



ANALYSIS

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1987, No. 113

An Act to regulate the provision of postal services

[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 Postal Services Act 1987.

(2) This Act shall come into force on the 1st day of January 1988.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Corporation” means New Zealand Post Limited, a company incorporated under the Companies Act 1955 pursuant to the State-Owned Enterprises Act 1986:

“Dangerous enclosure” includes any explosive, dangerous, or destructive substance or fluid, and any matter or thing capable, as packed, of causing injury or damage to any postal article or any person:

“Document exchange” means a place where documents are deposited for collection by the addressee:

“Letter” means any form of written communication or other document or article that is directed to a specific

person or a specific address and is to be conveyed other than by electronic means; and includes a packet, package, or wrapper containing any such communication:

“Postage stamp” means an adhesive label or impression on any stationery denoting payment of the fee chargeable for the carriage of a postal article:

“Postal article” means a letter, parcel, or other article that has been posted and has not been delivered; and includes an article that, although it may have been delivered within the meaning of subsection (3) of this section, has not reached the hands of the addressee:

“Post office” means any building, house, room, vehicle, or place where, under the control of the Corporation, postal articles are received or delivered, or where they are sorted, made up, or dispatched.

(2) An article shall be deemed to have been posted when, for the purpose of being conveyed or delivered by the Corporation, it has been put into a Corporation letterbox, or delivered at a post office, or accepted for the purpose of being conveyed by post by an employee or an agent of the Corporation in the course of his or her duty or authority.

(3) A postal article shall be deemed to be delivered to the addressee when it is delivered by the Corporation at his or her house or office, or into his or her letterbox or rural delivery box, or into the proper private box at a post office, or to his or her employee or agent or other person considered to be authorised to receive the article, or according to the usual manner of delivering postal articles to the addressee.

3. Restriction on carriage of letters—(1) No person other than the Corporation shall carry any letter for hire or reward.

(2) Nothing in subsection (1) of this section shall apply to—

(a) Trade announcements, circulars, printed extracts from newspapers, or advertisements, not addressed to any person:

(b) Letters delivered by an employee of the sender:

(c) Letters delivered by a messenger employed by the sender especially for the purpose, not being a person employed or engaged in the course of his or her business or employment in delivering or procuring the delivery of letters:

(d) Letters exceeding 500 grams in weight:

- (e) Letters concerning goods sent with the goods and delivered therewith:
 - (f) Letters containing any writ or proceeding out of any Court, or any legal instrument of any kind:
 - (g) Letters sent or carried to or from a post office:
 - (h) Letters carried in accordance with an agreement entered into by the Corporation:
 - (i) Letters of 500 grams or less in weight if a charge of \$1.75 or more per letter is made in respect of the carriage, taking charge, or sending of the letter:
 - (j) Transfers between document exchanges:
 - (k) Letters carried to the premises of a provider of electronic mail services for the purposes of being transmitted as electronic mail, or letters carried from the premises of such a person after having been so transmitted.
- (3) The Governor-General may from time to time, by Order in Council, make regulations declaring—
- (a) That a substantial disruption to the services supplied by the Corporation has occurred; and
 - (b) That subsection (1) of this section shall not apply for such period as is specified in the order.
- (4) Every person who carries, sends, or takes charge of any letter contrary to the provisions of this section commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$1,000 in respect of every letter to which the breach relates.

4. Stamps—(1) No person other than the Corporation, or any person authorised for this purpose by the Corporation, may produce postage stamps.

(2) Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$10,000 who produces postage stamps in contravention of this section.

5. Letterboxes—(1) Subject to subsection (2) of this section, the Corporation may erect and maintain letterboxes or rural delivery boxes in any road, street, reserve, or public place, under the control of any authority.

(2) No letterbox or rural delivery box shall be so placed as to interfere with ordinary traffic.

6. Loss of or delay to postal articles—No person shall have any right to compensation and no liability shall be imposed upon the Corporation by reason of any loss, default,

delay, or omission in relation to any letter, except in relation to a letter to which section 3 (2) of this Act applies.

7. Detention of postal articles—(1) Where the Corporation has reason to suspect that any postal article contains any dangerous enclosure or is otherwise in contravention of this Act or any other enactment, it may detain the postal article for opening and examination in accordance with subsection (2) of this section.

(2) Every postal article which is detained under subsection (1) of this section may be opened and examined at a post office by 2 or more persons specially authorised for the purpose by the Corporation, or by one such authorised person in the presence of another employee of the Corporation, or in the presence of an officer of the Customs, and shall not be opened or examined otherwise.

(3) Where a postal article is intended to be opened or has been opened under this section, the Corporation shall give notice to that effect to the addressee if known and, if not known, to the sender thereof if known.

8. Disposal of article detained under this Act—

(1) Subject to the provisions of this Act, if any postal article opened or examined under this Act is found to be in contravention, or to have been posted in contravention, of this Act or of any other enactment, the Corporation may direct that the postal article be forfeited; and any such article shall be destroyed or otherwise disposed of in accordance with the directions of the Corporation.

(2) If any postal article opened under this Act is found to be in fraud or violation, or to have been posted in fraud or violation, of the Customs Act 1966 or any other Act relating to Customs or any Order in Council or regulation made under any such Act, it shall be handed over to the Customs Department to be dealt with in accordance with such Act or order or regulation.

(3) Every postal article opened under this Act and found to contain any valuable or saleable enclosure shall, together with its contents, be safely kept pending its disposition under this section, and a list of any such postal articles together with a memorandum of the contents thereof shall be made and preserved.

9. Offender not relieved from liability—The detention, destruction, or disposal under this Act of a postal article or its

enclosure shall not relieve any person from liability for any offence against this Act or any other Act.

10. Obligation to pass on postal articles—(1) Where a postal article that has not been delivered comes into the possession of a person other than the addressee, that person shall either deliver it to the addressee or return it to the Corporation.

(2) Every person commits an offence against this Act who neglects or fails to comply with this section.

11. Wrongful divulgence of contents of a postal article or of information obtained from postal article—(1) Every officer, employee, or agent of the Corporation commits an offence against this Act and shall be liable on summary conviction to imprisonment for a term not exceeding 6 months who divulges to any person, except so far as is lawfully permitted, any information from or as to the contents of a postal article that has come to his or her knowledge in the course of his or her duty.

(2) Every person, other than an officer, employee, or agent of the Corporation acting in the course of his or her duty, commits an offence against this Act who, having examined the contents of a postal article not intended for him or her, divulges without good and sufficient cause to any person any information obtained by him or her from or as to the contents of the postal article.

12. Posting of objectionable thing—Every person who posts or causes to be posted, without reasonable excuse, any postal article containing any noxious substance or thing, or any dead animal, commits an offence against this Act.

13. Posting indecent article, etc.—Every person who, with the intention of offending the recipient, posts or causes to be posted any postal article containing any indecent article or representation of any kind commits an offence against this Act.

14. Unlawfully opening postal articles—Every person who wilfully and without reasonable cause or excuse opens or causes to be opened any postal article which is not addressed to him or her, commits an offence against this Act and shall be liable on summary conviction to imprisonment for a term not exceeding 6 months.

15. Posting of dangerous enclosure—(1) Every person commits an offence against this Act, and shall be liable on summary conviction to imprisonment for a term not exceeding 1 year who posts, or causes to be posted, any postal article containing any dangerous enclosure.

(2) Nothing in subsection (1) of this section shall apply to poisons when sent and packed in accordance with conditions prescribed by any enactment or by the Corporation.

16. Recording on a postal article incorrect time and place of posting—Every person commits an offence against this Act who falsely marks any postal article so as to lead any person to believe that it was posted at a time or place other than the time at which or place from which it was in fact posted.

17. Offences—(1) Every person who commits an offence against this Act in respect of which a penalty is not specifically provided elsewhere in this Act shall be liable on summary conviction to a fine not exceeding \$1,000.

(2) Notwithstanding anything in the Summary Proceedings Act 1957, any information in respect of an offence against this Act may be laid at any time within 12 months from the time when the matter of the information arose, and any proceedings brought under this Act by way of complaint may be commenced at any time within 12 months from the time when the matter of complaint arose.

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