

**Version
as at 12 April 2022**



Postal Services Act 1998

Public Act	1998 No 2
Date of assent	18 March 1998
Commencement	see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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An Act to regulate the provision of postal services

1 Short title and commencement

- (1) This Act may be cited as the Postal Services Act 1998.
- (2) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.
- (3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): this Act brought into force, on 1 April 1998, by clause 2 of the Postal Services Act Commencement Order 1998 (SR 1998/49).

Section 1(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1 Preliminary provisions

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—
corporation means New Zealand Post Limited, a company incorporated under the Companies Act 1993 pursuant to the State-Owned Enterprises Act 1986; and includes any subsidiary of that company

courier service means a service for the conveyance or delivery of articles by courier if—

- (a) the sender requests that the article be conveyed or delivered by courier; and
- (b) both of the following are features of the service:
 - (i) conveyance or delivery on an expedited basis; and
 - (ii) the article is tracked throughout the conveyance or delivery process

designated postal operator means a postal operator that is designated, pursuant to section 48, as a postal administration for New Zealand

foreign country means any country other than New Zealand

letter means any form of written communication, or any other document or article (including any envelope, packet, package, or wrapper containing that communication, document, or article),—

- (a) that is addressed to a specific person or a specific address; and
- (b) that is to be conveyed or delivered other than by electronic means or courier service; and
- (c) that does not exceed—
 - (i) 260 mm in height; or
 - (ii) 385 mm in length; or
 - (iii) 20 mm in thickness; or
 - (iv) 1 kg in weight; and
- (d) for which a charge is made in respect of carrying, taking charge of, or sending it

Minister means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Ministry means, subject to any enactment, the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

postage stamp means an adhesive label, or a mark or design, that is affixed to or impressed or printed on stationery to indicate 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—

- (a) an article that, although it may have been delivered within the meaning of subsection (3), has not reached the hands of the addressee;
- (b) the contents of any such letter, parcel, or article

postal identifier, in relation to a postal operator, means any name, logo, mark, or design—

- (a) that is affixed to, or impressed or printed on, postal articles; and
- (b) that uniquely identifies that postal operator; and
- (c) that clearly indicates to members of the public that those postal articles have been, or are intended to be, accepted by that postal operator for the purpose of being conveyed by post

postal operator means a person for the time being registered as a postal operator under this Act

postal outlet means any building, house, room, vehicle, or place where, under the control of a postal operator, postal articles are received or delivered, or where they are sorted, made up, or dispatched

public letterbox means any receptacle that is provided by a postal operator for the purpose of receipt of postal articles for conveyance by that postal operator

register means the register of postal operators maintained under section 32

Secretary means the chief executive of the Ministry

specified offence means—

- (a) a crime involving dishonesty within the meaning of section 2 of the Crimes Act 1961;
- (b) an offence against any of the following provisions of the Misuse of Drugs Act 1975:
 - (i) section 6 (which relates to dealing with controlled drugs);
 - (ii) section 7 (which relates to the possession and use of controlled drugs);
 - (iii) section 9 (which relates to the cultivation of prohibited plants);
 - (iv) section 12 (which relates to the use of premises or vehicles for the commission of an offence);
- (c) an offence against section 20 or section 23 or section 24 of this Act or against any corresponding provision of the Postal Services Act 1987;
- (d) an offence against the law of any foreign country, where the offence consists of or includes conduct that, if it occurred in New Zealand, would be an offence referred to in any of paragraphs (a) to (c)

subsidiary has the same meaning as in sections 5 and 6 of the Companies Act 1993

working day means any day of the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

- (ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
 - (b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year.
- (2) An article is taken to have been posted when, for the purpose of being conveyed or delivered by a postal operator, it has been put into a public letterbox, or delivered at a postal outlet, or accepted for the purpose of being conveyed by post by an employee or agent of a postal operator in the course of his or her duty or authority.
- (2A) However, an article to be conveyed or delivered by courier service is not an article that has been posted.
- (3) A postal article is taken to be delivered to the addressee when it is delivered by a postal operator at the addressee's house or office, or into the addressee's letterbox or rural delivery box, or into the proper private box at a postal outlet, or to the addressee's 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.
- (4) Unless the context otherwise requires, a reference in this Act to a person concerned in the management of another person means—
 - (a) a director of that person:
 - (b) the chief executive of that person (however described).
- (5) A reference in this Act to the law of a foreign country includes a reference to the law of a part of, or the law in force in a part of, the country.

Section 2(1) **courier service**: inserted, on 30 May 2017, by section 138(1) of the Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12).

Section 2(1) **letter**: replaced, on 30 May 2017, by section 138(2) of the Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12).

Section 2(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 2(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 2(2A): inserted, on 30 May 2017, by section 138(3) of the Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12).

3 Act to bind the Crown

This Act binds the Crown.

Part 2

General provisions

Postage stamps

4 Postage stamps

- (1) Subject to subsection (2), no person other than a designated postal operator may issue postage stamps that bear the words “New Zealand” or any abbreviation of those words.
- (2) Nothing in subsection (1) applies where—
 - (a) the words “New Zealand”, or any abbreviation of those words, appears on a postage stamp as part of the name of the postal operator by which the stamp is issued; and
 - (b) those words or, as the case requires, that abbreviation of those words form part of the name under which the postal operator is registered as a company; and
 - (c) that company name of the postal operator appears in full on the stamp; and
 - (d) the words “New Zealand” or, as the case requires, the abbreviation of those words appears on the stamp in the same typeface and point size as the company name appears.
- (3) Every person commits an offence against this Act and is liable on conviction to a fine of not more than \$10,000 who issues any postage stamp in contravention of subsection (1).

Compare: 1987 No 113 s 4

Section 4(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Detention and examination of postal articles

5 Detention of postal articles

- (1) Where any postal operator has reason to suspect that any postal article—
 - (a) has been posted in contravention of section 21 or section 22 or section 24; or
 - (b) is in contravention, or has been posted in contravention, of any of the following enactments,—
 - (i) the Misuse of Drugs Act 1975:
 - (ii) the Protected Objects Act 1975:
 - (iii) the Trade in Endangered Species Act 1989:
 - (iv) the Biosecurity Act 1993:
 - (v) the Customs and Excise Act 2018,—

that postal operator may detain the postal article for opening and examination in accordance with subsection (2).

- (2) Every postal article that is detained under subsection (1) may be opened and examined at a postal outlet by—
- (a) 2 or more persons specially authorised for the purpose by a postal operator; or
 - (b) 1 such authorised person in the presence of—
 - (i) another employee of that postal operator; or
 - (ii) a Customs officer,—
- and (except as provided in any other enactment) must not be opened or examined otherwise.
- (3) Subject to subsection (4), where a postal article is intended to be opened or has been opened under this section, the postal operator must give notice in accordance with subsection (5) to the addressee if known, or if not known, to the sender of the postal article if known.
- (4) A postal operator must delay the giving of a notice under subsection (3) in any case where the postal operator believes, on reasonable grounds, that the giving of the notice at the particular time would be likely to prejudice any investigation into the commission or possible commission of an offence against this Act or any other enactment, or the detection or prosecution of any such offence.
- (5) The notice required by subsection (3) must contain the following information:
- (a) a statement that the postal article is intended to be opened or has been opened, as the case requires;
 - (b) a brief statement of the reason why the postal article is intended to be opened or has been opened, as the case requires;
 - (c) a brief summary of the effect of sections 6 to 10.

Compare: 1987 No 113 s 7

Section 5(1)(b)(ii): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 5(1)(b)(v): replaced, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

6 Postal articles found to be in contravention of this Act

- (1) Where any postal article—
- (a) is detained under section 5(1) by a postal operator; and
 - (b) on being opened or examined under this Act, is found to have been posted in contravention of section 21 or section 22 or section 24,—
- the postal operator may seize the postal article, and in any such case the provisions of subsections (2) to (6) and sections 7 and 8 apply.

- (2) Subject to subsections (3) and (5), the postal article must be retained by the postal operator pending the outcome of any proceedings against any person for the offence in respect of which the postal article was seized.
- (3) If the postal operator believes, on reasonable grounds,—
 - (a) that the postal article is likely to die, rot, spoil, or otherwise perish; or
 - (b) that the postal article is or is about to become dangerous and that it is necessary, in order to avoid the threat of harm to any persons or property, to destroy or otherwise dispose of the postal article immediately,—the postal operator may destroy or otherwise dispose of the postal article as the postal operator thinks fit.
- (4) Where proceedings are taken against any person for the offence in respect of which the postal article was seized, then, when the proceedings are completed or abandoned, the postal operator must cause the postal article to be delivered to the person who appears to the postal operator to be entitled to it, unless, where the court enters a conviction, the postal article is forfeited to the Crown under section 8.
- (5) If no such proceedings are taken within 6 months after that seizure, the postal operator must cause the article to be delivered to the person who appears to the postal operator to be entitled to it.
- (6) If, in any case to which subsection (4) or subsection (5) applies, the person who appears to the postal operator to be entitled to the postal article cannot be found, or there is no such person, the postal article is forfeited to the postal operator, and the postal operator may destroy or otherwise dispose of it as the postal operator thinks fit.

Compare: 1974 No 26 s 41; 1987 No 113 s 8(1)

7 Postal operator or claimant may apply for order as to disposal

- (1) In any case to which subsection (4) or subsection (5) of section 6 applies, the postal operator may at any time apply to a District Court Judge for an order as to the disposal of the postal article.
- (2) If a postal article is seized under section 6(1), any person who claims to be entitled to the postal article may at any time apply to a District Court Judge for an order as to the disposal of the postal article.
- (3) On an application made under subsection (1), the District Court Judge may make an order directing that the postal article be delivered to such person as the Judge considers is entitled to it, or that it be destroyed or otherwise disposed of in such manner as the Judge thinks fit.
- (4) On an application made under subsection (2), the District Court Judge may do any of the following things:
 - (a) make any order that a Judge may make under subsection (3):
 - (b) adjourn the application, on such terms as the Judge thinks fit,—

- (i) for proceedings to be brought against any person for the offence in respect of which the postal article was seized; or
- (ii) if the Judge considers it necessary that the postal article be preserved as evidence in any proceedings:
- (c) dismiss the application.

8 Disposal following conviction

- (1) On the conviction of any person for an offence against this Act involving any postal article seized under section 6(1), the convicting court, in addition to or instead of passing any other sentence or making any other order in respect of the offence, may order that the postal article is forfeited to the Crown; and in that case the postal article so forfeited must be destroyed or otherwise disposed of as the Minister directs.
- (2) Before making an order under subsection (1), the court must give—
 - (a) the person convicted; and
 - (b) any other person who, in the opinion of the court, would be directly affected by the making of the order—an opportunity to be heard.
- (3) If the court is satisfied that the postal article that was the subject of the prosecution should be restored to a person other than the person convicted, it may so direct.
- (4) Any person aggrieved by an order made under subsection (1) for the forfeiture of any postal article may (whatever the amount involved) appeal from that order in the manner provided by subpart 4 of Part 6 of the Criminal Procedure Act 2011, and, until the appeal is determined or abandoned, the order is suspended and must not be carried into effect.

Compare: 1993 No 94 ss 136, 137

Section 8(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

9 No action to lie

No action lies against any person for any act done in good faith in pursuance or intended pursuance of section 7 or section 8 or of any order made in pursuance or intended pursuance of either of those sections.

10 Postal articles believed to be in contravention of other enactments

- (1) This section applies to any postal article that—
 - (a) is detained under subsection (1) of section 5 by a postal operator; and
 - (b) on being opened or examined under this Act, is believed, on reasonable grounds, to be in contravention, or to have been posted in contravention, of any enactment referred to in paragraph (b) of that subsection, or of any other enactment (other than this Act).

- (2) Where this section applies to any postal article, the following provisions apply:
- (a) where the postal article is believed to be in contravention, or to have been posted in contravention, of the Misuse of Drugs Act 1975, the postal operator must deliver the postal article to the Commissioner of Police or to such other person as the Commissioner directs, and the postal article must be dealt with in accordance with that Act:
 - (b) where the postal article is believed to be in contravention, or to have been posted in contravention, of the Protected Objects Act 1975, the postal operator must deliver the postal article to the Secretary for Internal Affairs or to such other person as the Secretary for Internal Affairs directs, and the postal article must be dealt with in accordance with that Act:
 - (c) where the postal article is believed to be in contravention, or to have been posted in contravention, of the Trade in Endangered Species Act 1989, the postal operator must deliver the postal article to the Director-General of Conservation or to such other person as the Director-General directs, and the postal article must be dealt with in accordance with that Act:
 - (d) where the postal article is believed to be in contravention, or to have been posted in contravention, of the Biosecurity Act 1993, the postal operator must deliver the postal article to the chief executive of the department of State that is for the time being responsible for the administration of that Act or to such other person as that chief executive directs, and, in any such case, the provisions of that Act, so far as applicable and with all necessary modifications, apply as if the postal article were unauthorised goods that had been seized, pursuant to section 116 of that Act, on the date of that delivery:
 - (e) where the postal article is believed to be in contravention, or to have been posted in contravention, of the Customs and Excise Act 2018 or any Order in Council or regulation made under that Act, the postal operator must deliver the postal article to the chief executive of the New Zealand Customs Service or to such other person as the chief executive directs, and the postal article must be dealt with in accordance with that Act, order, or regulation:
 - (f) where the postal article is believed to be in contravention, or to have been posted in contravention, of any other enactment (other than this Act),—
 - (i) the postal operator must notify the appropriate authority or a constable, and must comply with any lawful direction given by that authority or constable with respect to the postal article; and

- (ii) in the meantime, the postal operator may continue to detain the postal article for not more than 2 working days.

Compare: 1987 No 113 s 8(2)

Section 10(2)(b): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 10(2)(e): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 10(2)(f)(i): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

11 Valuable postal articles to be kept safely

- (1) Where a postal article is detained under section 5(1) by a postal operator and, on being opened or examined under this Act, is found to contain any valuable or saleable enclosure, that postal operator must keep that postal article and its contents safe pending their disposal in accordance with sections 6 to 10.
- (2) Every postal operator must cause to be made and kept—
 - (a) a list of all postal articles that are detained under section 5(1) by that postal operator and to which subsection (1) of this section applies; and
 - (b) in relation to each such postal article, a memorandum of its contents.

Compare: 1987 No 113 s 8(3)

12 Record of postal articles detained and opened

- (1) Every postal operator must make and keep a record of each occasion on which a postal article is detained under section 5(1) by that postal operator and is opened or examined under this Act.
- (2) The record must include brief details of the following:
 - (a) the reason why the postal article was detained;
 - (b) the contents of the postal article;
 - (c) how the postal article and its contents were dealt with by the postal operator after the postal article was opened or examined.
- (3) Records required by this section must be kept either in written form, or in a form that enables the records to be readily accessible and readily convertible into written form.
- (4) A postal operator must,—
 - (a) at all reasonable times, allow the Secretary or any person acting under the authority of the Secretary to enter that postal operator's premises (other than a dwellinghouse) for the purpose of inspecting the records kept by that postal operator under this section;
 - (b) on the request of a person carrying out an inspection under paragraph (a),—
 - (i) provide that person with access to those records; and

- (ii) permit that person to examine those records; and
 - (iii) permit that person to produce or make a printout or copy of the records or any part of the records:
- (c) if requested in writing by the Secretary, produce to the Secretary all or part of the records kept by the postal operator under this section; and the Secretary may produce or make a printout or copy of the records or any part of the records.
- (5) Where a request is made to a postal operator under subsection (4)(c), the postal operator must comply with that request within 20 working days after receiving the request or within such further period as the Secretary in any particular case allows.
- (6) Every person must, on entering any premises under subsection (4)(a), and when requested at any subsequent time, produce—
 - (a) evidence of that person's authority to enter the premises; and
 - (b) evidence of that person's identity.

13 Offences

Every postal operator commits an offence and is liable on conviction to a fine of not more than \$10,000 who—

- (a) fails, without reasonable excuse, to properly keep records sufficient to satisfy the requirements of subsections (1) to (3) of section 12; or
- (b) fails, without reasonable excuse, to comply with the requirements of section 12(4) or section 12(5).

Section 13: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

14 Offender not relieved from liability

The detention, destruction, or disposal under this Act of a postal article does not relieve any person from liability for any offence against this Act or any other enactment.

Compare: 1987 No 113 s 9

Further provisions relating to opening of postal articles

15 Opening of postal articles to effect delivery

- (1) This section applies to any postal article—
 - (a) that a postal operator is unable to deliver to the addressee because—
 - (i) the postal article bears no address, or bears a wrong or an incomplete or an illegible address; or
 - (ii) the addressee cannot be located; and

- (b) that does not bear a return address, or that bears a return address that is wrong, incomplete, or illegible.
- (2) A postal operator may open a postal article to which this section applies for the purpose of identifying the addressee or sender of the postal article.
- (3) A postal article may be opened under this section only at a postal outlet by—
 - (a) 2 or more persons specially authorised for the purpose by a postal operator; or
 - (b) 1 such authorised person in the presence of—
 - (i) another employee of that postal operator; or
 - (ii) a Customs officer.
- (4) Subject to subsection (5), if a postal article is opened under this section, the postal operator must give notice to that effect, and of the reason for opening the postal article, to the person to whom the postal article is delivered.
- (5) If any postal article, on being opened under this section,—
 - (a) is found to have been posted in contravention of section 21 or section 22 or section 24; or
 - (b) is believed, on reasonable grounds, to be in contravention, or to have been posted in contravention, of any enactment referred to in section 5(1)(b), or of any other enactment (other than this Act),—the provisions of this Act apply as if the postal article had been detained under section 5(1).

Undeliverable postal articles

16 Undeliverable postal articles

- (1) This section applies to any postal article that a postal operator is unable to deliver to the addressee because—
 - (a) the postal article bears no address, or bears a wrong or an incomplete or an illegible address; or
 - (b) the addressee cannot be located.
- (2) A postal article to which this section applies must be dealt with in accordance with subsections (3) and (4) and section 17.
- (3) If the postal operator knows who sent the postal article, the postal operator must return the postal article to the sender.
- (4) If the postal operator does not know who sent the postal article, the postal operator must keep the postal article in safe custody for at least 3 months or until it is claimed, whichever happens first.

17 Disposal of unclaimed postal articles

If a postal operator has kept a postal article to which section 16 applies in safe custody for at least 3 months but the postal article remains unclaimed, the postal operator may destroy or otherwise dispose of the postal article as the postal operator thinks fit.

18 Postal articles required to be dealt with under other provisions

Sections 16 and 17 do not apply to any postal article that must be dealt with in accordance with any of sections 6 to 11.

*General obligations relating to postal articles***19 Obligation to pass on postal articles**

- (1) Subject to sections 5 to 11 and to sections 16 and 17, where a postal article that has not been delivered comes into the possession of a person other than the addressee, that person must deliver it to—
 - (a) the addressee; or
 - (b) any postal operator.
- (2) Every person commits an offence against this Act who, without reasonable excuse, fails to comply with this section.

Compare: 1987 No 113 s 10

20 Wrongful divulgence of information

- (1) Every person (being an officer, employee, or agent of a postal operator) commits an offence against this Act who, without reasonable excuse, divulges to any person any information from or as to the contents of a postal article that has come to the first-mentioned person's knowledge in the course of that person's duty.
- (2) Every person, other than an officer, employee, or agent of a postal operator acting in the course of that person's duty, commits an offence against this Act who, having examined the contents of a postal article not intended for that person, divulges without reasonable excuse to any person any information obtained by the first-mentioned person from or as to the contents of the postal article.
- (3) Every person who commits an offence against this section is liable on conviction to imprisonment for not more than 6 months or a fine of not more than \$5,000.

Compare: 1987 No 113 s 11

Section 20(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

21 Posting of objectionable thing

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

Compare: 1987 No 113 s 12

22 Posting indecent article, etc

Every person commits an offence against this Act 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.

Compare: 1987 No 113 s 13

23 Unlawfully opening postal article

- (1) Every person commits an offence against this Act who wilfully and without reasonable excuse opens or causes to be opened any postal article that is not addressed to that person.
- (2) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for not more than 6 months or a fine of not more than \$5,000.

Compare: 1987 No 113 s 14

Section 23(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

24 Posting of dangerous enclosure

- (1) Every person commits an offence against this Act who posts, or causes to be posted,—
 - (a) any postal article containing any explosive, dangerous, or destructive substance or fluid; or
 - (b) any postal article containing any matter or thing capable, as packed, of causing injury to any person.
- (2) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for not more than 1 year or a fine of not more than \$10,000.
- (3) Every person commits an offence against this Act who posts, or causes to be posted, any postal article containing any matter or thing capable, as packed, of causing damage to any postal article.
- (4) Nothing in subsection (1) or subsection (3) applies to any of the following things, when sent and packed in accordance with conditions prescribed by any enactment or by a postal operator:
 - (a) poisons:
 - (b) forensic material (including, without limitation, blood samples or other bodily samples):

- (c) any other matter prescribed for the purposes of this paragraph by regulations made under this Act.

Compare: 1987 No 113 s 15

Section 24(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

25 Recording on postal article incorrect time or 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.

Compare: 1987 No 113 s 16

Part 3

Registration of postal operators

Interpretation

26 Definition of business of postal operator

- (1) For the purposes of this Act, a person carries on business as a postal operator if that person's business consists, wholly or partly, of the carriage of letters.
- (2) Nothing in this section applies to the carriage of letters by any person—
 - (a) as an employee or agent of a postal operator; or
 - (b) under a contract for services with a postal operator.

Requirement for postal operators to be registered

27 Postal operators must be registered

No person may commence or carry on business as a postal operator unless that person is registered under this Act.

28 Offence

- (1) Every person commits an offence who, not being registered as a postal operator under this Act, commences or carries on business as a postal operator.
- (2) Every person who commits an offence against this section is liable on conviction—
 - (a) to a fine of not more than \$10,000; and
 - (b) to a further fine of not more than \$1,000 for every day or part of a day during which the offence continues.

Section 28(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Registration of postal operators

29 Applications for registration

- (1) Any person who wishes to be registered as a postal operator must apply to the Secretary.
- (2) Every application for registration must—
 - (a) be in the form provided for the purpose by the Secretary; and
 - (b) be accompanied by the prescribed fee (if any).
- (3) On receiving an application that complies with the requirements of this section, the Secretary must register the applicant unless the Secretary declines, under subsection (4), to register the applicant.
- (4) The Secretary may decline to register the applicant if the Secretary is satisfied that the applicant or any person concerned in the management of the applicant has been convicted by any court in New Zealand or elsewhere, at any time within the period of 10 years immediately before the date of the application, of a specified offence.
- (5) The Secretary must not decline to register a person unless the Secretary has first given that person an opportunity to be heard.

30 Cancellation of registration

- (1) The Secretary may at any time cancel the registration of a postal operator if the Secretary is satisfied—
 - (a) that, since that postal operator's registration under this Act, that postal operator or any person concerned in the management of that postal operator has been convicted, by any court in New Zealand or elsewhere, of a specified offence; or
 - (b) that,—
 - (i) since that postal operator's registration under this Act, a person with a conviction for a specified offence has become a person concerned in the management of that postal operator; and
 - (ii) that person was convicted of that offence (whether by a court in New Zealand or elsewhere) before or after that postal operator's registration under this Act, but within the period of 10 years immediately before the date on which the Secretary cancels that registration; or
 - (c) that the postal operator was registered by reason of any false or misleading representation or declaration, made either orally or in writing.
- (2) The Secretary must not cancel the registration of a postal operator unless the Secretary has first given that postal operator an opportunity to be heard.

31 Offence relating to registration

- (1) Every person commits an offence who, for the purpose of obtaining (either for himself or herself or itself or for any other person) registration as a postal operator,—
 - (a) either orally or in writing, makes any declaration or representation that to that person's knowledge is false or misleading in a material particular; or
 - (b) produces to the Secretary, or makes use of, any document knowing it to contain any such declaration or representation; or
 - (c) produces to the Secretary, or makes use of, any document knowing that it is not genuine.
- (2) Every person who commits an offence against this section is liable on conviction to a fine of not more than \$10,000.

Section 31(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

*Register of postal operators***32 Register of postal operators**

- (1) The Secretary must maintain a register of persons who are registered as postal operators.
- (2) The following particulars must be recorded in the register in respect of every person registered as a postal operator:
 - (a) the person's name;
 - (b) the person's place of business;
 - (c) the date of the person's registration;
 - (d) the person's postal identifier or postal identifiers;
 - (e) any other particulars that the Secretary considers appropriate.
- (3) The Secretary may at any time make any amendments to the register that are necessary to reflect any changes in the information referred to in subsection (2).
- (4) The register may be kept in any manner that the Secretary thinks fit, including, either wholly or partly, by means of a device or facility—
 - (a) that records or stores information electronically or by other means; and
 - (b) that permits the information so recorded to be readily inspected or reproduced in usable form; and
 - (c) that permits the information in the register to be accessed by electronic means, including (without limitation) by means of remote logon access.

33 Requirement to notify Secretary of certain matters

- (1) A postal operator that intends to change its place of business, or any postal identifier, or any other particulars that are recorded in respect of that person on the register, must notify the Secretary of the change at least 1 month before the change is to take place.
- (2) If there is any change in the persons who are concerned in the management of a postal operator, the postal operator must notify the Secretary of that change either before the change occurs or within 14 days after it has occurred.
- (3) Every notification under subsection (1) or subsection (2) must—
 - (a) be in writing; and
 - (b) be accompanied by the prescribed fee (if any).
- (4) Every person commits an offence and is liable on conviction to a fine of not more than \$1,000 who fails, without reasonable excuse, to comply with the requirements of subsection (1) or subsection (2).

Section 33(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

34 Inspection of register

- (1) The Secretary must keep the register open for public inspection, during ordinary office hours, at—
 - (a) the head office of the Ministry; or
 - (b) an office of the Ministry for the time being specified for the purposes of this subsection by notice published in the *Gazette*.
- (2) The Secretary must supply to any person copies of all or part of the register on request and payment of a reasonable charge for the production of the copy.

35 Removal from register

The Secretary must remove a person's name from the register—

- (a) if that person applies to the Secretary, in writing, to have that person's name removed from the register;
- (b) if the Secretary cancels that person's registration as a postal operator;
- (c) if the Secretary is satisfied that the person has ceased to carry on business as a postal operator.

36 Certificate of Secretary to be evidence

A certificate purporting to be signed by the Secretary—

- (a) to the effect that any person was or was not registered at any particular time or during any period specified in the certificate; or
- (b) as to any entry in the register—

is for all purposes sufficient evidence of the matters specified in the certificate, in the absence of proof to the contrary.

Appeals

37 Right of appeal

- (1) Any person may appeal to the District Court against the following decisions of the Secretary:
 - (a) a decision of the Secretary to decline to register that person as a postal operator:
 - (b) a decision of the Secretary to cancel that person's registration as a postal operator.
- (2) Every appeal under this section must be made by giving notice of appeal within 20 working days after the date on which notice of the decision was communicated to the appellant, or within such further time as the District Court may allow on application made before or after the expiration of that period.

Section 37(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 37(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

38 Determination of appeals

- (1) In determining an appeal under section 37, the District Court may confirm or reverse the decision of the Secretary.
- (2) The District Court's decision in the determination of an appeal under section 37 is final.

Section 38(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Part 4 Postal operators

Postal operators to identify mail

39 Postal operator to identify mail accepted by it

- (1) As soon as practicable after a postal operator accepts a postal article for the purpose of being conveyed by post, that postal operator must affix to, or impress or print on, that postal article the postal operator's postal identifier.
- (2) Subsection (1) does not apply if the postal operator's postal identifier is already affixed to, or impressed or printed on, the postal article.
- (3) Every postal operator commits an offence and is liable on conviction to a fine of not more than \$10,000 who fails, without reasonable excuse, to comply with the requirements of subsection (1).

Section 39(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Erection of public letterboxes

40 Public letterboxes

- (1) Subject to subsections (2) and (3), a postal operator may erect and maintain public letterboxes in any road, street, reserve, or public place.
- (2) In exercising the powers contained in subsection (1), a postal operator must comply with any reasonable conditions prescribed by the local authority or other body or person having jurisdiction over the road, street, reserve, or public place, as the case may be.
- (3) A public letterbox must not be so placed as to interfere with ordinary traffic.

Compare: 1987 No 113 s 5

41 Notice of work

- (1) Before a postal operator proceeds to erect a public letterbox pursuant to the powers contained in section 40(1), the postal operator must give notice of its intention to undertake the work to the local authority or other body or person having jurisdiction over the road, street, reserve, or public place where the postal operator proposes to erect the public letterbox.
- (2) Every notice must be in writing, and must specify the location of the proposed work, the nature of the work to be undertaken, and the reasons for it.
- (3) Within 15 working days after the receipt of the written notice of the intention to undertake work, the person who is given a notice pursuant to subsection (1) must notify the postal operator, in writing, of any conditions imposed pursuant to section 40(2).
- (4) Where a person who is given a notice pursuant to subsection (1) fails to notify the postal operator of the conditions imposed pursuant to section 40(2) within the period referred to in subsection (3), no such conditions may be imposed, and the postal operator may commence work.

Compare: 1987 No 116 s 15A; 1992 No 122 s 25

42 Offence

- (1) Every postal operator commits an offence and is liable on conviction to a fine of not more than \$10,000 who fails to comply with section 40 or section 41.
- (2) In addition to any fine imposed pursuant to subsection (1), the court may make any order relating to compensation that it thinks fit.

Compare: 1987 No 116 s 15B; 1992 No 122 s 26

Section 42(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

43 Appeals in relation to conditions imposed

- (1) A postal operator may appeal to the District Court against all or any of the conditions imposed pursuant to section 40(2) by the local authority or other body or person having jurisdiction over the road, street, reserve, or public place.
- (2) Every appeal must be made by giving notice of appeal within 40 working days after the date of notification of the conditions imposed, or within such further period as the court allows on application made to it for that purpose either before or after those 40 working days have expired.

Compare: 1987 No 116 s 15C; 1992 No 122 s 27

Section 43(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

44 Determination of appeals

- (1) In determining any appeal under section 43, the District Court may confirm or modify or cancel any or all of the conditions imposed.
- (2) The District Court's decision in the determination of an appeal under section 43 is final.

Compare: 1987 No 116 s 15D; 1992 No 122 s 28

Section 44(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

*Loss or delay of letters***45 Loss or delay of letters**

No person is entitled to compensation, and no liability is imposed on the Crown or any postal operator, for any loss or damage suffered by any person because of any loss, default, delay, or omission in the receipt, transmission, or delivery of any letter.

Compare: 1987 No 113 s 6

*Obligations on postal operator ceasing business***46 Postal operator must notify Secretary of intention to cease business**

- (1) A postal operator that intends to cease to carry on business as a postal operator must notify the Secretary of that intention at least 1 month before ceasing to carry on that business.
- (2) Every person commits an offence and is liable on conviction to a fine of not more than \$1,000 who fails, without reasonable excuse, to comply with the requirements of subsection (1).

Section 46(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

47 Obligations on postal operator ceasing business

- (1) If a person ceases to carry on business as a postal operator, that person must ensure that, as soon as practicable,—
 - (a) every public letterbox that, immediately before that person ceased to carry on business as a postal operator, was provided by that person for the receipt of postal articles is dismantled or rendered incapable of use as a public letterbox; and
 - (b) all postal articles—
 - (i) that have been accepted by that person for the purpose of being conveyed by post; and
 - (ii) that have not been delivered—
are delivered or are otherwise dealt with under this Act.
- (2) Every person commits an offence who fails, without reasonable excuse, to comply with any of the requirements of subsection (1).
- (3) Every person who commits an offence against this section is liable on conviction to a fine of not more than \$10,000.

Section 47(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Designated postal operators

48 Designation of postal operators as postal administration

- (1) The Minister may from time to time, by notice in the *Gazette*, designate any postal operator to be a postal administration for New Zealand for the purposes of acting as a representative of New Zealand at the Universal Postal Union and the Asian Pacific Postal Union.
- (2) Any designation under subsection (1)—
 - (a) may be indefinite or for such period as is specified for that purpose in the notice:
 - (b) may be unconditional or subject to such conditions as the Minister thinks fit and specifies in the notice.
- (3) The Minister may designate 1 or more postal operators under subsection (1).
- (4) Nothing in section 60(b) limits the powers of the Minister under subsection (2)(b) of this section or under section 54.

49 Effect of designation

- (1) A designated postal operator must—
 - (a) act as a representative of New Zealand at the Universal Postal Union and the Asian Pacific Postal Union; and

- (b) comply with New Zealand's obligations as a member of the Universal Postal Union and of the Asian Pacific Postal Union; and
 - (c) pay to the Universal Postal Union and the Asian Pacific Postal Union any fees, charges, and other payments that New Zealand is required to pay because of New Zealand's membership of the Universal Postal Union or, as the case requires, the Asian Pacific Postal Union, including (without limitation) any mandatory charges prescribed by the Universal Postal Union or, as the case requires, the Asian Pacific Postal Union; and
 - (d) comply with the requirements of any regulations made pursuant to section 60(b); and
 - (e) comply with any condition imposed by the Minister in respect of the designation of that postal operator.
- (2) Where 2 or more postal operators are designated under section 48, each of those designated postal operators must pay such proportion of the fees, charges, and payments referred to in subsection (1)(c) as the Minister from time to time directs by notice in writing given by the Minister to each of those designated postal operators.

50 Designated postal operators to comply with Government policy directions

- (1) The Minister may from time to time,—
- (a) by written notice given after consultation with the Minister of Foreign Affairs and Trade, communicate to a designated postal operator the general policy of the Government of New Zealand in relation to the Universal Postal Union, the Asian Pacific Postal Union, and international postal matters:
 - (b) by written notice given on the advice of the Minister of Foreign Affairs and Trade, communicate to a designated postal operator the general policy of the Government of New Zealand in respect of the Government's international relations.
- (2) Every designated postal operator must have regard to such policies as are communicated to that postal operator pursuant to subsection (1), and must comply with any directions given by the Minister to that postal operator by notice in writing pursuant to any such policy.
- (3) Where a notice is given under subsection (1) or subsection (2) to a designated postal operator, the Minister must, as soon as practicable after the giving of the notice,—
- (a) publish a copy of it in the *Gazette*; and
 - (b) present a copy of it to the House of Representatives.

51 Duration of designation

Every designation pursuant to section 48—

- (a) comes into force on the date specified for that purpose in the notice or, if no such date is so specified, on the date of the publication of the notice in the *Gazette*; and
- (b) continues in force,—
 - (i) except where the designation is for an indefinite period, for such period as is specified in the notice; or
 - (ii) until it is revoked pursuant to section 53.

52 Crown not liable

- (1) The fact that any postal operator is designated under section 48 does not make the Crown responsible for any debts, liabilities, or obligations incurred by that postal operator.
- (2) No debts, liabilities, or obligations incurred by a designated postal operator become debts, liabilities, or obligations of the Crown merely because the designation of that postal operator under section 48 ceases to be in force.

53 Revocation of designation

- (1) Subject to subsection (2), the Minister may at any time, by notice in the *Gazette*, revoke the designation of any postal operator under section 48 if the Minister is satisfied, on reasonable grounds, that the postal operator—
 - (a) has failed to comply with any condition imposed by the Minister in respect of that designation; or
 - (b) has failed to comply with any obligation imposed on that postal operator by section 49(1); or
 - (c) has failed to comply with the requirements of section 50, whether—
 - (i) by failing to have regard to any policy communicated to that postal operator pursuant to subsection (1) of that section; or
 - (ii) by failing to comply with any direction included in any notice given under subsection (2) of that section to that postal operator; or
 - (d) has acted in contravention of, or has failed to comply with, any provision of the Acts of the Universal Postal Union or the Asian Pacific Postal Union; or
 - (e) is for any other reason unsuitable to be a postal administration for New Zealand.
- (2) The Minister must not revoke the designation of a postal operator under subsection (1) unless the Minister has first given that postal operator an opportunity to be heard.
- (3) The Minister must, by notice in the *Gazette*, revoke the designation of a postal operator under section 48 if that postal operator so requests in writing to the Minister.

54 Revocation, etc, of conditions

The Minister may at any time—

- (a) revoke, amend, or add to any condition imposed, pursuant to section 48(2)(b), on the designation of any postal operator:
- (b) impose any condition on any such designation.

Disclosure of information by the corporation

55 Information to Secretary

- (1) The corporation must supply to the Secretary such statements, reports, agreements, accounts, or other information as is requested in writing by the Secretary for the purposes of—
 - (a) monitoring the efficiency and quality of service provided by the corporation:
 - (b) monitoring the corporation's compliance with any agreement entered into between the Crown and the corporation in relation to prices, frequency, quantity, and quality of services (including, without limitation, rural delivery services):
 - (c) monitoring the extent to which, and the terms and conditions on which, the corporation provides, to other postal operators, access to the facilities owned or used by the corporation for the purposes of providing postal delivery services.
- (2) Where a request is made to the corporation pursuant to subsection (1), the corporation must comply with that request within 20 working days after receiving the request or within such further period as the Secretary in any particular case allows.
- (3) All statements, reports, agreements, accounts, or other information supplied to the Secretary under subsection (1) must be verified by statutory declaration in the form and by the persons prescribed by regulations made under section 60.

Compare: 1987 No 113 s 19

Part 5**Miscellaneous provisions**

Offences and penalties

56 Failure to comply with information disclosure requirements

- (1) Every person commits an offence against this section who—
 - (a) fails, without reasonable excuse, to comply with any information disclosure requirements prescribed in regulations made under section 60(b) or section 61; or

- (b) fails, without reasonable excuse, to comply with the requirements of section 55(1) or section 55(2) or section 55(3).
- (2) Every person commits an offence against this section who makes a false declaration when supplying any statement, report, agreement, accounts, or other information pursuant to section 55.
- (3) Every person who commits an offence against subsection (1) is liable on conviction to a fine of not more than \$200,000 and, if the offence is a continuing one, to a further fine of not more than \$10,000 for every day or part of a day during which the offence continues.
- (4) Every person who commits an offence against subsection (2) is liable on conviction to a fine of not more than \$20,000.

Compare: 1992 No 122 s 172

Section 56(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 56(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

57 Penalty

Every person who commits an offence against this Act, or against any regulations made under this Act, for which no penalty is provided in any other provision of this Act or in any regulations made under this Act is liable on conviction to a fine of not more than \$5,000.

Compare: 1987 No 113 s 17(1)

Section 57: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

58 Offences punishable on summary conviction

[Repealed]

Section 58: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

59 Time for bringing prosecution extended

[Repealed]

Section 59: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulations—General

60 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
 - (a) requiring the corporation to disclose, in the prescribed manner,—
 - (i) information in relation to the services provided by the corporation; and prescribing the information that the corporation must

- disclose, including (without limitation) information relating to prices, frequency, quantity, and quality of services; and
- (ii) prescribed financial statements that follow generally accepted accounting principles, including (without limitation) profit and loss statements and balance sheets and statements of accounting principles:
- (b) requiring each designated postal operator to disclose, in the prescribed manner,—
- (i) information in relation to compliance by that postal operator with the obligations imposed on it by section 49(1) or section 50:
 - (ii) information obtained by that postal operator in the course of acting as a representative of New Zealand at the Universal Postal Union and the Asian Pacific Postal Union;—
- and prescribing the information that the postal operator must disclose:
- (c) prescribing the form of the financial statements required by any regulations made under paragraph (a)(ii):
 - (d) prescribing rules and procedures to be followed by postal operators for the purposes of ensuring the orderly and efficient operation of the New Zealand postal system, including (without limitation) rules and procedures relating to—
 - (i) the exchange of information relating to the addresses of customers of postal operators:
 - (ii) dealing with postal articles bearing no address or a wrong or an incomplete or an illegible address, and misdelivered postal articles:
 - (iii) the assignment and form of addresses, including (without limitation) private box numbers, rural delivery numbers, and other numbering systems:
 - (e) prescribing the form of statutory declaration and by whom it must be made for the purposes of section 55(3):
 - (f) requiring that—
 - (i) any information required by regulations made pursuant to this section to be disclosed; or
 - (ii) information from which that information is derived (in whole or in part),—or both, be certified, in the prescribed form and manner, by persons belonging to any class of persons specified for that purpose in the regulations:
 - (g) prescribing the time limits within which the information disclosure required by any regulations made pursuant to this section must be made:

- (h) prescribing the matters in respect of which fees are payable under this Act; prescribing the amounts of the fees or the method by which they are to be assessed; and prescribing the persons to whom the fees are to be paid;
 - (i) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section (other than under paragraph (b)); and prescribing fines of not more than \$10,000 in respect of any offences prescribed under this paragraph;
 - (j) exempting or providing for the exemption of any person or class of persons from all or any of the requirements of any regulations made under this section, either unconditionally or subject to any conditions prescribed in the regulations;
 - (k) exempting or providing for the exemption of specified postal identifiers, or postal identifiers of a specified class, from all or any of the requirements of sections 32 and 33, either unconditionally or subject to any conditions prescribed in the regulations;
 - (l) providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (3) If regulations authorise a person to grant exemptions referred to in subsection (1)(j) or (k),—
- (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (2)

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (3)(a)

Publication	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (2)	LA19 ss 73, 74, Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 60(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 60(3): inserted, on 28 October 2021, by regulation 63 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Regulations—Information disclosure

61 Regulations requiring disclosure of information

- (1) The purpose of this section is to facilitate entry into, and the development of competition in, the postal services market.
- (2) For the purpose of this section, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
 - (a) requiring the corporation to disclose information in relation to the extent to which, and the terms and conditions on which, the corporation provides to postal operators other than New Zealand Post Limited, access to the corporation's postal network for the purposes of providing postal delivery services:
 - (b) prescribing the information that the corporation must make available under regulations made under this section, including (without limitation) prices, terms, and conditions:
 - (c) prescribing the manner in which the corporation must disclose information under regulations made under this section:
 - (d) requiring that all or any of the following information be certified, in the prescribed form and manner, by persons belonging to any class of persons specified for that purpose in the regulations:
 - (i) any information required by regulations made under this section to be disclosed:
 - (ii) information from which that information is derived (in whole or in part):
 - (e) prescribing time limits within which the information disclosure required by any regulations made under this section must be made.
- (3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 61(2)(a): substituted, on 27 September 2001, by section 3 of the Postal Services Amendment Act 2001 (2001 No 77).

Section 61(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Consequential amendments and repeals

62 Consequential amendments and repeals

- (1) The enactments specified in the Schedule are amended in the manner set out in that schedule.
- (2) The following enactments are consequentially repealed:
 - (a) *Amendment(s) incorporated in the Act(s):*
 - (b) the Postal Services Act 1987:
 - (c) *Amendment(s) incorporated in the Act(s):*
 - (d) *Amendment(s) incorporated in the Act(s):*
 - (e) the Postal Services Amendment Act 1990:
 - (f) *Amendment(s) incorporated in the Act(s).*

Transitional provisions

63 NZ Post to be registered postal operator

- (1) On the commencement of this Act, the corporation is to be taken to be registered as a postal operator for the purposes of this Act.
- (2) All the provisions of this Act (including, without limitation, section 30) apply accordingly.
- (3) As soon as practicable after the commencement of this Act, the Secretary must record in the register, in respect of the corporation, the particulars required by section 32(2).
- (4) The corporation must supply the Secretary with any particulars that the Secretary needs for the purposes of subsection (3).

64 Application to postal articles posted in contravention of Postal Services Act 1987

- (1) References in this Act to postal articles posted in contravention of any provision of this Act include postal articles posted in contravention of the corresponding provision of the Postal Services Act 1987.
- (2) Nothing in this section limits the Interpretation Act 1999.

Section 64(2): amended, on 1 November 1999, pursuant to section 38(1) of the Interpretation Act 1999 (1999 No 85).

65 NZ Post to be sole postal administration for 5 years

- (1) The corporation is a postal administration for New Zealand for the period of 5 years beginning on the commencement of this Act as if it had been designated under section 48, and all the provisions of this Act, including (without limitation) sections 49 to 54 (other than section 51), apply accordingly.
- (2) The Minister may not designate any other postal operator under section 48 for any period that is to commence while the corporation is a designated postal operator by virtue of subsection (1).
- (3) Without limiting subsection (1), the Minister may exercise the power conferred by section 53 to revoke the corporation's designation as a postal administration.
- (4) This section overrides section 48.

Schedule

Enactments amended

s 62(1)

Arms Act 1983 (1983 No 44)

Amendment(s) incorporated in the Act(s).

Carriage of Goods Act 1979 (1979 No 43)

Amendment(s) incorporated in the Act(s).

Customs and Excise Act 1996 (1996 No 27)

Amendment(s) incorporated in the Act(s).

Goods and Services Tax Act 1985 (1985 No 141) (RS Vol 27, p 425)

Amendment(s) incorporated in the Act(s).

Law Practitioners Act 1982 (1982 No 123)

Amendment(s) incorporated in the Act(s).

Local Elections and Polls Act 1976 (RS Vol 28, p 683)

Amendment(s) incorporated in the Act(s).

Misuse of Drugs Act 1975 (1975 No 116) (RS Vol 26, p 567)

Amendment(s) incorporated in the Act(s).

Misuse of Drugs Amendment Act 1978 (1978 No 65) (RS Vol 26, p 618)

Amendment(s) incorporated in the Act(s).

Oaths and Declarations Act 1957 (1957 No 88) (RS Vol 28, p 821)

Amendment(s) incorporated in the Act(s).

Stamp and Cheque Duties Act 1971 (1971 No 51) (RS Vol 23, p 771)

Amendment(s) incorporated in the Act(s).

Summary Proceedings Act 1957 (1957 No 87) (RS Vol 9, p 583)

Amendment(s) incorporated in the Act(s).

Trade in Endangered Species Act 1989 (1989 No 18)

Amendment(s) incorporated in the Act(s).

Notes

1 *General*

This is a consolidation of the Postal Services Act 1998 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247): regulation 63

Secondary Legislation Act 2021 (2021 No 7): section 3

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12): Part 2

District Court Act 2016 (2016 No 49): section 261

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Criminal Procedure Act 2011 (2011 No 81): section 413

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Protected Objects Amendment Act 2006 (2006 No 37): section 35

Postal Services Amendment Act 2001 (2001 No 77)

Interpretation Act 1999 (1999 No 85): section 38(1)

Postal Services Act Commencement Order 1998 (SR 1998/49)