



ANALYSIS

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 1990, No. 21

An Act to amend the Telecommunications Act 1987

[28 March 1990]

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

1. Short Title—This Act may be cited as the Telecommunications Amendment Act 1990, and shall be read together with and deemed part of the Telecommunications Act 1987 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 (1) of the principal Act (as amended by section 3 (2) of the Telecommunications Amendment Act 1988) is hereby amended by repealing the definition of the term “Corporation”, and substituting the following definition:

“Corporation” means Telecom Corporation of New Zealand Limited; and includes any subsidiary (within the meaning of section 158 of the Companies Act 1955) of that company:”.

(2) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “Minister” (as inserted by section 3 (7) of the Telecommunications Amendment Act 1988), and substituting the following definition:

“‘Minister’ means the Minister of Communications:”.

(3) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term “person”, the following definition:

“ ‘Price’ includes valuable consideration in any form, whether direct or indirect; and includes any consideration that in effect relates to the acquisition of goods or services or the acquisition or disposition of any interest in land, although ostensibly relating to any other matter or thing:”.

(4) Section 3 (2) of the Telecommunications Amendment Act 1988 is hereby consequentially repealed.

3. New sections inserted relating to availability of certain information by Corporation—The principal Act is hereby amended by inserting, after section 5B (as inserted by section 7 of the Telecommunications Amendment Act 1988), the following sections:

“5c. **Regulations**—The Governor-General may, from time to time, by Order in Council, for the purpose of facilitating effective competition in the supply of telecommunication goods and services, make regulations for all or any of the following purposes:

“(a) Requiring the Corporation to make publicly available prescribed financial statements that follow generally accepted accounting principles (including profit and loss statements and balance sheets and statements of accounting principles) in respect of the Corporation, or any of its subsidiaries, or any part or division of the Corporation as if the Corporation or the subsidiary or a part or division of the Corporation, as the case may be, were independent and unrelated companies:

“(b) Prescribing the form and manner in which the financial statements shall be made available:

“(c) Requiring the Corporation to publish in the prescribed manner information in relation to the supply of prescribed telecommunication goods and services and prescribing the information, including prices, terms, and conditions, that the Corporation shall make available:

“(d) Prescribing the form of statutory declaration and by whom it shall be made for the purpose of section 5D of this Act:

“(e) Prescribing the time limits within which the information disclosure shall be made to the public.

“5D. **Information to Secretary of Commerce**—(1) The Corporation shall supply to the Secretary of Commerce—

“(a) Any information requested in writing by the Secretary of Commerce for the purpose of ascertaining the scope of information required to be made available to the public to facilitate effective competition in the supply of telecommunication goods and services:

“(b) A copy of all statements and information, made available to the public pursuant to regulations made under section 5c of this Act:

“(c) Any further statements, reports, agreements, particulars, and other information requested in writing by the Secretary of Commerce for the purpose of monitoring the Corporation’s compliance with those regulations within 30 days of receipt of such request.

“(2) All statements, reports, agreements, particulars, and information supplied to the Secretary of Commerce under paragraph (b) and paragraph (c) of subsection (1) of this section shall be verified by statutory declaration in the form and by the persons prescribed by regulations made under section 5c (d) of this Act.

“5E. **Offences**—(1) Every person who—

“(a) Fails, without reasonable excuse, to comply with any information disclosure requirements prescribed in regulations made under section 5c of this Act; or

“(b) Fails, without reasonable excuse, to comply with the requirements of any of paragraphs (a), (b), and (c) of section 5D (1) of this Act,—

commits an offence and is liable on summary conviction to a fine not exceeding \$200,000 and, if the offence is a continuing one, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence is continued.

“(2) Every person who makes a false declaration when supplying any statement, report, agreement, particulars, or information pursuant to section 5D of this Act commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.”

This Act is administered in the Ministry of Commerce.
