

**Reprint
as at 15 May 1998**



**Postal Services (Information
Disclosure) Regulations 1998**

(SR 1998/87)

Thomas Eichelbaum, Administrator of the Government

Order in Council

At Wellington this 11th day of May 1998

Present:

His Excellency the Administrator of the Government in Council

Pursuant to sections 60 and 61 of the Postal Services Act 1998, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Economic Development.

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Regulations

- 1 Title and commencement**
- (1) These regulations may be cited as the Postal Services (Information Disclosure) Regulations 1998.
- (2) These regulations come into force on 15 May 1998.
- 2 Interpretation**
- (1) In these regulations, unless the context otherwise requires,—
- access agreement** means an agreement between the Corporation and another postal operator under which the Corporation undertakes to provide, to the other postal operator, access to some or all of the facilities owned or used by the Corporation for the purposes of providing postal delivery services
- agency services** means services (other than postal services) that, under an agreement between the Corporation and another person, are offered by or on behalf of the Corporation on behalf of the other person
- delivery point** means a point within New Zealand that is a rural address, a private box or private bag (whether rural or

other), a counter mail box or community mail box, any other business address, or any other residential address

on behalf of the Corporation includes under a franchise agreement between the Corporation and another person

person concerned in the management has the meaning given to it in section 2(4) of the Postal Services Act 1998

post centre means a postal outlet where postal services but not agency services are offered to the public by or on behalf of the Corporation

post shop means a postal outlet where postal services and agency services are offered to the public by or on behalf of the Corporation

quarter means any period of 3 months ending on the close of 31 March, 30 June, 30 September, or 31 December

set of non-standard terms and conditions, in respect of a quarter, means a set of terms and conditions (other than a price charged)—

- (a) that varies significantly from any set of standard terms and conditions; and
- (b) on which the carriage of letters within New Zealand was during the quarter supplied by or on behalf of the Corporation

set of standard terms and conditions, in respect of a quarter, means a set of terms and conditions (other than a price charged) on which the carriage of letters within New Zealand was during the quarter usually supplied by or on behalf of the Corporation.

- (2) A reference in these regulations to a numbered form is a reference to a form so numbered in the Schedule.

3 Information to be disclosed by Corporation in annual report

- (1) The Corporation must, in respect of the financial year ending on 31 March 1999 and each later financial year, include in the report it delivers to the shareholding Ministers under section 15 of the State-Owned Enterprises Act 1986 the following information:

- (a) a table in form 1 and containing the information required by that table; and
 - (b) the number of post centres on the last day of the year; and
 - (c) the number of post shops on the last day of the year; and
 - (d) in relation to letters for delivery within New Zealand, the results of an independent survey, commissioned by the Corporation, on—
 - (i) the percentage of letters accepted for delivery by or on behalf of the Corporation and delivered within advertised deadlines; and
 - (ii) the percentage of letters accepted for delivery by or on behalf of the Corporation and delivered within 3 days of advertised deadlines; and
 - (iii) the percentage of letters accepted for delivery by or on behalf of the Corporation and not delivered within 3 days of advertised deadlines; and
 - (e) separate profit and loss statements for the following service categories:
 - (i) letter deliveries by the Corporation within New Zealand; and
 - (ii) other services provided by the Corporation.
- (2) Each profit and loss statement the Corporation includes under subclause (1)(e) must—
- (a) state the accounting principles adopted in the preparation of the statement; and
 - (b) include an explanation, derived from the financial statements of the Corporation, of the manner in which charges for the use of assets have been attributed to the service category that the statement concerns; and
 - (c) include an auditor's opinion on whether or not the statement represents a fair and reasonable allocation of costs and revenues to the service category that the statement concerns.
- (3) If the Corporation, after the commencement of these regulations, delivers to shareholding Ministers under section 15 of the State-Owned Enterprises Act 1986 a report in respect of the financial year ending on 31 March 1998, the Corporation

must include in that report, in respect of that year, the information referred to in subclauses (1) and (2).

4 Information to be disclosed by Corporation in respect of each quarter

- (1) The Corporation must, in respect of the quarter ending on 30 June 1998 and each later quarter, supply to the Secretary a written statement containing the information set out in subclauses (2), (3), and (5).
- (2) The Corporation must disclose each set of standard terms and conditions, together with the price usually charged for the carriage of letters on that set of terms and conditions.
- (3) If during the quarter the carriage of letters was supplied on a set of standard terms and conditions, but at a discount, the Corporation must—
 - (a) identify the set of standard terms and conditions in respect of which the discount was given; and
 - (b) disclose the principles or guidelines applied in giving the discount; and
 - (c) disclose the discount given, expressed as a percentage of the price usually charged for the carriage of letters on the set of standard terms and conditions.
- (4) For the purposes of subclause (3), the carriage of letters is supplied at a discount if the price charged is equal to or less than 80% of the price usually charged for the carriage of letters on the set of standard terms and conditions.
- (5) The Corporation must disclose each set of non-standard terms and conditions, together with the price charged for the carriage of letters on that set of terms and conditions.
- (6) Despite subclause (1), the Corporation is not required to supply to the Secretary a written statement in respect of a quarter if that written statement would be identical in all material respects to the written statement the Corporation most recently supplied to the Secretary.

5 Requirements related to disclosure in respect of each quarter

- (1) The Corporation must supply a written statement in accordance with regulation 4(1) within 30 days after the end of the quarter.
- (2) Each written statement required under regulation 4(1) must be accompanied by a certificate in form 2 made by—
 - (a) a person concerned in the management of the Corporation; or
 - (b) a person authorised in writing by a person concerned in the management of the Corporation, either generally or in a particular case, to make such a certificate.

6 Disclosure of information about access agreements

- (1) The Corporation must supply, to the Secretary, a copy of every access agreement, together with a written statement of any terms or conditions of the access agreement not recorded in the agreement.
- (2) Any information the Corporation is required under subclause (1) to supply must—
 - (a) be supplied within 15 working days after the date on which the agreement is entered into; and
 - (b) be accompanied by a certificate in form 3 made by—
 - (i) a person concerned in the management of the Corporation; or
 - (ii) a person authorised in writing by a person concerned in the management of the Corporation, either generally or in a particular case, to make such a certificate.

7 Corporation to make information supplied available for inspection

- (1) This regulation applies to—
 - (a) any written statement and any certificate supplied to the Secretary under regulations 4 and 5; and
 - (b) any copy of an access agreement, any written statement, and any certificate supplied to the Secretary under regulation 6.

- (2) The Corporation must make a copy of the information to which this regulation applies available for inspection by any person—
 - (a) during normal office hours at the head office of the Corporation; and
 - (b) at a site on the Internet established and maintained by or on behalf of the Corporation and accessible to any user of the Internet.
- (3) The Corporation is not required to make information available in accordance with subclause (2)(b) before 1 October 1998.

8 Duration of duty to make information supplied available

- (1) The Corporation must make information to which regulation 7(1)(a) applies available in accordance with regulation 7(2) for at least the longer of the following periods:
 - (a) the period of 2 years from the date on which the information is supplied to the Secretary; or
 - (b) the period from the date on which the information is supplied to the Secretary until the expiry of the date on which information to which regulation 7(1)(a) applies is next supplied to the Secretary.
- (2) The Corporation must make the information to which regulation 7(1)(b) applies available in accordance with regulation 7(2) for at least the longer of the following periods:
 - (a) the period of 2 years from the date on which the information is supplied to the Secretary; or
 - (b) the period from the date on which the information is supplied to the Secretary until the expiry of the date on which the agreement the information concerns ceases to have legal effect.

9 Verification of information requested by Secretary

All statements, reports, agreements, accounts, or other information the Corporation supplies to the Secretary under section 55(1) of the Postal Services Act 1998 must be verified, by statutory declaration in form 4, by—

- (a) a person concerned in the management of the Corporation; or

- (b) a person authorised in writing by a person concerned in the management of the Corporation, either generally or in a particular case, to make such a declaration.
-

**Schedule
Forms**

Form 1

r 3(1)(a)

Table of delivery points and frequency of
deliveries

<i>Type of delivery point</i>	<i>Total</i>	<i>Deliveries per week</i>		
		<i>6 days</i>	<i>5 days</i>	<i>1-4 days</i>
Rural delivery points*	**	**	**	**
Private boxes and private bags – rural				
Private boxes and private bags – other				
Counter mail boxes and community mail boxes				
Other business				
Other residential				
<i>Total</i>				
<i>% of total</i>	100.00			

*(excluding counter mail boxes, community mail boxes, private bags, and private boxes)

**In each column, in relation to the item specified in column 1, must be entered the relevant number, total, or percentage.

Form 2

r 5(2)

Certificate in respect of quarterly information

I, [*insert full name*], of [*insert address*], [*insert occupation*], certify that [I am authorised in writing by the chief executive/a director of the Corporation to make this certificate on behalf of the Corporation, and]* having made all reasonable enquiry, to the best of my knowledge, the written statement accompanying this certificate is a true and accurate record of the matters to which it relates.

[*Signature*]

[*Name*]

[*Date of signature*]

*Delete if the certificate is made by the chief executive/a director of the Corporation.

Form 3

r 6(2)(b)

Certificate in respect of access agreement

I, [*insert full name*], of [*insert address*], [*insert occupation*], certify that [I am authorised in writing by the chief executive/a director of the Corporation to make this certificate on behalf of the Corporation, and]* having made all reasonable enquiry, to the best of my knowledge, the document(s) attached to this certificate is/are—

- (a) a true and accurate copy of the access agreement of [*insert date*] between the Corporation and [*insert name of other postal operator*]; and
- (b) a complete statement of all terms or conditions of the access agreement not recorded in the agreement.

[*Signature*]

[*Name*]

[*Date of signature*]

*Delete if the certificate is made by the chief executive/a director of the Corporation.

Form 4

r 9

Statutory declaration for information supplied to secretary

I, [insert full name], of [insert address], [insert occupation], solemnly and sincerely declare that [I am authorised in writing by the chief executive/a director of the Corporation to make this declaration on behalf of the Corporation, and]* having made all reasonable enquiry, to the best of my knowledge, the document(s) attached to this declaration—

- (a) is/are the statement(s), report(s), agreement(s), account(s), other information [specify] requested by the Secretary on [insert date] pursuant to section 55(1) of the Postal Services Act 1998; and
(b) contain(s) all the statements, reports, agreements, accounts, other information [specify] in the possession, or under the control, of the Corporation that relate to that request.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Declared at this day of [year].

Justice of the Peace (or Solicitor or other person authorised to take a statutory declaration).

*Delete if the certificate is made by the chief executive/a director of the Corporation.

Marie Shroff, Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 15 May 1998, require New Zealand Post Limited (**the Corporation**) to disclose information about postal services.

Regulation 3 requires the Corporation to include information about its performance in each annual report delivered to shareholding Ministers after the commencement of the regulations.

Regulation 4 requires the Corporation, in respect of the quarter ending on 30 June 1998 and each later quarter, to supply the Secretary with a written statement of the prices, and sets of other terms and conditions, on which the carriage of letters was supplied by or on behalf of the Corporation.

Under *regulation 6*, the Corporation must deliver to the Secretary a copy of every access agreement, together with a written statement containing any terms or conditions of the access agreement not recorded in the agreement. An access agreement is an agreement between the Corporation and another postal operator under which the Corporation undertakes to provide, to the other postal operator, access to some or all of the facilities owned or used by the Corporation for the purposes of providing postal delivery services.

Regulation 7 provides that information supplied to the Secretary under *regulations 4, 5, and 6* must be made available for inspection at the head office of the Corporation and at an Internet site.

Regulation 8 prescribes the periods during which the Corporation must under *regulation 7* make information available.

Regulation 9 prescribes the form of the statutory declaration for verifying information supplied by the Corporation to the Secretary under section 55(1) of the Postal Services Act 1998.

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Notes**1 General**

This is a reprint of the Postal Services (Information Disclosure) Regulations 1998. The reprint incorporates all the amendments to the regulations as at 15 May 1998, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
