



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Repeal of Post Office Act 1959</p> <p>3. Financial provisions</p> <p style="text-align: center;"><i>Sick Benefit Fund</i></p> <p>4. Post Office Employees' Sick Benefit Fund Regulations 1969</p> <p>5. Interpretation of Post Office Employees' Sick Benefit Fund Regulations 1969</p>	<p>7. Acting chairman</p> <p>8. Miscellaneous amendments to Post Office Employees' Sick Benefit Fund Regulations 1969</p> <p>9. Transitional provision in respect of union membership</p> <p>10. Transitional provision in respect of employees appointed to Department of Trade and Industry Schedules</p>
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1987, No. 115

An Act to repeal the Post Office Act 1959 and to make provision incidental thereto *[1 July 1987]*

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Post Office Act Repeal Act 1987.

(2) Except as provided in sections 9 (3) and 10 (4) of this Act, this Act shall come into force on the 1st day of January 1988.

2. Repeal of Post Office Act 1959—(1) The Post Office Act 1959 is hereby repealed.

(2) The enactments specified in the First Schedule to this Act are hereby consequentially repealed.

(3) The Orders in Council specified in the Second Schedule to this Act are hereby consequentially revoked.

3. Financial provisions—(1) On the commencement of this Act, all money remaining in—

(a) The Post Office Account kept under section 169 of the Post Office Act 1959:

(b) The Reserve Fund held by the Post Office pursuant to section 181 of that Act:

(c) The depreciation reserve established pursuant to section 180 of that Act—
shall be transferred to the Consolidated Account.

(2) Notwithstanding the provisions of section 2 of this Act,—

(a) The Sick Benefit Fund provided for in section 182 of the Post Office Act 1959; and

(b) The Fine Fund provided for in section 185 of that Act; and

(c) The Suspense Account Fund provided for in section 184 of that Act,—

shall continue in existence until the date appointed by the Governor-General by Order in Council pursuant to subsection (3) of this section in respect of the fund.

(3) On such date or dates as shall be appointed for the purpose by the Governor-General, the funds specified in subsection (2) of this section or any of them shall be wound up and any money remaining therein shall be applied in such manner as the responsible Minister (being the responsible Minister in relation to New Zealand Post Limited and Telecom Corporation of New Zealand Limited and Post Office Bank Limited, within the meaning of section 2 of the State-Owned Enterprises Act 1986) and the Minister of Finance shall jointly determine.

(4) It is hereby declared that any payments received by the Postmaster-General on or after the 1st day of April 1987 pursuant to Part XI of the Post Office Act 1959 and paid into the Public Account were lawfully paid into the Public Account, notwithstanding section 171 of that Act.

Sick Benefit Fund

4. Post Office Employees' Sick Benefit Fund Regulations 1969—(1) Notwithstanding the provisions of section 2 of this Act,—

(a) The Post Office Employees' Sick Benefit Fund Regulations 1969;

(b) The Post Office Employees' Sick Benefit Fund Regulations 1969, Amendment No. 1;

(c) The Post Office Employees' Sick Benefit Fund Regulations 1969, Amendment No. 2;

(d) The Post Office Employees' Sick Benefit Fund Regulations 1969, Amendment No. 3—

shall remain in force until the date appointed by the Governor-General in relation to the Sick Benefit Fund under section 3 (3) of this Act, and shall then expire together with the

amendments to those regulations made by sections 5 to 8 of this Act.

5. Interpretation of Post Office Employees' Sick Benefit Fund Regulations 1969—(1) Regulation 2 of the Post Office Employees' Sick Benefit Fund Regulations 1969 is hereby amended by omitting the definition of the term "employee", and substituting the following definition:

" 'Employee' means—

"(a) Any person permanently employed by New Zealand Post Limited or Telecom Corporation of New Zealand Limited or Post Office Bank Limited or any other person employed by one of those corporations who is or becomes a contributor to the fund; and

"(b) Any other person who is a contributor to the fund and whom the trustees determine should continue to be regarded as an employee for the purposes of these regulations, notwithstanding that the person has ceased to be employed by New Zealand Post Limited or Telecom Corporation of New Zealand Limited or Post Office Bank Limited."

(2) The said regulation 2 is hereby further amended by inserting, in its appropriate alphabetical order, the following definition:

" 'Responsible Minister' means the responsible Minister in relation to New Zealand Post Limited and Telecom Corporation of New Zealand Limited and Post Office Bank Limited, within the meaning of section 2 of the State-Owned Enterprises Act 1986:"

(3) The said regulation 2 is hereby further amended by omitting from the definition of the term "salary", the words "under the provisions of the Post Office Staff Regulations 1951".

6. Fund to be administered by trustees—The Post Office Employees' Sick Benefit Fund Regulations 1969 are hereby further amended by revoking regulation 3, and substituting the following regulation:

"3. (1) The fund shall be administered by 6 trustees, of whom—

"(a) Three shall be appointed by the responsible Minister on the nomination of the Chief Executive Officers of New Zealand Post Limited, Telecom Corporation of New Zealand Limited, and Post Office Bank Limited:

“(b) Three shall be appointed by the responsible Minister on the nomination of the Post Office Union (Incorporated).

“(2) One of the persons appointed under paragraph (a) of subclause (1) of this regulation shall be appointed by the responsible Minister as chairman of the trustees.”

7. Acting chairman—The Post Office Employees’ Sick Benefit Fund Regulations 1969 are hereby amended by revoking regulation 8, and substituting the following regulation:

“8. If, at any meeting of the trustees, the chairman is absent, the trustees present at the meeting shall appoint one of their number to act as chairman at the meeting.”

8. Miscellaneous amendments to Post Office Employees’ Sick Benefit Fund Regulations 1969—(1) The Post Office Employees’ Sick Benefit Fund Regulations 1969 (in subsections (2) and (3) of this section referred to as the principal regulations) are hereby amended by revoking regulation 15 (as substituted by regulation 2 of the Post Office Employees’ Sick Benefit Fund Regulations 1969, Amendment No. 3).

(2) Regulation 16 (1) (a) of the principal regulations (as substituted by regulation 2 of the Post Office Employees’ Sick Benefit Fund Regulations 1969, Amendment No. 1) is hereby amended by omitting the words “Post Office”, and substituting the words “employer of that employee”.

(3) The principal regulations are hereby amended by omitting every reference to the Postmaster-General, and every reference to the Director-General, and substituting in each case a reference to the responsible Minister.

9. Transitional provision in respect of union membership—(1) Where, at the commencement of the State Services Conditions of Employment Amendment Act 1987, any determination contained a union membership clause (within the meaning of section 210 of the Post Office Act 1959), that clause shall continue to have effect according to its tenor, notwithstanding the repeal of the Post Office Amendment Act (No. 2) 1985.

(2) Where a certificate relating to the result of a union membership ballot has been issued by the Registrar of Industrial Unions under section 221G of the Post Office Act 1959, at any time after the 1st day of July 1985, that certificate shall have effect for a period of 3 years from its date and, if the

certificate relates to a ballot that resulted in a union membership clause remaining or being inserted in any determinations, the Post Office Union (Incorporated) may during those 3 years rely on the result of that ballot as requiring insertion of a union membership clause in any agreement binding the Post Office Union (Incorporated) and registered under Part VII of the Labour Relations Act 1987.

(3) This section shall come into force on the 1st day of August 1987.

10. Transitional provision in respect of employees appointed to Department of Trade and Industry—(1) Any person who is employed by Telecom Corporation of New Zealand Limited but who was an officer of the Post Office on the 31st day of March 1987 may, at any time before the 1st day of April 1988, be appointed to any vacancy in the Department of Trade and Industry as if that person were an officer of the Public Service.

(2) Section 27 (1) of the State Services Act 1962 shall not apply in respect of the appointment to the Department of Trade and Industry of any person to whom subsection (1) of this section applies.

(3) Any person to whom subsection (1) of this section applies—

(a) Shall not have any right of appeal under section 64 of the State Services Act 1962; and

(b) Shall not be deemed to be an officer of the Public Service for any other purpose until that person has been so appointed.

(4) This section shall come into force on the passing of this Act.

SCHEDULES

FIRST SCHEDULE

Section 2 (2)

ENACTMENTS REPEALED

- 1961, No. 68—The Western Samoa Act 1961: So much of the Second Schedule as relates to the Post Office Act 1959. (Reprinted 1976, Vol. 5, p. 4527.)
- 1961, No. 94—The Post Office Amendment Act 1961. (Reprinted 1970, Vol. 3, p. 2280.)
- 1962, No. 27—The Post Office Amendment Act 1962. (Reprinted 1970, Vol. 3, p. 2280.)
- 1963, No. 107—The Post Office Amendment Act 1963. (Reprinted 1970, Vol. 3, p. 2281.)
- 1965, No. 9—The Post Office Amendment Act 1965. (Reprinted 1970, Vol. 3, p. 2282.)
- 1966, No. 80—The Post Office Amendment Act 1966. (Reprinted 1970, Vol. 3, p. 2283.)
- 1967, No. 109—The Post Office Amendment Act 1967. (Reprinted 1970, Vol. 3, p. 2283.)
- 1968, No. 34—The Post Office Amendment Act 1968. (Reprinted 1970, Vol. 3, p. 2284.)
- 1969, No. 39—The Post Office Amendment Act 1969. (Reprinted 1970, Vol. 3, p. 2285.)
- 1970, No. 137—The Age of Majority Act 1970: So much of the First Schedule as relates to the Post Office Act 1959.
- 1971, No. 51—The Stamp and Cheque Duties Act 1971: So much of the Second Schedule as relates to the Post Office Act 1959.
- 1971, No. 120—The Post Office Amendment Act 1971.
- 1973, No. 86—The Post Office Amendment Act (No. 2) 1973.
- 1975, No. 98—The Post Office Amendment Act (No. 2) 1975.
- 1976, No. 132—The Broadcasting Act 1976: So much of the Schedule as relates to the Post Office Act 1959. (R.S. Vol. 13, p.1.)
- 1977, No. 63—The Public Finance Act 1977: Section 149.
- 1977, No. 95—The State Services Conditions of Employment Act 1977: So much of the Second Schedule as relates to the Post Office Act 1959. (R.S. Vol. 14, p. 669.)
- 1978, No. 24—The Post Office Amendment Act 1978.
- 1980, No. 41—The Post Office Amendment Act 1980.
- 1981, No. 26—The Post Office Amendment Act 1981.
- 1981, No. 47—The Flags, Emblems, and Names Protection Act 1981: So much of the Third Schedule as relates to the Post Office Act 1959.
- 1982, No. 95—The Post Office Amendment Act (No. 2) 1982.
- 1982, No. 161—The Post Office Amendment Act (No. 3) 1982.
- 1983, No. 53—The Post Office Amendment Act 1983.
- 1985, No. 104—The Post Office Amendment Act 1985.
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SECOND SCHEDULE
ORDERS IN COUNCIL REVOKED

Section 2 (3)

Title	Statutory Regulations Serial Number
The Leased Circuit and Leased Apparatus Regulations 1976	1976/14
The Leased Circuit and Leased Apparatus Regulations 1976, Amendment No. 8	1987/86
The Post Office Amendment Act Commencement Order 1970	1970/183
The Post Office (Inland Post) Regulations 1977	1977/253
The Post Office (Inland Post) Regulations 1977, Amendment No. 10	1987/92
The Post Office Staff Regulations 1951	1951/158
The Post Office Staff Regulations 1951, Amendment No. 1	1952/33
The Post Office Staff Regulations 1951, Amendment No. 2	1952/167
The Post Office Staff Regulations 1951, Amendment No. 3	1953/17
The Post Office Staff Regulations 1951, Amendment No. 5	1954/43
The Post Office Staff Regulations 1951, Amendment No. 7	1955/109
The Post Office Staff Regulations 1951, Amendment No. 9	1956/11
The Post Office Staff Regulations 1951, Amendment No. 10	1956/83
The Post Office Staff Regulations 1951, Amendment No. 11	1957/63
The Post Office Staff Regulations 1951, Amendment No. 12	1959/81
The Post Office Staff Regulations 1951, Amendment No. 14	1960/155
The Post Office Staff Regulations 1951, Amendment No. 16	1962/183
The Post Office Staff Regulations 1951, Amendment No. 21	1965/172
The Post Office Staff Regulations 1951, Amendment No. 23	1966/51
The Post Office Staff Regulations 1951, Amendment No. 24	1966/155
The Post Office Staff Regulations 1951, Amendment No. 25	1968/204
The Post Office Staff Regulations 1951, Amendment No. 26	1969/123
The Post Office Staff Regulations 1951, Amendment No. 27	1969/181
The Post Office Staff Regulations 1951, Amendment No. 28	1973/164

SECOND SCHEDULE—*continued*
ORDERS IN COUNCIL REVOKED—*continued*

Title	Statutory Regulations Serial Number
The Post Office (Union Membership) Regulations 1985	1985/159
The Telephone Regulations 1985	1985/133
The Telephone Regulations 1985, Amendment No. 4	1987/87
The Telex and Datex Regulations 1981	1981/307
The Telex and Datex Regulations 1981, Amendment No. 5	1987/85

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This Act is administered in the Department of Trade and Industry.

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