

Hon. Mr. Nosworthy.

POST AND TELEGRAPH AMENDMENT.

ANALYSIS.

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A BILL INTITULED

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

Title.

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, 1927, 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.

PART I.

POST OFFICE ACCOUNT.

2. This Part of this Act shall come into force on the first day of April, nineteen hundred and twenty-eight.

Commencement of this Part of Act.

Post Office Account
established.

3. (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 principal Act with the same name, and in existence at the commencement of this Part of this Act.

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(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.

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(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.

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Capital liability of
Post and Telegraph
Department to be
determined by
Governor-General.

4. (1) The Governor-General may, on the joint recommendation of the Minister of Finance and the Postmaster-General,—

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(a) Determine the amount of the capital liability of the Post and Telegraph Department as on the thirty-first day of March, nineteen hundred and twenty-eight :

(b) Determine what part of the capital liability aforesaid represents moneys paid out of the Public Works Fund :

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(c) Determine what part of the capital liability aforesaid represents revenue of the Department that has been applied for purposes of capital expenditure.

(2) In computing the capital liability aforesaid the Governor-General may take into account the cost of raising any loan-moneys applied for the purposes of the Post and Telegraph Department, and may also include in such capital liability a proper proportion of the cost of administration of the Public Works Fund.

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(3) Any determination by the Governor-General under this section may be at any time in like manner amended.

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Moneys payable
into Post Office
Account.

5. (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 :

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(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 :

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(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.

5 (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.

10 6. (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 :—

Moneys payable out of Post Office Account into Consolidated Fund.

15 (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 foregoing provisions of this Act, less the amount of any such liability determined to be in respect of revenue applied for purposes of capital expenditure :

20 (b) Interest on any moneys that may thereafter be applied for the purposes of the Department out of the Public Works Fund, or on any moneys that may thereafter be 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.

25 (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
30 fixed by the Governor-General as aforesaid may be at any time in like manner varied.

7. (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.

35 (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 :

40 (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 :

45 (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
50 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.

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

8. (1) 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 this Part of this Act, or the space of *three* months next after the commencement of any other financial year, as the case may be. 5 10

(2) The amount that may be paid under this section during the three months commencing on the first day of April, nineteen hundred and twenty-eight, shall be computed by reference to the amounts appropriated out of the Consolidated Fund for the purposes of the Post and Telegraph Department, in respect of the financial year ending on the thirty-first day of March, nineteen hundred and twenty-eight. 15

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

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

- (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: 20
- (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. 25

(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. 30

(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. 35

Authority for payment out of Consolidated Fund in aid of Post Office.

10. (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. 40

(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. 45

Investment of surplus moneys belonging to Post Office Account.

11. 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.

12. (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 50

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.

5 13. 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
10 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 reserve fund in connection with Post Office Savings-bank.

15 14. (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
20 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
25 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.

Special provisions as to existing Depreciation Reserve.

(2) From the amount determined in accordance with the *last*
30 *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
35 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
40 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*
45 *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
50 as such capital liability consists of borrowed moneys.

15. Section one hundred and sixteen of the principal Act and subsections three and four of section seven of the Post and Telegraph Amendment Act, 1920, are hereby repealed.

Repeals.

PART II.

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT.

Rates of interest payable in respect of deposits in the Post Office Savings-bank.

16. (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. 5

Repeals.

(2) Section seventy-seven of the principal Act, and section two of the Post and Telegraph Amendment Act, 1920, are hereby repealed.

(3) Notwithstanding the repeal of section seventy-seven of the principal Act by the *last preceding* subsection the rates of interest determined in accordance with that section and in force on the passing of this Act shall continue in force until rates are fixed pursuant to the foregoing provisions of this section. 10

(4) The Schedule to the Post and Telegraph Amendment Act, 1913, is hereby amended by repealing the third paragraph in the forms therein numbered one and two respectively. The said forms, and also the form numbered three in the same Schedule, 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. 15 20

Authority to establish wireless telegraphic and telephonic stations.

17. Section one hundred and sixty-two of the principal Act is hereby repealed, and the following section substituted therefor:—

“162. 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.” 25 30

Offence of being in possession of wireless apparatus without a license.

18. (1) For the purposes of this section the term “license” means a license with respect to wireless-telegraphic apparatus granted by the Minister of Telegraphs in accordance with regulations made by the Governor-General in Council in exercise of the authority conferred on him by section three of the Post and Telegraph Amendment Act, 1911, as from time to time extended, and includes a dealer’s license. 35

(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. 40

(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. 45 50

(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.

(7) Section nine of the Post and Telegraph Amendment Act, 1922, is hereby amended by adding to paragraph (d) the words "not exceeding in any case a fine of *fifty* pounds."

(8) Section one hundred and sixty-four of the principal Act, section ten of the Post and Telegraph Amendment Act, 1913, and subsection two of section six of the Post and Telegraph Amendment Act, 1920, are hereby repealed.

19. (1) In exercise of the general authority conferred on him by section thirteen of the Post and Telegraph Amendment Act, 1922, to make regulations for the purpose of giving full effect to the provisions of the principal 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.

Repeals.
Governor-General may make regulations for protection of interests of persons inserting advertisements in departmental publications.

(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.

20. (1) In addition to the officers specified in subsection one of section five of the Post and Telegraph Department Act, 1918, 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.

Provision for appointment by Governor-General of certain officers of Department.

(2) Section six of the Post and Telegraph Department Act, 1918, shall be read subject to the provisions of this section.

21. Section two of the Post and Telegraph Department Act, 1918, is hereby amended by omitting from the definition of the term "Officer" the words "including an officer appointed on probation, but not a temporary employee," and substituting the words "but does not include a temporary employee or a person appointed on probation."

Amendment of definition of term "Officer" in relation to Post and Telegraph Department.

Increasing maximum penalty for offence against section 87 of principal Act.

Summary proceedings for an offence against section 91 of principal Act.

22. Section eighty-seven of the principal Act is hereby amended by omitting from subsection one the words "fifty pounds," and substituting the words "*two hundred* pounds or to imprisonment for *three* months."

23. (1) The prosecution for any offence alleged to have been committed against section ninety-one of the principal Act 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. 5

(2) No person shall in respect of any such offence be proceeded against by way of indictment under the said section ninety-one and also under this section. 10