funds Act, 1915, and deposited in the Post Office Savings-bank by way of fixed deposit pursuant to the last preceding section at any time before the expiration of the period for which the amount was so deposited:

Provision for withdrawal of fixed deposits in certain cases.

1916, No. 7, s. 62

Provided that in such case the rate of interest to be allowed in respect of the amount so withdrawn for the period during which the said amount was held on deposit shall not exceed the minimum rate payable in respect of ordinary deposits at the time when the withdrawal is made.

87. Interest payable in respect of a fixed deposit or portion of a fixed deposit in the Post Office Savings-bank shall be computed as from the date on which such deposit is made up to and including the date on which the repayment of the deposit or portion thereof is made.

Interest on fixed deposits to be computed from date of deposit.

Ibid., s. 63

#### *Payment on Death of Depositor.*

88. (1) Where the whole amount standing to the credit of a depositor in the Post Office Savings-bank at the time of his death does not exceed two hundred pounds, and probate of the will of such depositor or letters of administration of his estate is or are not produced within such time as the Postmaster-General thinks reasonable, the Postmaster-General may in his discretion without requiring probate or letters of administration pay the amount or any part thereof to any of the persons following, that is to say:—

Authorizing payment of amount not exceeding £200 at credit of deceased depositor without requiring probate or letters of administration.

1919, No. 13, s. 10  
1924, No. 19, s. 8

(a) Any person who has paid the funeral expenses of the depositor:

(b) Any person being a creditor of the depositor:

- (c) The widow or widower of the depositor :
  - (d) The persons entitled to the estate of the depositor under the statutes of distribution :
  - (e) Any person entitled to take out probate or letters of administration :
  - (f) Any person undertaking to maintain the children of the depositor :
  - (g) The Public Trustee.
- (2) In making any payment as aforesaid the Postmaster-General shall have regard to the rules of law regulating the distribution of the estates of persons dying intestate, but he may nevertheless if he considers that injustice or undue hardship would result from the observance of those rules make such payment otherwise than in accordance therewith.
- (3) All payments made pursuant to this section shall be valid as against all persons, and no liability shall attach to the Postmaster-General or the Government of New Zealand in respect of any such payment.
- (4) Before making any payment under this section the Postmaster-General may require the production of proof to his satisfaction of the death of the depositor.

*General.*

Reciprocal  
arrangements  
with foreign  
Savings-banks.

1908, No. 147, s. 80  
1919, No. 13, s. 11 (1)

89. The Postmaster-General may from time to time pursuant to regulations in that behalf enter into reciprocal arrangements with any Government Savings-bank authority either in Great Britain or in any British possession or foreign country for the transfer of sums standing to the credit of depositors in such Government Savings-bank to the Post Office Savings-bank in New Zealand, or from the Post Office Savings-bank in New Zealand to such Government Savings-bank.

Governor-General  
in Council may  
make regulations.

1908, No. 147, s. 81  
1919, No. 13, s. 11 (2)

90. The Governor-General in Council may from time to time make regulations for—

- (a) Superintending, inspecting, and regulating the mode of keeping the accounts of depositors in the Post Office Savings-bank :
- (b) Prescribing with respect to depositors' accounts the mode of making deposits and withdrawing moneys and the notice to be given in the case of withdrawals :
- (c) Prescribing rules for the purpose of giving effect to transfers authorized pursuant to the last preceding section :
- (d) Prescribing the time for which deposit-books, deposit-slips, withdrawal notices, warrants, receipts, and all other books, forms, and documents relating to the Post Office Savings-bank shall be retained in the custody of the Postmaster-General, and the mode in which they shall thereafter be destroyed or otherwise disposed of :
- (e) The nomination by a depositor not being under twenty-one years of age of any person or persons to whom any sum or sums payable to such depositor at his decease (including any accrued interest payable to the representative of the depositor) is or are to be paid at such decease :
- (f) The revocation of such nomination, and for the payment of the specified amount to any nominee so nominated :

- (g) The payment or transfer of sums in the Post Office Savings-bank which belong to persons appearing to be minors or of unsound mind, or form part of the estate of any person appearing to be deceased :
- (h) Evidence being given relative to the amounts deposited or withdrawn by persons to whom pensions have been granted under the Pensions Act, 1926, or by claimants for pensions under that Act :
- (i) All other matters incidental to carrying this Part of this Act into execution.

91. (1) An annual account of all deposits received and paid by the Post Office Savings-bank, and of interest paid thereon, and of the expenses incurred in carrying this Part of this Act into operation, during each year ending on the thirty-first day of March, together with a statement of the total amount due at the close of the year to all depositors in the Post Office Savings-bank, shall not later than the thirtieth day of June in every year be laid by the Postmaster-General before Parliament if sitting, or if not, then within fourteen days from the commencement of the next ensuing session.

Accounts to be laid before Parliament.  
1908, No. 147, s. 82  
1920, No. 24, s. 7 (2)

(2) All expenses incurred as aforesaid, including all sums payable to depositors, shall without further appropriation by Parliament be paid out of the moneys received under the authority of this Part of this Act and available for that purpose.

Expenses incurred to be paid out of moneys received.

#### PART V.

##### POST OFFICE ACCOUNT.

92. (1) There shall be kept at the bank at which for the time being the Public Account is kept a special account to be called the Post Office Account, being the same account as that heretofore constituted under the Post and Telegraph Act, 1908, with the same name and in existence at the commencement of this Act.

Post Office Account established.  
1927, No. 48, s. 3

(2) The Post Office Account shall be operated on only by cheque signed by the Secretary of the Post and Telegraph Department or some other officer duly authorized in that behalf by the Postmaster-General.

(3) Before any moneys are issued out of the Post Office Account the Postmaster-General shall cause to be prepared and sent to the Audit Office an order (herein referred to as a "bank order") signed by the Secretary or other person duly authorized in that behalf by the Postmaster-General, directing the bank to honour cheques that may be drawn upon the account for the several amounts specified in the order.

(4) On being satisfied that the proposed payments are in order and that there is a sufficient balance in the Post Office Account to meet the charges named in the bank order, the Controller and Auditor-General shall forthwith countersign the bank order.

(5) The bank order when so countersigned by the Controller and Auditor-General shall be sufficient authority to the bank to pay the cheques drawn as aforesaid upon the Post Office Account to the several amounts specified in the order.

Capital liability of  
Post and Telegraph  
Department.

1927, No. 48, s. 4

93. (1) The capital liability of the Post and Telegraph Department as on the thirty-first day of March, nineteen hundred and twenty-eight, shall be the amount determined by the Governor-General under the provisions of section four of the Post and Telegraph Amendment Act, 1927.

(2) Any determination by the Governor-General under the said section four, including any determination as to what part of such capital liability represents moneys paid out of the Public Works Fund or revenue of the Department that has been applied for purposes of capital expenditure, may be at any time in like manner amended.

Moneys payable  
into Post Office  
Account.

Ibid., s. 5

94. (1) The following moneys shall from time to time as received be paid into the Post Office Account :—

- (a) All moneys received by or on behalf of the Crown by the Postmaster-General, or by any officer of the Post and Telegraph Department in his capacity as such :
- (b) All interest received in respect of the investment of moneys belonging to the account, and all principal moneys that may be repaid :
- (c) All moneys that may be received by the Postmaster-General, or by any officer of the Post and Telegraph Department in his capacity as such, on account of any other Department of State or as the agent of any person :
- (d) All moneys that may be appropriated by Parliament for payment into the account :
- (e) All other moneys which by this or any other Act are made payable into the account.

(2) All fines lawfully imposed on any officer of the Department in respect of any breach or neglect of duty shall be disposed of in the manner prescribed by regulations, and shall not form part of the Post Office Account unless such regulations so provide.

Moneys payable  
out of Post Office  
Account into  
Consolidated Fund.

Ibid., s. 6

95. (1) There shall from time to time, without further appropriation than this Act, be paid out of the Post Office Account into the Ordinary Revenue Account of the Consolidated Fund the moneys following, namely :—

- (a) Interest computed as from the first day of April, nineteen hundred and twenty-eight, on the total amount of the capital liability of the Post and Telegraph Department as determined in accordance with the provisions of section four of the Post and Telegraph Amendment Act, 1927, less the amount of any such liability determined to be in respect of revenue applied for purposes of capital expenditure :
- (b) Interest on any moneys that may after the first day of April, nineteen hundred and twenty-eight, be or have been applied for the purposes of the Department out of the Public Works Fund, or on any moneys that may after that date be or have been advanced by way of loan from the Consolidated Fund :

(c) Any profits accrued at the end of any financial year in respect of the operations of the Post Office Savings-bank.

(2) The rate of interest to be paid pursuant to paragraph (a) or paragraph (b) of the last preceding subsection shall be fixed by the Governor-General acting on the joint recommendation of the Minister

of Finance and the Postmaster-General, and different rates may be so fixed in respect of different amounts of capital moneys. The rates fixed by the Governor-General as aforesaid may be at any time in like manner varied.

96. (1) In addition to the moneys which may be paid out of the Post Office Account pursuant to the last preceding section there shall be paid out of that account the moneys following, namely :—

Other moneys payable out of Post Office Account. 1927, No. 48, s. 7

(a) All moneys required for the purposes of the Post and Telegraph Department or for other services lawfully undertaken by the Postmaster-General in accordance with the appropriation of Parliament :

(b) All moneys received by the Postmaster-General, or by any officer of the Department in his capacity as such, on account of any other Department of State or as the agent of any person, and payable to or by authority of that Department or person :

(c) All moneys required for purposes of investment as hereinafter provided.

(2) All moneys appropriated from the Public Works Fund for the purposes of telegraph-extension works shall as and when required be paid into the Post Office Account, and may be paid out of that account, without further appropriation than this Act, for the several purposes for which they were so appropriated from the Public Works Fund.

(3) Save as hereinbefore expressly provided, all moneys to which this section relates may be paid without further appropriation than this Act.

97. The provisions of sections forty-seven and forty-eight of the Public Revenues Act, 1926, shall, with the necessary modifications, apply so as to authorize the issue of moneys without appropriation from the Post Office Account for the space of three months next after the commencement of any financial year.

Provisions for expenditure out of Post Office Account pending appropriation by Parliament.

Ibid., s. 8

98. (1) The Postmaster-General shall forthwith after the close of each financial year cause to be prepared—

Accounts and statements to be prepared in relation to Post Office Account.

Ibid., s. 9

(a) A balance-sheet and a Profit and Loss Account, together with such other statements of accounts as may be necessary to show fully the financial position of the Post Office Savings-bank and the financial results of its operations for the year :

(b) A balance-sheet and a Profit and Loss Account, together with such other statements of accounts as may be necessary to show fully the financial position of the Department (exclusive of the Post Office Savings-bank) and the financial results of its operations for the year.

(2) The aforesaid balance-sheets and accounts, duly audited by the Audit Office, together with such report thereon as the Postmaster-General thinks fit to make, shall be laid before Parliament as soon as practicable after the close of the financial year to which they relate.

(3) Nothing in the last preceding subsection shall preclude the publication by the Postmaster-General at any time before their submission to Parliament and in any manner that he thinks expedient of any balance-sheet, or statement of accounts, or any particulars extracted therefrom.

Authority for  
payment out of  
Consolidated Fund  
in aid of Post Office.  
1927, No. 48, s. 10

99. (1) The Minister of Finance may, without further appropriation than this section and on such terms and conditions as he thinks fit, advance out of the Ordinary Revenue Account of the Consolidated Fund to the Post Office Account, to be available for the purposes of that account, such amounts as he may from time to time determine.

(2) All moneys paid into the Post Office Account pursuant to this section, with interest thereon as fixed by the Minister of Finance, shall be payable or repayable without further appropriation than this section to the Ordinary Revenue Account of the Consolidated Fund.

Investment of  
surplus moneys  
belonging to Post  
Office Account.

*Ibid.*, s. 11

100. Any moneys in the Post Office Account which in the opinion of the Postmaster-General are not required for the purposes of that account may be invested in manner prescribed by section ninety-seven of the Public Revenues Act, 1926.

Power to establish  
depreciation and  
other reserves.

*Ibid.*, s. 12

101. (1) The Postmaster-General may establish a depreciation reserve, to which may be charged any depreciation in the value of the assets of the account or loss involved in the destruction of or injury to any such assets, and any expenditure involved in the replacement of assets.

(2) The Postmaster-General may also from time to time establish such other reserves as he deems necessary or expedient.

Special provisions  
as to existing  
reserve fund in  
connection with  
Post Office Savings-  
bank.

*Ibid.*, s. 13

102. The sum appearing in the balance-sheet of the Post and Telegraph Department for the year ending the thirty-first day of March, nineteen hundred and twenty-eight, as a reserve fund in connection with the Post Office Savings-bank shall continue to be held by the Department as such reserve fund; but the amount of such reserve fund shall not be increased except with the approval of the Minister of Finance. The interest from time to time payable in respect of the moneys in such reserve fund shall as the Minister of Finance may determine be paid to the credit of the reserve fund or be disposed of in the same way as profits derived from the Post Office Savings-bank.

Special provisions  
as to existing  
depreciation  
reserve.

*Ibid.*, s. 14.

103. (1) For the purposes of this section the Postmaster-General and the Minister of Finance shall, with respect to the amount shown as a depreciation reserve in the balance-sheet of the Post and Telegraph Department for the year ending on the thirty-first day of March, nineteen hundred and twenty-eight, mutually determine what part of the moneys representing such reserve shall be deemed to consist of the excess of the receipts into the Consolidated Fund from the Post Office Account since the first day of April, nineteen hundred and twenty-two, over the payments made from that account for the purposes of the Department during the said period. In lieu of themselves determining the amount of such excess the said Ministers may, if they think fit, submit the matter for determination by the Controller and Auditor-General, and in such case the decision of the Controller and Auditor-General shall be final.

(2) From the amount determined in accordance with the last preceding subsection there shall be deducted an amount equal to the amount of interest paid or payable for the aforesaid period in respect of moneys applied out of the Public Works Fund for the purposes of the Post and Telegraph Department. The rate of interest herein referred to shall be fixed by the Governor-General on the joint recommendation of the Minister of Finance and the Postmaster-General.

(3) The amount ascertained as the result of the deduction made pursuant to the last preceding subsection is hereinafter in this section referred to as the residue.

(4) The residue shall, unless and until it is dealt with in accordance with the next succeeding subsection, be deemed to be a liability of the Consolidated Fund to the Post Office Account, and interest shall be payable in respect thereof as if it were an investment of surplus funds of the Post Office Account made in accordance with section ninety-seven of the Public Revenues Act, 1926.

(5) The Minister of Finance and the Postmaster-General may at any time mutually agree that the residue ascertained as provided in the last preceding subsection, together with any interest accrued in respect thereof, or any portion of such residue or interest, shall be applied in reduction of the capital liability of the Post Office Account in so far as such capital liability consists of borrowed moneys.

104. (1) The Postmaster-General is authorized to transfer from the Post Office Account to the credit of the Public Account a sum not exceeding two hundred thousand pounds:

Transfer from Post Office Account to Public Account.

1908, No. 147, s. 117

Provided that in computing the said sum of two hundred thousand pounds there shall be taken into account all sums heretofore transferred under the authority of section two of the Post Office Savings-bank Funds Investment Act, 1907, or section one hundred and seventeen of the Post and Telegraph Act, 1908.

(2) The Minister of Finance is empowered to issue to the Postmaster-General debentures for the said sum so transferred to the Public Account, and to pay interest thereon at such rate as the said Minister from time to time determines, being not less than the maximum rate of interest for the time being payable to depositors in the Post Office Savings-bank as determined in accordance with subsection one of section eighty-two hereof.

Issue of debentures.

(3) All such debentures shall be issued in accordance with the New Zealand Loans Act, 1908, and shall be subject to the provisions of that Act accordingly.

(4) All moneys transferred to the Public Account under the authority of this section shall form part of the Public Works Fund and shall from time to time be applied in the erection of new post-office buildings in Auckland and Wellington, or in the acquisition of suitable sites for the same, and to reimburse to the Public Works Fund so much of the expenditure made therefrom for the acquisition of sites and erection of buildings for post-office purposes as the Minister of Finance may determine.

Application of moneys transferred.

#### POST OFFICE INVESTMENT CERTIFICATES.

105. (1) The Postmaster-General may from time to time issue certificates, to be called "Post Office Investment Certificates," in such form as may from time to time be prescribed by the Minister of Finance.

Authority to issue Post Office Investment Certificates.

(2) Such certificates shall be issued for a nominal value of such amount or of such amounts as the Minister of Finance may in his discretion determine, and may be issued by the Postmaster-General on payment into the Post Office Account of such less amount than the nominal value as may be prescribed by the Minister of Finance.

1920, No. 83, s. 17  
1927, No. 5, s. 10

(3) Every such certificate shall be issued for such term as the Minister may determine, and shall authorize the payment to the bearer at maturity of the nominal value of such certificate. Such payment shall be made out of the Post Office Account without further appropriation than this section.

(4) If at any time the moneys in the Post Office Account are insufficient to meet the charges thereon in respect of certificates issued under this section, it shall be the duty of the Minister of Finance to issue the amount of such deficiency out of the Consolidated Fund without further appropriation than this section, and to report such deficiency to Parliament.

(5) All moneys paid into the Post Office Account for the purchase of certificates under this section shall from time to time be invested by the Postmaster-General in debentures or other securities issued by the Minister of Finance in respect of the moneys authorized to be borrowed under any authorizing Act.

(6) The costs, charges, and expenses connected with the issue of Post Office Investment Certificates under this section shall be deemed to form portion of the costs, charges, and expenses connected with the raising of any loan in which the receipts from the sale of the said certificates have been invested pursuant to the foregoing provisions of this section, and the provisions of section eight of the New Zealand Loans Act, 1908, shall apply accordingly.

(7) Any certificates under this section may be redeemed at any time before maturity on such terms and conditions as may be prescribed in that behalf by the Governor-General in Council.

(8) Any regulations under the last preceding subsection may be applied so as to authorize the redemption before maturity of any War-loan Certificates issued by the Postmaster-General pursuant to any lawful authority.

(9) All certificates issued under section seventeen of the Finance Act, 1920, and now in force, shall be deemed to have been issued under this section, and the provisions of this section shall apply thereto accordingly.

## PART VI.

### OFFENCES AND PENALTIES.

106. Every person who—

- (a) Wilfully defaces, breaks, injures, or defiles any post-office letter-box or pillar box, or any telegraph-post or telephone-post; or
- (b) Puts any filthy or noxious substance or any fluid into or against any post-office or any post-office letter-box or pillar box; or
- (c) Posts any postal packet containing any such substance; or
- (d) Commits a nuisance in or against any post-office or any post-office letter-box, pillar box, or telephone-cabinet; or
- (e) Posts any postal packet containing—
  - (i) Any sharp instrument not properly covered; or
  - (ii) Any animal or thing which is noxious or is likely to injure other postal packets; or

Injury to post-office pillars or boxes, or posting objectionable matter.

1908, No. 147, s. 83  
1922, No. 21, s. 4

100. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

(2) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

101. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

102. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

103. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

104. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

105. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

106. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

107. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

108. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

109. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

110. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

111. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

112. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

113. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

114. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

115. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

116. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

Sec. 106.

1. Para. (f).—"Thereon" means on the outside of the packet: RUDD v. PRICE: 34 N.Z.L.R. 1092: 1916 G.L.R. 46.

2. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

3. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

4. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

5. Any person who—  
(1) writes, marks, draws, or otherwise marks, or causes to be so marked, any article or goods intended for exportation, or

(iii) Any indecent or obscene print, painting, photograph, engraving, book, card, article, or representation of any kind ; or

(f) Posts any postal packet having thereon or on its cover any words, marks, design, or representation of an indecent, obscene, or grossly offensive character,—

is liable to a fine not exceeding twenty pounds ; and in case of conviction under paragraph (a) hereof is also liable to pay to the Postmaster-General compensation for any injury done (including injury done to the contents of such pillar or box), to be assessed by the adjudicating Court.

107. Every person who—

Posts or causes to be posted, or sends or causes to be sent, or tenders or delivers in order to be sent, by post, any postal packet containing any explosive, dangerous, or destructive substance or fluid—

Dangerous  
substances not to be  
sent by post.  
1908, No. 147, s. 84  
1919, No. 13, s. 19

is liable on indictment to imprisonment for any term not exceeding two years with or without hard labour, or to a fine not exceeding fifty pounds, or both ; and no such postal packet shall be forwarded by post :

Provided that nothing in this section shall apply with respect to the carriage of strychnine by post in accordance with regulations in that behalf made under the authority of section sixty-seven hereof.

Carriage of  
strychnine by post.

108. Every person who—

Puts into any post-office, or into any post-office letter-box or pillar box, fire, or match, or light, or any explosive, dangerous, or destructive substance or fluid, or any matter or thing likely to injure any postal packet or any person,—

Putting explosive  
substances or other  
things into post-  
offices or pillars.  
1908, No. 147, s. 85

is liable on indictment to imprisonment for any term not exceeding seven years with or without hard labour.

109. (1) Every person who—

(a) Imports into New Zealand, or makes, or knowingly utters, uses, deals in, sells, or exposes for sale, any fictitious postage-stamp, or knowingly uses for any postal purpose any fictitious postage-stamp ; or

(b) Has in his possession, without lawful excuse (the proof whereof shall lie upon him), any fictitious postage-stamp ; or

(c) Without lawful excuse (the proof whereof shall lie upon him), makes or has in his possession any die, plate, instrument, or materials capable of making any fictitious postage-stamp, or any impression thereof,—

Prohibition of  
fictitious stamps.  
Ibid., s. 86

is liable to a fine not exceeding fifty pounds, or to imprisonment for any term not exceeding six months with or without hard labour.

(2) Every postage-stamp, die, plate, instrument, or materials found in the possession of any person in contravention of this section shall be seized and forfeited.

(3) For the purposes of this section “fictitious postage-stamp” means any facsimile or imitation or representation, whether on paper or otherwise, of any postage-stamp or other stamp for denoting any rate of postage of New Zealand or of any other part of His Majesty’s dominions, or of any foreign country.

Fraudulently  
removing stamp, &c.,  
from postal packet.

1908, No. 147, s. 87  
1922, No. 21, s. 5  
1924, No. 19, s. 3  
1927, No. 48, s. 22

110. (1) Every person is liable to a fine not exceeding two hundred pounds or to imprisonment for three months who—

- (a) Fraudulently gets off or removes from any postal packet, cover, paper, or other material any postage-stamp which has been already used, or the stamp or impression of any die, plate, or instrument provided, made, or used for any postal purposes under this Act, with intent that any use whatsoever (whether for postal purposes or not) should be made of such postage-stamp, stamp, or impression; or
- (b) Fraudulently fixes or places upon any postal packet, cover, paper, or other material any such postage-stamp, stamp, or impression as aforesaid which has been got off or removed from any other postal packet, cover, paper, or other material; or
- (c) Fraudulently mutilates any such postage-stamp, stamp, or impression with intent that any use should be made of any part thereof; or
- (d) Fraudulently erases, cuts, scrapes, discharges, or otherwise either really or apparently removes from any postal packet, cover, paper, or other material any name, figure, letter, date, or other matter or thing thereon written, printed, impressed, or otherwise marked, with intent that any use should be made of any stamp or mark upon such postal packet, cover, paper, or other material, or that the same may be used to defraud His Majesty of any of the rates or duties under this Act; or
- (e) Makes, does, or practises, or is concerned in, any other fraudulent act, contrivance, or device whatsoever for which no specific penalty is provided, with intent to defraud His Majesty of any of the rates, duties, fees, charges, or other revenues under this Act.

Onus of proof on  
defendant.

(2) In any proceeding in respect of any offence under this section the onus shall lie on the defendant to prove the absence of fraud or of the intent to defraud.

General penalty  
for offences with  
intent to defraud  
revenue.

(3) Notwithstanding any rule of construction to the contrary, the provisions of paragraph (e) of subsection one of this section shall apply, and be deemed at all times heretofore to have applied, with respect to matters affecting Division II of this Act in the same manner as it applies with respect to matters affecting Division I hereof.

Postal packet  
includes telegram.

(4) For the purposes of this section the expression "postal packet" includes a telegram, whether transmitted by post or by telegraph, or otherwise howsoever.

Stamp purporting  
to denote rate of  
postage to be  
deemed a  
postage-stamp until  
contrary proved.  
1908, No. 147, s. 88

111. In any proceedings against any person in respect of any offence under this Act every postage-stamp or other stamp purporting to denote a rate of postage of any part of His Majesty's dominions or of any foreign country shall, until the contrary is proved, be deemed to be a postage-stamp used for postal purposes in such part of the said dominions or of such foreign country respectively.

Forgery of crossing  
of postal notes, &c.  
Ibid., s. 89

112. Every person who,—

With intent to defraud, obliterates, adds to, or alters any such lines or words on a money-order or postal note as would,

**Sec. 114.**

1. Applies to all psons, not merely Postal Dept  
employees: R. v. McGEORGE: 26 N.Z.L.R. 741.

in the case of a cheque, be a crossing of that cheque, or knowingly offers, utters, or disposes of any money-order or postal note with such fraudulent obliteration, addition, or alteration,—

is liable on indictment to the same punishment as if such money-order or postal note were a cheque :

Provided that any person, being a banker, who, in collecting in such capacity for any principal, has received payment or been allowed a credit by the Postmaster-General in account in respect of any money-order or postal note, or of any document purporting to be a money-order or postal note, shall not incur liability to any one except such principal by reason of having received such payment or allowance, or of having held or presented such order or note or document for payment :

Provided also that this section shall not relieve any principal for whom such order, note, or document has been so held or presented from any liability in respect of his possession of the same or of the proceeds thereof.

113. (1) For the purposes of this Act all enactments providing for the punishment of offences relating to stamp duties shall apply in like manner as if the commission on money-orders and poundage on postal notes were a stamp duty. Fraud, forgery, and theft of postal notes, &c.  
1908, No. 147, s. 90

(2) A money-order or a postal note shall be deemed to be—

- (a) A bank-note within the meaning of any law for the time being in force relating to forgery ; and
- (b) An order for the payment of money and a valuable security within the meaning of any law for the time being in force relating to theft.

114. (1) Every person who,—

Contrary to his duty, opens, or procures or suffers to be opened, a postal packet, or wilfully delays or detains a postal packet, or procures or suffers the same to be detained or delayed,— Illegally opening or delaying postal packets.  
Ibid., s. 91  
1922, No. 21, s. 5

is liable on indictment to imprisonment for any term not exceeding two years with or without hard labour, or to a fine of fifty pounds, or to both.

(2) Nothing in this section shall extend to the opening, or detaining, or delaying of a postal packet under any special provision of this Act.

(3) For the purposes of this section the expression “postal packet” includes a telegram, whether transmitted by post or by telegraph, or otherwise howsoever. Postal packet includes telegram.

115. (1) The prosecution for any offence alleged to have been committed against the last preceding section may be by way of summary proceedings, and every person who commits any such offence shall be liable on summary conviction to a fine of fifty pounds or to imprisonment for three months. Summary proceedings for an offence against preceding section.  
1927, No. 48, s. 23

(2) No person shall in respect of any such offence be proceeded against by way of indictment under the last preceding section and also under this section.

Theft, &c., of postal packet by Post officer.

1908, No. 147, s. 92  
1919, No. 13, s. 14 (1)  
1922, No. 21, s. 5

Postal packet includes telegram.

Stealing newspapers or other printed paper.

1908, No. 147, s. 93  
1919, No. 13, s. 14 (2)

Stealing money, &c., from or out of postal packet.

1908, No. 147, s. 94

Stealing mail-bags or postal packets, or robbing mails.

*Ibid.*, s. 95

Unlawfully opening mail-bags.

*Ibid.*, s. 96

Receivers of property sent by the post and stolen, &c.

*Ibid.*, s. 97

Post officer issuing money-order with fraudulent intent.

*Ibid.*, s. 98

# **116. (1) Every Post officer who—**

Steals, or for any purpose whatever contrary to his duty secretes or destroys, a postal packet of any description other than that comprised in the next succeeding section—

is liable on indictment to imprisonment with hard labour for any term not exceeding six years; and if such postal packet contains therein any chattel or money whatsoever, or any valuable security, he is liable on indictment to imprisonment for any term not exceeding fourteen years with hard labour.

(2) For the purposes of this section the expression “postal packet” includes a telegram, whether transmitted by post or by telegraph, or otherwise howsoever.

# **117. (1) Every Post officer who—**

Steals, or for any purpose whatever contrary to his duty secretes or destroys, or wilfully detains or delays in course of conveyance or delivery thereof by post, any printed newspaper, or any other printed paper whatever, sent by post without covers or in covers open at the ends or sides—

is liable on indictment to imprisonment for any term not exceeding two years with or without hard labour, or to a fine of fifty pounds, or to both.

(2) No offence punishable under this section shall be punishable under any other of the provisions of this Act.

**118.** Every person who steals from or out of a postal packet any chattel or money or valuable security is liable on indictment to imprisonment for any term not exceeding fourteen years with hard labour.

# **119. Every person who—**

Steals a mail-bag, or a postal packet from a mail-bag, or a postal packet from a post-office, or from a Post officer, or from a mail, or stops a mail, with intent to rob or search the same,—

is liable on indictment to imprisonment for any term not exceeding fourteen years with hard labour.

**120.** Every person who unlawfully opens any mail-bag is liable on indictment to imprisonment for any term not exceeding five years with hard labour.

# **121. Every person who—**

Receives any mail-bag or postal packet, or any chattel or money or valuable security, the stealing or taking or secreting whereof is punishable under this Act with imprisonment or fine, knowing the same to have been stolen, taken, or secreted, or to have been sent or to have been intended to be sent by the post,—

is liable to the like imprisonment or fine, and by the same procedure.

**122. (1)** Every Post officer who grants or issues any money-order or postal note with a fraudulent intent is liable on indictment to imprisonment for any term not exceeding six years with hard labour.

(2) Every Post officer who reissues a money-order or postal note previously paid shall be deemed to have issued the note with a fraudulent intent.



## 123. (1) Every person who—

- (a) Fraudulently retains or wilfully secretes or keeps or detains a postal packet which ought to have been delivered to any other person, or a mail-bag or postal packet which has been sent by post, or, being required by a Post officer to deliver up any such postal packet or mail-bag, whether the same has been found by such person or by any other person, neglects or refuses so to do; or
- (b) Fraudulently states that he posted a postal packet containing money or other valuable enclosure, whereas in fact he did not so post it or posted a packet containing money or other enclosure of less value than the value so fraudulently stated by him to be the value of such enclosure; or
- (c) Fraudulently states contrary to the fact that any postal packet was not received by him; or
- (d) Fraudulently states contrary to the fact that the contents or any portion of the contents of any postal packet posted by or delivered to him have been unlawfully abstracted before delivery—

Fraudulently secreting or detaining mis-delivered mail-bag or postal packet.

1908, No. 147, s. 99  
1919, No. 13, s. 15  
1922 No. 21, s. 5

is liable on indictment to imprisonment for any term not exceeding two years with or without hard labour, or to a fine of fifty pounds, or to both.

(2) For the purposes of this section the expression "postal packet" includes a telegram, whether transmitted by post or by telegraph, or otherwise howsoever.

Postal packet includes telegram.

124. Every person who by means of any false pretence or misstatement induces any Post officer to deliver to him any postal packet sent by post and not addressed to or intended for such person, and every Post officer who knowingly delivers any postal packet to any person not lawfully entitled to receive the same, is liable to a fine not exceeding fifty pounds.

Obtaining postal packet under false pretences.

1908, No. 147, s. 100  
1919, No. 13, s. 16

125. Every Postmaster or Post officer who wilfully neglects or fails to deliver or who wilfully retards the delivery of any mail or postal packet is liable to a fine not exceeding one hundred pounds.

Detention of mail or postal packet by Post officer.

1908, No. 147, s. 101

126. Every person commits an offence and is liable to a fine not exceeding fifty pounds who wilfully obstructs or interferes with any Post officer in the performance of his duties as such.

Wilful obstruction of Post officer in performance of his duties.

1919, No. 13, s. 17

127. Every person is liable on indictment to imprisonment for one year or to a fine of one hundred pounds, or to both such imprisonment and fine, who personates or falsely represents himself to be an officer of the Post and Telegraph Department.

Offence to personate officer of Department.

1922, No. 21, s. 6.

128. Every person commits an offence and is liable to a fine not exceeding fifty pounds who fraudulently marks any postal packet so as to lead any person to believe that such postal packet was posted at a time other than the time when it was in fact posted, or who counsels, procures, aids, abets, or incites any other person so to mark any such packet.

Offence to record on postal packets incorrect time of posting.

1919, No. 13, s. 12.

129. Every person who opens any postal packet not intended for him, or procures or suffers any other person wrongfully to open any postal packet, whether or not the opening of such postal packet constitutes an offence under section one hundred and fourteen hereof, shall be liable on summary conviction to a fine not exceeding fifty

Offence to divulge information obtained by any person from letter or other postal packet opened in error.

Ibid., s. 13

pounds if without good and sufficient cause, the proof whereof shall lie upon him, he divulges to any person any information obtained by him from the contents of such postal packet.

Negligently losing  
postal packet.  
1908, No. 147, s. 102

130. Every person employed in the carrying, conveying, or delivering of any mail or postal packet who negligently loses any such mail or postal packet whilst in his charge, whether the same is or is not afterwards recovered, is liable to a fine not exceeding twenty pounds.

Mail-carriers liable  
for delay.  
Ibid., s. 103

131. Every driver of any carriage or vehicle whatsoever used for the conveyance of a mail, and every person in charge of a mail (whether such mail is conveyed by a carriage or vehicle, or on horseback, or on foot),—

Who loiters on the road or wilfully misspends or loses time so as to retard the arrival of the mail at the proper destination, or does not in all cases, unless prevented by unavoidable circumstances, convey such mail at the speed fixed by the Postmaster-General for the conveyance thereof,—

is liable to a fine not exceeding fifty pounds.

Exhibiting without  
authority post-office  
sign or Royal mail  
emblem.  
Ibid., s. 104

132. Every person is liable to a fine not exceeding fifty pounds who,—

Without the authority of the Postmaster-General or of some person deputed by him in that behalf (the proof of which authority shall rest on the person claiming to act under the same), places or erects, or permits to be placed or erected, or permits to continue after the original authority has been revoked,—

(a) On or near to his house or premises, any sign, placard, writing, or painting bearing the words "Post Office," or "Post Office Letter-box," or "Telegraph Office," or "Telephone Office," or "Toll Station," or any other words or mark which may imply or give reasonable cause to believe such house or premises to be a post-office, or telegraph-office, or telephone-office; or

(b) On any coach, carriage, vehicle, or vessel, or attached thereto, any sign, placard, writing, or painting, or flag bearing the words "Royal Mail," or any other words or mark which may imply or give reasonable cause to believe such coach, carriage, vehicle, or vessel to be for the time being under engagement for the carriage of mails.

Affixing notice, &c.,  
on or disfiguring  
post-office, &c.  
Ibid., s. 105

133. Every person is liable to a fine not exceeding twenty pounds who, without due authority, affixes or attempts to affix any placard, advertisement, notice, list, document, board, or thing on, or to paint or disfigure, any post-office, or any post-office letter-box or pillar box, or any telephone or telegraph office or post, or any other real or personal property whatsoever belonging to or used by or on behalf of His Majesty or the Postmaster-General for the purposes of this Act.

Imitation of  
post-office  
envelopes, forms,  
stamps, or marks.  
Ibid., s. 106.

134. Every person is liable to a fine not exceeding fifty pounds who, without due authority,—

(a) Makes, issues, or sends by post or otherwise any envelope, wrapper, card, form, or paper in imitation of one issued under the authority of this Act or of any postal authority, or having thereon any words, letters, or marks which signify or imply, or may reasonably lead the recipient to believe,

that a postal packet bearing the same is sent on His Majesty's service ; or

- (b) Makes on any envelope, wrapper, card, form, or paper, for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of, or similar to, or purporting to be any stamp or mark of any post-office under this Act or under any postal authority, or any words, letters, or marks which signify or imply, or may reasonably lead the recipient thereof to believe, that a postal packet bearing the same is sent on His Majesty's service ; or
- (c) Issues or sends by post or otherwise any envelope, wrapper, card, form, or paper so marked.

135. Every Post officer who—

Offends against or wilfully neglects or omits to comply with any of the provisions of this Division of this Act, in respect of which no penalty is elsewhere specifically provided in this Act,—

Penalty where no other penalty provided.  
1908, No. 147, s. 107

is liable to a fine not exceeding one hundred pounds.

136. Every person who—

- (a) Solicits or endeavours to procure any other person to commit any offence under this Division of this Act ; or
- (b) Aids, abets, counsels, or procures the commission of an offence under this Division of this Act ; or
- (c) Employs or authorizes any other person to do anything the doing whereof is an offence under this Division of this Act—

Endeavouring to procure commission of an offence.  
Ibid., s. 108  
Abettors of offences.

is liable to the like fine and punishment as by this Act is attached to such offence, and by the same procedure.

137. Nothing in this Division of this Act shall be construed to exempt any person from any proceeding for any offence which is punishable by any other Act, provided that he is not punished twice in respect of the same offence.

Saving of power to proceed under any other law.  
Ibid., s. 109

138. In any indictment, information, or complaint against any person for any offence against this Division of this Act and on the trial thereof it shall be sufficient—

Provisions regulating proceedings in respect of offences.  
Ibid., s. 110

- (a) To lay any property in the Postmaster-General's name without alleging or proving it to be of any value :
- (b) To allege that any act, matter, or thing was done or committed with intent to injure or defraud the Postmaster-General :
- (c) To name and describe the Postmaster-General as His Majesty's Postmaster-General for New Zealand, without any further or other name, addition, or description whatsoever :
- (d) To allege (if the offender is a Post officer) that he was employed in the postal service of New Zealand at the time of committing the offence, without stating further the nature or particulars of his employment.

## PART VII.

### MISCELLANEOUS PROVISIONS.

139. The Postmaster-General may from time to time cause post-office pillar boxes to be erected and maintained in any road or street, reserve or public place, under the jurisdiction of any local authority.

Pillar boxes.  
Ibid., s. 111

No claim to lie  
against His  
Majesty for loss of  
postal packet, &c.  
1908, No. 147, s. 112

No claim against  
Postmaster-General.  
Ibid., s. 112 (2) (3)

No personal  
liability on  
Postmaster-General.

Limitation of  
actions.  
Ibid., s. 113

Limitation of  
summary  
proceedings.  
Ibid., s. 114

How fines  
recoverable.  
Ibid., s. 115

Rewards for activity  
in procuring  
conviction.

Regulations to be  
gazetted and laid  
before Parliament.  
Ibid., s. 118

140. No claim or demand against His Majesty or the Postmaster-General shall arise by reason of any default, delay, omission, or loss in relation to any postal packet posted or received under this Division of this Act.

141. (1) No claim or demand against the Postmaster-General or any Post officer shall arise by reason of anything lawfully done by him under this Division of this Act.

(2) The Postmaster-General shall incur no personal liability under any contract or arrangement entered into by him under this Division of this Act; and all the rights and liabilities under any such contract or arrangement shall vest in and devolve upon the Postmaster-General for the time being, who may sue and be sued in respect thereof in his official name.

142. (1) No action shall lie against any person for anything done in pursuance of this Division of this Act unless the action is commenced within six months after the cause of action arose, nor unless notice in writing of the action and of the cause thereof is given to the defendant one month at least before the commencement of the action.

(2) In any such action the defendant may give this Act and any special matter in evidence for the defence, and the plaintiff shall not recover if the defendant tenders sufficient amends before the commencement of the action, or pays the same into Court at any time thereafter:

Provided that if the defendant pays into Court as aforesaid the plaintiff shall unless the Court otherwise directs be entitled to costs up to the time of such payment.

(3) If the plaintiff does not succeed in his action, or fails to recover more than is paid into Court, the defendant shall (subject to the last preceding subsection) be entitled to full costs as between solicitor and client.

143. Notwithstanding anything in the Justices of the Peace Act, 1927, or any other Act, any information or complaint to be heard in a summary manner in respect of any offence under this Division of this Act may be laid at any time within three years next after the date of the offence.

144. (1) Except in the case of indictment, all fines imposed by this Division of this Act or by regulations thereunder shall be recoverable in a summary way.

(2) In all cases in which any fine is paid under this Division of this Act the Governor-General may, when any person appears to have been active in or towards the procuring of the conviction, award to such person such portion of such fine, not exceeding in the whole one-half thereof, as the Governor-General thinks fit.

145. (1) All regulations made under this Division of this Act shall be gazetted, and a copy thereof shall within fourteen days after the gazetting thereof be laid before Parliament if sitting or if not then within fourteen days after the commencement of the next ensuing session.

(2) Except where otherwise specifically provided by this Division of this Act, such regulations may impose any fine not exceeding fifty pounds for any breach thereof.

**DIVISION II: ELECTRIC LINES.**

**REFER:** Sec. 319 (4) 1928 No. 21: Division II not to apply to Electric Lines under P.W. Act.

**REFER:** Sec. 4 1921 No. 39: Local Authty may arrge with Govt. to erect country telephone lines in manner pvded hereunder.

## DIVISION II.

## ELECTRIC LINES.

146. In this Division of this Act, if not inconsistent with the context,—

Interpretation.

1908, No. 147, s. 119

1910, No. 36, s. 9

1919, No. 13, s. 20

“Electricity” includes electric current or any like agency :

“Electric line” or “line” means a wire or wires, conductor, or other means used for conveying, transmitting, or distributing electricity for the purpose of communication by telegraph or telephone, or for any other purpose authorized under this Division of this Act ; together with any casing, coating, tubing, pipe-covering, insulator, or post enclosing, surrounding, or supporting the same, and any works as herein defined ; and includes any portion of an electric line as herein defined :

“Local authority” has the same meaning as is given thereto in the Public Works Act, 1908 :

“Minister” means the Minister of Telegraphs under this Act, and includes any officer or other person acting under his authority or by his direction :

“Post” means and includes a post, pole, standard, stay, strut, pier, abutment, or other above-ground contrivance for carrying, suspending, or supporting an electric line :

“Regulations” means regulations made under this Division of this Act, and except where otherwise provided means regulations made by the Governor-General in Council :

“Road” means any highway or any public or private road, street, square, court, alley, thoroughfare, or passage, and any railway or tramway :

“Secretary” means the Secretary of the Post and Telegraph Department :

“Telegram” means any despatch, message, or other communication conveyed or transmitted, or presented at a telegraph-office for transmission, by an electric line, or by any other means in which electricity is used, including wireless telegraphy :

“Telegraph” means an electric line or any other apparatus used for the purpose of telegraphic communication :

“Telegraph-office” means any office or place in New Zealand at which telegrams are received from or transmitted to any place whether within or beyond New Zealand, and includes a telephone exchange or toll station :

“Telegraph officer” means any person employed, whether permanently or temporarily, in the Telegraph Branch of the Post and Telegraph Department :

“Works” means any wire, insulator, or post, and also any instrument, furniture, plant, office, building, machinery, engine, excavation, work, matter, or thing, of whatever description or in any way connected with any electric line.

Telegraph officers to make declaration before entering on duties of office.

1919, No. 13, s. 21  
1920, No. 24, s. 3 (2)

147. (1) Every Telegraph officer appointed after the passing of this Act shall before entering on the duties of his office make and subscribe before a person authorized to take statutory declarations, or before any Post officer or Telegraph officer specially authorized by the Governor-General to take declarations for the purposes of this section, a declaration in the form in the Third Schedule hereto.

(2) Every Telegraph officer in office at the time of the passing of this Act may be required by the Minister of Telegraphs to make a declaration in the form in the Third Schedule hereto.

#### PART VIII.

#### CONSTRUCTION AND REGULATION OF ELECTRIC LINES.

##### *Telegraphs.*

All electric lines to be subject to Act.

1908, No. 147, s. 120

148. Every electric line constructed before the coming into operation of this Act and now in operation for the purposes of communication by telegraph or telephone shall be subject to the provisions of this Act and of any regulations in force thereunder.

Postmaster-General to be Minister.

Ibid., s. 121  
1910, No. 36, s. 9  
1918, No. 7, s. 6

149. (1) The Minister holding the office of Postmaster-General shall without further appointment be deemed to be the Minister of Telegraphs, and as such shall have the administration of this Division of this Act.

Appointment of officers.

(2) There may from time to time be appointed all such officers, clerks, and other persons as are requisite for the purposes of this Division of this Act.

Lines to be constructed under Public Works Act.

1908, No. 147, s. 122

150. All works authorized by or under this Division of this Act to be constructed by the Governor-General or the Minister of Public Works, and for which appropriation is made by Parliament, shall be constructed under the provisions of the Public Works Act, 1908, subject to any particular provisions contained in this Division of this Act.

Governor-General may establish electric lines, enter into contracts for repair of submarine lines, and may purchase lines and plant.

Ibid., s. 123

151. (1) The Governor-General may from time to time—

(a) Establish and maintain electric lines throughout New Zealand for the purpose of communication by telegraph or telephone, or for any other purpose authorized by or under this Division of this Act; and

(b) Enter into any contract or contracts for the purposes aforesaid, or for constructing, placing, laying down, fixing, and keeping or maintaining in efficient repair any electric line or lines of communication across or under Cook Strait, or across or under any other waters within the limits of New Zealand, to connect with other electric lines therein; or for the purchase of electric lines, and such works as are necessary for the operation of such electric lines.

(2) Every such contract shall be entered into in the name of His Majesty, and may be executed by the Governor-General on his behalf, and may be varied and discharged in the same manner.

Wellington Corporation to be liable for damage to cables by discharge of sewage into or near Lyall Bay.

Ibid., s. 124

152. (1) Notwithstanding anything contained in the Wellington City Sanitation Loan Empowering Act, 1892, the Corporation of the City of Wellington shall be liable to His Majesty the King for all damage which may at any time be proved to be done to any submarine telegraph cable now lying in Lyall Bay, in Cook Strait, or which may hereafter

be laid in the said bay by or on behalf of His Majesty, by, through, or in consequence of the discharge of the sewage and drainage of the City of Wellington into or in the vicinity of the said bay.

(2) The amount of such damage, together with the cost of raising, repairing, or renewing and replacing any such cable as aforesaid, may be recovered from the said Corporation as a debt due to the King.

153. For any of the purposes of this Division of this Act the Minister of Public Works—

Lands and easements may be taken or purchased. 1908, No. 147, s. 125

- (a) May appropriate and set apart any lands of the Crown, and thereon, or on any such lands reserved for that purpose, or on any lands taken, purchased, or acquired under this Division of this Act, may erect or construct any works required for any electric line or for the alteration or maintenance thereof:
- (b) May, in the name and on behalf of His Majesty, take, purchase, acquire, and hold such other lands, or any estate, right, interest, or easement therein, as may be found requisite for all or any of the purposes aforesaid:
- (c) May agree with the owner of any land for the purchase of any right, interest, or easement in or upon any land, and the terms upon which such right or interest may be used or exercised or such easement enjoyed:
- (d) May accept any such right, interest, or easement as aforesaid without payment of compensation, or may acquire the same for any nominal sum.

154. The Minister of Public Works may from time to time, by himself or his agents, enter on any Crown lands or private land for the purpose of constructing, placing, or maintaining any electric line, or of examining, repairing, altering, or removing any line so placed, and may there remain for such reasonable time and execute and do all such works and things as may be necessary or convenient for the purposes of this Division of this Act: and—

Entry on lands for construction of electric lines. Ibid., s. 126

- (a) May survey and take levels of any such land or any part thereof, and also dig, cut, remove, and carry away any earth, stone, soil, sand, and gravel whatsoever, and any trees or timber suitable for the construction, maintenance, or alteration of any such line or any part thereof, or any other works belonging to or appertaining to any such line or connected therewith:
- (b) May cut and remove, for any space not exceeding in any case the space of sixty-six feet on each side of any proposed line and any existing line constructed under any Act heretofore in force, all such trees and underwood as may interfere or be likely to interfere with the construction or with the proper working of any line:
- (c) Where any such line is constructed in any place where, from the mountainous or hilly nature of the country, it appears desirable may extend such clearing for a further space, but so that the same shall not extend more than three chains from the line or proposed line:
- (d) For the purpose of obtaining access to any line may in manner hereinafter provided enter into an agreement with the owner

or occupier of any land for the erection of any gate or gates on land adjoining such line ; and when any agreement is so made may erect and maintain such gates for the use of himself and of his officers, and all others by his permission, for the purpose of obtaining access to such line :

(e) May construct, place, and maintain lines—

(i) Under, in, on, over, along, or across any land or building, or any railway, tramway, river, or canal, or any bridge, railway, or river embankment, dock, harbour, or pier, or any estuary or branch of the sea, or the shore or bed of any tidal or other water ; or

(ii) In, on, along, over, or across, or under any road, street, or other highway ; and for any of such purposes may open or break up any road, and alter the position thereunder of any pipe (not being a main) for the supply of water or gas ;

and may alter or remove the same or any part thereof.

155. Where the Minister of Public Works places any electric line—

(a) Across or over any road, he shall not place it so low as to stop, hinder, or interfere with the passage for any purpose whatsoever along the road :

Provided that no stoppage, hindrance, or interference shall be deemed to be caused if the line is placed at a height of not less than eighteen feet above the crown of the road :

(b) Over or under any navigable waters, he shall place such line in such manner as not to hinder or obstruct the navigation of such waters :

and in maintaining, repairing, altering, or removing any such line no unnecessary or avoidable obstruction shall be caused to the traffic along or to the use of any road or navigable waters.

156. Except as hereinafter provided, the Minister of Public Works or his agents shall not enter on any land not being Crown lands for the purpose of constructing any line except by day, nor, unless with the consent in writing of the owner or occupier of such land or his authorized agent, until after one week's notice to such owner or occupier or agent of the intention to construct such line on such land.

157. (1) If the owner or occupier of any land cannot after reasonable inquiry be found, then it shall be sufficient if the Minister of Public Works causes one week's notice in writing of his intention to enter on such land or any part thereof for the purposes of this Division of this Act to be published in some newspaper circulating in the district where such land is situated, and to be posted in some conspicuous place on the ground so proposed to be taken as aforesaid.

(2) After the expiration of the time mentioned in such notice the Minister of Public Works or his agents may exercise all the powers hereby vested in him as effectually as if notice had been served on the owner or occupier of such land or his authorized agent.

158. The Minister of Public Works or any officer or other person employed under this Division of this Act may at all reasonable times enter on any land whatsoever, without giving any notice, for the

Lines to be constructed so as not to interrupt public traffic.

1908, No. 147, s. 127  
1913, No. 44, s. 6

Entry not to be made on land without notice.

1908, No. 147, s. 128

Service of notice on owners of land.

*Ibid.*, s. 129

For repairs, entry without notice.

*Ibid.*, s. 130.

purpose of inspecting, repairing, or altering any line wholly or in part constructed, or any part of such line.

159. In the exercise of the foregoing powers the Minister of Public Works or his agents shall do as little damage as may be; and every person having any estate or interest in lands taken for the purposes of this Division of this Act, or injuriously affected thereby, or suffering any damage from the exercise of the said powers, shall be entitled to full compensation for the same, to be ascertained in manner provided by the Public Works Act, 1908, unless such act or thing is done with the consent of such person, in which case no compensation shall be made.

Compensation.

1908, No. 147, s. 131

160. (1) The Governor-General may from time to time on behalf of His Majesty enter into contracts with any person—

Private lines.

Ibid., s. 132.

(a) For the construction and maintenance of an electric line on condition that part of the expense of construction, working, and maintenance thereof is contributed by such person either alone or in association with any other person, or that His Majesty is indemnified for any loss that may be incurred in such construction, working, or maintenance:

(b) For the construction and maintenance of an electric line for the use and convenience of any private person for such payment or remuneration to the Minister of Telegraphs on behalf of His Majesty, and on such terms and conditions as to the management, control, and working of such line as may be agreed on.

(2) All the provisions of this Division of this Act and any regulations for the time being in force thereunder shall extend and apply to any works undertaken in pursuance of any such contract, and to the telegrams or communications sent or received upon any line constructed or maintained thereunder; but in the case of any line constructed or maintained for the use of any private person the contract may provide that the provisions of this Division or any such regulations may be negated or modified in such manner as the Minister of Telegraphs thinks expedient.

161. (1) In this section—

Interpretation.

1910, No. 36, s. 2

“Telegraph-station” means any station or place in New Zealand at which telegraphic messages are received from or transmitted to any place outside New Zealand, and includes all cables or wires connected with that station, and all things necessary for the efficient working thereof:

“Telegraphic message” includes telephonic messages, and also includes not only messages transmitted by electric wires or cables but also those transmitted by wireless telegraphy or telephony.

(2) In time of war or at any time when in the opinion of the Governor-General war is reasonably to be apprehended the Governor-General may assume and for any length of time retain possession of any telegraph-station, and may for the same time require the exclusive service of the operators and other persons employed at that station.

Governor-General may take and retain possession of telegraph-stations in times of war or danger of war.

(3) The company or persons owning or occupying that station shall give up possession thereof; and the operators and other persons so employed shall, during the time of such possession, diligently and

faithfully obey such orders and transmit and receive such messages as they are required to transmit and receive by any duly authorized officer of the Crown.

(4) Every person who violates any of the provisions of this section is liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for any period not exceeding three months.

(5) Where the possession of any telegraph-station is assumed as aforesaid the company or persons owning or occupying the same shall be entitled to compensation from the Crown for all loss or damage thereby sustained.

(6) The Governor-General may from time to time by Order in Council make such regulations as he thinks necessary for the effective regulation, control, or prohibition of telegraphic messages in time of war or when in the opinion of the Governor-General war is reasonably to be apprehended.

(7) Every person who commits a breach of any such regulation shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for any period not exceeding three months.

#### *Messages by Telegraph.*

162. (1) The Governor-General may from time to time, by Order in Council gazetted, make regulations for the following purposes:—

- (a) The management, working, and maintenance of any telegraph, and the conduct and employment of any officers or persons engaged in connection therewith:
- (b) The transmission of all telegrams by means of any electric line, and for the delivery thereof, and for the disposal of all unclaimed or undelivered telegrams:
- (c) Prohibiting the transmission of telegrams of a nature or character to be defined by such regulations, and authorizing officers of the Post and Telegraph Department to determine in the case of any telegram whether such telegram is within the definition of any such prohibited class:
- (d) Fixing and determining the fees and rates to be demanded and received for the transmission of such telegrams, and for the forwarding thereof for delivery respectively, and the modes and times of payment, and by and from whom such fees and rates may be legally recovered:
- (e) For the destruction of all original and office copies of telegrams received or kept in any office under the charge or control of the Minister after the expiration of such period of time as may be deemed expedient:

(2) Such regulations when gazetted shall have the force of law, and a copy thereof shall within fourteen days thereafter be laid before Parliament if sitting, or if not, then within fourteen days after the commencement of the next ensuing session.

163. The powers to make regulations conferred by the last preceding section shall include, and be deemed at all times heretofore to have included, power to make regulations for any or all of the following matters:—

- (a) The inspection of the original of any telegram or of an office copy of any telegram by the person to whom such

Governor-General may make regulations as to management of telegraphs.

1908, No. 147, s. 133  
1913, No. 44, s. 7

Regulations on gazetting to have force of law.

Regulations as to the inspection of telegrams by authorized persons.

1924, No. 19, s. 4

Sec. 170.

1. Production of telegrams in evdce—See the cases:  
R. v. HASSALL: 23 N.Z.L.R. 776; 6 G.L.R. 319.  
R. v. LAWRENCE: 25 N.Z.L.R. 129; 7 G.L.R. 559.  
STEVENSON v. STEVENSON: 8 G.L.R. 692.

170. Where a person is charged with a crime, and it is proved that he has communicated with another person by means of a telegram, the production of the telegram in evidence is compulsory. The production of the telegram in evidence is compulsory, whether the telegram is in the possession of the person charged, or whether it is in the possession of another person. The production of the telegram in evidence is compulsory, whether the telegram is in the possession of the person charged, or whether it is in the possession of another person. The production of the telegram in evidence is compulsory, whether the telegram is in the possession of the person charged, or whether it is in the possession of another person.

telegram is addressed, or by the person by whom or in whose name it is sent, or by the authorized agent of any such person :

(b) The furnishing of certified copies of any telegram to any person entitled to inspect the original or an office copy thereof :

(c) Fixing fees to be paid on the inspection of any telegram or for a certified copy of any telegram.

164. (1) All telegrams relating to matters affecting the Government or the Public Service of New Zealand presented for transmission by or on behalf of the Governor-General, or any member of the Executive Council, or the Speaker or Chairman of Committees of either House of the General Assembly, or any Judge of the Supreme Court, or by any officer in the Public Service duly authorized to transmit such telegrams, and all telegrams relative to the arrest of criminals or accused persons, the discovery or prevention of crime, or matters connected with the administration of justice, may be transmitted in priority to any other telegram.

Precedence of telegrams.

1908, No. 147, s. 134

(2) Subject as last aforesaid, it shall be the duty of the Minister and of all officers or other persons employed in the working of any electric line to transmit all telegrams which may be lawfully transmitted under this Act or any regulations for the time being in force thereunder in the order in which they may be received, and every officer or person who offends against this provision is liable to a fine of not less than one pound nor exceeding twenty pounds.

Telegrams to be sent in order as received.

165. In case of interruption or partial interruption to the electric lines all telegrams received for transmission for or on account of the public press may, between such hours as is fixed by the Minister, be transmitted in precedence of all private telegrams without reference to the order in which they were originally received for transmission at the office of origin ; but such precedence shall not be permitted except by the authority of the Secretary, or some other officer duly authorized in that behalf, and unless in his opinion the actual delivery of such private telegrams would not thereby be delayed.

Exception as to press telegrams.

Ibid., s. 135

1910, No. 36, s. 9

166. Except for the purposes mentioned in subsection one of section one hundred and sixty-four hereof, or unless otherwise directed by any regulation, no person shall be bound to transmit any telegram unless the fee or rate for transmission and delivery of such telegram, if demanded, has been previously paid.

Fees to be paid before sending of telegrams.

1908, No. 147, s. 136

167. In case of refusal or neglect of payment of any fee or rate authorized to be charged or received by or under this Division of this Act, or any part of any such fee or rate, on demand, to the person appointed or authorized to receive the same, such person may sue for and recover the same in any Court of competent jurisdiction in his own name.

Recovery of fees, &c.

Ibid., s. 137

168. Every person commits an offence and is liable to a fine not exceeding fifty pounds who fraudulently marks any telegram so as to lead any person to believe that such telegram was received for transmission or delivery, or was transmitted or delivered, at a time other than the time when it was in fact so received, transmitted, or

Offence to record on telegrams incorrect time of receipt, transmission, or delivery.

1919, No. 13, s. 22

1. "Privileged Communication": MURDOCH v. MEREDITH: 1918 G.L.R. 181.

See the case: R. v. HASSALL; 23 N.Z.L.R. 776: 6 G.L.R. 319.

delivered, or who counsels, procures, aids, abets, or incites any other person so to mark any such telegram.

Indemnity to His Majesty.  
1908, No. 147, s. 138

169. No claim or demand against His Majesty shall arise by reason of errors, omissions, or delays in the transmission of telegrams, nor for delays in the delivery nor for the non-delivery of any telegram, nor for omitting to send or receive any telegram, from whatever cause the errors, omissions, delays or non-delivery, may arise.

*Production of Telegrams in Evidence, &c.*

Telegrams not to be produced in evidence.  
Ibid., s. 139

170. Except as hereinafter provided, no officer or other person employed in or about the working of any telegraph shall on the trial of any issue, whether civil or criminal, or of any matter or question, or on any inquiry in any Court of justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence, be competent or compellable to give evidence of the contents of any telegram transmitted or conveyed or presented to be transmitted or conveyed by any such telegraph, nor to produce under any writ of subpoena, summons, or order the original of any such telegram signed by or on behalf of the sender.

Unless with consent, or in the case of certain crimes.  
Ibid., s. 140  
1910, No. 36, ss. 5, 9

171. The provisions of the last preceding section shall not apply—

- (a) If the person by or to whom any such telegram as aforesaid has been sent or addressed notifies to the Minister or the Secretary in writing that he desires that any such officer or other person aforesaid may give such evidence or make such production as aforesaid; or
- (b) To the case of any proceedings in respect of any offence, whether punishable on indictment or otherwise, if the Minister is satisfied that such evidence or production is necessary or expedient in the interests of justice, and in writing directs accordingly.

Transcript of telegram admissible as evidence.  
1908, No. 147, s. 141  
1919, No. 13, s. 23  
1922, No. 21, s. 12

172. (1) The transcript of every telegram after transmission or a duplicate of such transcript shall before the delivery thereof to the person to whom the same is addressed be stamped or initialled by the officer receiving the same for delivery.

(2) Such transcript or duplicate purporting to have been so stamped or initialled shall be admissible in every Court of justice and in every judicial or Ministerial examination or proceeding as *prima facie* evidence of the matter therein contained being the same as that stated in the original telegram left for transmission, and of such original telegram having been duly signed and delivered for transmission by the person by whom the same purports to be signed.

(3) It shall not be necessary to prove the signature of the person purporting to have signed such original telegram, or that the same was left at any telegraph-office for transmission, nor to prove the stamp or initials of the officer receiving such transcript for delivery.

Officer not responsible for transmitting libels.  
1908, No. 147, s. 142

173. No officer or other person employed in or about the working of any telegraph shall be liable to any indictment, information, or other criminal proceedings, or to any action for damages, by reason of his having as such officer or other person transmitted or conveyed or taken part in transmitting or conveying by any such telegraph any defamatory libel.

174. Any communication transmitted by any telegraph, which would be deemed a privileged communication if published only to the person to whom it is addressed, shall not be deemed to have been maliciously published by reason merely of its having been published to any officer or other person employed as aforesaid for the purpose of being transmitted by such telegraph to the person to whom it is addressed.

Privileged communications conveyed by telegraph not to be deemed maliciously published.

1908, No. 147, s. 143

175. (1) On any inquiry before any Committee either of the Legislative Council or of the House of Representatives, or any Joint Committee of such Council and House, or before any Commission duly appointed by the Governor-General in Council or the Governor-General touching the divulging of the contents of any telegram or the publication of any telegram improperly divulged, every person who is examined as a witness and gives evidence on such inquiry, and who thereon makes a true discovery to the best of his knowledge touching all things on which he is so examined, shall be free from all penal actions, forfeitures, punishments, disabilities, and criminal prosecutions to which he may have been or become liable at the suit of His Majesty or any other person for anything done by such person in or about the divulging of any telegram which is the subject of such inquiry or connected therewith.

Witness before Committee of either House or Royal Commission free from penal actions if he make full disclosures.

Ibid., s. 144

(2) No person shall be excused from answering any question put to him by such Committee, Joint Committee, or Commission on the ground of privilege or on the ground that the answer to such question may criminate or tend to criminate him.

176. (1) When any such witness is so examined he shall not be indemnified under this Act unless he receives from the Chairman of such Committee, Joint Committee, or Commission a certificate in writing stating that such witness appears to have made full disclosure touching all things whereon he has been examined.

Chairman may give him certificate of indemnity.

Ibid., s. 145

(2) The production in any Court of law of such certificate shall be a full bar to any action or prosecution against such witness for any act in or about the divulging of any telegram which is the subject of the inquiry revealed by the evidence of such witness; and the Court in which such action or prosecution is brought may award to such witness such costs as he may have been put to by such action or prosecution.

177. (1) Any officer or other person employed in the working of any telegraph who improperly divulges in whole or in part the contents of any telegram transmitted or presented for transmission by any such telegraph, or the purport of such telegram, is liable to a fine not exceeding one hundred pounds or to imprisonment with hard labour for any period not exceeding six months.

Improperly divulging messages.

Ibid., s. 146

1919, No. 13, s. 24

(2) Nothing herein shall prevent the person duly authorized in that behalf from giving copies of any telegram to the person entitled thereto.

178. Every person is liable to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding one year, or to both fine and imprisonment, who—

Sending false telegram.

1908, No. 147, s. 147

(a) Wilfully sends or delivers or causes to be sent or delivered to any public officer, operator, clerk, or servant, for the purpose of being transmitted as a telegraphic message, any telegram or writing which purports to be signed or sent by any other

person, the same being so signed or sent without such person's authority ; or

- (b) Wrongfully signs any telegram with the name of any other person without such person's authority, or with the name of some fictitious person ; or
- (c) Wilfully and without the authority of the sender alters any such telegram or writing.

#### *Service of Notices by Telegraph.*

Notice defined.

1908, No. 147, s. 148

179. The term "notice" when used in this and the five next succeeding sections means any notice or other document which by law or the agreement of parties is required to be served on any person, or at his house or place of abode or business, in order that such person may be affected thereby.

Regulations as to mode of service.

Ibid., s. 149

180. (1) The Governor-General may from time to time, by Order in Council gazetted, make regulations—

- (a) Prescribing and defining classes and kinds of notices or other documents which shall be included within the said term "notice," and thereupon the said term shall be deemed to include all notices and documents falling within such classes and kinds so defined and prescribed as if the same were in this section expressly mentioned as so included, and shall include none other :
- (b) Providing for the service of such notices by the service of telegraphic copies of such notices, and prescribing the manner in which the service of such copies shall be made, and for certifying by telegraph officers that such service has been effected, and the manner of such service and the time thereof :
- (c) Prescribing the fees to be paid, in addition to the ordinary telegraph fees or rates for the service of such notices, and for certificates and other matters to be done in relation thereto.

(2) A copy of the *Gazette* containing any regulation purporting to be made hereunder shall be proof of such regulation.

Notices may be served by telegraph officers.

Ibid., s. 150

181. Any person who desires to serve within New Zealand any notice upon another, or at the place of abode or business of another, may do so by depositing such notice with any telegraph officer at any of the telegraph-offices in New Zealand in the manner prescribed by or under this Act and requesting that the same may be served by a telegraph officer under this Act.

Evidence of service effected.

Ibid., s. 151

182. A certificate purporting to be signed by any such officer in the manner prescribed by or under this Act and endorsed on the original notice deposited as aforesaid shall be received in and before all Courts and other tribunals, and on all occasions and for all purposes, as evidence that such service of a telegraphic copy of such original notice has been effected and of the time and manner thereof.

*Gazette* notice evidence of authority to certify.

Ibid., s. 152

183. If the name and address of the officer purporting to sign any such certificate correspond with the name and address of a person specified in any notice published in the *Gazette*, purporting to be signed by the Minister, and declaring that the persons named therein are authorized to sign such certificate as aforesaid, the production of a copy of such *Gazette* with such notice therein shall be evidence that the person purporting to sign such certificate is authorized to do so.

184. A telegraphic copy of a notice served in the manner prescribed by or under this Act on a person, or at his place of abode, or at his place of business, shall have the same force and effect as if the original notice were served on such person personally or at his place of abode or place of business, as the case may be.

Service of telegraphic copy of notice to have effect of service of original. 1908, No. 147, s. 153

## PART IX.

### TELEGRAPH COPYRIGHT.

185. (1) Where any person in the manner hereinafter mentioned publishes in any newspaper or other printed paper published in New Zealand any telegram lawfully received by such person from any place outside New Zealand for publication, no other person shall without the consent in writing of such first-mentioned person or his agent thereto lawfully authorized print or publish, or cause to be printed or published, such telegram or the substance thereof or any extract therefrom until after the period of eighteen hours from such first-mentioned publication.

Telegrams, in certain cases, protected for eighteen hours after publication. Ibid., s. 154

(2) Such period shall not extend beyond twenty-four hours, or, if Sunday intervenes, beyond forty-eight hours, from the time of receipt of such telegram; and the publication of the whole or any part of such telegram, or of the substance thereof, or (excepting the publication of any similar telegram in like manner sent from the same place) of the intelligence therein contained shall be deemed to be a publication of the same.

(3) For the purposes of this section the time of publication of morning newspapers shall be deemed to be eight o'clock in the forenoon, and the time of publication of evening newspapers shall be deemed to be five o'clock in the afternoon.

Time of publication.

186. The simultaneous publication of the same telegram in two or more newspapers shall not be deemed to authorize the republication of the same in any other newspaper without the consent in writing of one of the original receivers as hereinbefore provided, or in case such telegram has been furnished to such papers by any company or association, and has printed above it words showing that it has been so supplied, then the written consent of such company or association.

Simultaneous publication in two or more papers not to give right to copy without permission. Ibid., s. 155

187. Every telegram published under the protection of this Part of this Act shall be printed with the heading "By Electric Telegraph. —Copyright," and shall bear the date and hour of its receipt, and such statement shall be *prima facie* evidence of the time of receipt of such telegram.

Protected telegrams to be distinguished. Ibid., s. 156

188. Every person who wilfully prints and publishes any matter contrary to this Part of this Act is liable to a fine of not less than one pound and not exceeding five pounds for a first offence, and to a fine of not less than five pounds and not exceeding twenty pounds for any subsequent offence:

Printing or publishing telegrams contrary to Act. Ibid., s. 157

Provided that any proceedings under this Part of this Act shall be commenced within one month after the date of the commission of the alleged offence.

Limitation.

Proof of receipt  
and of wrongful  
publication.  
1908, No. 147, s. 158

189. In any prosecution under this Part of this Act the production of any document which purports to be a telegram, and which contains the intelligence published in the newspapers as aforesaid, and which has been delivered to some person entitled to receive the same by the proper officer of the Department, shall be *prima facie* evidence that the telegram published as hereinbefore described in any newspaper is a telegram within the meaning of this Part of this Act; and proof that any person is, or is acting or appears to be acting as, editor, sub-editor, or manager of any newspaper in which there has been any publication contrary to this Part of this Act shall be *prima facie* evidence that such person has wilfully caused such wrongful publication.

## PART X.

### TELEPHONES.

Governor-General  
may establish  
telephone-lines.  
Ibid., s. 159

190. The Governor-General may from time to time establish electric lines of communication by telephone in any part of New Zealand.

Telephones to be  
subject to this Act.  
Ibid., s. 160

191. All powers, duties, and authorities contained in or exercisable under Part VIII of this Division of this Act in relation to the construction and maintenance of electric lines of communication by telegraph and the regulation thereof, and all other powers and authorities therein contained, shall, so far as applicable, with the necessary modifications, extend and apply to electric lines of communication by telephone; and all other provisions of this Division of this Act, so far as applicable, shall apply to such last-mentioned lines when constructed or being constructed.

Telephone cabinets.  
1913, No. 44, s. 11

192. The Minister may construct and maintain on any road or street such telephone cabinets as he thinks fit:

Provided that no telephone cabinet shall be placed on any road or street in such a position as to interfere with the ordinary traffic thereon, and that one week's notice of the intention to construct any such telephone cabinet shall be given to the local authority having control of the road or street.

Offence of  
defrauding revenue  
by means of  
improper use of  
telephones.  
1924, No. 19, s. 2

193. Every person is liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year who wilfully makes any false statement in respect of the use of a telephone under the control or management of the Minister with intent to defraud the revenue of the Post and Telegraph Department, or who with intent to defraud such revenue uses in the operation of any telephone for the use of which payment is required to be made at the time of use by means of a coin or coins any thing, whether a coin or not, other than a coin or coins of the value fixed in respect of the use of that telephone.

Misuse of telephone.  
1913, No. 44, s. 8 (2)  
1922, No. 21, s. 10

194. Every person is liable to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding one year who—

- (a) Wilfully makes any false statement when using a telephone under the control or management of the Minister with intent that some other person should act on such false statement to his substantial detriment; or

- (b) Wilfully interferes or attempts to interfere with the working or operation of any telephone or portion of any telephone-system under the control or management of the Minister.

195. (1) Every person who erects, constructs, establishes, or maintains any electric line of communication by telephone or telegraph otherwise than pursuant to a license issued in accordance with regulations under this section commits an offence and is liable to a fine of twenty pounds, and to a further fine of five pounds for every day during which such offence continues.

Use of private telephone-lines prohibited, save pursuant to license. 1919, No. 13, s. 29

(2) The Governor-General may from time to time by Order in Council make regulations—

- (a) Prescribing the form of licenses to be issued under this section, the conditions subject to which such licenses may be issued or revoked, and the fees payable in respect thereof;
- (b) Providing for the removal of any electric line erected or maintained in breach of this section, or for the removal of any such line in respect of which a license under this section has been revoked; and
- (c) Prescribing fines, not exceeding twenty pounds in any case, for the breach of any such regulation or of the terms of any license.

(3) Nothing in this section shall apply to any lines of communication by telephone or telegraph erected before the fifth day of November, nineteen hundred and nineteen (being the date of the passing of the Post and Telegraph Amendment Act, 1919).

196. (1) Every person who without the consent of the Governor-General uses or maintains for hire or profit any electric line of communication by telephone or telegraph erected before the said fifth day of November, nineteen hundred and nineteen, commits an offence, and is liable to a fine of twenty pounds for every day during which such offence continues.

Private telephone-lines erected before 5th November, 1919, not to be used for profit without consent of Governor-General. 1920, No. 24, s. 5

(2) This section is in addition to and not in substitution for any of the provisions of the last preceding section.

## PART XI.

### WIRELESS TELEGRAPHY.

197. (1) The Governor-General may from time to time establish stations for the purpose of receiving and transmitting telegraphic or telephonic communications within New Zealand or between New Zealand and parts beyond New Zealand by what is commonly known as "wireless telegraphy," including within that expression wireless telephony, and including also every method of transmitting or receiving telegraphic or telephonic communications by electricity otherwise than by wires, whether such method is now in use or is hereafter discovered or applied.

Authority to establish wireless telegraphic and telephonic stations. 1927, No. 48, s. 17.

(2) Wherever in this Act the expression "wireless-telegraphic apparatus" or "wireless-telegraphic communications" or any like expression is used, the term "telegraphic" shall be deemed to include the term "telephonic."

Application of  
Part VIII.  
1908, No. 147, s. 163

Minister may grant  
licenses for use of  
wireless apparatus  
within New Zealand  
or on New Zealand  
ship.

1911, No. 24, s. 3  
1920, No. 24, s. 6

Regulations.

Offence of being  
in possession of  
wireless apparatus  
without a license.  
1927, No. 48, s. 18

198. The provisions of Part VIII of this Division of this Act shall so far as applicable, with the necessary modifications, extend and apply to stations established under this Part of this Act and to communications by wireless telegraphy.

199. (1) The Minister may in accordance with regulations to be made in that behalf by the Governor-General in Council grant licenses to any person, association, or corporation for the installation and working within New Zealand, or on board any ship registered in New Zealand, of apparatus for wireless telegraphy within the meaning of this Part of this Act.

(2) Subject to any such regulation, every such license shall be in such form and for such period, and shall contain such terms, conditions, and restrictions as the Minister thinks fit.

(3) The Governor-General may by Order in Council make such regulations as he thinks proper as to the granting of such licenses, and as to the form, period, terms, conditions, and restrictions thereof, and as to the fees payable in respect thereof.

200. (1) For the purposes of this section the term "license" means a license with respect to wireless-telegraphic apparatus granted by the Minister in accordance with regulations made by the Governor-General in Council in exercise of the authority conferred on him by the last preceding section as from time to time extended, and includes a dealer's license.

(2) Every person commits an offence and is liable on summary conviction to a fine of five hundred pounds who, not being the holder of a license authorizing him so to do, erects, constructs, establishes, maintains, or uses any station, plant, or apparatus capable of transmitting wireless-telegraphic communications.

(3) Every person commits an offence and is liable on summary conviction to a fine of fifty pounds, who, not being the holder of a license authorizing him in that behalf, is in possession of any apparatus capable of receiving wireless-telegraphic communications. For the purposes of this subsection no person other than the holder of a dealer's license shall be deemed to be in possession of any apparatus erected in or on any premises by such dealer at any time while such apparatus is maintained by the dealer in accordance with the terms of his license.

(4) The occupier of any premises on which is situated any station, plant, or apparatus capable of transmitting wireless-telegraphic communications as aforesaid shall be deemed to have erected, constructed, established, maintained, and used the same unless and until the contrary is proved.

(5) The occupier of any premises on which is situated any apparatus capable of receiving wireless-telegraphic communications shall be deemed to be in possession thereof unless and until the contrary is proved.

(6) Any station, plant, or apparatus shall for the purposes of this section be deemed to be and to remain capable of transmitting or receiving wireless-telegraphic communications notwithstanding that, without having been completely dismantled, it may be temporarily incapable of doing so.

201. The authority conferred on the Governor-General in Council by subsection three of section one hundred and ninety-nine hereof to make regulations with respect to licenses for the installation and working of apparatus for wireless telegraphy shall be deemed to include

Extension of powers  
as to regulation of  
wireless telegraphy.

1922, No. 21, s. 4.  
1924, No. 19, s. 5 (5)  
1927, No. 48, s. 18 (7)

power to make regulations with respect to any or all of the matters following, namely:—

- (a) The revocation or suspension of any such license by the Minister, and the grounds of such revocation or suspension:
- (b) The dismantling or confiscation of any such apparatus by or by direction of the Minister, and the grounds on which the powers of dismantling or confiscation may be exercised:
- (c) The making by licensees or applicants for licenses of declarations of secrecy designed to prevent the unauthorized divulgence of wireless communications that may be intercepted in the course of the exercise of the privileges conferred by the license:
- (d) The imposition of penalties for any breach of the regulations or of the conditions of a license, or of any declaration of secrecy not exceeding in any case a fine of fifty pounds:
- (e) The prohibition or regulation of the use of apparatus which may generate electric waves likely to interfere with the conduct of public wireless communications:
- (f) The issue, revocation, and suspension of dealers' licenses (being licenses to carry on the business of selling apparatus for wireless telegraphy), and the fees payable in respect thereof.

202. (1) It shall not be lawful for any person to sell, or offer for sale, or have in his possession for sale, in the way of his business, any plant, machinery, instruments, material, or other apparatus designed and intended for use in connection with wireless telegraphy unless he is the holder of a dealer's license issued to him by the Minister.

Dealers in wireless apparatus to be licensed.

1924, No. 19, s. 5

(2) Every licensed dealer shall keep at his place of business, or at each such place, a book in which he shall record or cause to be recorded a true record of all sales made by him of apparatus for wireless telegraphy. Such record shall set out in respect of each sale the date thereof, and the name, occupation, and address of the purchaser, and particulars of the articles purchased.

(3) Every licensed dealer shall at all times permit any person authorized in that behalf by the Minister to inspect and make copies of any entries in the book so kept by him as aforesaid, and shall at all times on demand afford to any such person all further information in his possession with respect to any sales made by him of apparatus for wireless telegraphy.

(4) Every licensed dealer or other person who commits an offence against this section shall be liable on summary conviction to a fine of fifty pounds.

203. (1) Out of the fees from time to time received pursuant to regulations made under the authority of section one hundred and ninety-nine hereof or other lawful authority in respect of licenses issued for the installation and working of apparatus for wireless telegraphy, or in respect of licenses to persons carrying on business as dealers in apparatus for wireless telegraphy, there may without further authority than this section be paid such sums as may from time to time be fixed pursuant to this section in assistance of persons or companies engaged in

Portion of fees received in respect of wireless-telegraphy licenses may be applied in assistance of broadcasting agencies.

Ibid., s. 6

REFER: S. 15 1931 No. 39.

broadcasting, or of persons or companies who in consideration of payment under this section agree to undertake a broadcasting service.

(2) For the purposes of this section the Minister is hereby empowered to enter into an agreement with any such person or company for the payment to him or it of portion of the license fees received as aforesaid in any period of not more than five years, but any such agreement may from time to time be renewed for a further period or for further periods not exceeding five years at any one time.

(3) The amount agreed to be paid to any person or company as aforesaid shall not exceed in any case an amount or proportion to be prescribed in that behalf by the Governor-General in Council.

(4) The undertaking by the Minister to pay any moneys to any person or company pursuant to this section shall be subject to the condition that the recipient, during the currency of the agreement, shall maintain a broadcasting service to the satisfaction of the Minister.

(5) For the purposes of this section "broadcasting" means the transmission by wireless telegraphy of approved programmes of matters of entertainment, instruction, or information of general interest capable of being received by apparatus of a kind for the installation and use of which licenses have been issued under this Act.

(6) Regulations prescribing fees to be paid in respect of licenses in relation to wireless telegraphy as aforesaid may differentiate as between licenses or classes of licenses, having regard to the purposes for which any license or class of license is to be used, the location of the apparatus or its distance from a broadcasting station, or any other relevant consideration; and regulations prescribing the amounts or proportions of fees that may be paid in respect of a broadcasting service may likewise differentiate as between licenses and classes of licenses.

Persons or companies authorized to maintain broadcasting services deemed, for purposes of law relating to patents, to be agents of Post and Telegraph Department.

1924, No. 19, s. 7

204. (1) Every person or company for the time being party to an agreement with the Minister in respect of a broadcasting service as provided for in the last preceding section shall during the currency of such agreement be deemed for the purposes of section thirty-two of the Patents, Designs, and Trade-marks Act, 1921-22, to be the agent of the Post and Telegraph Department duly authorized by the Minister to make, use, or exercise in connection with the maintenance of a broadcasting service pursuant to such agreement any invention the subject-matter of any patent.

(2) For the purposes of subsection two of section thirty-two of the Patents, Designs, and Trade-marks Act, 1921-22, in its application in respect of any invention to which this section relates, any benefit or compensation received directly or indirectly from any person or company which is by this section declared to be the agent of the Post and Telegraph Department shall be taken into consideration as if it was received from the Crown.

(3) No person shall have any right of action against any person or company, being the agent of the Post and Telegraph Department as herein provided, in respect of any infringement of any patent arising out of the making, use, or exercise of any invention the

subject-matter of the patent in connection with any licensed broadcasting service.

(4) Any moneys payable to a patentee in respect of any invention to which this section relates, whether pursuant to an agreement made under section thirty-two of the Patents, Designs, and Trade-marks Act, 1921-22, or pursuant to an order of the Court or of any referee or arbitrator made under that section, may be paid out of the Consolidated Fund without further appropriation than this section. <sup>Post Office Account</sup>

AMD: S. 50 1929 No. 7

205. (1) The Governor-General may from time to time by Order in Council make such regulations as he thinks proper governing the use of wireless-telegraph apparatus on merchant ships, whether foreign ships or British ships not registered in New Zealand, while within the territorial waters of New Zealand. <sup>Regulations as to use of wireless telegraphy in territorial waters. 1913, No. 44, s. 9</sup>

(2) Such regulations may provide for the detention of any merchant ship on which a breach of the regulations has been made, pending the institution and determination of proceedings in respect of such breach and the recovery of any fine imposed in respect thereof.

## PART XII.

### PACIFIC CABLE.

RPLD: S. 4 1929 No. 7

206. The Governor-General in Council, or any person appointed by the Governor-General in Council in that behalf, is hereby authorized to do whatever he deems necessary in order to give effect to the resolutions set forth in the Fourth Schedule hereto: <sup>Authority to give effect to resolutions as to Pacific telegraph-cable. 1908, No. 147, s. 165</sup>

Provided that New Zealand's proportion of the guarantee referred to in the said resolutions shall not exceed one-ninth of the whole cost as provided in number seven of those resolutions. <sup>Proportion of guarantee.</sup>

207. If at any time the Pacific Cable Board desires to construct any extension or deviation of the Pacific cable authorized by the Pacific Cable Authorization Act, 1899, or this Act, and such extension or deviation is approved by Parliament as signified by resolution of both Houses it shall be lawful for the said Board to construct such extension or deviation on the basis that the Government of New Zealand shall contribute its proportion (not exceeding one-ninth) of the cost thereof. <sup>Extensions of Pacific cable. Ibid., s. 166</sup>

## PART XIII.

### MISCELLANEOUS PROVISIONS.

#### *Removal of Dangerous Lines.*

208. (1) If any electric line whatever, which passes over or across or along any other electric line, in the opinion of the Minister at any time endangers or is likely to endanger human life, or injuriously affects or is likely injuriously to affect any telegraph or works erected under the authority of this Division of this Act or under the control or management of the Minister, or forming part of any submarine telegraph-cable system operating in New Zealand, or any building or erection of any <sup>Electric lines endangering life or property may be ordered to be removed or altered. Ibid., s. 176 1922, No. 21, s. 8</sup>

kind, any Magistrate may, on complaint made to him by or on behalf of the Minister, in a summary way, under the Justices of the Peace Act, 1927, order the owner of such first-mentioned electric line, or any person having or appearing to have the control thereof, or any such person or persons as hereinafter mentioned, within a time to be specified in the order, to remove such line or any part thereof, or so to arrange the same or any part thereof that it shall not pass over, along, or across such other electric line or works as aforesaid.

Officers of companies, &c., to be liable to obey orders made.

(2) Every person being a director, or the secretary, manager, agent, or other officer of any company, association, or body corporate owning, possessing, or using any electric line, shall be deemed to be the owner of such electric line for the purposes of this section, and liable to its provisions accordingly; and any order made under this section against or in respect of any such company, association, or body corporate may be served on any one of such persons as the Court making the order directs.

(3) The person so served shall be bound to obey the order made, and shall be liable for any neglect in that behalf as if he were personally the owner of the electric line affected thereby and had been a party to any proceedings before the Court.

Persons to obey orders of Court.  
1908, No. 147, s. 177  
1919, No. 13, s. 25

209. Every person in respect of whom any order is made under the last preceding section shall forthwith take all necessary steps to obey and comply therewith, and in case default is made therein such person shall be liable to a fine not exceeding ten pounds for every day during which such default continues. In any case of default as aforesaid the Minister may cause any electric line to which the order relates to be removed at the expense of the person making such default.

Removal of dangerous electric lines.

Certificate of electric line being constructed contrary to Act to be evidence.  
1908, No. 147, s. 178  
1910, No. 36, s. 9  
1919, No. 13, s. 26

210. In any proceeding under either of the two last preceding sections the production by any officer or person on behalf of the Minister of a certificate in writing, purporting to be signed by the Minister or the Secretary, to the effect that any electric line is so laid, placed, or constructed as to contravene this Act or any provision thereof, or as to be dangerous, shall be *prima facie* evidence of the matter therein stated, without any proof of the signature of such certificate as aforesaid.

#### *Injuries to Lines.*

Power to have trees removed in certain cases.

1908, No. 147, s. 179  
1910, No. 36, s. 9

211. (1) If, on the report of the Secretary, the Minister is of opinion that any electric line is in any manner injured or prejudiced, or that any obstruction is caused or likely to be caused to such line by any tree or shrub, whether ornamental or otherwise, growing or being on any land adjoining such line, or through which any such line may pass or be carried, he may cause notice to be given to the owner or occupier of such land to remove such tree or any part thereof.

(2) In default of such removal within three days after the service of such notice the Minister may apply to any Magistrate or two Justices, who, after summons duly served on the owner and occupier, or on the occupier only if the owner cannot be found, of the land on which such tree or shrub is, may make an order for the removal of such tree or shrub or any part thereof by such owner or occupier, or order the same to be dealt with in such manner as the Magistrate or Justices think fit.

Sec. 212.

1. See the case: KEIR v. WGTON ELEC. LIGHT-  
ING CO.: 10 G.L.R. 401.

(3) Such owner or occupier, as the case may be, shall, in default of compliance with such order within eight days after a copy thereof has been served on him personally or by leaving the same at his last known place of abode, be liable for such default to a fine not exceeding five pounds, and the Minister may remove such tree or shrub or such part thereof, so ordered to be removed, but so that no unnecessary damage is done or incurred.

212. Every person who by negligence, carelessness, or other misconduct causes any injury to or destroys any electric line or works, or any part thereof, or of the material or property relating thereto, is liable to a fine not exceeding ten pounds.

Accidental injuries to lines.  
1908, No. 147, s. 180

213. If any damage is caused to any electric line by any vehicle or anything loaded on any such vehicle coming in contact with any such line, or any part thereof, the driver or person in charge of such vehicle shall *prima facie* be deemed to have been guilty of an offence under the last preceding section, without any proof of carelessness or misconduct; but such person shall be entitled to rebut such presumption.

Injuries by careless driving, how punishable.  
Ibid., s. 181

214. Any person whosoever may with or without warrant apprehend any person found offending against the provisions of the two last preceding sections, and deliver him to some constable, or convey him before some Justice to be dealt with according to law; and any person resisting any other person acting in execution of this provision shall be liable to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for any period not exceeding two months.

Offender may be apprehended without warrant.  
Ibid., s. 182

215. Every person who causes damage to any electric line or any works connected therewith, although he may have been fined or imprisoned under this Division of this Act, shall also be liable to make good the damage done by him, the amount of which damage shall be determined by the Magistrate or the Justices adjudicating; and such amount when determined may be levied by distress of the goods and chattels of such person in the manner provided by law for the levying of a fine.

Damage to line to be made good in addition to penalty.  
Ibid., s. 183

#### General.

216. Every officer or other person employed in or about the working of any telegraph who offends against or wilfully neglects or omits to comply with any of the provisions of this Division of this Act in respect of which no penalty is provided elsewhere than in this section is liable to a fine of one hundred pounds.

Penalty for offences by Telegraph officers.  
1922, No. 21, s. 7

217. Every person is liable on summary conviction to a fine not exceeding fifty pounds who uses any telegraph-forms or other forms provided for the use of the public in connection with the business of the Department for any purpose other than the purpose for which such forms have been so provided.

Prohibiting use for other purposes of telegraph and other forms provided for use on business of Department.  
1919, No. 13, s. 27

218. All offences against this Division of this Act may be prosecuted and all fines and other moneys payable under this Division may be recovered in a summary way, as provided by the Justices of the Peace Act, 1927, before a Magistrate or any two Justices.

Offences may be prosecuted and fines recovered summarily.  
1908, No. 147, s. 184

219. All fees and other moneys recovered under or by virtue of this Division of this Act or any regulations thereunder for the use of or on behalf of His Majesty shall be paid into the Post Office Account.

Fees and fines, how disposed of.  
Ibid., s. 185.  
1927, No. 48, s. 5

Act not to affect  
other Acts.

1908, No. 147, s. 186  
1927, No. 23, s. 10 (3)

220. Nothing in this Division of this Act shall be deemed in any way to affect any Act conferring any power upon His Majesty, or the Governor-General, or any person on his behalf, to erect, construct, or maintain any line of electric telegraph or other electric line on any railway or tramway, or on any land of any kind, without payment of compensation.

### DIVISION III.

#### THE POST AND TELEGRAPH DEPARTMENT.

Interpretation.

1918, No. 7, s. 2  
1927, No. 48, s. 21

221. In this Division of this Act—

“Minister” means the Minister holding the offices of Postmaster-General and Minister of Telegraphs :

“Public Service Commissioner” means the Commissioner appointed under the Public Service Act, 1912 :

“Secretary” means the Secretary of the Post and Telegraph Department :

“Department” means the Post and Telegraph Department :

“Officer” means a permanent officer of the Department, but does not include a temporary employee or a person appointed on probation.

Constitution of the  
Post and Telegraph  
Department.

1918, No. 7, s. 3

222. The several branches of the Public Service constituted under Division I and Division II of this Act shall continue as heretofore to constitute a single Department of State called the Post and Telegraph Department, which shall be administered by the Minister holding the offices of Postmaster-General and Minister of Telegraphs.

Public Service Act,  
1912, excluded.

*Ibid.*, s. 4

223. The Public Service Act, 1912, shall have no application to the Post and Telegraph Department, and all references in that Act to that Department and to the officers thereof shall have no force or effect.

Certain officers to  
be appointed by the  
Governor-General.

*Ibid.*, s. 5  
1927, No. 48, s. 20

224. (1) The following officers of the Department shall be appointed by the Governor-General:—

(a) The Secretary of the Post and Telegraph Department, who shall under the direction of the Minister have the control and general administration of the Department ;

(b) The Chief Telegraph Engineer ;

(c) The First Assistant Secretary of the Post and Telegraph Department ; and

(d) The Second Assistant Secretary of the Post and Telegraph Department.

(2) The persons who at the commencement of this Act hold office respectively as the Secretary, the Chief Telegraph Engineer, and the First and Second Assistant Secretaries of the Department shall be deemed to have been appointed to those offices under this Act, and shall continue to hold office under the provisions of this Act accordingly.

(3) In addition to the officers specified in subsection one hereof, every person who may hereafter be appointed to a position in the Department to which is attached an annual salary in excess of seven hundred and sixty-five pounds shall be so appointed by the Governor-General.

225. (1) Notwithstanding anything to the contrary in this Act or in any other Act, all other officers of the Department shall be appointed by the Public Service Commissioner in accordance with this Division of this Act, and not otherwise.

All other officers to be appointed by the Public Service Commissioner.

1918, No. 7, s. 6

(2) All such other officers holding office at the commencement of this Act shall be deemed to have been appointed under this Act, and shall continue to hold office under the provisions of this Act accordingly.

226. (1) Without prejudice to the power of dismissal (in accordance with regulations under this Division of this Act) of any officer for inefficiency or misconduct, every officer of the Department, other than an officer on probation, shall be deemed to be a three-monthly servant, and shall be removable by the Governor-General at any time after three months' notice given to that officer by the Secretary or Minister, or by any officer acting with the authority of the Secretary or Minister.

Tenure of office.

Ibid., s. 7

(2) Officers holding office on probation in accordance with regulations under this Division of this Act may be removed at any time by the Secretary without notice.

227. (1) Officers of the Department shall receive such salaries and allowances as may be prescribed by regulations made under this Division of this Act.

Salaries and allowances.

Ibid., s. 8

(2) All such salaries and allowances shall be paid out of moneys appropriated by Parliament.

228. No officer of the Department shall be appointed to any other Department of the Government Service save with the consent both of the Secretary and of the permanent head of that other Department.

Restriction on transfer of officers to other Departments.

Ibid., s. 9

229. The Department shall be classified in accordance with regulations to be made under this Division of this Act.

Classification of Department.

Ibid., s. 10

230. The Governor-General may from time to time, by Order in Council gazetted, make regulations—

- (a) For the classification of the Department;
- (b) Determining the salaries and allowances of officers of the Department;
- (c) Prescribing the duties of officers of the Department;
- (d) Providing for the organization and discipline of the Department;
- (e) Regulating leave of absence of officers of the Department;
- (f) Providing for inquiries into charges of inefficiency or misconduct against officers of the Department;
- (g) Providing that officers proved on such inquiry to be inefficient or guilty of misconduct may be dealt with by way of fine, reduction of salary, deprivation of privileges, reduction in grade or class, or dismissal from the Service;
- (h) Providing for the suspension of officers charged with inefficiency or misconduct, and prescribing the results of such suspension on the salary, rights, and privileges of such officers;
- (i) Determining the mode, terms, and conditions on which candidates for employment in the Department shall enter the service of the Department;
- (j) Providing for the examination of such candidates as to their fitness for employment, and for the examination of officers

Regulations.

Ibid., s. 11

as to their fitness for promotion, and prescribing the fees payable in respect of such examinations ;

- (k) Providing for the appointment of officers on probation, and determining the period and conditions of such probation ;
- (l) Providing for the temporary employment of persons in the service of the Department, and determining the conditions of such employment ;
- (m) Regulating the election and tenure of office of the elective members of the Post and Telegraph Promotion Board and of the Post and Telegraph Appeal Board constituted by this Division of this Act ;
- (n) Regulating the procedure on appeals to the Post and Telegraph Appeal Board ;
- (o) Providing for the imposition of penalties on officers making appeals which are adjudged by the said Appeal Board to be frivolous ;
- (p) Providing for the payment by officers of rent for quarters belonging to the Crown and used or occupied by such officers for domestic purposes ; and
- (q) Making any other provisions which may be necessary for giving effect to this Division of this Act.

Special increments to officers on account of outstanding merit and ability.

1921-22, No. 74, s. 36

Penalties for minor breaches of duty by officers of Department.

1920, No. 24, s. 9

Regulations to be laid before Parliament.

1918, No. 7, s. 12

Post and Telegraph Promotion Board established.

1918, No. 7, s. 13  
1922, No. 21, s. 11

231. The authority conferred on the Governor-General by paragraph (b) of the last preceding section shall be, and shall be deemed always to have been, sufficient authority to make regulations authorizing the granting to certain officers of the Department of special increments of salary on account of outstanding merit and ability combined with good and diligent conduct.

232. (1) In addition to the powers conferred on him by paragraph (g) of section two hundred and thirty hereof, the Governor-General may from time to time by Order in Council make regulations authorizing the imposition of fines, not exceeding five shillings in any case, in respect of any breach or neglect of duty by officers of the Department.

(2) Fines may be imposed in accordance with such regulations without an inquiry as provided for in regulations under paragraph (f) of the said section two hundred and thirty.

233. All regulations made under this Division of this Act shall be laid before both Houses of Parliament within fourteen days after publication in the *Gazette* if Parliament is then sitting, and if not, then within fourteen days after the commencement of the next ensuing session.

234. (1) For the purposes of this Division of this Act there is hereby established a Board to be called the Post and Telegraph Promotion Board.

(2) The Board shall consist of five members, being the Secretary of the Department, the Chief Telegraph Engineer, the First and Second Assistant Secretaries, and one other officer of the Department to be elected in the prescribed manner by the officers of the Department.

(3) In the event of the incapacity of any member of the Board by reason of sickness, absence, or other cause the Minister may appoint any officer of the Department to act in the place of that member during his incapacity.

(4) The Board shall meet at such times and places as may be determined by the Secretary of the Department, and at any meeting of the Board three members shall constitute a quorum.

235. (1) In respect of all appointments of officers to be made by the Public Service Commissioner under this Division of this Act the following provisions of this section shall apply.

Functions of the  
Promotion Board.  
1918, No. 7, s. 14

(2) The matter shall in the first instance be considered by the Post and Telegraph Promotion Board, and the Board shall recommend some person for appointment to the vacant office.

(3) A person who is not an officer of the Department shall not be so recommended unless the Board is satisfied that there is no officer of the Department available and suitable for appointment.

(4) As between the officers of the Department the Board shall recommend the officer who in the opinion of the Board is best entitled by merit to the appointment.

(5) As between officers who in the opinion of the Board are of equal merit, the recommendation of the Board shall be determined by the seniority of those officers in respect of their classification and length of service in the Department.

(6) The recommendation of the Board shall be sent to the Public Service Commissioner, together with a statement as to the grounds on which the recommendation has been made.

(7) It shall be the duty of the Board from time to time at the request of the Public Service Commissioner to supply him with all further information which the Commissioner may think material in relation to the recommendation and appointment.

(8) If the Public Service Commissioner is satisfied that the recommendation has been duly made by the Board in accordance with the provisions of this Division of this Act he shall thereupon make the appointment in accordance with that recommendation.

(9) If the Public Service Commissioner is not so satisfied he shall refer the matter back to the Board for reconsideration, whereupon the Board may make a further recommendation in accordance with this Division of this Act.

(10) If after such reference back to the Board the Public Service Commissioner and the Board are unable to agree as to the appointment, the matter shall be referred by the Commissioner to the Minister, who, after giving the Board and the Commissioner an opportunity of being heard, shall finally determine the question, and the appointment shall be made by the Commissioner in accordance with the determination of the Minister.

236. (1) For the purposes of this Division of this Act there is hereby established a Board to be called the Post and Telegraph Appeal Board.

Post and Telegraph  
Appeal Board  
established.  
Ibid., s. 15

(2) The Board shall consist of—

- (a) Two persons appointed by the Governor-General to hold office during his pleasure ;
- (b) One officer of the Postal Branch of the Department to be elected in the prescribed manner by the officers of that branch ; and
- (c) One officer of the Telegraph Branch of the Department to be elected in the prescribed manner by the officers of that branch.

(3) The elected officer of the Postal Branch shall act as a member of the Board only in respect of appeals by officers of the Postal Branch, and the elected officer of the Telegraph Branch shall act as a member of the Board only in respect of appeals by officers of the Telegraph Branch.

(4) In the event of the incapacity of any member of the Board by reason of illness, absence, or other cause, the Minister may appoint any other fit person to act in the place of that member during his incapacity.

(5) The appointed members of the Board may receive out of moneys appropriated by Parliament such salaries, fees, or allowances as the Minister thinks fit, but shall not be deemed to be permanent officers of the Department or of the Government Service within the meaning of any Act.

Rights of appeal of  
officers of  
Department.

1918, No. 7, s. 16  
1919, No. 13, s. 30

237. (1) Every officer of the Department shall have the right of appeal to the Post and Telegraph Appeal Board against—

(a) Any determination of his superior officers relative to his classification, grade, salary, or promotion, including any determination relating to the grading or relative rate of progress of such officer in any classification list prepared pursuant to this Division of this Act or any regulations thereunder; and for the purposes of this subsection any appointment made by the Public Service Commissioner under any of the provisions of section two hundred and thirty-five hereof shall be deemed to be a determination of a superior officer relative to the classification or salary of any officer considering himself entitled to such appointment:

(b) Any fine exceeding two pounds, and any reduction of salary, reduction in grade or class, or dismissal, whether upon an inquiry held pursuant to this Division of this Act or any regulations thereunder or otherwise.

Functions of the  
Appeal Board.

(2) The Board shall have jurisdiction to hear and determine any such appeal, and for this purpose to summon and examine witnesses on oath or otherwise, and to make such order as it thinks just either for the payment of the costs of the appeal by the Crown to the appellant or by the appellant to the Crown.

(3) The determination of the Board on any such appeal shall be communicated by the Board to the Secretary of the Department, who shall thereupon take such steps as may be necessary to give effect to that determination.

Attempts to  
influence  
appointments or  
appeals prohibited.  
1918, No. 7. s. 17

238. (1) No person shall in any manner attempt to influence the Minister, or the Public Service Commissioner, or the Post and Telegraph Promotion Board, or the Post and Telegraph Appeal Board, or any member of either such Board, in respect of the appointment or appeal of any other person.

(2) Nothing in this section shall be so construed as to prohibit any person from giving information or advice or making representations in respect of any such appointment or appeal at the request or invitation of the Minister, the Public Service Commissioner, or either of the said Boards, or as a witness or the representative of an appellant before the Appeal Board.

(3) Any person who commits a breach of the provisions of this section shall be guilty of an offence punishable on summary conviction by a fine not exceeding fifty pounds.

**Sec. 237.**

1. ~~Maudamurs~~ compelling Bd to hear appeal refused —“Special Increment” under Regulations not included in “Salary”: SUTHERLAND v. CUTTEN: 1921 N.Z.L.R. 700: G.L.R. 253: 1922 G.L.R. 26.

## DIVISION IV.

## GENERAL.

239. The Governor-General may by writing under his hand delegate from time to time to the Postmaster-General all or any of the powers vested in the Governor-General by this Act, except such powers as are conferred on the Governor-General in Council, and except also such powers as are conferred on the Governor-General in relation to the opening, detaining, and delaying of postal packets.

Governor-General may delegate powers to Postmaster-General.  
1908, No. 147, s. 8 (d)  
1910, No. 36, s. 3

240. For the purpose of laying any pneumatic tubes that may be required for the carriage of postal matter or otherwise for the convenience of the Post and Telegraph Department, and for the maintenance or removal of any such pneumatic tubes, the Minister of Public Works shall have the same powers as he has under section one hundred and fifty-four hereof in respect of the construction and maintenance of electric lines.

Authority to lay pneumatic tubes under streets.  
1922, No. 21, s. 3

241. In addition to the purposes hereinbefore specified in this Act the Governor-General may from time to time, by Order in Council, make regulations generally for the purpose of giving full effect to the provisions of this Act.

General power to make regulations.  
Ibid., s. 13

242. (1) In exercise of the general authority conferred on him by the last preceding section to make regulations for the purpose of giving full effect to the provisions of this Act the Governor-General may, by Order in Council, make such regulations as he thinks proper in protection of the rights of the Department in any official publication, or in protection of the interests of any person in any advertisement appearing in or on any such publication; and in particular may by such regulations prohibit, save with the authority of the Minister, the publication of any list of subscribers to the telephone with the appropriate telephone numbers, or may prohibit the supply or use of any cover or other device that would obscure any advertisement appearing in or on any such publication.

Regulations may be made for protection of interests of persons inserting advertisements in departmental publications.  
1927, No. 48, s. 19

(2) Regulations made for the purposes of this section may prescribe the maximum penalty to be imposed for a breach of any such regulation, not exceeding in any case a fine of fifty pounds.

(3) For the purposes of this section the expression "subscribers to the telephone" includes every person in whose residence or place of business a telephone is for the time being installed.

243. The fund now known in the Post and Telegraph Department as the Post and Telegraph Fine Fund (together with the investments for the time being representing the same) shall continue to be vested in the Postmaster-General for the time being, with power to invest the same or any part thereof in such manner as he thinks fit, and to hold the said fund and the interest from time to time accruing from any investment thereof in trust for such charitable purposes for the benefit of the persons who are or have been employed in the Department, or their dependants, as the Postmaster-General from time to time determines.

Post and Telegraph Fine Fund.  
1910, No. 36, s. 8

244. (1) The enactments mentioned in the Fifth Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply:—

Repeals.

(a) All post-offices, Post Office savings-banks, Proclamations, Orders in Council, regulations, Boards, offices, appointments,

Savings.  
1908, No. 147, s. 1  
(2), (3)

elections, determinations, appeals, orders, warrants, licenses, certificates, records, contracts, instruments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall where necessary be deemed to have so originated.

(b) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

(2) Nothing in this Act shall be deemed to affect the rights, claims, or interests of any officer in the Department, absolute or contingent, reserved or conferred by any Act now in force relating to the Public Service, and which may exist on the coming into operation of this Act, or which may hereafter exist, in respect of compensation for loss of office or superannuation allowance in case of retirement from such service, or any other allowance or gratuity under any such Act.

#### Schedules.

Sections 10, 37.

1908, No. 147,  
Second Schedule.

1919, No. 13, s. 28

### SCHEDULES.

#### FIRST SCHEDULE.

##### DECLARATION BY POST OFFICER.

I, A. B., do solemnly and sincerely declare that I will be true and faithful in the execution of the trust committed to my charge, and 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 packet which comes into my hands, power, or custody by reason of my employment in the postal service, except with the consent of the person to whom such postal packet is directed, or in such cases as are or may be provided for by the Post and Telegraph Act, 1928, or by any rules or regulations to be made in pursuance thereof.

And I do further declare that I will not intentionally read the contents of any postal packet which I may lawfully open, except so far as may be necessary for the purpose of ascertaining the name and address of the writer or sender, or for any other lawful purpose; and that I will not divulge to any person whatever, except so far as lawfully required, any of the contents of any such postal packet which may come to my knowledge in course of opening and examining the same for any such purpose as aforesaid, or any information which may come to my knowledge with respect to the business of the Post Office Savings-bank or any other business of the Post Office.

And I make this solemn declaration under the provisions of the Post and Telegraph Act, 1928.

Declared at \_\_\_\_\_, by the said \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
before me \_\_\_\_\_, a Justice of the Peace [or as the case may be].

Sections 74, 82.

1913, No. 44,  
Schedule.

1927, No. 48, s. 16  
(4).  
*Gazette*, 1928,  
p. 1424.

#### SECOND SCHEDULE.

##### (1) DECLARATION BY DEPOSITOR OPENING A POST OFFICE SAVINGS-BANK ACCOUNT ON HIS OWN BEHALF.

I, [Name in full, abode, and occupation], do solemnly and sincerely declare as follows:—

1. I desire to become a depositor on my own behalf in the Post Office Savings-bank.

2. I am not directly or indirectly entitled to any benefit from any deposit in the Post Office Savings-bank.

3. I am aware that, whatever my deposits may amount to, I am not entitled to interest on more than £2,000.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

|             |              |                                                                               |   |                      |
|-------------|--------------|-------------------------------------------------------------------------------|---|----------------------|
| Declared at | , this       | day of                                                                        | } | A. B.,<br>Depositor. |
| 19          | , before me— |                                                                               |   |                      |
|             |              | C. D.,<br>Authorized Post Officer<br>[or Justice of the Peace, or Solicitor]. |   |                      |
|             |              |                                                                               |   |                      |

NOTE.—A person is not deemed to be entitled to any benefit from any deposit—

(a) Made by him as trustee for any other person ; or

(b) Made by any society to which the limit of interest-bearing deposits does not apply, and of which he may be a member.

(2) DECLARATION BY TRUSTEE OPENING A POST OFFICE SAVINGS-BANK ACCOUNT ON BEHALF OF ANOTHER.

I, [*Name in full, abode, and occupation*], do solemnly and sincerely declare as follows :—

1. I desire to become a depositor in the Post Office Savings-bank as the trustee of [*Name and address*].

2. The said is not directly or indirectly entitled to any benefit from any deposit in the Post Office Savings-bank, nor am I so entitled on his behalf.

3. I am aware that, whatever my deposits as such trustee may amount to, neither I nor the said is entitled to interest on more than £2,000.

4. [*Where the beneficiary is under seven years of age, add*] The said is an infant under the age of seven years, and will attain that age on the day of 19 .

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

|             |              |                                                                               |   |                    |
|-------------|--------------|-------------------------------------------------------------------------------|---|--------------------|
| Declared at | , this       | day of                                                                        | } | A. B.,<br>Trustee. |
| 19          | , before me— |                                                                               |   |                    |
|             |              | C. D.,<br>Authorized Post Officer<br>[or Justice of the Peace, or Solicitor]. |   |                    |
|             |              |                                                                               |   |                    |

NOTE.—A person is not deemed to be entitled to any benefit from any deposit—

(a) Made by him as trustee for any other person ; or

(b) Made by any society to which the limit of interest-bearing deposits does not apply, and of which he may be a member.

(3) DECLARATION WHERE DEPOSITOR IS A FRIENDLY OR OTHER SOCIETY.

I, [*Full name, abode, and occupation*], do solemnly and sincerely declare as follows :—

1. I am the treasurer [*or secretary, or trustee*] of the [*Name of society*].

2. I am authorized by the said society to open an account on its behalf in the Post Office Savings-bank.

3. No moneys will at any time be deposited in the said account which are not the exclusive property of the society.

4. [*Where the society is exempt from the limit of interest-bearing deposits, add*] The said society is exempt from the limit of interest-bearing deposits.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

|             |              |                                                                               |   |                     |
|-------------|--------------|-------------------------------------------------------------------------------|---|---------------------|
| Declared at | , this       | day of                                                                        | } | A. B.,<br>Declarant |
| 19          | , before me— |                                                                               |   |                     |
|             |              | C. D.,<br>Authorized Post Officer<br>[or Justice of the Peace, or Solicitor]. |   |                     |
|             |              |                                                                               |   |                     |

Section 147.  
1919, No. 13,  
Schedule.

### THIRD SCHEDULE.

#### DECLARATION BY TELEGRAPH OFFICER.

I, A. B., do solemnly and sincerely declare that I will be true and faithful in the execution of the trust committed to my charge, and that I will not, otherwise than in the due performance of my official duties, willingly or knowingly divulge the contents of any telegraphic or telephonic message or communication, or the purport thereof, coming to my knowledge in my official capacity, or suffer any other officer in the service wrongfully to divulge the contents of any telegraphic or telephonic message or communication, or the purport thereof, coming to his knowledge in his official capacity; and I do further declare that I will not detain or delay, or willingly or knowingly suffer any other officer in the service to detain or delay, any telegraphic or telephonic message or communication entrusted to the charge of the Department for delivery, except in such cases and to such extent as may be lawfully provided in that behalf.

And I make this solemn declaration under the provisions of the Post and Telegraph Act, 1928.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 19 \_\_\_\_\_, before me,— }

A Justice of the Peace [or as the case may be].

RFLD : S. 4 1929 No. 17

Section 206.  
1908, No. 147,  
Schedule.

### FOURTH SCHEDULE.

#### RESOLUTIONS.

(1) THAT the Government be authorized to join in the cost of construction and maintenance of a Pacific telegraph-cable; (2) that New Zealand co-operate with the Governments of Great Britain, Canada, New South Wales, Victoria, and Queensland in raising the required capital; (3) that a Board of Commissioners, selected by the contributing Governments, on which New Zealand shall have one representative, shall be empowered to raise the required capital for the construction, laying, and maintenance of the cable; (4) that the provisional Board, on which New Zealand shall have one representative, be empowered to invite tenders, arrange scheme of management and other preliminaries, with a view to preparing for legislation; (5) that the rates shall be unanimously agreed to at the outset, subsequent changes to be authorized by fixed majority of the Board of Commissioners; (6) that the cable shall be jointly owned and maintained by the contributing Governments; (7) that New Zealand shall join such of the Australian Colonies as are prepared to do likewise, upon the basis of a guarantee of four-ninths of the cost of construction and annual deficiency (if any) by such colonies, New Zealand's proportion of the guarantee not to exceed in any case one-ninth of the whole cost.

### FIFTH SCHEDULE.

#### ENACTMENTS REPEALED.

- 1908, No. 147.—The Post and Telegraph Act, 1908.
- 1910, No. 36.—The Post and Telegraph Amendment Act, 1910.
- 1911, No. 24.—The Post and Telegraph Amendment Act, 1911.
- 1913, No. 44.—The Post and Telegraph Amendment Act, 1913.
- 1915, No. 70.—The Post and Telegraph Amendment Act, 1915.
- 1916, No. 7.—The Finance Act, 1916 : Sections 62 and 63.
- 1918, No. 7.—The Post and Telegraph Department Act, 1918.
- 1918, No. 24.—The Appropriation Act, 1918 : Section 47.
- 1919, No. 13.—The Post and Telegraph Amendment Act, 1919.
- 1920, No. 24.—The Post and Telegraph Amendment Act, 1920.
- 1920, No. 83.—The Finance Act, 1920 : Section 17.
- 1921–22, No. 74.—The Appropriation Act, 1921–22 : Section 36.
- 1922, No. 21.—The Post and Telegraph Amendment Act, 1922.
- 1924, No. 19.—The Post and Telegraph Amendment Act, 1924.
- 1926, No. 63.—The Stamp Duties Amendment Act, 1926 : Section 6.
- 1927, No. 5.—The Finance Act, 1927 : Section 10.
- 1927, No. 48.—The Post and Telegraph Amendment Act, 1927.