

New Zealand.



ANALYSIS.

- | Title. | |
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| 1. Short Title. | 15. Further provisions as to fraudulent offences with respect to postal packets. |
| 2. Section 11 of principal Act (power to make regulations) amended. | 16. Penalty for wrongful delivery of postal packet. |
| 3. Registration of magazines. | 17. Wilful obstruction of Post-officer in performance of his duties. |
| 4. Exemption from postage of postal packets containing exclusively reading-matter in raised characters for use of the blind. | 18. Authorized establishment by Postmaster-General of a safe-deposit system. |
| 5. No obligation on Postmaster-General to register insured postal packets. | 19. Carriage of strychnine by post. |
| 6. Section 24 of principal Act (as to payment of postage by senders of postal packets) amended. | 20. Section 119 of principal Act amended. |
| 7. Payment of postage charges on returned postal packets. | 21. Telegraph officers to make declaration before entering on duties of office. |
| 8. Carriage of mails on passenger-coaches. | 22. Offence to record on telegrams incorrect time of receipt, transmission, or delivery. |
| 9. Section 70 of principal Act (relating to acknowledgment of deposits in Post Office Savings-bank) amended. | 23. Section 141 of principal Act (relating to evidence of contents of telegrams) amended. |
| 10. Authorizing payment of amount at credit of deceased depositor in Post Office Savings-bank, without requiring probate or letters of administration, in cases where amount does not exceed £100. | 24. Section 146 of principal Act (relating to offence by Telegraph officer of improperly divulging contents of telegrams) amended. |
| 11. Section 80 of principal Act (authorizing reciprocal arrangements with foreign savings-banks) amended. Additional powers of Governor-General in Council to make regulations. | 25. Removal of dangerous electric lines. |
| 12. Offence to record on postal packets incorrect time of posting. | 26. Consequential amendment of section 178 of principal Act. |
| 13. Offence to divulge information obtained by any person from letter or other postal packet opened in error. | 27. Improper use of telegraph-forms and other property of the Crown provided for use of the public in connection with the business of the Department. |
| 14. Offences by postal officials with respect to postal packets. | 28. Second Schedule (declaration by Post officers) extended. |
| | 29. Use of private telephone-lines prohibited, save pursuant to license. Repeal. |
| | 30. Section 16 of the Post and Telegraph Department Act, 1918 (defining rights of appeal of officers of Department), extended. Schedule. |

1919, No. 13.

AN ACT to amend the Post and Telegraph Act, 1908.

Title.

[5th November, 1919.]

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

1. This Act may be cited as the Post and Telegraph Amendment Act, 1919, and shall be read together with and deemed part of the Post and Telegraph Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

Section 11 of principal Act (power to make regulations) amended.

2. Section eleven of the principal Act is hereby amended as follows:—

(a.) By omitting from paragraph (f) (relating to the insurance of postal packets) the word “registered”;

(b.) By inserting, after paragraph (e), the following paragraph:—

“(e.) 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”; and

(c.) By inserting, after the word “newspapers” in paragraph (j), the words “and magazines.”

Registration of magazines.

3. (1.) On payment of a registration fee of five shillings any person may register a magazine under the principal Act in such manner and subject to such conditions as may be prescribed by regulations thereunder. 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 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 the principal Act, be deemed to be a registered magazine.

Exemption from postage of postal packets containing exclusively reading-matter in raised characters for use of the blind.

4. Section nineteen of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:—

“(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.”

No obligation on Postmaster-General to register insured postal packets.

5. Section twenty-two of the principal Act is hereby amended by inserting, after the words “by post,” the words “(other than a postal packet which is or may be insured pursuant to regulations in that behalf).”

Section 24 of principal Act (as to payment of postage by senders of postal packets) amended.

6. Section twenty-four of the principal Act is hereby amended by omitting the words “refuses to receive it,” and substituting the words “does not for any reason receive it.”

Payment of postage charges on returned postal packets.

7. Section thirty-seven of the principal Act is hereby amended by inserting, before the words “be so returned” in the proviso, the words “on payment of the prescribed postage.”

Carriage of mails on passenger-coaches.

8. (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.) Section thirty-nine of the principal Act is hereby amended by inserting, after the words "masters of vessels" in subsection one, the words "or the proprietors of passenger-coaches or other vehicles."

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

9. Section seventy of the principal Act is hereby amended by omitting from the proviso to subsection three the words "one pound," and substituting the words "twenty pounds."

10. (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 one 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:—

- (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.

Section 70 of principal Act (relating to acknowledgment of deposits in Post Office Savings-bank) amended.

Authorizing payment of amount at credit of deceased depositor in Post Office Savings-bank, without requiring probate or letters of administration, in cases where amount does not exceed £100.

(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.

Section 80 of principal Act (authorizing reciprocal arrangements with foreign savings-banks) amended.

11. (1.) Section eighty of the principal Act is hereby amended as follows:—

- (a.) By inserting, after the words “from time to time,” the words “pursuant to regulations in that behalf”; and
 (b.) By omitting the words “and may make regulations under the authority of this Act to give effect to transfers authorized in pursuance of this section.”

Additional powers of Governor-General in Council to make regulations.

(2.) Section eighty-one of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:—

- “(bb.) Prescribing rules for the purpose of giving effect to transfers authorized pursuant to the last preceding section.”

Offence to record on postal packets incorrect time of posting.

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

13. Every person who, having opened any postal packet not intended for him, or having procured or suffered any other person wrongfully to open any postal packet, whether or not the opening of such postal packet constitutes an offence under section ninety-one of the principal Act, shall be liable on summary conviction to a fine not exceeding fifty 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.

Offences by postal officials with respect to postal packets.

14. (1.) Section ninety-two of the principal Act is hereby amended by inserting, after the words “for any purpose whatever,” the words “contrary to his duty.”

(2.) Section ninety-three of the principal Act is hereby amended by inserting, after the words “for any purpose whatever,” the words “contrary to his duty.”

Further provisions as to fraudulent offences with respect to postal packets.

15. Section ninety-nine of the principal Act is hereby amended as follows:—

- (a.) By adding to paragraph (b) the following words: “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”; and

- (b.) By inserting, after paragraph (b), the following new paragraphs:—

“(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.”

Penalty for wrongful delivery of postal packet.

16. Section one hundred of the principal Act is hereby amended by inserting, after the words “such person,” the words “and every

Post officer who knowingly delivers any postal packet to any person not lawfully entitled to receive the same."

17. 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.

18. (1.) Section eleven of the principal Act is hereby amended by adding thereto the following paragraph:—

Authorized establishment by Postmaster-General of a safe-deposit system.

"(p.) 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."

(2.) The acceptance by the Postmaster-General of any document or article pursuant to regulations as herein provided 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.

19. Section eighty-four of the principal Act is hereby amended by adding thereto the following proviso:—

Carriage of strychnine 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-three hereof."

20. Section one hundred and nineteen of the principal Act is hereby amended as follows:—

Section 119 of principal Act amended.

(a.) By adding to the definition of "telegram" the words "or by any other means in which electricity is used, including wireless telegraphy."

(b.) By repealing the definition of "telegraph," and substituting the following definition:—

"'Telegraph' means an electric line or any other apparatus used for the purpose of telegraphic communication."

(c.) By adding the following definitions:—

"'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 telephone bureau:

"'Telegraph officer' means any person employed, whether permanently or temporarily, in the Telegraph Branch of the Post and Telegraph Department."

21. (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 specially authorized by the Governor-General to take declarations for the purposes of this section, a declaration in the form in the Schedule hereto.

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

(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 Schedule hereto.

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

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

Section 141 of principal Act (relating to evidence of contents of telegrams) amended.

23. Section one hundred and forty-one of the principal Act is hereby amended as follows:—

(a.) By inserting, after the word “transmission” in subsection one, the words “or a duplicate of such transcript”:

(b.) By inserting, after the word “transcript” in subsection two, the words “in duplicate.”

Section 146 of principal Act (relating to offence by Telegraph officer of improperly divulging contents of telegrams) amended.

24. Section one hundred and forty-six of the principal Act is hereby amended by inserting, after the word “divulges” in subsection one, the words “in whole or in part.”

Removal of dangerous electric lines.

25. Section one hundred and seventy-seven of the principal Act is hereby amended by adding thereto the following words: “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.”

Consequential amendment of section 178 of principal Act.

26. Section one hundred and seventy-eight of the principal Act is hereby amended by omitting the words “or, in cases where a license is necessary, that no license under Part XII of this Act has been issued or is in force.”

Improper use of telegraph-forms and other property of the Crown provided for use of the public in connection with the business of the Department.

27. 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.

Second Schedule (declaration by Post officers) extended.

28. The Second Schedule to the principal Act is hereby amended by inserting, after the words “the Post Office Savings-bank,” the words “or any other business of the Post Office.”

Use of private telephone-lines prohibited, save pursuant to license.

29. (1.) Every person who after the commencement of this Act 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.

(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 commencement of this Act.

(4.) This section is in substitution for subsection one of section eight of the Post and Telegraph Amendment Act, 1913, and that subsection is hereby accordingly repealed. Repeal.

30. Subsection one of section sixteen of the Post and Telegraph Department Act, 1918, is hereby repealed, and the following provisions are substituted therefor:— Section 16 of the Post and Telegraph Department Act, 1918 (defining rights of appeal of officers of Department), extended.

“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 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 fourteen of this Act 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 Act or any regulations thereunder or otherwise.”

SCHEDULE.

Schedule.

DECLARATION BY TELEGRAPH OFFICER.

I, _____, 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, 1908, and its amendments.

Declared at _____, this _____ day
of _____, 19____, before me,—

A Justice of the Peace
[or Solicitor of the Supreme Court, or An Authorized
Officer of the Post Office].