

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 2 July 1987.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Dr Michael Bassett

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AND MEETINGS**

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A BILL INTITULED

An Act to make official information held by local authorities more freely available, to provide for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of those purposes 5 10

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

1. Short Title and commencement—(1) This Act may be cited as the Local Government Official Information and Meetings Act (1986) 1987. 15

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(2) This Act shall come into force on the 1st day of April 1987.

New

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

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

10 “Department” means a Government Department named in Part I of the First Schedule to the Ombudsmen Act 1975 (other than the Parliamentary Counsel Office):

“Document” means a document in any form, and includes—

15 (a) Any writing on any material:

(b) Any information recorded or stored by means of any tape-recorder, computer, or other device; and any material subsequently derived from information so recorded or stored:

20 (c) Any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:

(d) Any book, map, plan, graph, or drawing:

25 (e) Any photograph, film, negative, tape, or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced:

“Enactment”—

(a) Means any provision of—

30 (i) Any Act of Parliament; or

(ii) Any regulations within the meaning of the Regulations Act 1936 made by Order in Council; and

35 (b) In relation to **section 53** of this Act, includes any bylaw, standing order, or rule of procedure of any local authority:

“Local authority”—

(a) For the purposes of **Parts I to VI** of this Act, means those local authorities and public bodies named or specified in the **First Schedule** to this Act; and

(b) For the purposes of **Parts VII and VIII** of this Act, means those local authorities and public bodies named or specified in the **(First or Second Schedules) First Schedule or the Second Schedule** to this Act,—
and, in both cases, includes—

(c) Any committee *(or standing committee or joint standing committee or special committee or subcommittee)* or subcommittee or standing committee or special committee or joint standing committee or joint special committee which the local authority is empowered to appoint under its standing orders or rules of procedure or under any enactment or Order in Council constituting the local authority or regulating its proceedings; and

(d) A committee of the whole local authority:

“Member”, in relation to a local authority, means any person elected or appointed to that local authority or to any committee or subcommittee of that local authority, and includes the presiding member of that local authority or of any committee or subcommittee of that local authority:

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“Minister” means the Minister of Local Government:

“Official information”—

(a) Means any information held by a local authority; but

(b) Does not include—

(i) Information contained in library or museum material made or acquired and preserved solely for reference or exhibition purposes; or

(ii) Information which is held by a local authority solely as an agent or for the sole purpose of safe custody and which is so held on behalf of a person other than a local authority; or

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5 (iii) Any correspondence or communication which has taken place between the Office of the Ombudsmen and any local authority and which relates to an investigation conducted by an Ombudsman under this Act or the Ombudsmen Act 1975:

New

10 (iii) Information contained in any correspondence or communication that has taken place between the office of the Ombudsmen and any local authority and that relates to an investigation conducted by an Ombudsman under this Act or under the
15 Ombudsmen Act 1975, other than information that came into existence before the commencement of that investigation:

20 "Ombudsmen" means the Ombudsmen holding office under the Ombudsmen Act 1975:

"Organisation" means—

(a) An organisation named in Part II of the First Schedule to the Ombudsmen Act 1975 (other than the Parliamentary Service Commission):

25 (b) An organisation named in the First Schedule to the Official Information Act 1982:

"Person" includes a corporation sole, and also a body of persons, whether corporate or unincorporate:

"Personal information" means any official information held about an identifiable person:

30 "Prescribed amount", in relation to any document or copy of any document provided pursuant to this Act, means the amount determined in accordance with (the scale of charges for the time being fixed by) regulations made under this Act:

35 "Presiding member" means the Chairman or presiding member of a local authority and includes the Mayor of a borough; and also includes any person acting as the Chairman or presiding member of a local

authority or of any committee or subcommittee of a local authority:

New

“Publicly notified” means notified in some newspaper circulating in the district, or, where there is no such newspaper in general circulation, means notified on printed placards affixed to public places in the district: 5

“Statutory officer” means a person—

(a) Holding or performing the duties of an office established by an enactment; or 10

(b) Performing duties expressly conferred on that person by virtue of that person’s office by an enactment:

“Working day” means any day of the week other than— 15

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s Birthday, and Waitangi Day; and

(b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year. 20

New

(1A) For the avoidance of doubt, it is hereby declared that, for the purposes of this Act, a standing or special Tribunal constituted by a Regional Water Board under section 24 of the Water and Soil Conservation Act 1967 is a committee of that Regional Water Board. 25

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(2) Information held by an officer or employee of a local authority in that person’s capacity as such an officer or employee or in that person’s capacity as a statutory officer (other than information which that person would not hold but for that person’s membership of a body other than a local authority) shall, for the purposes of this Act, be deemed to be held by the local authority of which that person is an officer or employee. 30 35

New

(2) Subject to **subsection (2A)** of this section, information that is held by an officer or employee or member of a local authority in that person's capacity as such an officer or employee or member or in that person's capacity as a statutory officer shall be deemed to be held by the local authority of which that person is an officer or employee or member.

(2A) Nothing in **subsection (2)** of this section applies in respect of any information that any officer or employee or member of a local authority would not hold but for that person's membership of a body other than a local authority.

(2B) Notwithstanding anything in **subsection (2A)** of this section, information that—

(a) Is held by any person (whether an officer or employee or member of a local authority or not) who is appointed by a local authority as a member or director of any body established under—

(i) Any contract or arrangement entered into by a local authority under section 239 of the Local Government Act 1974; or

(ii) Any contract or arrangement entered into by a local authority for the construction or carrying on as a joint venture or otherwise of any work or activity that the local authority is authorised or required, by any enactment, to undertake with any body or person; and

(b) Is held by any such appointee in that person's capacity as a member or director of any body so established— shall be deemed to be held by the local authority by which that person is so appointed.

(3) Where any local authority enters into any contract (other than a contract of employment) with any person in relation to any matter, any information that is held by that person and to which the local authority is, under or by virtue of that contract, entitled to have access, shall be deemed to be held by that local authority.

3. Act to bind the Crown—This Act (*shall bind*) binds the Crown.

4. Purposes—The purposes of this Act are—

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- (a) To provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order— 5
- (i) To enable more effective participation by the public in the actions and decisions of local authorities; and
 - (ii) To promote the accountability of local authority members and officials: 10

New

- (a) To provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order— 15
- (i) To enable more effective participation by the public in the actions and decisions of local authorities; and
 - (ii) To promote the accountability of local authority members and officials,— 20
- and thereby to enhance respect for the law and to promote good local government in New Zealand:

- (b) To provide for proper access by each person to official information relating to that person:
- (c) To protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy. 25

Cf. 1982, No. 156, s. 4

PART I 30

ACCESS TO LOCAL AUTHORITY INFORMATION

5. Principle of availability—The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall 35

be made available unless there is good reason for withholding it.

Cf. 1982, No. 156, s. 5

5 **6. Conclusive reasons for withholding official information**—Good reason for withholding official information exists, for the purpose of **section 5** of this Act, if the making available of that information would be likely—

- 10 (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (b) To endanger the safety of any person.

Cf. 1982, No. 156, s. 6 (c), (d); 1987, No. 8, s. 3

15 **7. Other reasons for withholding official information**—(1) Where this section applies, good reason for withholding official information exists, for the purpose of **section 5** of this Act, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

20 (2) Subject to **sections 6, 8, and 17** of this Act, this section applies if, and only if, the withholding of the information is necessary to—

- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
- 25 (b) Protect information where the making available of the information—

(i) Would disclose a trade secret; or

(ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or

30

(c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—

35

(i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or

40 (ii) Would be likely otherwise to damage the public interest; or

- (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or

Struck Out

5

- (f) Maintain the effective conduct of public affairs through—
 - (i) The free and frank expression of opinions by or between or to members or officers and employees of any local authority in the course of their duty; or
 - (ii) The protection of such members, officers, and employees from improper pressure or harassment; or

New

- (f) Maintain the effective conduct of public affairs through—
 - (i) The free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom **section 2 (2)** of this Act applies, in the course of their duty; or
 - (ii) The protection of such members, officers, employees, and persons from improper pressure or harassment; or

- (g) Maintain legal professional privilege; or
- (h) Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

Cf. 1982, No. 156, s. 9; 1987, No. 8, s. 5

8. Information concerning existence of certain information—Where a request under this Act relates to information to which **section 6** or **section 7 (2) (b)** of this Act applies, or would, if it existed, apply, the local authority dealing with the request may, if it is satisfied that the interest protected by **section 6** or **section 7 (2) (b)** of this Act would be likely to be prejudiced by the disclosure of the existence or non-existence

of such information, give notice in writing to the applicant that it neither confirms nor denies the existence or non-existence of that information.

Cf. 1982, No. 156, s. 10; 1987, No. 8, s. 4 (2)

5 **9. Exclusion of public interest immunity**—(1) Subject to subsection (2) of this section, the rule of law which authorises or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious
10 to the public interest shall not apply in respect of—

(a) An investigation by or proceedings before an Ombudsman in relation to any decision under this Act; or

15 (b) Any application under section 4 (1) of the Judicature Amendment Act 1972 for the review of any decision under this Act;—

but not so as to give any party any information that that party would not, apart from this section, be entitled to.

(2) Nothing in subsection (1) of this section affects—

20 (a) Section 30 of this Act; or

(b) Section 20 (1) of the Ombudsmen Act 1975.

Cf. 1982, No. 156, s. 11

PART II

REQUESTS FOR ACCESS TO INFORMATION HELD BY LOCAL 25 AUTHORITIES

10. Requests—(1) Any person may request any local authority to make available to that person any specified official information.

30 (2) The official information requested shall be specified with due particularity in the request.

(3) If the person making the request asks that that request be treated as urgent, that person shall give that person's reasons for seeking the information urgently.

Cf. 1982, No. 156, s. 12; 1987, No. 8, s. 6

35 **11. Assistance**—It is the duty of every local authority to give reasonable assistance to a person who—

(a) Wishes to make a request in accordance with section 10 of this Act; or

40 (b) In making a request under section 10 of this Act, has not made that request in accordance with that section; or

(c) Has not made that person's request to the appropriate local authority or Department or Minister of the Crown or organisation,—
to make a request in a manner that is in accordance with that section or to direct that person's request to the appropriate local authority or Department or Minister of the Crown or organisation. 5

Cf. 1982, No. 156, s. 13

12. Transfer of requests—Where—

(a) A request in accordance with **section 10** of this Act is made to any local authority; and 10
(b) The information to which the request relates—
(i) Is not held by that local authority but is believed by the person dealing with the request to be held by another local authority or a Department or Minister of the Crown or organisation; or 15
(ii) Is believed by the person dealing with the request to be more closely connected with the functions of another local authority or a Department or Minister of the Crown or organisation,— 20
the principal administrative officer of the local authority to which the request is made, or an officer or employee authorised by that principal administrative officer, shall promptly, and in no case later than 10 working days after the day on which the request is received, transfer the request to the other local authority, or the appropriate Department, Minister of the Crown, or organisation, and inform the person making the request accordingly. 25

Cf. 1982, No. 156, s. 14; 1987, No. 8, s. 7 (1)

13. Decisions on requests—(1) Subject to this Act, the local authority to which a request is made in accordance with **section 10** of this Act, or is transferred in accordance with **section 12** of this Act or **section 14 of the Official Information Act 1982**, shall, as soon as reasonably practicable, and in no case later than 20 working days after the day on which the request is received by that local authority,— 30 35

- (a) Decide whether the request is to be granted and, if it is to be granted, in what manner and for what charge (if any); and
(b) Give or post to the person who made the request notice of the decision on the request. 40

(2) Any charge for the supply of official information under this Act shall not exceed the prescribed amount.

New

5 (2A) Where no such amount is prescribed, any charge fixed shall be reasonable, and regard may be had to the cost of the labour and materials involved in making the information available and to any costs incurred pursuant to a request of the applicant to make the information available urgently.

10 (3) The local authority may require that the whole or part of any charge be paid in advance.

New

15 (4) Where a request in accordance with **section 10** of this Act is made or transferred to a local authority, the decision on that request shall be made by the principal administrative officer of that local authority or an officer or employee of that local authority authorised by that principal administrative officer unless that request is transferred in accordance with **section 12** of this Act to another local authority or to a Department, Minister of the Crown, or organisation.

20 (5) Nothing in **subsection (4)** of this section prevents the principal administrative officer of a local authority or any officer or employee of a local authority from consulting a local authority or any other person in relation to the decision that the principal administrative officer or officer or employee
25 proposes to make on any request made to the local authority in accordance with **section 10** of this Act or transferred to the local authority in accordance with **section 12** of this Act or **section 14** of the **Official Information Act 1982**.

Cf. 1982, No. 156, s. 15; 1987, No. 8, s. 8 (1)

30 **14. Extension of time limits**—(1) Where a request in accordance with **section 10** of this Act is made or transferred to a local authority, the principal administrative officer of that local authority, or an officer or employee authorised by that principal administrative officer, may extend the time limit set
35 out in **section 12** or **section 13 (1)** of this Act in respect of the request if—

- (a) The request is for a large quantity of official information or necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of the local authority; or 5
- (b) Consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

(2) Any extension under **subsection (1)** of this section shall be for a reasonable period of time having regard to the 10 circumstances.

(3) The extension shall be effected by giving or posting notice of the extension to the person who made the request within 20 working days after the day on which the request is received.

- (4) The notice effecting the extension shall— 15
 - (a) Specify the period of the extension; and
 - (b) Give the reasons for the extension; and
 - (c) State that the person who made the request for the official information has the right, under **section 27 (3)** of this Act, to make a complaint to an Ombudsman about 20 the extension; and
 - (d) Contain such other information as is necessary.

New

Cf. 1982, No. 156, s. 15A; 1987, No. 8, s. 9 (1)

15. Documents—(1) Where the information requested by 25 any person is comprised in a document, that information may be made available in one or more of the following ways:

- (a) By giving the person a reasonable opportunity to inspect the document; or
- (b) By providing the person with a copy of the document; or 30
- (c) In the case of a document that is an article or thing from which sounds or visual images are capable of being reproduced, by making arrangements for the person to hear or view those sounds or visual images; or
- (d) In the case of a document by which words are recorded in 35 a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form, by providing the person with a written transcript of the words recorded or contained in the 40 document; or
- (e) By giving an excerpt or summary of the contents; or
- (f) By furnishing oral information about its contents.

(2) Subject to **section 16** of this Act, the local authority shall make the information available in the way preferred by the person requesting it unless to do so would—

- 5 (a) Impair efficient administration; or
- (b) Be contrary to any legal duty of any local authority in respect of the document; or
- 10 (c) Prejudice the interests protected by **section 6** or **section 7** of this Act and (in the case of the interests protected by **section 7** of this Act) there is no countervailing public interest.

(3) Where the information is not provided in the way preferred by the person requesting it, the local authority shall, subject to **section 8** of this Act, give to that person—

- 15 (a) The reason for not providing the information in that way; and
- (b) If that person so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by **section 6** or **section 7** of this Act and (in the case of the interests protected by **section 7** of this Act) there is no countervailing public interest.

Cf. 1982, No. 156, s. 16; 1987, No. 8, s. 4 (2)

16. Deletion of information from documents—

25 (1) Where the information requested is comprised in a document and there is good reason for withholding some of the information contained in that document, the other information in that document may be made available by making a copy of that document available with such deletions or alterations as are necessary.

30 (2) Where a copy of a document is made available under **subsection (1)** of this section, the local authority shall, subject to **section 8** of this Act, give to the applicant—

- (a) The reason for withholding the information; and
- 35 (b) If the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by **section 6** or **section 7** of this Act and (in the case of the interests protected by **section 7** of this Act) there is no countervailing public interest.

40 Cf. 1982, No. 156, s. 17; 1987, No. 8, s. 4 (2)

17. Refusal of requests—A request made in accordance with **section 10** of this Act may be refused only for one or more of the following reasons, namely:

- (a) That, by virtue of **section 6** or **section 7** of this Act, there is good reason for withholding the information: 5
- (b) That, by virtue of **section 8** of this Act, the local authority does not confirm or deny the existence or non-existence of the information requested:
- (c) That the making available of the information requested would— 10
 - (i) Be contrary to the provisions of a specified enactment; or
 - (ii) Constitute contempt of Court or of the House of Representatives:
- (d) That the information requested is or will soon be publicly available: 15
- (e) That the document alleged to contain the information requested does not exist or cannot be found:
- (f) That the information requested cannot be made available without substantial collation or research: 20
- (g) That the information requested is not held by the local authority and the person dealing with the request has no grounds for believing that the information is either—
 - (i) Held by another local authority or a Department or Minister of the Crown or organisation; or 25
 - (ii) Connected more closely with the functions of another local authority, or a Department or Minister of the Crown or organisation:
- (h) That the request is frivolous or vexatious or that the information requested is trivial. 30

Cf. 1982, No. 156, s. 18; 1987, No. 8, ss. 4 (2), 10

18. Reason for refusal to be given—Where a request made in accordance with **section 10** of this Act is refused, the local authority shall— 35

- (a) Subject to **section 8** of this Act, give to the applicant—
 - (i) The reason for its refusal; and
 - (ii) If the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by **section 6** or **section 7** of this Act and (in the case of the interests protected by **section 7** of this Act) there is no countervailing public interest; and 40

- (b) Give to the applicant information concerning the applicant's right, by way of complaint under **section 27(3)** of this Act to an Ombudsman, to seek an investigation and review of the refusal.

5 Cf. 1982, No. 156, s. 19; 1987, No. 8, ss. 4 (2), 16 (2)

PART III

PUBLICATION OF, AND ACCESS TO, CERTAIN DOCUMENTS AND INFORMATION

10 **19. Publication setting out functions of local authorities**—(1) Every local authority shall cause to be published, within 12 months after the commencement of this section, a publication that includes—

- 15 (a) The postal address, telephone number, and location of the local authority's head office and district offices (if any); and
- (b) The names of the presiding member of that local authority, and of its members, and, where a ward system is in operation within the local authority's district, the name of the ward which each member represents; and
- 20 (c) The names of the members of each standing committee of that local authority with the presiding member of each committee clearly identified; and
- 25 (d) A schedule listing the terms of reference of each such standing committee; and
- (e) An outline of the management structure of the local authority, including the various branches and divisions that make up the local authority, and the names and business telephone numbers of the divisional or branch supervisors or of such other
- 30 senior officers as the local authority may determine; and
- (f) An outline of the functions, responsibilities, and activities of the local authority; and
- 35 (g) A general description of the categories of documents held by the local authority; and
- (h) A description of all manuals, and similar types of documents which contain policies, principles, rules, or guidelines in accordance with which decisions or
- 40 recommendations are made by that local authority in respect of any person or body of persons in that person's or that body of persons' personal capacity; and

- (i) A statement of any information that needs to be available to members of the public who wish to obtain official information from the local authority, which statement shall include particulars of the officer or officers to whom requests for official information or particular classes of information should be sent; and 5
- (j) A statement setting out in respect of all ordinary meetings of the local authority, and of all meetings of the committees and subcommittees of the local authority which meet on a regular basis, the date and time of such meetings, and the frequency with which they are held; and 10
- (k) A schedule listing—

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(i) All Acts of Parliament which are or have been in force and which confer or have at any time conferred any authority on that local authority, or on any predecessor of that local authority, by name: 15

New

(i) All Acts of Parliament and Provincial Ordinances that are in force at the date of the publication published under this subsection and that confer any authority on that local authority, or on any predecessor of that local authority, by name: 20

(ii) All bylaws made by that local authority which are in force at the date of the publication published under this subsection. 25

(2) Each local authority shall in the year ~~(1989)~~ 1990, and in each subsequent year, bring the material contained in the publication published under subsection (1) of this section up-to-date either by publishing a new edition of that publication or by publishing supplementary material. 30

(3) In complying with subsections (1) and (2) of this section, each local authority shall have regard, among other things, to the need to assist members of the public to obtain official information and to exercise effectively their rights under this Act. 35

Cf. 1982, No. 156, s. 20; 1983, No. 83, s. 3; 1987, No. 8, ss. 4 (2), 11

20. Right of access to publication published under section 19—(1) Copies of the latest edition of the publication published by a local authority under **section 19** of this Act, including any material published as a supplement to the publication, shall be held at the offices of that local authority and at public libraries within the district of the local authority, and shall be made available, as of right, to any person on request during normal office hours.

(2) Every person has a right to, and shall,—

10 (a) On request made under this subsection at the office of any local authority during normal office hours; and

(b) On tendering the prescribed amount (if any),—
be given a copy of the latest edition of the publication published by that local authority under **section 19** of this Act, and any material published as a supplement to that publication.

Cf. 1982, No. 156, s. 21 (1)

21. Right of access to internal rules affecting decisions—(1) Subject to (**section 6, section 7 (2) (a), (b), (c), (h), and (i), and section 8**) **sections 6, 7 (2) (a), (b), (c), (h), and (i), 8, and 43** of this

20 Act, every person has a right to and shall, on request made under this section, be given access to any document (including a manual) which is held by a local authority and which contains policies, principles, rules, or guidelines in accordance with which decisions or recommendations are made in respect of
25 any person or body of persons in that person's or that body of persons' personal capacity.

(2) **Sections 10 (2) and (3), 11 to 14, and 18** of this Act shall apply, with all necessary modifications, to a request made under **subsection (1)** of this section.

30 (3) Where by virtue of any of the provisions of **section 6 and section 7 (2) (a), (b), (c), (h), and (i)** of this Act, there is good reason for withholding some of the information contained in a document to which **subsection (1)** of this section relates, the local authority shall, unless it is impracticable to do so, either—

35 (a) Make a copy of that document available with such deletions or alterations as are necessary; or

(b) Provide another document stating the substance and effect of the document except as it relates to the information withheld.

40 (4) Where a document is made available under **subsection (3)** of this section, the local authority shall, subject to **section 8** of this Act, give to the applicant—

(a) The reason for withholding the information; and

- (b) If the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by **section 6 or section 7 (2) (a) or (b) or (c) or (h) or (i)** of this Act and (in the case of the interests protected by **section 7 (2) (a) or (b) or (c) or (h) or (i)** of this Act) there is no countervailing public interest. 5

Cf. 1982, No. 156, s. 22; 1987, No. 8, ss. 4 (2), 9 (2)

22. Right of access by person to reasons for decisions affecting that person—(1) Subject to (**section 6, section 7 (2) (b), and section 8**) **sections 6, 7 (2) (b), 8, and 43** of this Act, where a local authority makes, on or after the **1st day of (April 1987) March 1988**, a decision or recommendation in respect of any person, being a decision or recommendation in respect of that person in that person's personal capacity, that person has the right to and shall, on request made within a reasonable time of the making of the decision or recommendation, be given a written statement of— 10 15

- (a) The findings on material issues of fact; and
(b) Subject to **section 26 (1) (c) to (f)** of this Act, a reference to the information on which the findings were based; and 20
(c) The reasons for the decision or recommendation.

(2) **Sections 10 (3), 11 to 14, and 18** of this Act shall apply, with all necessary modifications, to a request made under **subsection (1)** of this section. 25

Cf. 1982, No. 156, s. 23; 1987, No. 8, ss. 4 (2), 9 (2)

PART IV

RIGHT OF ACCESS TO PERSONAL INFORMATION

23. Right of access to personal information—(1) Subject to this Part of this Act, and to **sections 8 and 43** of this Act, every person has a right to and shall, on request, be given (in the case of a natural person, without charge) access to any personal information which— 30

- (a) Is about that person; and
(b) Is held in such a way that it can readily be retrieved. 35

(2) **Sections 10 (3), 11 to 16, and 18** of this Act shall apply, with all necessary modifications, to a request made under **subsection (1)** of this section.

(3) Where any person is given access to any personal information under this section, that person shall be advised of that person's right, under **section 25** of this Act, to request the correction of that information. 40

(4) Nothing in this section requires, or imposes any responsibility on, any local authority to compile files or data banks of personal information.

Cf. 1982, No. 156, s. 24; 1987, No. 8, s. 13

5 **24. Precautions**—Where a request is made under **section 23(1)** of this Act, the local authority—

- (a) Shall not give access to that information unless it is satisfied concerning the identity of the person making the request; and
- 10 (b) Shall ensure, by the adoption of appropriate procedures, that any information intended for a person is received—
 - (i) Only by that person; or
 - 15 (ii) Where the request is made by an agent of the person, only by that person or that person's agent; and
- (c) Shall ensure that, where the request is made by an agent of the person, the agent has the written authority of that person to obtain the information or is otherwise
- 20 properly authorised by that person to obtain the information.

Cf. 1982, No. 156, s. 25

25. Correction of information—(1) Every person who is given access under **section 23(1)** of this Act to personal

- 25 information may, by letter addressed to the local authority,—
- (a) Request correction of the personal information where the person believes that the information—
 - (i) Is inaccurate; or
 - 30 (ii) Is incomplete and gives a misleading impression; and
 - (b) Require that a notation be attached to the information indicating the nature of any correction requested but not made.

(2) Where a local authority receives a letter pursuant to

35 **subsection (1)** of this section, it shall inform the person by whom or by which the letter was sent of the action taken by the local authority as a result of the letter.

Cf. 1982, No. 156, s. 26

26. Reasons for refusal of requests for personal

40 **information**—(1) A local authority may refuse to disclose any

personal information requested under **section 23 (1)** of this Act, if, and only if,—

- (a) The disclosure of the information would be likely to prejudice any of the interests protected by **section 6** or **section 7 (2) (b)** of this Act and (in the case of the interests protected by **section 7 (2) (b)** of this Act) there is no countervailing public interest; or 5
 - (b) The disclosure of the information would involve the unwarranted disclosure of the affairs of another person or of a deceased person; or 10
 - (c) The disclosure of the information or of information identifying the person who supplied it, being evaluative material, would breach an express or implied promise—
 - (i) Which was made to the person who supplied the information; and 15
 - (ii) Which was to the effect that the information or the identity of the person who supplied it or both would be held in confidence; or
 - (d) After consultation undertaken (where practicable) by or on behalf of the local authority with a natural person's medical practitioner, the local authority is satisfied that— 20
 - (i) The information relates to that person; and
 - (ii) The disclosure of the information (being information that relates to the physical or mental health of the person who requested it) would be likely to prejudice the physical or mental health of that person; or 25
 - (e) In the case of a natural person under the age of 16, the disclosure of that information would be contrary to that person's interests; or 30
 - (f) The disclosure of that information (being information in respect of a person who has been convicted of an offence or is or has been detained in custody) would be likely to prejudice the safe custody or the rehabilitation of that person; or 35
 - (g) The disclosure of the information would breach legal professional privilege; or
 - (h) The request is frivolous or vexatious, or the information requested is trivial. 40
- (2) No reasons other than one or more of the reasons set out in **subsection (1)** of this section justifies a refusal to disclose any personal information requested under **section 23 (1)** to this Act.

(3) For the purposes of **subsection (1) (c)** of this section the term “evaluative material” means evaluative or opinion material compiled solely—

5 (a) For the purpose of determining the suitability, eligibility, or qualifications of the person to whom the material relates—

(i) For employment or for appointment to office; or

(ii) For promotion in employment or office or for continuance in employment or office; or

10 (iii) For removal from employment or office; or

(iv) For the awarding of contracts, awards, scholarships, honours, or other benefits; or

(b) For the purpose of determining whether any contract, award, scholarship, honour, or benefit should be continued, modified, or cancelled.

15 Cf. 1982, No. 156, s. 27; 1987, No. 8, ss. 4 (2), 15

PART V

REVIEW OF DECISIONS

Decisions under Part II and Section 8 of this Act

20 **27. Functions of Ombudsmen**—(1) It shall be a function of the Ombudsmen to investigate and review any decision by which a local authority—

(a) Refuses to make official information available to any person in response to a request made by that person in accordance with **section 10** of this Act; or

25 (b) Decides, in accordance with **section 15** or **section 16** of this Act, in what manner or, in accordance with **section 13** of this Act, for what charge a request made in accordance with **section 10** of this Act is to be granted;

30 or

(c) Imposes conditions on the use, communication, or publication of information made available pursuant to a request made in accordance with **section 10** of this Act; or

35 (d) Gives a notice under **section 8** of this Act.

(2) It shall be a function of the Ombudsmen to investigate and review any decision by which the principal administrative officer of a local authority, or an officer or employee of a local authority authorised by its principal administrative officer, extends any time limit under **section 14** of this Act.

40 (3) An investigation and review under **subsection (1)** or **subsection (2)** of this section may be made by an Ombudsman only on a complaint made to an Ombudsman in writing.

(4) If, in relation to any request made in accordance with **section 10** of this Act, any local authority fails within the time limit fixed by **section 13 (1)** of this Act (or, where that time limit has been extended under this Act, within the time limit as so extended) to comply with **paragraph (a) or paragraph (b) of section 13 (1)** of this Act, that failure shall be deemed, for the purposes of **subsection (1)** of this section, to be a refusal to make available the official information to which the request relates. 5

(5) Undue delay in making official information available in response to a request for that information shall be deemed, for the purposes of **subsection (1)** of this section, to be a refusal to make that information available. 10

Cf. 1982, No. 156, s. 28; 1987, No. 8, s. 16 (1)

28. Application of Ombudsmen Act 1975—(1) Except as otherwise provided by this Act, the provisions of the Ombudsmen Act 1975 shall apply in respect of investigations and other proceedings carried out under this Part of this Act in respect of decisions under **Part II or section 8** of this Act as if they were investigations carried out under the Ombudsmen Act 1975. 15 20

(2) Nothing in sections 13, 14, and 25 of the Ombudsmen Act 1975 shall apply in relation to any function or power conferred on an Ombudsman by this Act or in relation to any proceeding, decision, recommendation, or act of an Ombudsman under this Act. 25

Cf. 1982, No. 156, s. 29

New

28A. Requirements of Ombudsman to be complied with within certain period—(1) Subject to this section, where, during the course of an investigation, under **section 27** of this Act, of any decision of any local authority, an Ombudsman, pursuant to any power conferred on that Ombudsman by section 19 of the Ombudsmen Act 1975, requires that local authority to furnish or produce to that Ombudsman any information or document or paper or thing that relates to that investigation, that local authority shall, as soon as reasonably practicable, and in no case later than 20 working days after the day on which that requirement is received by that local authority, comply with that requirement. 30 35

New

- (2) Where any requirement to which **subsection (1)** of this section applies is made to any local authority, the principal administrative officer of that local authority or an officer or
5 employee of that local authority authorised by that principal administrative officer may extend the time limit set out in **subsection (1)** of this section in respect of that requirement if—
- (a) The requirement relates to, or necessitates a search
10 through, a large quantity of information or a large number of documents or papers or things, and meeting the original time limit would unreasonably interfere with the operations of the local authority; or
 - (b) Consultations necessary before the requirement can be
15 complied with are such that the requirement cannot reasonably be complied with within the original time limit; or
 - (c) The complexity of the issues raised by the requirement
are such that that requirement cannot reasonably be
20 complied with within the original time limit.
- (3) Any extension under **subsection (2)** of this section shall be
for a reasonable period of time having regard to the
circumstances.
- (4) The extension shall be effected by giving or posting notice
25 of the extension to the Ombudsman within 20 working days after the day on which the requirement is received.
- (5) The notice effecting the extension shall—
- (a) Specify the period of the extension; and
 - (b) Give the reasons for the extension; and
 - (c) Contain such other information as is necessary.
- 30 Cf. 1982, No. 156, s. 29A; 1987, No. 8, s. 17 (1)

- 29. Procedure after investigation**—(1) Where, after making an investigation of a complaint made under **section 27** of this Act, an Ombudsman is of the opinion—
- (a) That the request made in accordance with **section 10** of this
35 Act should not have been refused; or
 - (b) That the decision complained of is unreasonable or wrong or is otherwise a decision to which **subsection (1)** or **subsection (2)** of **section 22** of the Ombudsmen Act 1975 applies,—
- 40 the Ombudsman shall, subject to **subsection (3)** of this section,—

- (c) Report that Ombudsman's opinion and that Ombudsman's reasons therefor to the appropriate local authority; and
- (d) Subject to section 30 of this Act, make such recommendations as that Ombudsman thinks fit; and 5
- (e) Give to the complainant—
 - (i) A copy of that Ombudsman's recommendations (if any); and
 - (ii) Such other information as that Ombudsman thinks proper. 10

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(2) The Ombudsman shall also send a copy of that Ombudsman's report and recommendations to the Minister.

(3) Notwithstanding anything in this section, an Ombudsman shall not, in any report made under this section, make any comment that is adverse to any person unless the person has been given an opportunity to be heard. 15

(4) Except as provided in subsection (1) of this section, nothing in section 22 of the Ombudsmen Act 1975 shall apply in respect of a decision that may be investigated and reviewed 20 under section 27 (1) or section 27 (2) of this Act.

Cf. 1982, No. 186, s. 30; 1987, No. 8, s. 16 (3)

30. Disclosure of certain information not to be recommended—Where the Attorney-General certifies that the making available of any information would be likely to 25 prejudice the prevention, investigation, or detection of offences, an Ombudsman shall not recommend that the information be made available, but may recommend that the making available of the information be given further consideration by the appropriate local authority. 30

Cf. 1982, No. 156, s. 31

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31. Recommendations made to local authorities—

(1) Where a recommendation is made under section 29 (1) of this Act to a local authority, a public duty to observe that 35 recommendation shall be imposed on that local authority on

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the twentieth working day after the day on which that recommendation is made to that local authority unless—

5 (a) Within 10 days after the day on which that recommendation is made to that local authority—

(i) The local authority has determined, by resolution, to apply to the Minister for a direction under **paragraph (b)** of this subsection; and

10 (ii) Such an application has been received by the Minister; and

(b) Before the twentieth working day after the day on which that recommendation is made to that local authority, the Minister, after consultation with the president of the relevant national association of local authorities, otherwise directs in writing.

15 (2) The public duty imposed by **subsection (1)** of this section shall be imposed not only on the local authority itself but also on—

20 (i) Every member, officer, and employee of that local authority to whom that recommendation is applicable; and

(ii) Every body within that local authority to whom that recommendation is applicable; and

25 (iii) Every statutory officer to whom that recommendation is applicable; and

(iv) Every person (being a person who holds information which is deemed, by virtue of **section 2 (3)** of this Act, to be held by that local authority) to whom that recommendation is applicable.

30 (3) As soon as practicable after a direction is given under **subsection (1) (b)** of this section, the Minister shall give a copy of that direction to the Ombudsman who made the recommendation.

(4) For the purposes of **subsection (1) (b)** of this section, the relevant national association of local authorities is,—

35 (a) Where the local authority is a member of only one national association of local authorities, that association;

40 (b) Where the local authority is a member of more than one national association of local authorities, the association nominated by that local authority in its application to the Minister under **subsection (1) (a)** of

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this section, or, if no such association is so nominated, the association which is, in the opinion of the Minister, the most appropriate national association of local authorities to consult. 5

(5) Nothing in this section—

(a) Limits section 8 of the Judicature Amendment Act 1972; or

(b) Prevents effect being given to any interim order made under section 8 of the Judicature Amendment Act 1972 or to any declaration contained in any such interim order. 10

Cf. 1982, No. 156, s. 32 (1), (4), (5)

32. Requirements in relation to direction—(1) Every direction given under **section 31 (1) (b)** of this Act shall be published in the *Gazette* and laid before the House of Representatives as soon as practicable after it is given. 15

(2) Every direction given under **section 31 (1) (b)** of this Act shall set out—

(a) The reasons for the direction; and 20

(b) The grounds in support of those reasons; and

(c) The source and purport of any advice on which the direction is based.

(3) A direction given under **section 31 (1) (b)** of this Act in relation to a recommendation made under **section 29 (1)** of this Act may be made for all or any of the reasons for the decision reviewed by the Ombudsman (being reasons that were before the Ombudsman when the recommendation was made) but for no other reasons. 25

Cf. 1982, No. 156, s. 32 (4) 30

33. Right of review—(1) Where—

(a) A recommendation is made under **section 29 (1)** of this Act in respect of a request made under **section 10** of this Act; and

(b) A direction is given under **section 31 (1) (b)** of this Act in respect of that recommendation,— 35

the person who made that request may apply to the High Court for a review of the making of that direction.

(2) An application under **subsection (1)** of this section may be made on the ground that the direction was beyond the powers 40

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conferred by **sections 31 and 32** of this Act or was otherwise wrong in law.

5 (3) On an application under **subsection (1)** of this section, the High Court may—

(a) Make an order confirming that the direction was validly given; or

10 (b) Make an order declaring that the direction was beyond the powers conferred by **sections 31 and 32** of this Act or was otherwise wrong in law.

New

31. Recommendations made to local authorities—

15 (1) Where a recommendation is made under **section 29 (1)** of this Act to a local authority, a public duty to observe that recommendation shall be imposed on that local authority on the commencement of the twenty-first working day after the day on which that recommendation is made to the local authority unless, before that day, the local authority, by resolution made at a meeting of that local authority, decides
20 otherwise and records that decision in writing.

(2) The public duty imposed by **subsection (1)** of this section shall be imposed not only on the local authority itself but also on—

25 (a) Every member, officer, and employee of that local authority to whom that recommendation is applicable; and

(b) Every body within that local authority to whom that recommendation is applicable; and

30 (c) Every statutory officer to whom that recommendation is applicable; and

(d) Every person (being a person who holds information that is deemed, by virtue of **section 2 (2a) or (3)** of this Act, to be held by that local authority) to whom that recommendation is applicable.

35 (3) As soon as practicable after a decision is made under **subsection (1)** of this section, the local authority making that decision shall give a copy of the decision to the Ombudsman who made the recommendation, and to the person in respect of whose request that recommendation was made.

New

(4) Nothing in this section—

(a) Limits section 8 of the Judicature Amendment Act 1972;

or

(b) Prevents effect being given to any interim order made under section 8 of the Judicature Amendment Act 1972 or to any declaration contained in any such interim order. 5

Cf. 1982, No. 156, s. 32; 1987, No. 8, s. 18

32. Requirements in relation to decision—(1) Every decision made by a local authority under **section 31 (1)** of this Act shall be published in the *Gazette* and publicly notified within the district of that local authority as soon as practicable after it is made. 10

(2) Every decision made under **section 31 (1)** of this Act shall set out— 15

(a) The reasons for the decision; and

(b) The grounds in support of those reasons; and

(c) The source and purport of any advice on which the decision is based. 20

(3) A decision made under **section 31 (1)** of this Act in relation to a recommendation made under **section 29 (1)** of this Act may be made for all or any of the reasons for the decision reviewed by the Ombudsman (being reasons that were before the Ombudsman when the recommendation was made) but for no other reasons. 25

Cf. 1982, No. 156, s. 32A; 1987, No. 8, s. 18

33. Right of review—(1) Where—

(a) A recommendation is made under **section 29 (1)** of this Act in respect of a request made under **section 10** of this Act; and 30

(b) A decision is made under **section 31 (1)** of this Act in respect of that recommendation,—

the person who made that request may apply to the High Court for a review of that decision. 35

(2) An application under **subsection (1)** of this section may be made on the ground that the decision was beyond the powers conferred by **sections 31 and 32** of this Act or was otherwise wrong in law.

New

(3) On an application under **subsection (1)** of this section, the High Court may—

- 5 (a) Make an order confirming that the decision was validly made; or
- (b) Make an order declaring that the decision was beyond the powers conferred by **sections 31 and 32** of this Act or was otherwise wrong in law.
- 10 (4) Unless the High Court is satisfied that an application brought under **subsection (1)** of this section has not been reasonably or properly brought, it shall, in determining the application and irrespective of the result of the application, order that the costs of the applicant on a solicitor and client basis shall be paid by the local authority that made the decision
- 15 in respect of which the application is brought.

Cf. 1982, No. 156, s. 32B; 1987, No. 8, s. 18

34. Appeals—Any party to an application under **section 33** of this Act who is dissatisfied with any final or interlocutory order in respect of an application may appeal to the Court of Appeal;

20 and section 66 of the Judicature Act 1908 shall apply to any such appeal.

New

Cf. 1982, No. 156, s. 32C; 1987, No. 8, s. 18

35. Complainant to be informed of result of investigation—The Ombudsman who investigates a complaint made for the purposes of **section 27 (3)** of this Act shall inform the complainant, in such manner and at such time as that Ombudsman thinks proper, of the result of the investigation.

25

30 Cf. 1982, No. 156, s. 33; 1987, No. 8, s. 16 (4)

36. Restriction on application for review—Where any person makes a request under this Act that official information be made available to that person and a decision to which **section 27 (1) or section 27 (2)** of this Act applies is made in relation to that

35 request, that person—

- (a) Shall not make an application under section 4 (1) of the Judicature Amendment Act 1972 for the review of that decision; and
- 40 (b) Shall not commence any proceedings in which that decision is sought to be challenged, quashed, or called in question in any Court,—

unless a complaint made by that person in respect of that decision has first been determined under this Part of this Act.

Cf. 1982, No. 156, s. 34; 1987, No. 8, s. 16 (5)

Decisions under Part III or Part IV of this Act

37. Application of Ombudsmen Act 1975—(1) It shall be 5
a function of the Ombudsmen to investigate, pursuant to the
Ombudsmen Act 1975, any decision made by a local authority
under **Part III** or **Part IV** of this Act, except a decision made under
section 8 of this Act in relation to a request made under **Part III** or
Part IV of this Act. 10

New

(1A) The provisions of **section 28A** of this Act, so far as they are
applicable and with the necessary modifications, shall apply in
respect of any requirement, made by any Ombudsman in the
course of any investigation conducted pursuant to **subsection (1)** 15
of this section, whereby that Ombudsman, pursuant to any
power conferred on that Ombudsman by section 19 of the
Ombudsmen Act 1975, requires any local authority to furnish
or produce to that Ombudsman any information or document
or paper or thing that relates to that investigation. 20

(2) Where the Ombudsman, after making an investigation,
forms an opinion of the kind described in subsection (1) or
subsection (2) or subsection (3) of section 22 of the Ombudsmen
Act 1975, that Ombudsman shall, subject to **subsection (5)** of this
section, report that Ombudsman's opinion to the appropriate 25
local authority, and may make such recommendations as that
Ombudsman thinks fit in accordance with section 22 (3) of the
Ombudsmen Act 1975.

(3) Where a report is made under **subsection (2)** of this section
to a local authority, the Ombudsman shall request the local 30
authority to notify the Ombudsman, within a specified time, of
the steps (if any) that the local authority proposes to take to
give effect to the Ombudsman's recommendations.

(4) If, within a reasonable time after the report is made under
section 22 (3) of the Ombudsmen Act 1975 (as applied by 35
subsection (2) of this section), no action is taken which seems to
an Ombudsman to be adequate and appropriate, the
Ombudsman shall, after considering the comments (if any)
made by or on behalf of any local authority affected, inform 40
the complainant of the Ombudsman's recommendations and

make such comments as the Ombudsman thinks fit in accordance with section 24 of the Ombudsmen Act 1975.

5 (5) Notwithstanding anything in this section, an Ombudsman shall not, in any report made under this section, make any comment that is adverse to any person unless the person has first been given an opportunity to be heard.

10 (6) If, in relation to any request for official information made under **Part III or Part IV** of this Act, any local authority fails within the time limit fixed by **section 13(1)** of this Act (or, where that time limit has been extended under this Act, within that time limit as so extended) to comply with **paragraph (a) or paragraph (b) of section 13(1)** of this Act, that failure shall be deemed, for the purposes of **subsection (1)** of this section, to be a decision made under **Part III or Part IV** of this Act.

15 (7) Undue delay in giving any person access to official information in response to a request under **Part III or Part IV** of this Act for access to that information shall be deemed, for the purposes of **subsection (1)** of this section, to be a decision made under **Part III or Part IV** of this Act.

20 Cf. 1982, No. 156, s. 35; 1987, No. 8, ss. 17 (2), 19

38. Ombudsman may require publication of summary of report—(1) Where an Ombudsman has prepared a report under **section 37(2)** of this Act, the Ombudsman may prepare and send to the principal administrative officer of the local authority concerned a written summary of the contents of that report and require that officer to make copies of that summary available during ordinary business hours for inspection by members of the public without charge. Any member of the public may make a copy of the whole or any part of the summary.

25 30 (2) Before forwarding any such written summary to the appropriate principal administrative officer under **subsection (1)** of this section, the Ombudsman shall send a copy of it in draft form to the local authority concerned for perusal, and shall, as far as practicable, incorporate in the summary any comments made to the Ombudsman by the local authority.

35 40 (3) Within one week after the report is received by the local authority, the principal administrative officer of that local authority shall, at the expense of the local authority, give public notice in such form and in such newspapers as the Ombudsman shall require of the availability of the report for inspection and of the places where it may be inspected.

(4) Every such report shall be made available for a period of 4 weeks from the date of the first publication of the public notice.

Cf. 1975, No. 9, s. 23

Saving

39. Saving in respect of Ombudsmen Act 1975—Except 5
as expressly provided in this Act, nothing in this Act shall
derogate from or limit the functions of the Ombudsmen under
the Ombudsmen Act 1975.

Cf. 1982, No. 156, s. 36

PART VI

10

MISCELLANEOUS PROVISIONS RELATING TO ACCESS TO OFFICIAL
INFORMATION

40. Protection against certain actions—(1) Where any
official information is made available in good faith pursuant to
Part II or Part III or Part IV of this Act by any local authority,— 15

- (a) No proceedings, civil or criminal, shall lie against the local
authority or any other person (*by reason of the making
available of that information*) in respect of the making
available of that information, or for any consequences
that flow from the making available of that 20
information; and
- (b) No proceedings, civil or criminal, in respect of any
publication involved in, or resulting from, the making
available of that information shall lie against the
author of the information or any other person by 25
reason of that author or other person having supplied
the information to a local authority.

(2) The making available of, or the giving of access to, any
official information in consequence of a request made under
Part II or Part III or Part IV of this Act shall not be taken, for the 30
purposes of the law relating to defamation or breach of
confidence or infringement of copyright, to constitute an
authorisation or approval of the publication of the document or
of its contents by the person to whom the information is made
available or the access is given. 35

Cf. 1982, No. 156, s. 48; 1987, No. 8, s. 21

41. Delegation of powers by local authority—(1) A local
authority may from time to time, either generally or
particularly, delegate to any officer or employee of the local
authority all or any of the powers of the local authority under 40

Parts II to V of this Act, except any powers specified in section 31 of this Act.

5 (2) Subject to any general or special directions given or conditions attached by the local authority, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on that officer or employee directly by this section and not by delegation.

10 (3) Until a delegation made under this section is revoked, it shall continue in force according to its tenor.

(4) Where a person purports to act pursuant to a delegation made under this section, that person shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

15 (5) Any delegation under this section may be made to a specified officer or employee, or may be made to the holder for the time being of a specified office.

20 (6) Every delegation made under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the local authority.

Cf. 1974, No. 66, s. 715; 1979, No. 59, s. 2

42. Delegation of powers by officers—(1) Any officer or employee of a local authority may from time to time, by writing under that officer's or employee's hand, either
25 generally or particularly, delegate to any other officer or employee of the local authority all or any of the powers exercisable by the first-mentioned officer or employee under Parts II to V of this Act, except—

30 (a) The power to delegate under this section; and
(b) Any power delegated to that officer or employee by a local authority pursuant to section 41 of this Act, unless that delegation authorises that officer or employee to delegate that power to other officers or employees pursuant to this section.

35 (2) Subject to any general or special directions given or conditions attached by the officer or employee making the delegation, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been
40 conferred on that officer or employee directly by this section and not by delegation.

(3) Until a delegation made under this section is revoked, it shall continue in force according to its tenor; and, in the event

of the officer or employee by whom any such delegation has been made ceasing to hold office, the delegation shall continue to have effect as if made by the person for the time being holding the office of the officer or employee making the delegation. 5

(4) Any delegation under this section may be made to a specified officer or employee, or may be made to the holder for the time being of any specified office.

(5) Where any officer or employee purports to act pursuant to a delegation made under this section, that officer or employee shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary. 10

(6) Every delegation made under this section shall be revocable at will and no such delegation shall prevent the exercise of any power by the officer or employee making the delegation. 15

Cf. 1974, No. 66, s. 716; 1979, No. 59, s. 2

43. Savings—(1) Nothing in *(Parts I)* Parts I to V of this Act authorises or permits the making available of any official information if the making available of that information would constitute contempt of Court or of the House of Representatives. 20

(2) *(Except as provided in sections 56 and 57 of this Act,)* Nothing in *(Parts II)* Parts I to V of this Act derogates from— 25

- (a) Any provision which is contained in any other enactment and which authorises or requires official information to be made available; or
- (b) Any provision which is contained in any other Act of Parliament or in any regulations within the meaning of the Regulations Act 1936 (made by Order in Council and in force immediately before the **1st day of (April 1987) March 1988**) and which—
 - (i) Imposes a prohibition or restriction in relation to the availability of official information; or 30
 - (ii) Regulates the manner in which official information may be obtained or made available. 35

Cf. 1982, No. 156, s. 52

PART VII

LOCAL AUTHORITY MEETINGS

Struck Out

5 **44. Interpretation**—In this Part of this Act, unless the context otherwise requires,—

10 “Meeting”, in relation to any local authority, includes any annual, biennial, triennial, ordinary, special, or emergency meeting of that local authority, and also includes any meeting of the representatives of 2 or more local authorities, and any meeting of a committee or a subcommittee of a local authority other than a special committee or subcommittee without power to act:

15 “Minutes”, in relation to any meeting of any local authority, means any minutes or other record of the proceedings of any such meeting:

20 “Publicly notified” means notified in some newspaper circulating in the district, or, where there is no such newspaper in general circulation, means notified on printed placards affixed to public places in the district.

Cf. 1962, No. 113, s. 3; 1975, No. 125, s. 3

New

25 **44. Interpretation**—In this Part of this Act, unless the context otherwise requires,—

“Meeting”, in relation to a local authority, means—

30 (a) Any annual, biennial, triennial, ordinary, special, or emergency meeting of a local authority; and

(b) Any meeting of—
(i) Any committee or standing committee or special committee or subcommittee of a local authority; and

35 (ii) Any meeting of any joint standing committee or joint special committee appointed by 2 or more local authorities, and any subcommittee of any such committee—

New

if—

(iii) Any function, duty, or power is conferred or imposed on that committee or subcommittee by any enactment; or 5

(iv) That committee or subcommittee is empowered to exercise or perform, on behalf of any local authority or any committee of any local authority, any function, duty, or power conferred or imposed on any local authority, or on any committee of any local authority, by or under any enactment or bylaw: 10

“Minutes”, in relation to any meeting of any local authority, means any minutes or other record of the proceedings of any such meeting. 15

Struck Out

45. Meetings of local authorities to be publicly notified—All annual, biennial, triennial, and ordinary meetings conducted by a local authority shall be publicly notified within the district of that local authority at least one week before that meeting is held, but failure to do so shall not invalidate any such meeting. 20

New

45. Meetings of local authorities to be publicly notified—(1) Every local authority shall, within 5 working days of the first day of every month, cause to be publicly notified within the district of that local authority a list of all meetings of that local authority scheduled for that month. 25

(2) No meeting of any local authority shall be invalid merely because that meeting was not publicly notified in accordance with **subsection (1)** of this section. 30

(3) Nothing in this section applies to—

(a) The National Parks and Reserves Authority:

New

- (b) Camp Committees under the Children's Health Camps Act 1972:
- (c) Provincial Patriotic Councils.

5 **46. Admission of public to meetings of local authorities**—Except as otherwise provided by this Part of this Act, every meeting of a local authority shall be open to the public.

Cf. 1962, No. 113, s. 3; 1975, No. 125, s. 3

10 **47. Right of local authorities to exclude public**—

Struck Out

(1) Subject to **subsection (2)** of this section, a local authority may by resolution or upon motion being made exclude the public from the whole or any part of the proceedings of any meeting
15 if, and only if, the public conduct of the whole or the relevant part of the proceedings of that meeting would be likely to result in the disclosure of information for which good reason for withholding would exist,—

20 (a) Where the local authority is named or specified in the **First** Schedule to this Act, under **section 6** or **section 7** of this Act:

25 (b) Where that local authority is named or specified in the **Second** Schedule to this Act, under section 6 or section 7 or section 8 or section 9 of the Official Information Act 1982.

New

(1) Subject to **subsection (2)** of this section, a local authority may by resolution or upon motion being made exclude the public from the whole or any part of the proceedings of any
30 meeting only on one or more of the following grounds, namely:

- (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist,—

New

- (i) Where the local authority is named or specified in the **First Schedule** to this Act, under **section 6 or section 7** (except **section 7 (2) (f) (i)**) of this Act:
- (ii) Where the local authority is named or specified in the **Second Schedule** to this Act, under section 6 or section 7 or section 9 (except section 9 (2) (g) (i)) of the **Official Information Act 1982**: 5
- (b) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would— 10
- (i) Be contrary to the provisions of a specified enactment; or
- (ii) Constitute contempt of Court or of the House of Representatives: 15
- (c) That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under **section 29 (1) or section 37 (2)** of this Act (in the case of a local authority named or specified in the **First Schedule** to this Act) or under section 30 (1) or section 35 (2) of the **Official Information Act 1982** (in the case of a local authority named or specified in the **Second Schedule** to this Act): 20
- (d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies. 25
- (1A) Paragraph (d) of subsection (1) of this section applies to— 30
- (a) Any proceedings before a local authority where—
- (i) A right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings; or 35
- (ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- (b) Any proceedings of a Regional Water Board under section 22 of the **Water and Soil Conservation Act 1967**; and 40

New

(c) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.

5 (2) Every resolution or motion excluding the public from any meeting shall state the general subject of each matter to be considered while the public is excluded, and the reason for the passing of that resolution or the making of that motion in relation to that matter.

10 (3) For the purposes of **subsection (2)** of this section, the statement of the reason for the passing of the resolution or the making of the motion shall, where that resolution or motion is passed or made in reliance on **subsection (1) (a)** of this section, specify the particular interest or interests protected by **section 6** or **section 7** of this Act, or section 6 or section 7 (*or section 8*) or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

Cf. 1962, No. 113, s. 4; 1975, No 125, s. 4

20 **48. Provisions applying when meeting open to public**—Where a meeting of a local authority is required by this Part of this Act to be open to the public during the proceedings or any part of them, the following provisions shall apply:

25 (a) For the purposes of this Part of this Act, bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media:

30 (b) Where copies of the agenda for any meeting are reproduced by any means for use by members of a local authority, that local authority shall cause such additional copies of the agenda to be reproduced as may in its opinion be necessary to ensure an adequate supply for persons requesting copies pursuant to **paragraph (c)** of this section:

35 (c) Where any member of the public who attends a meeting of a local authority requests a copy of the agenda and tenders the prescribed amount (if any), that person shall be given a copy of every agenda reproduced for use by members of the local authority at that meeting

40

of which there is a spare copy, and may take each away with that person:

- (d) Copies of the agenda supplied for members of the public as provided in **paragraph (b)** of this section shall include such further statements or particulars, if any, as are necessary to indicate the nature of any items included in the agenda, unless that item refers to any matter to be considered by the local authority when the meeting is not likely to be open to the public. 5

Cf. 1962, No. 113, s. 5; 1963, No. 109, s. 2; 1975, No. 125, s. 5 10

Struck Out

49. Maintenance of order—Any constable may, at the request of the presiding member of any local authority, exclude or remove any member of the public from any meeting of that local authority if that constable believes, on reasonable grounds, that if that member of the public is admitted to, or is permitted to remain in, that meeting, the behaviour of that member of the public is likely to prejudice, or to continue to prejudice, the orderly conduct of that meeting. 15 20

New

49. Maintenance of order—(1) The person presiding at any meeting of any local authority may, if that person believes, on reasonable grounds, that the behaviour of any member of the public attending that meeting is likely to prejudice or to continue to prejudice the orderly conduct of that meeting if that member of the public is permitted to remain in that meeting, require that member of the public to leave the meeting. 25

(2) If any member of the public who is required, pursuant to **subsection (1)** of this section, to leave a meeting of a local authority— 30

- (a) Refuses or fails to leave the meeting; or
(b) Having left the meeting, attempts to re-enter the meeting without the permission of the person presiding at the meeting,— 35

any constable, or any officer or employee of the local authority, may, at the request of the person presiding at the meeting,

New

remove or, as the case may require, exclude that member of the public from the meeting.

Cf. 1962, No. 113, s. 6

5 **50. Right of public to inspect or receive copies of minutes of meeting**—(1) Any member of the public may, without payment of fee, at the local authority's office and during normal office hours, inspect the minutes of any meeting or part of any meeting of the local authority (not being a
10 meeting or part of a meeting from which the public was excluded) and may take notes therefrom.

(2) Every member of the public so inspecting any such minutes who requests a copy of any part thereof and tenders the prescribed amount (if any) shall be given such a copy.

15 (3) Where any person requests a copy of the minutes of any meeting or part of a meeting from which the public was excluded pursuant to this Part of this Act, the request shall,—

20 (a) Where the local authority concerned is named or specified in the **First** Schedule to this Act, be deemed to be a request for access to official information made under this Act; and

25 (b) Where the local authority concerned is named or specified in the **Second** Schedule to this Act, be deemed to be a request for access to official information made under the Official Information Act 1982,—

and shall be dealt with by that local authority accordingly.

Cf. 1962, No. 113, s. 7; 1975, No. 125, s. 6

30 **51. Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting**—Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and—

35 (a) There is supplied to a member of the public a copy of the agenda for the meeting with or without further statements or particulars for the purpose of indicating the nature of any item included in the agenda; or

(b) The minutes of that meeting or part are produced for inspection by any member of the public or a copy thereof is given to any member of the public,—

the publication thereby of any defamatory matter included in the agenda or in the further statements or particulars or in the minutes shall be privileged unless the publication is proved to be made with malice.

Cf. 1962, No. 113, s. 8; 1975, No. 125, s. 7 5

52. Oral statements at local authority meetings privileged—(1) Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings shall be privileged, unless the statement is proved to be made with malice. 10

New

(2) The privilege conferred by subsection (1) of this section is in addition to and not in substitution for or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority. 15

53. This Part of this Act to prevail over other enactments—Any provisions in any enactment in relation to attendance by the public at any meeting of any local authority or at any meeting of any committee or subcommittee of any local authority, or in relation to inspection of the minutes of any such meeting, shall be read subject to the provisions of this Part of this Act. 20

Cf. 1962, No. 113, s. 9 25

PART VIII

MISCELLANEOUS PROVISIONS

54. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 30

- (a) Prescribing forms of applications and other documents required for the purposes of this Act, or authorising any person to prescribe or approve such forms: 30
- (b) Prescribing reasonable charges or scales of reasonable charges for the purposes of this Act: 35

- (c) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

Cf. 1982, No. 156, s. 47

- 5 **55. Power to amend First and Second Schedules by Order in Council**—(1) Where any class of local authority named in the (*First or Second Schedules*) First Schedule or the Second Schedule to this Act is abolished, or its name is altered, or any specified local authority named in the (*First or Second*
10 *Schedules*) First Schedule or the Second Schedule to this Act is abolished, or its name is altered, the Governor-General may, by Order in Council, make such amendments to those Schedules as may be necessary to give effect to the abolition or alteration.

- 15 (2) Every Order in Council made under subsection (1) of this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

Cf. 1962, No. 113, s. 2 (2); 1975, No. 125, s. 2 (5); 1982, No. 156, s. 49

- 20 **56. Consequential amendments to other enactments**—(1) The enactments specified in the **Third Schedule** to this Act are hereby amended in the manner indicated in that Schedule.

New

(2) Section 7 (1) of the Official Information Amendment Act 1987 is hereby consequentially repealed.

- 25 **57. Repeals and revocations**—(1) The enactments specified in the **Fourth Schedule** to this Act are hereby repealed.

(2) The Orders in Council specified in the **Fifth Schedule** to this Act are hereby revoked.

SCHEDULES

Section 2

FIRST SCHEDULE

LOCAL AUTHORITIES TO WHICH PARTS I TO VII OF THIS ACT APPLY

Part I: Classes of Local Authorities

Struck Out

Administering bodies of reserves as defined in section 2 (1) of the Reserves Act 1977 other than a Minister of the Crown

Airport Authorities

New

Administering bodies of reserves as defined in section 2 (1) of the Reserves Act 1977 (other than a Minister of the Crown or a Department)

Airport Authorities (other than airport companies (as defined in section 2 of the Airport Authorities Act 1966))

Borough Councils

Struck Out

Camp Committees under the Children's Health Camps Act 1972

Catchment Boards

Catchment Commissions

City Councils

Community Councils

County Councils

District Community Councils

District Councils

District Noxious Plant Authorities

District Roads Councils

Drainage Boards

Electric Power Boards

Harbour Boards

Irrigation Boards

Licensing Trusts

FIRST SCHEDULE—*continued*

LOCAL AUTHORITIES TO WHICH PARTS I TO VII OF THIS
ACT APPLY—*continued*

Part I: Classes of Local Authorities—continued

New

Maritime Planning Authorities

Nasella Tussock Boards

Struck Out

National Parks and Reserves Boards

Pest Destruction Boards

Public reserves special Boards, Trusts, or Trust Boards

Regional Councils

Regional Water Boards

River Boards

Struck Out

State Forest Parks Advisory Committees

Town Councils

United Councils

Part II: Particular Local Authorities

The Aotea Centre Board of Management

The Auckland Electric Power Board

The Auckland Institute and Museum Trust Board

The Auckland Regional Authority

The Bush Hydatids Control (Pahiatua) Organisation

The Canterbury Museum Trust Board

The Christchurch Drainage Board

The Christchurch Town Hall Board of Management

The Christchurch Transport Board

The Dunedin Drainage and Sewerage Board

The Greytown Trust Lands Trustees

The Hauraki Gulf Maritime Park Board

FIRST SCHEDULE—*continued*

LOCAL AUTHORITIES TO WHICH PARTS I TO VII OF THIS ACT APPLY—
continued

Part II: Particular Local Authorities—continued

The Hawke's Bay Crematorium Board
The Hutt Valley Drainage Board
The Lakes District Waterways Authority
The Marlborough Forestry Corporation
The Masterton Trust Lands Trust
The North Shore Drainage Board
The Ohai Railway Board
The Otago Museum Trust Board
The Rangitaiki Drainage Board
The Riccarton Bush Trustees
The Rotorua Area Electricity Authority
The Selwyn Plantation Board
The South Canterbury Wallaby Board
The Waikato Valley Authority
The Waimakariri-Ashley Water Supply Board
The Wairarapa Cadet Training Farm Trust Board

Struck Out

The Wellington Regional Water Board

Section 2

SECOND SCHEDULE

LOCAL AUTHORITIES (ADDITIONAL TO THOSE NAMED IN THE FIRST
SCHEDULE TO THIS ACT) TO WHICH PART VII OF THIS ACT APPLIES

Part I—Classes of Local Authority

Area Health Boards

New

Camp Committees under the Children's Health Camps Act 1972.

Committees of Management of Secondary Schools

Education Boards

Governing bodies of Community Colleges

SECOND SCHEDULE—*continued*

LOCAL AUTHORITIES (ADDITIONAL TO THOSE NAMED IN THE FIRST SCHEDULE TO THIS ACT) TO WHICH PART VII OF THIS ACT APPLIES
continued

Part I—Classes of Local Authority—continued

Governing bodies of Secondary Schools
Governing bodies of Teachers' Colleges
Governing bodies of Technical Institutes
Hospital Boards

New

National Parks and Reserves Boards

Provincial Patriotic Councils

New

Regional Co-ordinating Committees established under section 22 of the Noxious Plants Act 1978

Secondary Schools Councils

New

State Forest Parks Advisory Committees

Part II—Particular Local Authorities

The Canterbury Provincial Buildings Board
The Council of Massey University
The Council of the University of Auckland
The Council of the University of Canterbury
The Council of the University of Otago
The Council of the University of Waikato
The Council of the Victoria University of Wellington
The Lincoln College Council

New

The National Parks and Reserves Authority

Section 56

THIRD SCHEDULE
ENACTMENTS AMENDED

Title of Act	Amendment
<i>New</i>	
<p>1925, No. 38—The Electric Power Boards Act 1925 (Reprinted, 1976, Vol. 4, p. 3465.)</p> <p>1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (R.S. Vol. 17, p. 607.)</p>	<p>By repealing section 37.</p> <p>By omitting from section 42 (1) (as substituted by section 2 of the Electric Power Boards Amendment Act 1958) the words “, and shall be open to inspection without fee during all office hours by any member or elector, or by any creditor of the Board”.</p> <p>By repealing section 68.</p> <p>By repealing subsection (4) of section 75, and substituting the following subsection: “(4) The minute book shall be kept in the office of the Board.”</p>
<p>1975, No. 9—The Ombudsmen Act 1975</p>	<p>By inserting in section 15 (1) (as amended by section 2 (1) of the Ombudsmen Amendment Act (No. 2) 1982), after the words “the Official Information Act 1982”, the words “or the Local Government Official Information and Meetings Act 1987”.</p> <p>By inserting in section 15 (2) (as amended by section 2 (2) of the Ombudsmen Amendment Act (No. 2) 1982), after the words “the Official Information Act 1982”, the words “or the Local Government Official Information and Meetings Act 1987”.</p>
<i>Struck Out</i>	
	<p>By inserting in section 19 (3) (as amended by section 3 (1) of the Ombudsmen Amendment Act (No. 2) 1982), after the words “the Official Information Act 1982”, the words “or the Local Government Official Information and Meetings Act 1986”.</p>
	<p>By inserting in section 26 (as substituted by section 5 of the Ombudsmen Amendment Act (No. 2) 1982), after the words “the Official Information Act 1982” wherever they occur, the words “or the Local Government Official Information and Meetings Act 1987”.</p>

THIRD SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1975, No. 9—The Ombudsmen Act 1975— <i>continued</i>	By inserting in section 29 (as amended by section 6 of the Ombudsmen Amendment Act (No. 2) 1982), after the words “the Official Information Act 1982”, the words “or the Local Government Official Information and Meetings Act 1987”.
1982, No. 156—The Official Information Act 1982 (R.S. Vol. 21)	<p style="text-align: center;"><i>Struck Out</i></p> <p>By inserting in section 2(1), before the definition of the term “official information”, the following definition: “Local authority” means a local authority or public body named or specified in the First Schedule to the Local Government Official Information and Meetings Act 1986:”.</p>
	<p style="text-align: center;"><i>New</i></p> <p>By inserting in section 2(1), before the definition of the term “member” (as inserted by section 2(1) of the Official Information Amendment Act 1987), the following definition: “Local authority” means a local authority or public body named or specified in the First Schedule to the Local Government Official Information and Meetings Act 1987:”.</p>
	By inserting in section 13, after the word “organisation” in the second and third places where it occurs, the words “or local authority”.
	<p style="text-align: center;"><i>Struck Out</i></p> <p>By repealing section 14, and substituting the following section: “14. Transfer of requests—Where— “(a) A request in accordance with section 12 of this Act is made to a Department or Minister of the Crown or organisation; and “(b) The information to which the request relates—</p>

THIRD SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1982, No. 156—The Official Information Act 1982 (R.S. Vol. 21)— <i>continued</i>	<p><i>Struck Out</i></p> <div style="border: 1px solid black; padding: 10px;"> <p>“(i) Is not held by the Department or Minister of the Crown or organisation but is believed by the person dealing with the request to be held by another Department or Minister of the Crown or organisation, or by a local authority; or</p> <p>“(ii) Is believed by the person dealing with the request to be more closely connected with the functions of another Department or Minister of the Crown or organisation, or of a local authority,—</p> <p>the Department or Minister of the Crown or organisation to which the request is made shall promptly, and in any case not later than 15 days after the day on which the request is received, transfer the request to the other Department or Minister of the Crown or organisation, or to that local authority, and inform the person making the request accordingly.”</p> <p>By inserting in section 15, after the words “section 14 of this Act”, the words “or section 12 of the Local Government Official Information and Meetings Act 1986”.</p> <p>By inserting in subparagraphs (i) and (ii) of section 18 (g), after the word “organisation”, the words “, or by a local authority”.</p> </div>
	<p><i>New</i></p> <div style="border: 1px solid black; padding: 10px;"> <p>By repealing section 14 (as amended by section 7 (1) of the Official Information Amendment Act 1987), and substituting the following section:</p> <p>“14. Transfer of requests—Where—</p> <p>“(a) A request in accordance with section 12 of this Act is made to a Department or Minister of the Crown or organisation; and</p> <p>“(b) The information to which the request relates—</p> </div>

THIRD SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1982, No. 156—The Official Information Act 1982 (R.S. Vol. 21)—<i>continued</i></p>	<p style="text-align: center;"><i>New</i></p> <p>“(i) Is not held by the Department or Minister of the Crown or organisation but is believed by the person dealing with the request to be held by another Department or Minister of the Crown or organisation, or by a local authority; or “(ii) Is believed by the person dealing with the request to be more closely connected with the functions of another Department or Minister of the Crown or organisation, or of a local authority,— the Department or Minister of the Crown or organisation to which the request is made shall promptly, and in any case not later than 10 working days after the day on which the request is received, transfer the request to the other Department or Minister of the Crown or organisation, or to that local authority, and inform the person making the request accordingly.”</p> <p>By inserting in subsection (1) of section 15 (as substituted by section 8 (1) of the Official Information Amendment Act 1987), after the words “section 14 of this Act”, the words “or section 12 of the Local Government Official Information and Meetings Act 1987”.</p> <p>By inserting in subsection (4) of section 15 (as so substituted), after the word “organisation”, the words “or to a local authority”.</p> <p>By inserting in subsection (5) of section 15 (as so substituted), after the words “section 14 of this Act”, the words “or section 12 of the Local Government Official Information and Meetings Act 1987”.</p> <p>By inserting in subparagraph (i) of section 18 (g), after the word “organisation”, the words “, or by a local authority”.</p> <p>By inserting in subparagraph (ii) of section 18 (g), after the word “organisation”, the words “or of a local authority”.</p>

THIRD SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<i>New</i>
1982, No. 156—The Official Information Act 1982 (R.S. Vol. 21)— <i>continued</i>	By inserting in the First Schedule (as substituted by section 23 (1) of the Official Information Amendment Act 1987), in their appropriate alphabetical order, the following items: Airport companies (as defined in section 2 of the Airport Authorities Act 1966) Camp Committees under the Children's Health Camps Act 1972 National Parks and Reserves Boards State Forest Parks Advisory Committees.
1983, No. 13 (Local)—The Canterbury Museum Trust Board Act 1983 ..	By omitting from section 7 (7) the words "the Public Bodies Meetings Act 1962", and substituting the words "the Local Government Official Information and Meetings Act 1987".

Section 57 (1)

FOURTH SCHEDULE
ENACTMENTS REPEALED

Struck Out

1925, No. 38—The Electric Power Boards Act 1925: Section 37.
(Reprinted, 1976, Vol. 4, p. 3465.)

1962, No. 113—The Public Bodies Meetings Act 1962. (Reprinted, 1975,
Vol. 3, p. 2269.)

1963, No. 18 (Local)—The Auckland Regional Authority Act 1963: Section
4 (5). (Reprinted 1970, Vol. 3, p. 1779.)

1963, No. 8—The University of Waikato Act 1963: Section 56 (3). (R.S.
Vol. 14, p. 849.)

1963, No. 109—The Public Bodies Meetings Amendment Act 1963.
(Reprinted 1975, Vol. 3, p. 2280.)

1963, No. 138—The Local Legislation Act 1963: Section 37 (5) (d).

1965, No. 122—The Local Legislation Act 1965: Section 35 (2) (d).

1966, No. 10—The Massey University Amendment Act 1966: Section 2 (5).
(R.S. Vol. 14, p. 476.)

1967, No. 53—The Milk Act 1967: So much of the Schedule as relates to
the Public Bodies Meetings Act 1962.

1967, No. 147—The Agricultural Pests Destruction Act 1967: Section
126 (4).

1970, No. 17 (Local)—The Marlborough Forestry Corporation Act 1970:
Section 8 (10).

1971, No. 24—The Water and Soil Conservation Amendment Act 1971:
Section 43 (1). (R.S. Vol. 17, p. 783.)

1971, No. 74—The Agricultural Pests Destruction Amendment Act 1971:
Section 5 (2).

1972, No. 3 (Local)—The Wellington Regional Water Board Act 1972:
Section 123 (2) and so much of the Fourth Schedule as
relates to the Public Bodies Meetings Act 1962.

1972, No. 30—The University of Albany Act 1972: So much of the
Schedule (as substituted by section 8 (1) of the
University of Albany Amendment Act 1973) as relates
to the Public Bodies Meetings Act 1962. (R.S. Vol. 14,
p. 777.)

1973, No. 24—The Water and Soil Conservation Amendment Act 1973: So
much of the Second Schedule as relates to the Public
Bodies Meetings Act 1962. (R.S. Vol. 17, p. 877.)

1974, No. 66—The Local Government Act 1974: Section 112 (3),
section 204 (2), and so much of the Eighteenth Schedule
as relates to the Public Bodies Meetings Act 1962. (R.S.
Vol. 5, p. 77.)

1974, No. 113—The Public Bodies Meetings Amendment Act 1974.
(Reprinted 1975, Vol. 3, p. 2281.)

1974, No. 136—The Education Amendment Act (No. 2) 1974: Section
10 (3). (Reprinted 1975, Vol. 3, p. 1888.)

FOURTH SCHEDULE—*continued*

ENACTMENTS REPEALED—*continued*

- 1975, No. 125—The Public Bodies Meetings Amendment Act 1975.
(Reprinted 1975, Vol. 3, p. 2281.)
- 1976, No. 2 (Local)—The Christchurch Town Hall Board of Management
Act 1974: Section 21 (2).
- 1977, No. 66—The Reserves Act 1977: So much of the Second Schedule as
relates to the Public Bodies Meetings Act 1962.
- 1978, No. 15—The Noxious Plants Act 1978: Section 120 (3).

New

1978, No. 11 (Local)—The Auckland Electric Power Board Act 1978:
section 30.

- 1980, No. 66—The National Parks Act 1980: Sections 28 and 39.
- 1982, No. 42—The Dog Control and Hydatids Act 1982: So much of the
First Schedule as relates to the Public Bodies Meetings
Act 1962.
- 1983, No. 134—The Area Health Boards Act 1983: So much of the
Schedule as relates to the Public Bodies Meetings Act
1962.
- 1983, No. 153—The Auckland Harbour Bridge Authority Dissolution Act
1983: Section 18 (h).
- 1985, No. 2 (Local)—The Lakes District Waterways Authority (Shotover
River) Empowering Act 1985: Section 7.
- 1985, No. 9 (Local)—The Auckland Aotea Centre Empowering Act 1985:
Section 19 (2).

Section 57 (2)

FIFTH SCHEDULE

ORDERS REVOKED

Title	Statutory Regulations Serial Number
The Public Bodies Meetings Order 1971	.. 1971/113
The Public Bodies Meetings Order 1976	.. 1976/94
The Public Bodies Meetings Order 1979	.. 1979/215