

OFFICIAL INFORMATION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes a number of significant amendments to the Official Information Act 1982.

Clause 1 relates to the Short Title and commencement of the Bill. The Bill is to come into force on the 1st day of October 1986.

Clause 2 amends the interpretation section of the principal Act.

Subclause (1) inserts, in relation to an organisation, a definition of the term "member". The definition applies for the purpose of the amendment made to section 9 (2)(g) of the principal Act by *clause 5* of the Bill and for the purpose of the new section 32 (3)(b)(iii) of the principal Act (as set out in *clause 15* of the Bill).

Subclauses (2) and (3) clarify the application of the principal Act to information relating to an Ombudsman's investigation.

Subclause (4) repeals the definition of the term "subsidiary". This repeal is consequential on the amendments being effected by *clause 5 (4)* of the Bill.

Clause 3 repeals paragraph (d) of section 6 of the principal Act (which sets out conclusive reasons for withholding information), and substitutes a new paragraph. That paragraph (as enacted in 1982) provides that good reason for withholding official information exists, for the purpose of section 5 of the principal Act, if the making available of that information would be likely to damage seriously the economy of New Zealand by disclosing prematurely Government economic or financial policies, such as those relating to—

- (a) Exchange rates or the control of overseas exchange transactions;
- (b) The regulation of banking or credit;
- (c) Taxation;
- (d) The stability, control, and adjustment of prices of goods and services, rents, and other costs, and rates of wages, salaries, and other incomes;
- (e) The borrowing of money by the Government of New Zealand;
- (f) The entering into of overseas trade agreements.

The new paragraph differs in two respects from the paragraph enacted in 1982.

The 1982 paragraph refers to premature disclosure of Government economic or financial policies. The new paragraph refers to premature disclosure of decisions to change or continue Government economic or financial policies.

The 1982 paragraph lists certain Government economic or financial policies by way of example. Under the new paragraph that same list of policies becomes definitive.

Clause 4 (which gives effect to a recommendation of the Information Authority) repeals section 8 of the principal Act (which sets out special reasons for withholding official information related to competitive commercial activities).

Clause 5 (which gives effect to a recommendation of the Information Authority) amends section 9 of the principal Act (which sets out other reasons for withholding official information). Where section 9 of the principal Act applies, good reason for withholding official information exists, for the purpose of section 5 of the principal 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.

Subclause (1): The amendments effected by *subclause (1)* of this clause extend the classes of case in which section 9 of the principal Act applies. By virtue of those amendments section 9 of the principal Act will now apply, if the withholding of the information is necessary, to—

- (a) 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
- (b) 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—
 - (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
 - (ii) Would be likely otherwise to damage the public interest.

Subclauses (2) and (3) amend section 9 (2) (g) of the principal Act. That paragraph provides that section 9 of the principal Act applies if the withholding of the information is necessary to maintain the effective conduct of public affairs through—

- (a) The free and frank expression of opinions by or between or to Ministers of the Crown or officers and employees of any Department or organisation in the course of their duty; or
- (b) The protection of such Ministers, officers, and employees from improper pressure or harassment.

The amendments effected by *subclauses (2) and (3)* of this clause put the free and frank expression of opinions by or between or to members of an organisation on the same basis as free and frank expression of opinions by or between or to the other persons specified in section 9 (2) (g) of the principal Act.

Subclause (4) repeals paragraphs (i) and (j) of section 9 (2) of the principal Act, and substitutes two new paragraphs. The new paragraphs provide that section 9 of the principal Act applies if the withholding of the information is necessary to—

- (i) Enable a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable a Minister of the Crown or any Department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

The new paragraphs differ from the paragraphs enacted in 1982 in that—

- (a) The words “holding the information” are new; and
- (b) The paragraphs no longer contain any reference to “any subsidiary of any organisation”;
- (c) The words “without prejudice or disadvantage” that previously appeared only in section 9 (2) (i) now appear both in section 9 (2) (i) and in section 9 (2) (j).

Clause 6 repeals subsection (1) of section 12 of the principal Act, and substitutes a new subsection. The new subsection provides that any person, being—

- (a) A New Zealand citizen; or
- (b) A permanent resident of New Zealand; or
- (c) A person who is in New Zealand; or
- (d) A body corporate which is incorporated in New Zealand; or
- (e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand,—

may request a Department or Minister of the Crown or organisation to make available to that person any specified official information.

Paragraphs (c) and (e), which are new, are in the same terms as the corresponding paragraphs of sections 22 (2), 23 (2), and 24 (2) of the principal Act.

Clause 7 amends section 14 of the principal Act (which relates to the transfer of requests).

Under that section (as enacted in 1982) a request to which that section applies is required to be transferred promptly.

Under that section (as amended by this clause) such a request will be required to be transferred promptly and in any case not later than 15 days after the day on which the request is received.

Clause 8 repeals section 15 of the principal Act (which relates to decisions on requests), and substitutes a new section.

Under section 15 (1) (as enacted in 1982) a decision on a request is required to be given as soon as reasonably practicable.

Under section 15 (1) (as set out in the new section) a decision on a request will be required to be given as soon as reasonably practicable and in any case not later than 30 days after the day on which the request is received. In addition, notice of the decision on the request is required to be given or posted, within the same time, to the person who made the request.

Subsections (4) and (5) are new.

The new *subsection (4)* provides that where a request in accordance with section 12 of the principal Act is made or transferred to a Department, the decision on that request is to be made by the permanent head of that Department or an officer of that Department authorised by that permanent head unless that request is transferred in accordance with section 14 of the principal Act to another Department or to a Minister of the Crown or to an organisation.

The new *subsection (5)* provides that nothing in the *new subsection (4)* prevents the permanent head of a Department or any officer of a Department from consulting a Minister of the Crown or any other person in relation to the decision that the permanent head or officer proposes to make on any request made to the Department in accordance with section 12 of the principal Act or transferred to the Department in accordance with section 14 of the principal Act.

Clause 9: Subclause (1) inserts a new *section 15A* into the principal Act. The new section makes provision for the extension of the time limits imposed by sections 14 and 15 (1) of the principal Act (as amended by *clauses 7 and 8* of the Bill).

Subclause (2) effects consequential amendments.

Clause 10 amends section 18 (c) (ii) of the principal Act by omitting a reference to Parliament, and substituting a reference to the House of Representatives. This change in terminology arises out of recommendations made in the reports of the Officials Committee on Constitutional Reform.

Clause 11 repeals subsection (2) of section 21 of the principal Act, and substitutes a new subsection. The new subsection provides that every person, being—

- (a) A New Zealand citizen; or
- (b) A permanent resident of New Zealand; or
- (c) A person who is in New Zealand; or
- (d) A body corporate which is incorporated in New Zealand; or
- (e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand,—

has a right to and shall, on request made under the subsection, be given access to any category of official information that is declared by regulations made under the principal Act to be a category of official information in respect of which a right of access exists.

Paragraphs (c) and (e), which are new, are in the same terms as the corresponding paragraphs of sections 22 (2), 23 (2), and 24 (2) of the principal Act.

Clause 12 inserts a new section 24A into the principal Act. The new section limits the right of access to personal information conferred by section 24 of the principal Act. The new section provides that nothing in section 24 of the principal Act gives any person who has been sentenced to a term of imprisonment for an offence the right to be given access to any personal information about that person which is held by the Police Department and which relates to the conviction or sentencing of that person for that offence.

Clause 13 amends section 27 of the principal Act (which sets out the reasons for refusal of requests for personal information). The amendment makes it clear that the reasons set out in the section are exclusive.

Clause 14 repeals section 28 of the principal Act (which relates to the functions of the Ombudsmen), and substitutes a new section. The new section 28 (2) provides for the review by the Ombudsmen of any decision under section 15A of the principal Act (which empowers the extension of time limits).

The new section 28 (4) provides that failure, in relation to any request for official information, to comply with paragraph (a) or paragraph (b) of section 15 (1) of the principal Act is to be deemed to be a refusal to make that official information available.

Clause 15 repeals section 32 of the principal Act, and substitutes new sections 32, 32A, 32B, and 32C.

Under section 28 of the principal Act, an Ombudsman may investigate and review certain decisions of Departments or Ministers of the Crown or organisations in relation to the making available of official information. Where an Ombudsman makes a recommendation on such a review, section 32 of the principal Act (as enacted in 1982) provides that the recommendation is binding unless within 21 days the responsible Minister otherwise directs.

Under the new sections 32, 32A, 32B, and 32C (as set out in this clause)—

- (a) An individual Minister will no longer have the power to overrule the recommendation of the Ombudsman:
- (b) If such a recommendation is to be overruled, it will need to be by Order in Council made within 30 days after the date on which the recommendation is made:

- (c) The Order in Council will be required to set out the reasons for which it is made and the grounds in support of those reasons:
- (d) The Order in Council 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:
- (e) The person who made the original request under section 12 of the principal Act may apply to the High Court for a review of the making of the Order in Council:
- (f) Such an application for review may be made on the ground that the Order in Council was beyond the powers conferred by sections 32 and 32A or was otherwise wrong in law:
- (g) The High Court may, on such an application for review,—
 - (i) Make an order confirming that the Order in Council was validly made; or
 - (ii) Make an order declaring that the making of the Order in Council was beyond the powers conferred by sections 32 and 32A or was otherwise wrong in law:
- (h) Unless the High Court is satisfied that an application brought under section 32B (1) of the principal Act 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 Crown:
- (i) There will be a right of appeal to the Court of Appeal in respect of any final or interlocutory order made by the High Court in respect of the application.

Clause 16: Subclause (1) amends section 35 (4) of the principal Act by omitting a reference to Parliament, and substituting a reference to the House of Representatives. This change in terminology arises out of recommendations made in the reports of the Officials Committee on Constitutional Reform.

Subclause (2) adds new subsections (7) and (8) to section 35 of the principal Act (which deals with the application of the Ombudsmen Act 1975).

The new subsection (7) provides that if, in relation to any request for official information made under Part III or Part IV of the principal Act, any Department or Minister of the Crown or organisation fails within the time limit fixed by section 15 (1) of the principal Act (or, where that time limit has been extended under the principal Act, within that time limit as so extended) to comply with paragraph (a) or paragraph (b) of section 15 (1) of the principal Act, that failure shall be deemed, for the purposes of section 35 (1) of the principal Act, to be a decision made under Part III or Part IV of the principal Act.

The new subsection (8) provides that undue delay in giving any person access to official information in response to a request under Part III or Part IV of the principal Act for access to that information is to be deemed, for the purposes of section 35 (1) of the principal Act, to be a decision under Part III or Part IV of the principal Act.

Clause 17 amends section 44 (1) of the principal Act by omitting a reference to Parliament, and substituting a reference to the House of Representatives. This change in terminology arises out of recommendations made in the reports of the Officials Committee on Constitutional Reform.

Clause 18 extends the protection against certain proceedings that is conferred by section 48 of the principal Act. A "good faith" test is introduced into that section.

Clause 19 amends section 52 (1) of the principal Act by omitting a reference to Parliament, and substituting a reference to the House of Representatives. This change in terminology arises out of recommendations made in the reports of the Officials Committee on Constitutional Reform.

Clause 20 repeals the First Schedule to the principal Act, which sets out the organisations (additional to those named in Part I or Part II of the First Schedule to the Ombudsmen Act 1975) to which the principal Act applies, and substitutes a new First Schedule.

The Schedule is expanded to include the following organisations:

- Area Health Boards
- Berryfruit Marketing Licensing Authority
- Canterbury Provincial Buildings Board
- Committees of Management of Secondary Schools
- Education Boards
- Fisheries Authority
- Game Industry Board
- Governing bodies of Community Colleges
- Governing bodies of Secondary Schools
- Governing bodies of Teachers Colleges
- Governing bodies of Technical Institutes
- Hospital Boards
- Marine Reserve Management Committees
- New Zealand Survey Board
- Petroleum Corporation of New Zealand (Exploration) Limited
- Petrochemical Corporation of New Zealand Limited
- Provincial Patriotic Councils
- Regional Co-ordinating Committees established under section 22 of the Noxious Plants Act 1978
- Secondary Schools Councils
- 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 Massey University
- The Council of the Victoria University of Wellington
- The Lincoln College Council
- Waitangi National Trust Board

The name of the New Zealand Honey Marketing Authority no longer appears in the Schedule as that authority has been dissolved.

Clause 21: Subclause (1) repeals subsections (3) and (4) of section 19 of the Ombudsmen Act 1975.

Section 19 (3) (as enacted in 1975 and amended in 1982) provides that no person who is bound by the provisions of any enactment, other than the State Services Act 1962 and the Official Information Act 1982, to maintain secrecy in relation to, or not to disclose, any information can be required to disclose that information to an Ombudsman if the disclosure would breach the obligation of secrecy or non-disclosure. Section 19 (4) (as enacted in 1962) contains an exception to section 19 (3). Under that exception a complainant may consent to the disclosure of information relating only to the complainant.

Under the new provisions set out in this Bill such obligations of secrecy or non-disclosure are overridden. Such obligations will not in future justify a refusal to supply information to an Ombudsman.

Subclause (2) effects a related amendment to section 21 of the Ombudsmen Act 1975. The amendment ensures that where an Ombudsman obtains under section 19 (3) information that is subject to an obligation of secrecy or non-disclosure the Ombudsman may not disclose that information.

Clause 22 eliminates from other Acts, in accordance with the recommendations of the Information Authority, a number of secrecy provisions.

Clause 23 eliminates from regulations, in accordance with the recommendations of the Information Authority, a number of secrecy provisions.

Right Hon. Geoffrey Palmer

OFFICIAL INFORMATION AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Official Information Act 1982

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Official Information Amendment Act 1986, and shall be read together with and deemed part of the Official Information Act 1982* (hereinafter referred to as the principal Act).

*1982, No. 156
Amendment: 1983, No. 33

No. 27—1

(2) This Act shall come into force on the 1st day of October 1986.

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “international organisation”, the following definition: 5

“ ‘Member’ means, in relation to an organisation, any person (not being an officer or employee of the organisation) who, whether by election or appointment or otherwise, holds office as a member of the organisation; and includes— 10

“(a) Where the organisation is a company or corporation, a director; and

“(b) Where the organisation is a trust, a trustee; and

“(c) Any temporary, acting, or alternative member of the organisation.” 15

(2) Section 2 (1) of the principal Act is hereby amended by adding to paragraph (h) of the definition of the term “official information”, the expression “; and”.

(3) Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term “official information” the following paragraph: 20

“(i) Does not include any correspondence or communication which has taken place between the office of the Ombudsmen and any Department or Minister of the Crown or organisation and which relates to an investigation conducted by an Ombudsman under this Act or the Ombudsmen Act 1975.” 25

(4) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “subsidiary”. 30

3. Conclusive reasons for withholding information—Section 6 of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) To damage seriously the economy of New Zealand by disclosing prematurely decisions to change or continue Government economic or financial policies relating to— 35

“(i) Exchange rates or the control of overseas exchange transactions: 40

“(ii) The regulation of banking or credit:

“(iii) Taxation:

“(iv) The stability, control, and adjustment of prices of goods and services, rents, and other costs, and rates of wages, salaries, and other incomes:

5 “(v) The borrowing of money by the Government of New Zealand:

“(vi) The entering into of overseas trade agreements.”

4. Repeal of special reasons for withholding official information related to competitive commercial activities—

10 (1) Section 8 of the principal Act is hereby repealed.

(2) The principal Act is hereby consequentially amended in the manner indicated in the First Schedule to this Act.

5. Other reasons for withholding official information—

15 (1) Section 9 (2) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraphs:

“(b) Protect information where the making available of the information—

20 “(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

25 “(ba) 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—

30 “(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

“(ii) Would be likely otherwise to damage the public interest;”.

35 (2) Section 9 (2) (g) (i) of the principal Act is hereby amended by inserting, after the word “Crown”, the words “or members of an organisation”.

(3) Section 9 (2) (g) (ii) of the principal Act is hereby amended by inserting, after the word “Ministers”, the words “, members of organisations”.

40 (4) Section 9 (2) of the principal Act is hereby further amended by repealing paragraphs (i) and (j), and substituting the following paragraphs:

- “(i) Enable a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- “(j) Enable a Minister of the Crown or any Department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or”.

6. Requests—Section 12 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

- “(1) Any person, being—
- “(a) A New Zealand citizen; or
- “(b) A permanent resident of New Zealand; or
- “(c) A person who is in New Zealand; or
- “(d) A body corporate which is incorporated in New Zealand; or
- “(e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand,—

may request a Department or Minister of the Crown or organisation to make available to him or it any specified official information.”

7. Transfer of requests—(1) Section 14 of the principal Act is hereby amended by inserting, after the word “promptly”, the words “, and in any case not later than 15 days after the day on which the request is received,”.

(2) Where a request to which section 14 of the principal Act applies had not been transferred before the commencement of this Act, that request shall, notwithstanding anything in that section, be transferred under that section within 15 days after the date of the commencement of this Act; but section 15A of the principal Act shall apply in respect of the time limit set out in this subsection as if that time limit were set out in section 14 of the principal Act.

8. Decisions on requests—(1) The principal Act is hereby amended by repealing section 15, and substituting the following section:

“15. (1) Subject to this Act, the Department or Minister of the Crown or organisation to whom a request is made in

accordance with section 12 or is transferred in accordance with section 14 of this Act shall, as soon as reasonably practicable, and in any case not later than 30 days after the day on which the request is received,—

- 5 “(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.
- 10 “(2) 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.
- 15 “(3) The Department or Minister of the Crown or organisation may require that the whole or part of any charge be paid in advance.
- “(4) Where a request in accordance with section 12 of this Act is made or transferred to a Department, the decision on
- 20 that request shall be made by the permanent head of that Department or an officer of that Department authorised by that permanent head unless that request is transferred in accordance with section 14 of this Act to another Department or to a Minister of the Crown or to an organisation.
- 25 “(5) Nothing in subsection (4) of this section prevents the permanent head of a Department or any officer of a Department from consulting a Minister of the Crown or any other person in relation to the decision that the permanent head or officer proposes to make on any request made to the
- 30 Department in accordance with section 12 of this Act or transferred to the Department in accordance with section 14 of this Act.”

- (2) Where section 15 of the principal Act requires that a decision be made under that section in respect of a request
- 35 and that request was received before the commencement of this Act, that decision shall, notwithstanding anything in that section, be made within 30 days after the date of the commencement of this Act; but section 15A of the principal Act shall apply in respect of the time limit set out in this subsection
- 40 as if that time limit were set out in section 15 (1) of the principal Act.

9. Extension of time limits—(1) The principal Act is hereby amended by inserting, after section 15, the following section:

“15A. (1) Where a request in accordance with section 12 of this Act is made or transferred to a Department or Minister of the Crown or organisation, the permanent head of that Department or an officer of that Department authorised by that permanent head or that Minister of the Crown or that organisation may extend the time limit set out in section 14 or section 15 (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 Department or the Minister of the Crown or the organisation; or

“(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 circumstances.

“(3) The extension shall be effected by giving or posting notice of the extension to the person who made the request within 30 days after the day on which the request is received.

“(4) The notice effecting the extension shall—

“(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 28 (3) of this Act, to make a complaint to an Ombudsman about the extension; and

“(d) Contain such other information as is necessary.”

(2) The principal Act is hereby consequentially amended by omitting from section 22 (3), and also from section 23 (3), the expression “13 to 15”, and substituting in each case the expression “13 to 15A”.

10. Refusal of requests—Section 18 (c) (ii) of the principal Act is hereby amended by omitting the word “Parliament”, and substituting the words “the House of Representatives”.

11. Right of access to certain official information—Section 21 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

- “(2) Every person, being—
“(a) A New Zealand citizen; or
“(b) A permanent resident of New Zealand; or
“(c) A person who is in New Zealand; or
5 “(d) A body corporate which is incorporated in New Zealand;
or
“(e) A body corporate which is incorporated outside New
Zealand but which has a place of business in New
Zealand,—
- 10 has a right to and shall, on request made under this subsection,
be given access to any category of official information that is
declared by regulations made under this Act to be a category
of official information in respect of which a right of access
exists.”
- 15 **12. Restriction where person sentenced to imprisonment**—The principal Act is hereby amended by
inserting, after section 24, the following section:
“24A. Nothing in section 24 of this Act gives any person who
has been sentenced to a term of imprisonment for an offence
20 the right to be given access to any personal information about
that person which is held by the Police Department and which
relates to the conviction or sentencing of that person for that
offence.”
- 13. Reasons for refusal of requests for personal**
25 **information**—Section 27 of the principal Act is hereby
amended by inserting, after subsection (1), the following
subsection:
“(1A) No reasons other than one or more of the reasons set
out in subsection (1) of this section justifies a refusal to disclose
30 any personal information requested under section 24 (1) of this
Act.”
- 14. Functions of Ombudsmen**—(1) The principal Act is
hereby amended by repealing section 28, and substituting the
following section:
35 “28. (1) It shall be a function of the Ombudsmen to
investigate and review any decision by which a Department
or Minister of the Crown or organisation,—
“(a) Refuses to make official information available to any
40 person in response to a request made by that person
in accordance with section 12 of this Act; or

“(b) Decides, in accordance with section 16 or section 17 of this Act, in what manner or, in accordance with **section 15** of this Act, for what charge a request made in accordance with section 12 of this Act is to be granted; or

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“(c) Imposes conditions on the use, communication, or publication of information made available pursuant to a request made in accordance with section 12 of this Act; or

“(d) Gives a notice under section 10 of this Act.

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“(2) It shall be a function of the Ombudsmen to investigate and review any decision by which the permanent head of a Department or an officer of a Department authorised by its permanent head or a Minister of the Crown or an organisation extends any time limit under **section 15A** of this Act.

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“(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 12 of this Act, any Department or Minister of the Crown or organisation fails within the time limit fixed by **section 15 (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 15 (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.

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“(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.”

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(2) Section 19 (b) of the principal Act is hereby amended by omitting the expression “section 28 (2)”, and substituting the expression “**section 28 (3)**”.

(3) Section 30 (4) of the principal Act is hereby amended by inserting, after the expression “section 28 (1)”, the expression “or **section 28 (2)**”.

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(4) Section 33 of the principal Act is hereby amended by omitting the expression “section 28 (2)”, and substituting the expression “**section 28 (3)**”.

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(5) Section 34 of the principal Act is hereby amended by inserting, after the expression “section 28 (1)”, the expression “or **section 28 (2)**”.

15. **New sections substituted**—The principal Act is hereby amended by repealing section 32, and substituting the following sections:

“32. Recommendations made to Department or Minister of the Crown or organisation—(1) Where a recommendation is made under section 30 (1) of this Act to a Department or to an organisation named in Part I or Part II of the First Schedule to the Ombudsmen Act 1975,—

10 “(a) A public duty to observe that recommendation shall be imposed on that Department or organisation from the commencement of the thirty-first day after the day on which that recommendation is made to the Department or organisation unless, before that day, the Governor-General, by Order in Council, otherwise directs; and

15 “(b) The public duty imposed by paragraph (a) of this subsection shall be imposed not only on the Department or organisation itself but also on—

20 “(i) The members of the organisation; and
“(ii) Every officer and employee of that Department or organisation to whom that recommendation is applicable; and

25 “(iii) Every body within that Department or organisation to whom that recommendation is applicable; and

“(iv) Every statutory officer to whom that recommendation is applicable.

30 “(2) Where a recommendation is made under section 30 (1) of this Act to a Minister of the Crown, a public duty to observe that recommendation shall be imposed on that Minister on the thirty-first day after the day on which that recommendation is made to that Minister unless, before that day, the Governor-General, by Order in Council, otherwise directs.

35 “(3) Where a recommendation is made under section 30 (1) of this Act to an organisation named in the First Schedule to this Act,—

40 “(a) A public duty to observe that recommendation shall be imposed on that organisation on the thirty-first day after the day on which that recommendation is made to that organisation unless, before that day, the Governor-General, by Order in Council, otherwise directs; and

“(b) The public duty imposed by paragraph (a) of this subsection shall be imposed not only on the organisation itself but also on—

“(i) Its governing body (if any); and

“(ii) Its members; and

“(iii) Every officer, employee, and body within that organisation to whom that recommendation is applicable; and

“(iv) Every statutory officer to whom that recommendation is applicable.

“(4) As soon as practicable after an Order in Council is made under this section, the Minister who recommended the making of that Order in Council shall give a copy of that Order in Council to the Ombudsman who made the recommendation.

“(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.

“32A. **Requirements in relation to Order in Council—**

(1) Every Order in Council made under section 32 of this Act shall be published in the *Gazette* and laid before the House of Representatives as soon as practicable after it is made.

“(2) Every Order in Council made under section 32 of this Act shall set out the reasons for which it is made and the grounds in support of those reasons.

“(3) An Order in Council made under section 32 of this Act in relation to a recommendation made under section 30 (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.

“32B. **Right of review—**(1) Where—

“(a) A recommendation is made under section 30 (1) of this Act in respect of a request made under section 12 of this Act; and

“(b) An Order in Council is made under section 32 of this Act in respect of that recommendation,—

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

“(2) An application under subsection (1) of this section may be made on the ground that the Order in Council was beyond the powers conferred by sections 32 and 32A 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 Order in Council was validly made; or

10 “(b) Make an order declaring that the making of the Order in Council was beyond the powers conferred by sections 32 and 32A of this Act or was otherwise wrong in law.

“(4) Unless the High Court is satisfied that an application brought under subsection (1) of this section has not been
15 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 Crown.

20 “32c. Appeals—Any party to an application under section 32B of this Act who is dissatisfied with any final or interlocutory order in respect of the application may appeal to the Court of Appeal; and section 66 of the Judicature Act 1908 shall apply to any such appeal.”

25 **16. Application of Ombudsmen Act 1975**—(1) Section 35 (4) of the principal Act is hereby amended by omitting the word “Parliament”, and substituting the words “the House of Representatives”.

(2) Section 35 of the principal Act is hereby amended by adding the following subsections:

30 “(7) If, in relation to any request for official information made under Part III or Part IV of this Act, any Department or Minister of the Crown or organisation fails within the time limit fixed by section 15 (1) of this Act (or, where that time limit has been extended under this Act, within that time limit as so
35 extended) to comply with paragraph (a) or paragraph (b) of section 15 (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.

40 “(8) 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.”

17. Annual report—Section 44 (1) of the principal Act is hereby amended by omitting the word “Parliament”, and substituting the words “the House of Representatives”.

18. Protection against certain actions—The principal Act is hereby amended by repealing section 48, and substituting the following section: 5

“48. (1) Where any official information is made available in good faith pursuant to this Act,—

“(a) No proceedings, civil or criminal, shall lie against the Crown or any other person by reason of the making available of that information or for any consequences that flow from the making available of that information; and 10

“(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 reason of that author or other person having supplied the information to a Department or Minister of the Crown or organisation. 20

“(2) The making available of, or the giving of access to, any official information in consequence of a request made under this Act shall not be taken, for the 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.” 25

19. Savings—Section 52 (1) of the principal Act is hereby amended by omitting the word “Parliament”, and substituting the words “the House of Representatives”. 30

20. New First Schedule substituted—(1) The principal Act is hereby amended by repealing the First Schedule, and substituting the First Schedule set out in the Second Schedule to this Act. 35

(2) The following enactments are hereby consequentially repealed, namely:

(a) Section 4 of the Official Information Amendment Act 1983:

(b) Section 44 (3) of the Commerce Amendment Act 1983: 40

(c) Section 36 of the New Zealand Market Development Board Act 1986.

21. Amendments to Ombudsmen Act 1975—(1) Section 19 of the Ombudsmen Act 1975 is hereby amended by repealing subsections (3) and (4), and substituting the following subsections:

5 “(3) Subject to this section and to subsection (1) of section 20 of this Act, any person who is bound by the provisions of any enactment (being any Act of Parliament or any regulations within the meaning of the Regulations Act 1936 made by Order in Council) to maintain secrecy in relation to, or not to disclose,
10 any matter may be required to supply any information to or answer any question put by an Ombudsman in relation to that matter, or to produce to an Ombudsman any document or paper or thing relating to it, notwithstanding that compliance with that requirement would otherwise be in breach of the
15 obligation of secrecy or non-disclosure.

“ (4) Compliance with a requirement of an Ombudsman (being a requirement made pursuant to subsection (3) of this section) is not a breach of the relevant obligation of secrecy or non-disclosure or of the enactment by which that obligation
20 is imposed.”

(2) Section 21 of the Ombudsmen Act 1975 is hereby amended by repealing subsection (4), and substituting the following subsections:

25 “(4) Notwithstanding anything in subsections (1) to (3) of this section, an Ombudsman may disclose such matters as in the Ombudsman’s opinion ought to be disclosed for the purposes of an investigation or in order to establish grounds for the Ombudsman’s conclusions and recommendations.

30 “(5) The power conferred by subsection (4) of this section shall not extend to—

35 “(a) Any matter that might prejudice the security, defence, or international relations of New Zealand (including New Zealand’s relations with the Government of any other country or with any international organisation) or the investigation or detection of offences, or that might involve the disclosure of the deliberations of Cabinet; or

40 “(b) Any information, answer, document, paper, or thing obtained by an Ombudsman by reason only of compliance with a requirement made pursuant to subsection (3) of section 19 of this Act.”

22. Amendments to other Acts—The Acts specified in the Third Schedule to this Act are hereby amended in the manner indicated in that Schedule.

23. Amendments to regulations—(1) The regulations specified in the Fourth Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) The amendment by this section of the regulations specified in the Fourth Schedule to this Act shall be without prejudice to any power of amending or revoking those regulations. 5

(3) The Governor-General may from time to time, by Order in Council, consequentially revoke the Fourth Schedule to this Act or any part of that Schedule. 10

SCHEDULES

FIRST SCHEDULE

Section 4 (2)

CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT

Section Affected	Amendment
Section 9	By omitting from subsection (2) the expression "8 (1)".
Section 10	By omitting the expression "section 8 (1)" in both places where it appears, and substituting in each case the expression "section 9 (2) (b)".
Section 16	By omitting from subsection (2) (c), and also from subsection (3) (b), the expression "or section 8 (1)".
Section 17	By omitting from subsection (2) (b) the expression "or section 8 (1)".
Section 18	By omitting from paragraph (a) the expression "or section 8 (1)".
Section 19	By omitting from paragraph (a) (ii) the expression "or section 8 (1)".
Section 20	By omitting from subsection (5) the expression "section 8 (1)", and substituting the expression "section 9 (2) (b)".
Section 22	By omitting from subsection (1), and also from subsection (4), the expression "8 (1), 9 (2) (a) and (b), and substituting the expression "section 9 (2) (a), (b), (ba), (i), and (j)". By repealing paragraph (b) of subsection (5), and substituting the following paragraph: "(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 (a) to (c) or section 7 or section 9 (2) (a) or (b) or (ba) or (i) or (j) of this Act and (in the case of the interests protected by section 9 (2) (a) or (b) or (ba) or (i) or (j) of this Act) there is no countervailing public interest."
Section 23	By omitting from subsection (1) the expression "8 (1)", and substituting the expression "9 (2) (b)".
Section 27	By repealing paragraph (a) of subsection (1), and substituting the following paragraph: "(a) The disclosure of the information would be likely to prejudice any of the interests protected by section 6 (a) to (c) or section 7 or section 9 (2) (b) of this Act and (in the case of the interests protected by section 9 (2) (b) of this Act) there is no countervailing public interest; or"

Section 20 (1)

SECOND SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL ACT

Section 2 (1)

"FIRST SCHEDULE

ORGANISATIONS (ADDITIONAL TO THOSE NAMED IN PART I OR PART II OF THE FIRST SCHEDULE TO THE OMBUDSMEN ACT 1975) TO WHICH THIS ACT APPLIES

Abortion Supervisory Committee
 Air New Zealand Limited
 Alcoholic Liquor Advisory Council
 Apple and Pear Prices Authority
 Area Health Boards
 Armed Forces Canteen Council
 Berryfruit Marketing Licensing Authority
 Broadcasting Corporation of New Zealand
 Canterbury Provincial Buildings Board
 Clean Air Council
 Coal Mining Industries Welfare Council
 Commerce Commission
 Committees of Management of Secondary Schools
 Consumer Council
 Dairy Products Prices Authority
 Development Finance Corporation of New Zealand
 Education Boards
 Emergency Protection Authorities appointed for the purposes of the Industries Development Commission Act 1961
 Fisheries Authority
 Fruit Distributors Limited
 Game Industry Board
 Governing bodies of Community Colleges
 Governing bodies of Secondary Schools
 Governing bodies of Teachers Colleges
 Governing bodies of Technical Institutes
 Higher Salaries Commission
 Hop Marketing Committee
 Hospital Boards
 Human Rights Commission
 Industries Development Commission
 Information Authority
 Legal Aid Board
 Liquid Fuels Trust Board
 Local Authorities Loans Board
 Marine Reserve Management Committees
 Market Development Committee appointed under section 3 of the Meat Export Control Amendment Act 1966
 Maternal Deaths Assessment Committee
 Meat Export Prices Committee
 Medical Research Council of New Zealand
 National Council of Adult Education
 National Housing Commission
 National Library of New Zealand
 National Research Advisory Council

SECOND SCHEDULE—*continued*

Natural Gas Corporation of New Zealand Limited
Nature Conservation Council
New Zealand Apple and Pear Marketing Board
New Zealand Council for Educational Research
New Zealand Council for Postgraduate Medical Education
New Zealand Dairy Board
New Zealand Export-Import Corporation
New Zealand Film Commission
New Zealand Fishing Industry Board
New Zealand Geographic Board
New Zealand Government Property Corporation
New Zealand Industrial Design Council
New Zealand Kiwifruit Authority
New Zealand Lottery Board
New Zealand Market Development Board
New Zealand Meat Producers Board
New Zealand Milk Board
New Zealand Planning Council
New Zealand Pork Industry Board
New Zealand Ports Authority
New Zealand Potato Board
New Zealand Poultry Board
New Zealand Racing Authority
New Zealand Security Intelligence Service
New Zealand Survey Board
New Zealand Walkway Commission
New Zealand Wheat Board
New Zealand Wool Board
New Zealand Wool Testing Authority
Noxious Plants Council
Offshore Mining Limited
Overseas Investment Commission
Petrochemical Corporation of New Zealand Limited
Petroleum Corporation of New Zealand (Exploration) Limited
Petroleum Corporation of New Zealand Limited
Phosphate Commission of New Zealand
Provincial Patriotic Councils
Public Debt Commission
Public Trust Office Investment Board
Queen Elizabeth the Second National Trust
Radiation Protection Advisory Council
Raspberry Marketing Council
Raspberry Marketing Export Authority
Regional Co-ordinating Committees established under section 22 of the
Noxious Plants Act 1978
Representation Commission
Reserve Bank of New Zealand
Rural Electrical Reticulation Council
Secondary Schools Councils
Securities Commission

SECOND SCHEDULE—*continued*

Shipping Corporation of New Zealand Limited
Testing Laboratory Registration Council
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 Massey University
The Council of the Victoria University of Wellington
The Lincoln College Council
Tobacco Board
Totalisator Agency Board
Tourist Hotel Corporation of New Zealand
Universities Entrance Board
University Grants Committee
Veterinary Services Council
Waikato Carbonisation Limited
Waitangi National Trust Board
War Pensions Boards
War Pensions Medical Research Trust Board
Waterfront Industry Commission
Winston Churchill Memorial Trust Board".

Section 22

THIRD SCHEDULE

ACTS AMENDED

Title of Act	Amendment
1908, No. 40—The Deeds Registration Act 1908 (R.S. Vol. 6, p. 89)	By repealing subsections (2) and (3) of section 50.
1908, No. 81—The Industrial and Provident Societies Act 1908 (R.S. Vol. 7, p. 407)	By repealing subsections (3), (6), and (8) of section 13A (as inserted by section 2 of the Industrial and Provident Societies Amendment Act 1983).
1908, No. 212—The Incorporated Societies Act 1908 (R.S. Vol. 7, p. 383)	By repealing subsections (3), (6), and (8) of section 34A (as inserted by section 2 of the Incorporated Societies Amendment Act 1983).
1937, No. 27—The Petroleum Act 1937 (R.S. Vol. 7, p. 647)	By repealing subsection (5) of section 47E (as enacted by section 3 of the Petroleum Amendment Act 1975).
1945, No. 27—The Bush Workers Act 1945 (Reprinted 1976, Vol. 3, p. 2365)	By repealing section 5 (4) (as inserted by section 2 (2) of the Bush Workers Amendment Act 1978).
1950, No. 52—The Machinery Act 1950 (Reprinted 1972, Vol. 3, p. 2543)	By repealing section 6 (3) (as inserted by section 2 (2) of the Machinery Amendment Act 1978).
1950, No. 53—The Boilers, Lifts, and Cranes Act 1950 (R.S. Vol. 1, p. 377)	By repealing section 6 (3).
1951, No. 22—The Births and Deaths Registration Act 1951 (R.S. Vol. 1, p. 333)	By repealing subsection (8) of section 19A (as inserted by section 12 (2) of the Status of Children Act 1969).
1953, No. 7—The Ministry of Agriculture and Fisheries Act 1953 (Reprinted 1972, Vol. 3, p. 2575)	By repealing section 20 (4). By repealing section 12 (4).
1954, No. 71—The Labour Department Act 1954 (R.S. Vol. 7, p. 521)	By repealing section 13.
1955, No. 63—The Companies Act 1955 (R.S. Vol. 15, p. 89)	By repealing subsections (3), (7), and (9) of section 9A (as substituted by section 3 of the Companies Amendment Act (No. 2) 1983).
1956, No. 50—The Trade and Industry Act 1956 (Reprinted 1973, Vol. 2, p. 1645)	By repealing section 13 (5).
1958, No. 109—The Police Act 1958 (R.S. Vol. 4, p. 137)	By repealing the proviso to section 48 (1).
1959, No. 32—The Construction Act 1959 (Reprinted 1972, Vol. 2, p. 1421)	By repealing section 7 (3) (as substituted by section 3 (2) of the Construction Amendment Act 1978).

THIRD SCHEDULE—*continued*ACTS AMENDED—*continued*

Title of Act	Amendment
1961, No. 123—The Industries Development Commission Act 1961 (Reprinted 1975, Vol. 3, p. 2039)	<p>By repealing section 5 (6) (as amended by section 3 (3) (b) of the Industries Development Commission Amendment Act 1975), and substituting the following subsections:</p> <p>“(6) Where there would be good reason for withholding information under the provisions of the Official Information Act 1982, the Commission may make an order (which may be expressed to have effect from the commencement of any inquiry or proceedings of the Commission to the determination of such inquiry or proceedings) prohibiting—</p> <p>“(a) The publication of that information; or</p> <p>“(b) The giving of any evidence involving that information.</p> <p>“(6A) Notwithstanding anything in subsection (6) of this section, at the conclusion of any inquiry or proceedings of the Commission, the provisions of the Official Information Act 1982 shall apply in respect of any information that was the subject of an order under that subsection.</p> <p>“(6B) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100 who knowingly acts in contravention of an order made under subsection (6) of this section.”</p> <p>By repealing section 10A (5) (e) (as enacted by section 3 of the Industrial Development Commission Amendment Act 1967).</p>
1962, No. 136—The Shearers Act 1962 (R.S. Vol. 9, p. 575)	By repealing section 11.
1964, No. 134—The Reserve Bank of New Zealand Act 1964 (R.S. Vol. 16, p. 455)	<p>By repealing section 6 (3).</p> <p>By omitting from section 31 (5) the words “but no such statement shall disclose any information so supplied by any particular trading bank unless—</p> <p>“(a) The same information has been supplied by that bank in a monthly return made by that bank under subsection (2) of this section; or</p> <p>“(b) That bank has agreed to the disclosure.”</p>
1965, No. 23—The Radiation Protection Act 1965	By repealing section 26 (1) (c).

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
1965, No. 59—The Standards Act 1965	<p>By repealing section 45, and substituting the following section:</p> <p>“45. Disclosure of information—The disclosure of any information relating to any formula, process, or practice to the Council, or to any member, officer, or employee thereof, or to any other person under the provisions of the Official Information Act 1982 or for purposes connected with the administration of this Act, shall not prejudice any application subsequently made for a patent.”</p>
1966, No. 19—The Customs Act 1966 (R.S. Vol. 2, p. 57)	<p>By repealing clause 9 of the Ninth Schedule (as inserted by section 5 (3) of the Customs Amendment Act 1981), and substituting the following clause:</p> <p>“9. Supply of information—Upon written request by the importer of any goods, the Collector shall give notice to that importer in writing of the Customs value of the goods, and the basis of the determination of that Customs value, including the provisions of this Schedule applying thereto.”</p>
1967, No. 51—The Animal Remedies Act 1967 1967, No. 54—The Insolvency Act 1967	<p>By repealing sections 12 and 31 (4).</p> <p>By repealing section 131, and substituting the following section:</p> <p>“131. Right to inspect documents—The bankrupt, or any person who has lodged a proof of debt, or any solicitor or accountant acting for any such person, may, at any convenient time inspect and take extracts or copies of—</p> <p>“(a) The bankrupt’s books of account:</p> <p>“(b) The bankrupt’s answers to the prescribed questions and the bankrupt’s statement of his affairs:</p> <p>“(c) All proofs of debt:</p> <p>“(d) The minutes of any creditors’ meeting, and the record of any examination of the bankrupt.”</p>

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
1967, No. 161—The Technicians Training Act 1967 (R.S. Vol. 13, p. 733)	<p>By repealing section 22, and substituting the following section:</p> <p>“22. Power to obtain information from employers in order to facilitate determination of levy—(1) A technician training council and any person assessing and collecting a levy on behalf of any such council may require employers in the industry—</p> <p>“(a) To furnish such returns and other information of a kind approved by the Minister; and</p> <p>“(b) To keep and produce for examination on behalf of the council such records of a kind approved by the Minister,—</p> <p>as are necessary to enable the council to assess the amount of levy payable by any employer and to perform its other functions under this Act.</p> <p>“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200, or on a second or subsequent conviction to a fine not exceeding \$400, who fails to comply with any requirement made under subsection (1) of this section.</p> <p>“(3) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$200 or both who—</p> <p>“(a) Knowingly or recklessly furnishes, pursuant to any requirement made under subsection (1) of this section, any return or other information which is false in a material particular; or</p> <p>“(b) Wilfully makes a false entry in any record required to be produced under subsection (1) of this section or, with intent to deceive, makes use of any such entry which that person knows to be false.</p>

THIRD SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
1967, No. 161—The Technicians Training Act 1967 (R.S. Vol. 13, p. 733)— <i>continued</i>	“(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.”
1968, No. 140—The New Zealand Ports Authority Act 1968	By repealing section 15 (4).
1969, No. 12—The Consumer Information Act 1969	By repealing section 13 (3).
1969, No. 18—The Status of Children Act 1969 (R.S. Vol. 4, p. 893)	By omitting from section 9 (2) (as substituted by section 3 of the Status of Children Amendment Act 1979) the words “who, in the opinion of the Registrar-General, has a proper interest in the matter,”. By repealing section 9 (2A) (as enacted by section 3 of the Status of Children Amendment Act 1979).
1971, No. 17—The Hovercraft Act 1971	By repealing section 5 (3).
1971, No. 25—The Mining Act 1971	By repealing section 156 (as amended by section 40 of the Mining Amendment Act 1981).
1972, No. 31—The Clean Air Act 1972	By repealing section 47. By repealing section 52 (3) (as amended by section 26 (d) of the Clean Air Amendment Act 1982).
1972, No. 118—The Equal Pay Act 1972 (Reprinted 1973, Vol. 2, p. 1379)	By repealing section 16 (4).
1973, No. 5—The Rates Rebate Act 1973	By repealing section 12, and substituting the following section: “12. Secrecy —Except for the purposes of this Act or the Public Finance Act 1977, or of investigating the correctness of any information contained in any application for a rebate under this Act, no officer of a territorial authority shall disclose to any person any information contained in any application for a rebate made under this Act or disclosed or obtained pursuant to section 11 of this Act.”

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
1973, No. 19—The Industrial Relations Act 1973 (R.S. Vol. 14, p. 221)	By repealing subsections (5) to (8) of section 6.
1973, No. 32—The Development Finance Corporation Act 1973	By repealing section 30A (as inserted by section 9 of the Development Finance Corporation Act 1976).
1974, No. 50—The Tobacco Growing Industry Act 1974	By repealing subsection (6) of section 11, and substituting the following subsection: “(6) All information required under this section shall be supplied to the Chairman of the Board.” By repealing the proviso to section 15A (as inserted by section 4 of the Tobacco Growing Industry Amendment Act 1976).
1975, No. 42—The Fire Service Act 1975	By repealing section 52.
1975, No. 116—The Misuse of Drugs Act 1975	By repealing section 19 (5).
1976, No. 3—The Superannuation Schemes Act 1976 (R.S. Vol. 13, p. 639)	By repealing section 20 (as amended by section 7 (8) of the Superannuation Schemes Amendment Act 1982), and substituting the following section: “20. Secrecy—No person, being— “(a) The Government Actuary or a former Government Actuary; or “(b) A member or former member of the National Provident Fund Board; or “(c) An officer or employee in the service of the Government Actuary or the National Provident Fund Board; or “(d) A person who was formerly in the service of the Government Actuary or the National Provident Fund Board,— shall be required to produce in any Court or tribunal any book or document or to divulge or communicate to any Court or tribunal any matter or thing coming under that person's notice in the performance of that person's duties, except when it is necessary to do so for the purpose of carrying into effect any provision of this Act”.
1976, No. 71—The Energy Resources Levy Act 1976	By repealing section 21 (1) (f).

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
1976, No. 155—The International Energy Agreement Act 1976	By repealing subsections (5) and (6) of section 7.
1977, No. 8—The Shop Trading Hours Act 1977 (R.S. Vol. 7, p. 793)	By repealing section 22 (6).
1977, No. 33—The Ministry of Energy Act 1977	By repealing subsections (2) and (3) of section 28.
1977, No. 43—The Agricultural Workers Act 1977	By repealing section 6 (3).
1977, No. 49—The Human Rights Commission Act 1977	<p>By repealing section 6 (3).</p> <p>By repealing section 77 (as amended by section 50 of the Official Information Act 1982), and substituting the following section:</p> <p>“77. Commissioners and staff deemed to be officials—Every Commissioner and every officer or employee of the Commission shall be deemed for the purposes of sections 105 and 105A of the Crimes Act 1961 to be officials.”</p>
1977, No. 61—The Citizenship Act 1977	By repealing section 28 (h).
1978, No. 53—The Liquid Fuels Trust Act 1978	<p>By repealing section 17 (as amended by section 50 of the Official Information Act 1982), and substituting the following section:</p> <p>“17. Members of Board and staff deemed to be officials—Every member of the Board or a committee appointed by the Board, and every officer or employee of the Board, and every person appointed under section 13 of this Act shall be deemed for the purposes of sections 105 and 105A of the Crimes Act 1961 to be officials.”</p> <p>By repealing section 18 (as amended by section 50 of the Official Information Act 1982), and substituting the following section:</p> <p>“18. Members of Board, etc., not personally liable—(1) Except in the case of proceedings for an offence to which subsection (2) of this section applies, no member of the Board or of any committee appointed by the Board, and no officer or employee of the Board, and no person appointed under section 13 of this Act, who does any act in pursuance or intended pursuance of any provision of this Act, or omits to do</p>

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
1978, No. 53—The Liquid Fuels Trust Act 1978— <i>continued</i>	<p>any act required by any such provision, shall be under any criminal or civil liability as a result of that act or omission, whether on the ground of want of jurisdiction or mistake of law or fact, or on any other ground, unless the act was done or omitted in bad faith or without reasonable care.</p> <p>“(2) This subsection applies to—</p> <p>“(a) An offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961; or</p> <p>“(b) The offence of conspiring to commit an offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961; or</p> <p>“(c) The offence of attempting to commit an offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961.”</p>
1978, No. 103—The Securities Act 1978 (R.S. Vol. 15, p. 533)	<p>By repealing subsection (5) of section 19, and substituting the following subsections:</p> <p>“(5) Where the Commission is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter, the Commission may, of its own motion or on the application of any party to the proceedings,—</p> <p>“(a) Order that any proceedings or any class of proceedings held by it be heard in private, either as to the whole or any portion thereof;</p> <p>“(b) Where there would be good reason for withholding information under the provisions of the Official Information Act 1982, make an order (which may be expressed to have effect from the commencement of any inquiry or other proceedings of the Commission to the determination of such inquiry or proceedings) prohibiting,—</p> <p>“(i) The publication of that information; or</p> <p>“(ii) The giving of any evidence involving that information.</p>

THIRD SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
1978, No. 103—The Securities Act 1978 (R.S. Vol. 15, p. 533)— <i>continued</i>	<p>“(6) Notwithstanding anything in subsection (5) (b) of this section, at the conclusion of any inquiry or proceedings of the Commission, the provisions of the Official Information Act 1982 shall apply in respect of any information that was the subject of an order made under subsection (5) (b) of this section.”</p> <p>By repealing section 24 (as amended by section 50 of the Official Information Act 1982), and substituting the following section:</p> <p>“24. Members of Commission and staff deemed to be officials—Every member and alternate member of the Commission, and every officer or employee thereof and every person appointed under section 21 of this Act, shall be deemed for the purposes of sections 105 and 105A of the Crimes Act 1961 to be officials.”</p> <p>By omitting from section 28 (5) (as substituted by section 50 of the Official Information Act 1982) the words “or section 32 (d) of this Act” wherever they appear.</p> <p>By omitting from section 32 (c) the words “or paragraph (c)”.</p> <p>By repealing section 32 (d).</p> <p>By repealing section 67 (3).</p> <p>By repealing section 207.</p>
1979, No. 21—The Coal Mines Act 1979	By repealing section 207.
1979, No. 26—The Pesticides Act 1979	By repealing section 34.
1979, No. 27—The Toxic Substances Act 1979	By repealing section 59 (5).
1981, No. 12—The Petroleum Demand Restraint Act 1981	By repealing subsections (4) and (5) of section 12.
1981, No. 25—The Factories and Commercial Premises Act 1981	By repealing section 32 (6).
1981, No. 45—The Food Act 1981	By repealing section 50 (4).
1981, No. 45—The Food Act 1981	By repealing section 55 (5).
1981, No. 45—The Food Act 1981	By repealing section 20.
1981, No. 45—The Food Act 1981	By repealing section 21 (c).
1981, No. 45—The Food Act 1981	By repealing section 5 (5).
1981, No. 45—The Food Act 1981	By repealing section 61 (1) (h).
1981, No. 45—The Food Act 1981	By repealing section 12 (4).
1981, No. 45—The Food Act 1981	By omitting from section 13 (2) the words “Subsections (3) and (4) of section 12”, and substituting the words “Section 12 (3)”.
1981, No. 45—The Food Act 1981	By repealing section 17 (4).
1981, No. 45—The Food Act 1981	By repealing section 22 (5).

THIRD SCHEDULE—*continued*ACTS AMENDED—*continued*

Title of Act	Amendment
1981, No. 118—The Medicines Act 1981	By repealing section 63 (4). By repealing section 66 (4). By repealing section 70 (5).
1982, No. 28—The Rural Banking and Finance Corporation Amendment Act 1982	By omitting from section 5 the words “and every other person at any time engaged or employed in connection with the work of the Board or of any such committee.”.
1982, No. 118—The Friendly Societies and Credit Unions Act 1982	By omitting from section 8 (1) the words “Subject to subsection (2) of this section.” By repealing subsections (2) and (3) of section 8.
1982, No. 138—The Pork Industry Board Act 1982	By repealing section 39 (3).
1983, No. 14—The Fisheries Act 1983	By omitting from section 67 (3) the words “and no returns or information shall be released to any person, or published in any form unless summarised so that specific identities or businesses are not revealed except by written permission of the person furnishing the return or information”. By repealing section 95 (c).

FOURTH SCHEDULE

Section 23

REGULATIONS AMENDED

Title	Amendment
The War Pensions Regulations 1956 (Reprinted with Amendments 1 to 18 incorporated: S.R. 1978/22)	By revoking subclause (5) of regulation 3.
The Meat Regulations 1969 (S.R. 1969/192)	By revoking subclause (2) of regulation 29.
The Game Regulations 1975 (S.R. 1975/174)	By revoking subclause (2) of regulation 99.
The Fire Service (Levy) Regulations 1975 (S.R. 1975/175)	By revoking regulation 5.
The Fish Levy Regulations 1976 (S.R. 1976/316)	By revoking subclause (2) of regulation 24.
The Fish (Packing for Export) Regulations 1977 (S.R. 1977/161)	By revoking subclause (2) of regulation 59.
The Kiwifruit Marketing Licensing Regulations 1977 (S.R. 1977/281)	By revoking subclause (3) of regulation 27.
The Petroleum Regulations 1978 (S.R. 1978/255)	By revoking regulation 24 (2).
The Raspberry Marketing Regulations 1979 (S.R. 1979/151)	By revoking subclause (3) of regulation 26.
The Wage Freeze Regulations 1982 (Reprinted with Amendments Nos. 1 to 28 incorporated: S.R. 1984/156)	By revoking regulation 6E (as inserted by regulation 5 of the Wage Freeze Regulations 1982, Amendment No. 2).
The Fish Export Licensing Regulations 1982 (S.R. 1982/214)	By revoking paragraph (d) of regulation 12.
The Berryfruit Marketing Licensing Regulations 1983 (S.R. 1983/135)	By omitting from subclause (2) of regulation 27 the words "All such information shall be kept confidential to the Authority, but".
The Earthquake and War Damage Regulations 1984 (S.R. 1984/71)	By revoking regulation 8.
The Game Industry Board Regulations 1985 (S.R. 1985/154)	By omitting from subclause (2) of regulation 31 the words "All such information shall be kept confidential to the Board, but".