



## ANALYSIS

- |  |  |
|--|--|
| <p>Title</p> <ol style="list-style-type: none"> <li>1. Short title and commencement</li> <li>2. Interpretation</li> <li>3. Act to bind the Crown</li> </ol> <p style="text-align: center;"><b>PART I</b></p> <p style="text-align: center;">PURPOSES AND CRITERIA</p> <ol style="list-style-type: none"> <li>4. Purposes</li> <li>5. Principle of availability</li> <li>6. Conclusive reasons for withholding official information</li> <li>7. Special reasons for withholding official information related to the Cook Islands, Tokelau, or Niue, or the Ross Dependency</li> <li>8. Special reasons for withholding official information related to competitive commercial activities</li> <li>9. Other reasons for withholding official information</li> <li>10. Information concerning existence of certain information</li> <li>11. Exclusion of public interest immunity</li> </ol> <p style="text-align: center;"><b>PART II</b></p> <p style="text-align: center;">REQUESTS FOR ACCESS TO OFFICIAL INFORMATION</p> <ol style="list-style-type: none"> <li>12. Requests</li> <li>13. Assistance</li> <li>14. Transfer of requests</li> <li>15. Decisions on requests</li> <li>16. Documents</li> <li>17. Deletion of information from documents</li> <li>18. Refusal of requests</li> <li>19. Reason for refusal to be given</li> </ol> <p style="text-align: center;"><b>PART III</b></p> <p style="text-align: center;">PUBLICATION OF, AND ACCESS TO, CERTAIN DOCUMENTS AND INFORMATION</p> <ol style="list-style-type: none"> <li>20. Publication setting out functions of Departments and organisations</li> </ol> | <ol style="list-style-type: none"> <li>21. Right of access to certain official information</li> <li>22. Right of access to internal rules affecting decisions</li> <li>23. Right of access by person to reasons for decisions affecting that person</li> </ol> <p style="text-align: center;"><b>PART IV</b></p> <p style="text-align: center;">RIGHT OF ACCESS TO PERSONAL INFORMATION</p> <ol style="list-style-type: none"> <li>24. Right of access to personal information</li> <li>25. Precautions</li> <li>26. Correction of information</li> <li>27. Reasons for refusal of requests for personal information</li> </ol> <p style="text-align: center;"><b>PART V</b></p> <p style="text-align: center;">REVIEW OF DECISIONS</p> <p style="text-align: center;"><i>Decisions Under Part II and Section 10 of this Act</i></p> <ol style="list-style-type: none"> <li>28. Functions of Ombudsmen</li> <li>29. Application of Ombudsmen Act 1975</li> <li>30. Procedure after investigation</li> <li>31. Disclosure of certain information not to be recommended</li> <li>32. Recommendations made to Department or Minister of the Crown or organisation</li> <li>33. Complainant to be informed of result of investigation</li> <li>34. Restriction on application for review</li> </ol> <p style="text-align: center;"><i>Decisions Under Part III or Part IV of this Act</i></p> <ol style="list-style-type: none"> <li>35. Application of Ombudsmen Act 1975</li> </ol> <p style="text-align: center;"><i>Saving</i></p> <ol style="list-style-type: none"> <li>36. Saving in respect of Ombudsmen Act 1975</li> </ol> |
|--|--|

## PART VI

## INFORMATION AUTHORITY

37. Establishment of Information Authority
38. Functions and powers of Authority
39. Functions in respect of personal information
40. Membership of Authority
41. Term of office of members of Authority
42. Regulations providing for access to information
43. Provision for disallowance of regulations providing for access to information
44. Annual report
45. Offences

## PART VII

## MISCELLANEOUS PROVISIONS

46. Assistance of State Services Commission
47. Regulations
48. Protection against certain actions
49. Power to amend First Schedule by Order in Council
50. Consequential amendments to other enactments
51. Repeal
52. Savings
53. Expiration of provisions relating to Information Authority Schedules

---

1982, No. 156

**An Act to make official information more freely available, to provide for proper access by each person to official information relating to that person, to protect official information to the extent consistent with the public interest and the preservation of personal privacy, to establish procedures for the achievement of those purposes, and to repeal the Official Secrets Act 1951** [17 December 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 Act 1982.

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the 1st day of July 1983.

(3) This section, and Part VI of, and the Second Schedule to, this Act shall come into force on the day on which this Act receives the Governor-General's assent.

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

“Authority” means the Information Authority established under section 37 of this Act:

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

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

(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:

(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:

(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” means any provision of—

(a) Any Act of Parliament; or

(b) Any regulations within the meaning of the Regulations Act 1936 made by Order in Council:

“International organisation” means any organisation of States or Governments of States or any organ or agency of any such organisation; and includes the Commonwealth Secretariat:

“Official information”—

(a) Means any information held by—

(i) A Department; or

(ii) A Minister of the Crown in his official capacity; or

(iii) An organisation; and

(b) Includes any information held outside New Zealand by any branch or post of—

(i) A Department; or

(ii) An organisation; and

(c) In relation to information held by the Department of Justice, includes information held by the Rules Committee appointed under section 2 of the Judicature Amendment Act 1930; and

(d) In relation to information held by the General Assembly Library, includes only information held in relation to—

(i) The administrative affairs of that Library or of the National Library of New Zealand; or

(ii) The functions of the General Assembly Library in relation to copies of books delivered to the Chief Librarian of that Library under section 64 of the Copyright Act 1962; but

- (e) Does not include information contained in—
  - (i) Library or museum material made or acquired and preserved solely for reference or exhibition purposes; or
  - (ii) Material placed in the National Library of New Zealand by or on behalf of persons other than Ministers of the Crown in their official capacity or Departments; and

(f) Does not include any information which is held by a Department, Minister of the Crown, or organisation 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 Department or a Minister of the Crown in his official capacity or an organisation; and

(g) Does not include any information held by the Public Trustee or the Maori Trustee—

(i) In his capacity as a trustee within the meaning of the Trustee Act 1956; or

(ii) In any other fiduciary capacity; and

(h) Does not include evidence given or submissions made to—

(i) A Royal Commission; or

(ii) A commission of inquiry appointed by an Order in Council made under the Commissions of Inquiry Act 1908; or

(iii) A commission of inquiry or board of inquiry or Court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter:

“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:

(b) An organisation named in the First Schedule to this Act:

“Permanent resident of New Zealand” means a person who—

(a) Resides in New Zealand; and

(b) Is not—

(i) A prohibited immigrant; or

(ii) A person obliged, by or pursuant to any Act, to leave New Zealand immediately or within a specified time:

“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:

“Prohibited immigrant” has the meaning given to it by section 2 (1) of the Immigration Act 1964:

“Statutory officer” means a person—

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

(b) Performing duties expressly conferred on him by virtue of his office by an enactment:

“Subsidiary” has the same meaning as in section 158 of the Companies Act 1955.

(2) Where information is held by an unincorporated body (being a board, council, committee, subcommittee, or other body)—

(a) Which is established for the purpose of assisting or advising, or performing functions connected with, any Department or Minister of the Crown or organisation; and

(b) Which is so established in accordance with the provisions of any enactment or by any Department or Minister of the Crown or organisation,—

that information shall, for the purposes of this Act, be deemed—

(c) In any case where that body is established in respect of any Department or organisation, to be information held by that Department or organisation; and

(d) In any case where that body is established in respect of a Minister of the Crown, to be information held by that Minister.

(3) Where subsection (2) of this section applies in respect of any unincorporated body and that body is established for the purpose of assisting, advising, or performing functions conducted with any Department or organisation, that unincorporated body shall, for the purposes of this Act, be deemed to be part of that Department or organisation.

(4) Information held by an officer or employee of a Department or organisation in his capacity as such an officer or employee or in his capacity as a statutory officer (other than information which he would not hold but for his membership of a body other than a Department or organisation) shall, for the purposes of this Act, be deemed to be held by the Department or organisation of which he is an officer or employee.

(5) Any information held by an independent contractor engaged by any Department or Minister of the Crown or organisation in his capacity as such contractor shall, for the purposes of this Act, be deemed to be held by the Department or Minister of the Crown or organisation.

(6) For the avoidance of doubt, it is hereby declared that the terms "Department" and "organisation" do not include—

- (a) A Court; or
- (b) In relation to its judicial functions, a Tribunal; or
- (c) A Royal Commission; or
- (d) A commission of inquiry appointed by an Order in Council made under the Commissions of Inquiry Act 1908; or
- (e) A commission of inquiry or board of inquiry or Court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter.

**3. Act to bind the Crown**—This Act shall bind the Crown.

## PART I

### PURPOSES AND CRITERIA

**4. Purposes**—The purposes of this Act are, consistently with the principle of the Executive Government's responsibility to Parliament,—

- (a) To increase progressively the availability of official information to the people of New Zealand in order—
  - (i) To enable their more effective participation in the making and administration of laws and policies; and
  - (ii) To promote the accountability of Ministers of the Crown and officials,—  
and thereby to enhance respect for the law and to promote the good government of New Zealand:
- (b) To provide for proper access by each person to official information relating to that person:
- (c) To protect official information to the extent consistent with the public interest and the preservation of personal privacy.

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

**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—

- (a) To prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
- (b) To prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—
  - (i) The government of any other country or any agency of such a government; or
  - (ii) Any international organisation; or
- (c) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (d) To damage seriously the economy of New Zealand by disclosing prematurely Government economic or financial policies, such as those relating to—
  - (i) Exchange rates or the control of overseas exchange transactions;
  - (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;
  - (v) The borrowing of money by the Government of New Zealand;
  - (vi) The entering into of overseas trade agreements.

**7. Special reasons for withholding official information related to the Cook Islands, Tokelau, or Niue, or the Ross Dependency**—Good reason for withholding information exists, for the purpose of section 5 of this Act, if the making available of the information would be likely—

- (a) To prejudice the security or defence of—

- (i) The self-governing state of the Cook Islands;  
or
- (ii) The self-governing state of Niue; or
- (iii) Tokelau; or
- (iv) The Ross Dependency; or
- (b) To prejudice relations between any of the Governments of—
  - (i) New Zealand;
  - (ii) The self-governing state of the Cook Islands;
  - (iii) The self-governing state of Niue; or
- (c) To prejudice the international relations of the Governments of—
  - (i) The self-governing state of the Cook Islands;  
or
  - (ii) The self-governing state of Niue.

**8. Special reasons for withholding official information related to competitive commercial activities—**

(1) Good reason for withholding official information exists, for the purpose of section 5 of this Act, if the making available of the information could reasonably be expected—

- (a) To prejudice significantly the competitive commercial activities of the Crown or any Department or any organisation or any subsidiary of any organisation;  
or
- (b) To interfere significantly with contractual or other negotiations related to the competitive commercial activities of the Crown or any Department or any organisation or any subsidiary of any organisation;  
or
- (c) To prejudice the supply of similar information, or information from the same source, where—
  - (i) The information relates to competitive commercial activities; and
  - (ii) The information was supplied in confidence to the Crown or any Department or any organisation or any subsidiary of any organisation; and
  - (iii) It is in the public interest that similar information or information from the same source should continue to be supplied.

(2) Nothing in subsection (1) of this section prevents good reason existing, by virtue of section 6 or section 7 or section 9 of this Act, for the withholding of official information relating



to the commercial activities or any other activities of the Crown or any Department or any organisation or any subsidiary of any organisation.

**9. 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.

(2) Subject to sections 6, 7, 8 (1), 10, and 18 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
- (b) Protect information supplied in confidence to any Minister of the Crown or to any Department or organisation, or by or on behalf of the Crown or of any Department or organisation to any person outside the service of the Crown or of the Department or organisation,—
  - (i) Where the making available of that information 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) Where the protection of that information is otherwise in the public interest; or
- (c) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (d) Avoid prejudice to the substantial economic interests of New Zealand; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the constitutional conventions for the time being which protect—
  - (i) The confidentiality of communications by or with the Sovereign or her representative;
  - (ii) Collective and individual ministerial responsibility;
  - (iii) The political neutrality of officials;
  - (iv) The confidentiality of advice tendered by Ministers of the Crown and officials; or

- (g) Maintain the effective conduct of public affairs through—
  - (i) 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
  - (ii) The protection of such Ministers, officers, and employees from improper pressure or harassment; or
- (h) Maintain legal professional privilege; or
- (i) Enable the Crown or any Department or organisation or any subsidiary of any organisation to carry out, without prejudice or disadvantage, its commercial activities; or
- (j) Enable the Crown or any Department or organisation or any subsidiary of any organisation to carry on negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

**10. Information concerning existence of certain information**—Where a request under this Act relates to information to which section 6 or section 7 or section 8 (1) of this Act applies, or would, if it existed, apply, the Department or Minister of the Crown or organisation dealing with the request may, if it or he is satisfied that the interest protected by section 6 or section 7 or section 8 (1) 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 or he neither confirms nor denies the existence or non-existence of that information.

**11. 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 to the public interest shall not apply in respect of—

- (a) Any investigation by or proceedings before an Ombudsman or the Authority; or
- (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 he would not, apart from this section, be entitled to.

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

- (a) Section 31 of this Act; or
- (b) Clause 8 of the Second Schedule to this Act; or
- (c) Section 20 (1) of the Ombudsmen Act 1975.

## PART II

### REQUESTS FOR ACCESS TO OFFICIAL INFORMATION

**12. Requests**—(1) Any person, being—

- (a) A New Zealand citizen; or
- (b) A permanent resident of New Zealand; or
- (c) A body corporate which is incorporated 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.

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

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

**13. Assistance**—It is the duty of every Department, Minister of the Crown, and organisation to give reasonable assistance to a person, who—

- (a) Wishes to make a request in accordance with section 12 of this Act; or
- (b) In making a request under section 12 of this Act, has not made that request in accordance with that section; or
- (c) Has not made his request to the appropriate 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 his request to the appropriate Department or Minister of the Crown or organisation.

**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—

(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

(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,—

the Department or Minister of the Crown or organisation to which the request is made shall promptly transfer the request to the other Department or Minister of the Crown or organisation and inform the person making the request accordingly.

**15. Decisions on requests**—(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 decide, as soon as reasonably practicable, whether the request is to be granted and, if it is to be granted, in what manner and for what charge (if any).

(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.

(3) The Department or Minister of the Crown or organisation may require that the whole or part of any charge be paid in advance.

**16. Documents**—(1) Where the information requested by 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

(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 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 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 17 of this Act, the Department or Minister of the Crown or organisation shall make the information available in the way preferred by the person requesting it unless to do so would—

(a) Impair efficient administration; or

(b) Be contrary to any legal duty of the Department or Minister of the Crown or organisation in respect of the document; or

(c) Prejudice the interests protected by section 6 or section 7 or section 8 (1) or section 9 of this Act and (in the case of the interests protected by section 9 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 Department or Minister of the Crown or organisation shall, subject to section 10 of this Act, give to that person—

(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 or section 8 (1) or section 9 of this Act and (in the case of the interests protected by section 9 of this Act) there is no countervailing public interest.

### **17. Deletion of information from documents—**

(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.

(2) Where a copy of a document is made available under subsection (1) of this section, the Department or Minister of the Crown or organisation shall, subject to section 10 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 or section 8 (1) or section 9 of this Act and (in the case of the interests protected by section 9 of this Act) there is no countervailing public interest.

**18. Refusal of requests**—A request made in accordance with section 12 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 or section 8 (1) or section 9 of this Act, there is good reason for withholding the information:
- (b) That, by virtue of section 10 of this Act, the Department or Minister of the Crown or organisation does not confirm or deny the existence or non-existence of the information requested:
- (c) That the making available of the information requested would—
  - (i) Be contrary to the provisions of a specified enactment; or
  - (ii) Constitute contempt of Court or of Parliament:
- (d) That the information requested is or will soon be publicly available:
- (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:
- (g) That the information requested is not held by the Department or Minister of the Crown or organisation and the person dealing with the request has no grounds for believing that the information is either—
  - (i) Held by another Department or Minister of the Crown or organisation; or
  - (ii) Connected more closely with the functions of another Department or Minister of the Crown or organisation:
- (h) That the request is frivolous or vexatious or that the information requested is trivial.

**19. Reason for refusal to be given**—Where a request made in accordance with section 12 of this Act is refused, the

Department or Minister of the Crown or organisation, shall,—

- (a) Subject to section 10 of this Act, give to the applicant—
  - (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 or section 8 (1) or section 9 of this Act and (in the case of the interests protected by section 9 of this Act) there is no countervailing public interest; and
- (b) Give to the applicant information concerning the applicant's right, by way of complaint under section 28 (2) of this Act to an Ombudsman, to seek an investigation and review of the refusal.

### PART III

#### PUBLICATION OF, AND ACCESS TO, CERTAIN DOCUMENTS AND INFORMATION

**20. Publication setting out functions of Departments and organisations—**(1) The State Services Commission shall cause to be published, within 12 months after the commencement of this section, a publication that includes in respect of each Department and each organisation,—

- (a) A description of its structure, functions, and responsibilities including those of any of its statutory officers or advisory committees; and
- (b) A general description of the categories of documents held by it; and
- (c) A description of all manuals, and similar types of documents which contain policies, principles, rules, or guidelines in accordance with which decisions are made affecting any person or body of persons in his or its personal capacity; and
- (d) A statement of any information that needs to be available to members of the public who wish to obtain official information from the Department or organisation, which statement shall include particulars of the officer or officers to whom requests for official information or particular classes of information should be sent.

(2) The State Services Commission shall in the year 1985, 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.

(3) Each Department and each organisation shall assist the State Services Commission to comply with subsections (1) and (2) of this section and shall supply to the State Services Commission such information as it requires for the purposes of those subsections.

(4) In complying with subsections (1) and (2) of this section, the State Services Commission 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.

(5) Where there is good reason under section 6 or section 7 or section 8 (1) of this Act for withholding official information, nothing in this section requires the publication of that official information.

### **21. Right of access to certain official information—**

(1) Every person has a right to and shall, on request made under this subsection, be given access to the latest edition of the publication published under section 20 of this Act and to any published supplementary material bringing that edition up-to-date.

(2) Every person, being—

(a) A New Zealand citizen; or

(b) A permanent resident of New Zealand; or

(c) A body corporate which is incorporated in New Zealand,—

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.

(3) The giving of access to any official information to which subsection (2) of this section applies shall be subject to the provisions of any regulations made under this Act.

**22. Right of access to internal rules affecting decisions—**(1) Subject to section 6 (a) to (c), sections 7, 8 (1), 9 (2) (a) and (b), and 10 of this Act and to subsections (2) and (6) of this section, 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



Department or Minister of the Crown or organisation and which contains policies, principles, rules, or guidelines in accordance with which decisions or recommendations are made in respect of any person or body of persons in his or its personal capacity.

(2) The right conferred by subsection (1) of this section may be exercised only by—

- (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.

(3) Sections 12 (2) and (3), 13 to 15, and 19 of this Act shall apply, with all necessary modifications, to a request made under subsection (1) of this section.

(4) Where, by virtue of any of the provisions of sections 6 (a) to (c), 7, 8 (1), and 9 (2) (a) and (b) 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 Department or Minister of the Crown or organisation shall, unless it is impracticable to do so, either—

- (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.

(5) Where a document is made available under subsection (4) of this section, the Department or Minister of the Crown or organisation shall, subject to section 10 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 (a) to (c) or section 7 or section 8 (1) or section 9 (2) (a) or (b) of this Act and (in the case of the interests protected by section 9 (2) (a) or (b) of this Act) there is no countervailing public interest.

(6) Nothing in this section authorises or permits the Public Trust Office or the Maori Trust Office to make available any information which is contained in a document to which

subsection (1) of this section relates but which relates to the making of decisions or recommendations by the Public Trustee or the Maori Trustee—

- (a) In his capacity as a trustee within the meaning of the Trustee Act 1956; or
- (b) In any other fiduciary capacity.

**23. Right of access by person to reasons for decisions affecting that person—**(1) Subject to sections 6 (a) to (c), 7, 8 (1), and 10 of this Act and to subsections (2), (4), and (5) of this section, where a Department or Minister of the Crown or organisation makes, on or after the 1st day of July 1983, a decision or recommendation in respect of any person, being a decision or recommendation in respect of that person in his or its 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—

- (a) The findings on material issues of fact; and
- (b) Subject to section 27 (1) (c) to (f) of this Act, a reference to the information on which the findings were based; and
- (c) The reasons for the decision or recommendation.

(2) The right conferred by subsection (1) of this section may be exercised only by a person who is—

- (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.

(3) Sections 12 (3), 13 to 15, and 19 of this Act shall apply, with all necessary modifications, to a request made under subsection (1) of this section.

(4) Nothing in this section entitles any person to obtain a written statement of advice given to the Sovereign or her representative.

(5) Nothing in this section applies in respect of any decision or recommendation made by the Public Trustee or the Maori Trustee—

- (a) In his capacity as a trustee within the meaning of the Trustee Act 1956; or
- (b) In any other fiduciary capacity.

## PART IV

## RIGHT OF ACCESS TO PERSONAL INFORMATION

**24. Right of access to personal information**—(1) Subject to this Part of this Act, to sections 10 and 52 of this Act, and to subsections (2) and (5) of this section, 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—

- (a) Is about that person; and
  - (b) Is held in such a way that it can readily be retrieved.
- (2) The right conferred by subsection (1) of this section may be exercised only by a person who is—
- (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.

(3) Sections 12 (3), 13 to 17, and 19 of this Act shall apply, with all necessary modifications, to a request made under subsection (1) of this section.

(4) Nothing in this section requires, or imposes any responsibility on, any Department or Minister of the Crown or organisation to compile files or data banks of personal information.

(5) Nothing in this section gives any person the right to be given access to any personal information about him which is held by the Public Trustee or the Maori Trustee—

- (a) In his capacity as a trustee within the meaning of the Trustee Act 1956; or
- (b) In any other fiduciary capacity.

**25. Precautions**—Where a request is made under section 24 (1) of this Act, the Department or Minister of the Crown or organisation—

- (a) Shall not give access to that information unless it or he is satisfied concerning the identity of the person making the request; and
- (b) Shall ensure, by the adoption of appropriate procedures, that any information intended for a person is received—

- (i) Only by that person; or
  - (ii) Where the request is made by an agent of the person, only by that person or his 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 properly authorised by that person to obtain the information.

**26. Correction of information**—(1) Every person who is given access under section 24 (1) of this Act to personal information may, by letter addressed to the Department or Minister of the Crown or organisation,—

- (a) Request correction of the personal information where the person believes that the information—
  - (i) Is inaccurate; or
  - (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 Department or Minister of the Crown or organisation receives a letter pursuant to subsection (1) of this section, it or he shall inform the person by whom or by which the letter was sent of the action taken by the Department or Minister of the Crown or organisation as a result of the letter.

**27. Reasons for refusal of requests for personal information**—(1) A Department or Minister of the Crown or organisation may refuse to disclose any personal information requested under section 24 (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 (a) to (c) or section 7 or section 8 (1) of this Act; or
- (b) The disclosure of the information would involve the unwarranted disclosure of the affairs of another person or of a deceased person; or
- (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

- (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 Department or Minister of the Crown or organisation with a natural person's medical practitioner, the Department or Minister of the Crown or organisation is satisfied that—
    - (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
  - (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
  - (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—
    - (i) Prejudice the safe custody or the rehabilitation of that person; or
    - (ii) Endanger the safety of any person; or
  - (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.
- (2) For the purposes of subsection (1) (c) of this section the term "evaluative material" means evaluative or opinion material compiled solely—
- (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
    - (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; or

- (c) For the purpose of deciding whether to insure any person or property or to continue or renew the insurance of any person or property.

## PART V

### REVIEW OF DECISIONS

#### *Decisions Under Part II and Section 10 of this Act*

**28. Functions of Ombudsmen—**(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 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
- (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.

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

(3) 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.

**29. 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 10 of this Act as if they were investigations carried out under the Ombudsmen Act 1975.

(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.

**30. Procedure after investigation**—(1) Where, after making an investigation of a complaint made under section 28 of this Act, an Ombudsman is of the opinion—

- (a) That the request made in accordance with section 12 of this 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,—

the Ombudsman shall, subject to subsection (3) of this section,—

- (c) Report his opinion and his reasons therefor to the appropriate Department or Minister of the Crown or organisation; and
- (d) Subject to section 31 of this Act, make such recommendations as he thinks fit; and
- (e) Give to the complainant—
  - (i) A copy of his recommendations (if any); and
  - (ii) Such other information as he thinks proper.

(2) The Ombudsman shall also—

- (a) In the case of an investigation relating to a Department or organisation named in Part I or Part II of the First Schedule to the Ombudsmen Act 1975, send a copy of his report and recommendations to the Minister concerned; and
- (b) In the case of an organisation named in the First Schedule to this Act, send a copy of his report and recommendations to such Minister of the Crown as he considers appropriate.

(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.

(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 under section 28 (1) of this Act.

**31. Disclosure of certain information not to be recommended**—Where—

- (a) The Prime Minister certifies that the making available of any information would be likely to prejudice—
  - (i) The security or defence of New Zealand or the international relations of the Government of New Zealand; or

- (ii) Any interest protected by section 7 of this Act;
- or
- (b) The Attorney-General certifies that the making available of any information would be likely to 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 Department or Minister of the Crown or organisation.

**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,—

- (a) A public duty to observe that recommendation shall be imposed on that Department or organisation from the commencement of the twenty-second day after the day on which that recommendation is made to the Department or organisation unless, before that day, the Minister responsible for that Department or organisation otherwise directs in writing; and
- (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—
  - (i) Every officer and employee of that Department or organisation to whom that recommendation is applicable; and
  - (ii) Every body within that Department or organisation to whom that recommendation is applicable; and
  - (iii) Every statutory officer to whom that recommendation is applicable.

(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 twenty-second day after the day on which that recommendation is made to that Minister unless, before that day, that Minister otherwise decides and records that decision in writing.

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



- (a) A public duty to observe that recommendation shall be imposed on that organisation on the twenty-second day after the day on which that recommendation is made to that organisation unless, before that day, a Minister of the Crown otherwise directs in writing; 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) Every officer, employee, and body within that organisation to whom that recommendation is applicable; and
  - (iii) Every statutory officer to whom that recommendation is applicable.

(4) As soon as practicable after a direction is given or a decision is made under any of the provisions of subsections (1) to (3) of this section, the Minister giving that direction or making that decision shall give to the Ombudsman who made the recommendation, and publish in the *Gazette* and lay before Parliament,—

- (a) A copy of the direction or decision; and
  - (b) The grounds for the direction or decision; and
  - (c) Except where the direction is given or the decision is made on the grounds of the security of New Zealand, the source and purport of any advice on which the direction or decision is based.
- (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.

**33. Complainant to be informed of result of investigation—**The Ombudsman who investigates a complaint made for the purposes of section 28 (2) of this Act shall inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

**34. Restriction on application for review—**Where any person makes a request under this Act that official information be made available to him and a decision to which section 28 (1) of this Act applies is made in relation to that 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
  - (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.

*Decisions Under Part III or Part IV of this Act*

**35. Application of Ombudsmen Act 1975**—(1) It shall be a function of the Ombudsmen to investigate, pursuant to the Ombudsmen Act 1975, any decision made under Part III or Part IV of this Act,—

- (a) Including any such decision made by—
  - (i) A Minister of the Crown; or
  - (ii) An organisation named in the First Schedule to this Act; but
- (b) Not including a decision made under section 10 of this Act in relation to a request made under Part III or Part IV of this Act.

(2) Where the Ombudsman, after making his 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, he shall, subject to subsection (6) of this section, report his opinion to the appropriate Department or Minister of the Crown or organisation, and may make such recommendations as he 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 Minister of the Crown, the Ombudsman shall request the Minister of the Crown to notify the Ombudsman, within a specified time, of the steps (if any) that the Minister 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 subsection (2) of this section), no action is taken which seems to an Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments (if any) made by or on behalf of any Department or Minister of the Crown or organisation affected, may send a copy of the report and recommendations to the Prime Minister, and may thereafter make such report to Parliament on the matter as he thinks fit.

(5) The Ombudsman shall attach to every report sent or made under subsection (4) of this section a copy of any comments made by or on behalf of the Department or Minister of the Crown or organisation affected.

(6) 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.

### *Saving*

**36. Saving in respect of Ombudsmen Act 1975—**Except 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.

## PART VI

### INFORMATION AUTHORITY

**37. Establishment of Information Authority—**

(1) There is hereby established an authority to be called the Information Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may do and suffer.

**38. Functions and powers of Authority—**(1) The principal functions of the Authority shall be—

- (a) To review, as a first priority, the protection accorded to official information by any Act with a view to seeing whether that protection is both reasonable and compatible with the purposes of this Act;
- (b) To define and review categories of official information with a view to enlarging the categories of official information to which access is given as a matter of right;
- (c) To recommend the making of regulations prescribing—
  - (i) Categories of official information to which access is given as a matter of right; and
  - (ii) Such conditions (if any) as it considers appropriate in relation to the giving of access to any category of official information.

- (2) The Authority shall also have the following functions:
- (a) To keep under review the working of this Act and the manner in which—
    - (i) Access is being given to official information; and
    - (ii) Official information is being supplied:
  - (b) To recommend to any Department or Minister of the Crown or organisation that that Department or Minister of the Crown or organisation make changes in the manner in which it or he gives access to, or supplies, official information or any category of official information:
  - (c) To receive and invite representations from members of the public, and from Ministers of the Crown, Departments, and organisations, in relation to any matter affecting access to or the supply of official information:
  - (d) To inquire into and report on the question whether this Act should be extended to cover information held by bodies other than Departments, Ministers of the Crown, and organisations:
  - (e) To inquire generally into and report on any matter, including any enactment or law, or any practice or procedure, affecting access to or the supply or presentation of official information.
- (3) The Authority shall also have such other functions as are conferred on it by this Act or by any other enactment.
- (4) The Authority shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions including power—
- (a) To seek advice from the Ombudsmen and the State Services Commission:
  - (b) To consult with and to receive reports from Departments and organisations on the problems encountered by Departments and organisations in the administration of this Act:
  - (c) To publish information relating to the access to or the supply of official information.
- (5) The provisions of the Second Schedule to this Act shall have effect in relation to the Authority and its proceedings.
- (6) The Authority is not empowered—
- (a) To investigate any decision in respect of which a complaint may be made under Part V of this Act; or
  - (b) To inquire into any investigation conducted by an Ombudsman; but—

the fact that any such complaint has been made or that any such investigation has been undertaken shall not limit or affect the power of the Authority to carry out the kind of inquiry permitted by this section or section 39 of this Act.

(7) Nothing in this section shall authorise the Authority to inquire into the operation of the Wanganui Computer Centre Act 1976 or of the Computer Centre established under section 3 of that Act.

**39. Functions in respect of personal information**—The Authority shall have the following functions in respect of personal information—

- (a) To keep under review, and make recommendations on—
  - (i) The means and procedures by which persons may find out what personal information relating to them is held by any Department or Minister of the Crown or organisation; and
  - (ii) The steps to be taken both by a person and by a Department or Minister of the Crown or organisation where personal information relating to that person and held by that Department or Minister of the Crown or organisation is believed by the person to be incorrect:
- (b) To examine any existing or proposed powers of a Department or organisation to require persons to supply information about themselves or any other person and to express its view on whether those powers are fair and reasonable:
- (c) To inquire whether personal information held by any Department or organisation is being used for purposes other than those for which it was acquired and, if it considers that any such information is being so used, to express its view on whether such use of the information is proper:
- (d) To recommend means and procedures to prevent the improper use of the personal information held by any Department or organisation.

**40. Membership of Authority**—(1) The Authority shall consist of 3 members, of whom—

- (a) At least one shall be a person having an understanding of the requirements of the communications media; and

(b) At least one shall be a person having an understanding of the principles and processes of government and administration in New Zealand.

(2) Subject to clause 1 of the Second Schedule to this Act, every member shall be appointed by the Governor-General on the recommendation of the House of Representatives, and one member shall be so appointed as Chairman of the Authority.

#### **41. Term of office of members of Authority—**

(1) Subject to the succeeding provisions of this section, every member of the Authority shall be appointed for a term not exceeding 3 years, but may from time to time be reappointed.

(2) No member of the Authority shall be appointed for a term that expires after the 30th day of June 1988 or shall continue to hold office after that date.

(3) Any member of the Authority may resign his office at any time by written notice given to the Speaker of the House of Representatives, or to the Prime Minister if there is no Speaker or the Speaker is absent from New Zealand.

(4) Any member of the Authority may be removed from office at any time by the Governor-General upon an address from the House of Representatives for disability, bankruptcy, neglect of duty, or misconduct.

(5) Every person appointed as a member of the Authority, unless he sooner dies, or resigns his office, or is removed from office, or unless he is a member of the Authority appointed under clause 2 of the Second Schedule to this Act, shall, subject to subsection (2) of this section, continue to hold office until either he is reappointed or his successor is appointed, notwithstanding that the term for which he was appointed may have expired.

(6) Notwithstanding that the term of office of a member of the Authority has expired or that a member of the Authority has resigned his office, he shall, subject to subsection (2) of this section, be deemed to continue to be a member of the Authority for the purposes of completing any inquiry, application, or matter in which he took part and which was commenced before the expiration of his term of office or before his resignation took effect, as the case may be.

(7) The functions and powers of the Authority shall not be affected by any vacancy in its membership.

**42. Regulations providing for access to information—**

(1) Before the 1st day of July 1988, the Governor-General may from time to time, by Order in Council, make, in accordance with the recommendation of the Authority, regulations prescribing—

(a) Categories of official information to which access is given as a matter of right;

(b) Conditions in relation to the giving of access to any category of official information.

(2) Before making any recommendation for the purposes of subsection (1) of this section, the Authority shall—

(a) Do everything reasonably possible on its part to advise all persons, who in its opinion will be affected by any regulations made in accordance with the recommendation, of the proposed terms thereof and the reasons therefor; and give such persons a reasonable opportunity to make submissions thereon to the Authority; and

(b) Give notice in the *Gazette*, not less than 28 days before making the recommendation, of its intention to make the recommendation and state in the notice the matters to which the recommendation relates; and

(c) Make copies of the recommendation available for inspection by any person who so requests before any regulations are made in accordance therewith.

(3) Failure to comply with paragraph (a) or paragraph (c) of subsection (2) of this section shall in no way affect the validity of any regulations made under this section.

(4) Regulations made under this section (including regulations made under this section which revoke other regulations made under this section) shall not narrow the categories of information that may be disclosed in accordance with provisions of this Act.

(5) This section shall expire on the 1st day of July 1988 but the expiration of this section shall not affect the validity of any regulations which have been made under this section and which are in force immediately before that date.

**43. Provision for disallowance of regulations providing for access to information—**

(1) Any regulations made under section 42 of this Act shall cease to have effect if, within 28 sitting days after the date on which they are laid before Parliament pursuant to section 8 of the Regulations Act 1936, Parliament passes a resolution disallowing them.

(2) Where any regulations are disallowed under subsection (1) of this section, the disallowance of the regulations shall have the same effect as a repeal of the regulations.

**44. Annual report**—(1) Without limiting the right of the Authority to report at any other time, but subject to subsection (2) of this section, the Authority shall in each year make a report to Parliament on the exercise of the Authority's functions under this Act.

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

- (a) Section 30 (3) or section 35 (6) of this Act; or
- (b) Section 22 (7) of the Ombudsmen Act 1975.

**45. Offences**—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who—

- (a) Having been summoned to appear before the Authority for the purposes of any matter within its jurisdiction, without sufficient cause refuses or wilfully neglects to appear before the Authority in pursuance of the summons, or to take an oath or make an affirmation as a witness, or to answer any question put to him concerning the matter, or to produce to the Authority any book or paper that he is required to produce; or
- (b) Wilfully deceives or attempts to deceive or knowingly misleads the Authority on any evidence given or otherwise proffered to it; or
- (c) Without sufficient cause, refuses or wilfully neglects to furnish to the Authority or to any person authorised in that behalf by the Authority, any information or particulars that he is required to furnish, or to produce to the Authority or to any such person, any document or thing that he is required to produce; or
- (d) Wilfully makes any false statement to or misleads or attempts to mislead the Authority or any other person in the exercise of its or his powers under this Part of this Act; or
- (e) Wilfully acts in contravention of an order made under clause 3 (9) of the Second Schedule to this Act.

## PART VII

### MISCELLANEOUS PROVISIONS

**46. Assistance of State Services Commission**—The State Services Commission may, for the purpose of assisting



any Department or organisation to act in accordance with this Act, furnish advice or assistance or both to the Department or organisation.

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

- (a) Prescribing the procedure to be followed under this Act in respect of applications to and proceedings before the Authority:
- (b) Prescribing forms of applications and other documents required for the purposes of this Act, or authorising any person to prescribe or approve such forms:
- (c) Providing the procedure for the service of notices and documents under this Act:
- (d) Prescribing reasonable charges or scales of reasonable charges for the purposes of this Act:
- (e) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

**48. Protection against certain actions**—(1) Where any official information is made available in accordance with this Act,—

- (a) No action for defamation, breach of confidence, or infringement of copyright shall lie against the Crown or any other person by reason of the making available of that information; and
- (b) No action for defamation or breach of confidence 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.

(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.

**49. Power to amend First Schedule by Order in Council—**(1) Where any organisation named in the First Schedule to this Act is abolished, or its name is altered, the Governor-General may, by Order in Council, make such amendments to that Schedule as may be necessary to give effect to the abolition or alteration.

(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.

**50. Consequential amendments to other enactments—**The enactments specified in the Third Schedule to this Act are hereby amended in the manner indicated in that Schedule.

**51. Repeal—**The Official Secrets Act 1951 is hereby repealed.

**52. Savings—**(1) Nothing in 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 Parliament.

(2) Nothing in this Act authorises or permits any person to make information available if that information relates to—

(a) The affairs of any estate under administration in the Public Trust Office or the Maori Trust Office; or

(b) The affairs of any person concerned in any such estate.

(3) Except as provided in sections 50 and 51 of this Act, nothing in this Act derogates from—

(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 July 1983) and which—

(i) Imposes a prohibition or restriction in relation to the availability of official information; or

(ii) Regulates the manner in which official information may be obtained or made available; or

(c) Any provision of any Order in Council made under the Commissions of Inquiry Act 1908 or of any other document by which a Royal Commission or commission of inquiry or board of inquiry is appointed.

**53. Expiration of provisions relating to Information Authority**—As from the close of the 30th day of June 1988—

- (a) The following provisions of this Act, namely,—
- (i) The definition of the term “Authority” in section 2 (1); and
  - (ii) Part VI; and
  - (iii) Paragraph (a) of section 47; and
  - (iv) The Second Schedule,—
- shall expire; and
- (b) Section 11 (1) (a) of this Act shall be amended by omitting the words “or the Authority”; and
- (c) The Authority shall be dissolved; and
- (d) All real and personal property belonging to the Authority shall become vested in the Crown; and
- (e) All money payable to the Authority shall become payable to the Crown; and
- (f) All liabilities, contracts, and engagements, and all rights and authorities of any nature whatever of the Authority shall become liabilities, contracts, engagements, rights, and authorities of the Crown; and
- (g) All proceedings pending by or against the Authority may be carried on, completed, or enforced by or against the Crown.
-

## SCHEDULES

## FIRST SCHEDULE

Section 2 (1)

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  
Armed Forces Canteen Council  
Broadcasting Corporation of New Zealand  
Clean Air Council  
Coal Mining Industries Welfare Council  
Consumer Council  
Dairy Products Prices Authority  
Development Finance Corporation of New Zealand  
Emergency Protection Authorities appointed for the purposes of the Industries Development Commission Act 1961  
Film Trade Board  
Fruit Distributors Limited  
Higher Salaries Commission  
Hop Marketing Committee  
Human Rights Commission  
Industries Development Commission  
Information Authority  
Legal Aid Board  
Liquid Fuels Trust Board  
Local Authorities Loans Board  
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  
Natural Gas Corporation of New Zealand  
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

FIRST SCHEDULE—*continued*

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—*continued*

New Zealand Government Property Corporation  
New Zealand Honey Marketing Authority  
New Zealand Industrial Design Council  
New Zealand Kiwifruit Authority  
New Zealand Lottery 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 Walkway Commission  
New Zealand Wheat Board  
New Zealand Wool Board  
New Zealand Wool Testing Authority  
Noxious Plants Council  
Offshore Mining Limited  
Overseas Investment Commission  
Petroleum Corporation of New Zealand  
Phosphate Commission of New Zealand  
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  
Representation Commission  
Reserve Bank of New Zealand  
Rural Electrical Reticulation Council  
Securities Commission  
Shipping Corporation of New Zealand Limited  
Testing Laboratory Registration Council  
Tobacco Board  
Totalisator Agency Board  
Tourist Hotel Corporation of New Zealand  
Universities Entrance Board  
University Grants Committee  
Veterinary Services Council  
Waikato Carbonisation Limited  
War Pensions Boards  
War Pensions Medical Research Trust Board  
Waterfront Industry Commission  
Winston Churchill Memorial Trust Board

---

## SECOND SCHEDULE

Section 38 (5)

## PROVISIONS RELATING TO INFORMATION AUTHORITY

**1. Manner of appointments**—(1) If any member of the Authority dies, or resigns his office, or is removed from office, the vacancy thereby created shall be filled in accordance with this clause.

(2) If any such vacancy occurs at any time while Parliament is in session, it shall be filled by appointment by the Governor-General on the recommendation of the House of Representatives:

Provided that if the vacancy occurs less than 2 months before the close of that session and no such recommendation is made in that session, the provisions of subclause (3) of this clause shall apply as if the vacancy had occurred while Parliament was not in session.

(3) If any such vacancy occurs at any time while Parliament is not in session, the following provisions shall apply:

(a) The Governor-General in Council may appoint a person to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the House of Representatives:

(b) If the appointment is not so confirmed within 2 months after the commencement of the next ensuing session, the appointment shall lapse and there shall be deemed to be a further vacancy in the membership of the Authority.

**2. Deputies of members**—(1) In any case where any member of the Authority is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General may appoint a person to act in the place of that member during his incapacity.

(2) The provisions of clause 1 of this Schedule shall apply, with any necessary modifications, to the temporary appointment of a member under this clause as if the member were being appointed under that clause to fill a vacancy.

(3) Any person appointed under this clause shall, while he acts as such, be deemed to be a member of the Authority, and any person appointed in the place of the Chairman shall have all the powers of the Chairman.

(4) No appointment of a person under this clause and no acts done by him while acting as a member of the Authority, and no acts done by the Authority while any person is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

**3. Meetings of Authority**—(1) Subject to this clause, the Chairman shall convene such meetings of the Authority as he thinks necessary for the efficient performance of the functions assigned to it.

(2) Meetings of the Authority shall be held at such places as the Authority or the Chairman from time to time appoints.

(3) The Chairman shall preside at all meetings of the Authority at which he is present.

(4) In the absence of the Chairman from any meeting the members present shall appoint one of their number to be the Chairman for the purposes of that meeting.

(5) At any meeting of the Authority, the quorum necessary for the transaction of business shall be 2 members.

SECOND SCHEDULE—*continued*PROVISIONS RELATING TO INFORMATION AUTHORITY—*continued*

(6) All questions arising at any meeting of the Authority shall be decided by a majority of votes of the members present and voting. The presiding member shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(7) The Authority may meet in private or in public, as the Authority from time to time decides.

(8) The Authority shall cause such notice as it thinks fit to be given of any public meeting of the Authority to persons likely to be affected thereby.

(9) The Authority may make an order prohibiting the publication (whether orally or in writing) of any report or description of any part of the proceedings or evidence in any matter before the Authority.

(10) Subject to the provisions of this Act and of any regulations made under this Act, the Authority may regulate its procedure in such manner as it thinks fit.

**4. Assent to resolution without a meeting**—A resolution in writing signed, or assented to by letter, telegram, cable, or telex message by all the members of the Authority shall be as valid and effectual as if it had been passed at a meeting of the Authority duly called and constituted.

**5. Powers of investigation**—(1) For the purposes of any investigation, review, inquiry, or other proceedings conducted by the Authority under this Act, the Authority or any person authorised by it in writing to do so may—

(a) Inspect and examine any document or thing:

(b) Require any person to produce for examination any document or thing in that person's possession or under that person's control, and to allow copies of or extracts from any such document to be made:

(c) Require any person to furnish, in a form approved by or acceptable to the Authority, any information or particulars that may be required by it, and any copies of or extracts from any such document as aforesaid.

(2) The Authority may, if it thinks fit, require that any written information or particulars or any copies or extracts furnished under this section shall be verified by statutory declaration or otherwise as the Authority may require.

**6. Powers of Authority to take evidence**—(1) At any meeting of the Authority it may receive in evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matter before it, whether or not the same would be otherwise admissible in a Court of law.

(2) The Authority may take evidence on oath and for that purpose a member of the Authority or an officer or employee thereof may administer an oath.

(3) A member of the Authority may by order under the seal of the Authority served on the person, summon any person to appear before the Authority to give evidence as to the matter before it, and require any witness to produce to the Authority all or any documents in his possession or control relative to the matter.

SECOND SCHEDULE—*continued*PROVISIONS RELATING TO INFORMATION AUTHORITY—*continued*

(4) The Authority may permit a person appearing as a witness before the Authority to give evidence by tendering and, if the Authority thinks fit, verifying by oath, a written statement.

(5) Every proceeding before the Authority or any person authorised under clause 5 (1) of this Schedule shall be deemed to be a judicial proceeding within the meaning of section 108 of the Crimes Act 1961 (which relates to perjury).

(6) Witnesses' fees, allowances, and travelling expenses according to the scales for the time being prescribed by regulations made under the Summary Proceedings Act 1957—

(a) Shall be paid by the Authority to any person who appears as a witness before the Authority pursuant to an order under subclause (3) of this clause; and

(b) May, if the Authority so decides, be paid by the Authority to any other person who appears as a witness before the Authority;— and those regulations, with all necessary modifications, shall apply accordingly.

(7) For the purposes of this subclause the Authority shall have the powers of a Court under any such regulations to fix or disallow, in whole or in part, or increase the amounts payable thereunder.

**7. Protection of witnesses**—(1) Subject to section 11 of this Act, every person shall have the same privileges in relation to—

(a) The giving of information to the Authority or to any person authorised under clause 5 (1) of this Schedule; and

(b) The answering of questions put by the Authority or any such person; and

(c) The production of documents, and things to the Authority or any such person,—

as witnesses have in Courts of law.

(2) Except on the trial of any person for perjury within the meaning of the Crimes Act 1961 in respect of his sworn testimony or in the case of proceedings for an offence against paragraph (a) or paragraph (b) or paragraph (c) of section 45 of this Act, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Authority or any person authorised under clause 5 (1) of this Schedule shall be admissible in evidence against any person in any Court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Authority or any person authorised under clause 5 (1) of this Schedule shall be given against any person.

(3) No person shall be liable to prosecution for an offence against any enactment, other than this Act, by reason of his compliance with any requirement of the Authority or any person authorised under clause 5 (1) of this Schedule.

**8. Disclosure of certain matters not to be recommended**—Where—

(a) The Prime Minister certifies that the giving of any information or the answering of any question or the production of any document or thing would be likely to prejudice—

(i) The security or defence of New Zealand or the international relations of the Government of New Zealand; or

(ii) Any interest protected by section 7 of this Act; or



SECOND SCHEDULE—*continued*PROVISIONS RELATING TO INFORMATION AUTHORITY—*continued*

(b) The Attorney-General certifies that the making available of any information or the answering of any question or the production of any document or thing would be likely to prejudice the prevention, investigation, or detection of offences—  
the Authority shall not require the information or answer to be given, or, as the case may be, the document or thing to be produced.

**9. Seal**—The Authority shall have a seal which shall be judicially noticed in all Courts and for all purposes.

**10. Employees of Authority**—(1) Subject to the provisions of this clause, the Authority may from time to time appoint such officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary for the efficient carrying out of its functions, powers, and duties under this Act or any other enactment.

(2) The number of officers and employees who may be appointed under subclause (1) of this clause, whether generally or in respect of any specified duties, shall from time to time be determined by the Minister of Justice.

(3) Officers and employees appointed under subclause (1) of this clause shall be employed on such terms and conditions of employment and shall be paid such salaries and allowances as the Authority from time to time determines in agreement with the State Services Commission, or as the Minister of Justice from time to time determines in any case where the Authority and the State Services Commission fail to agree.

(4) Any determination under subclause (3) of this clause shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no date is so specified the determination shall take effect on the date thereof.

**11. Employment of experts**—(1) The Authority may appoint any person, who in its opinion possesses expert knowledge or is otherwise able to assist in connection with the exercise of its functions, to make such inquiries or to conduct such research or to make such reports as may be necessary for the efficient carrying out of any functions of the Authority.

(2) The Authority shall pay persons appointed by it under this clause, for services rendered by them, fees and commission or either at such rates as it thinks fit, and may separately reimburse them for expenses reasonably incurred in rendering services for the Authority.

**12. Remuneration, allowances, and expenses of members of Authority**—(1) There shall be paid to the members of the Authority such remuneration by way of fees, salary, wages, or allowances as may from time to time be fixed, either generally or in respect of any particular member or members of the Authority, by the Higher Salaries Commission.

(2) Any decision under subclause (1) of this clause shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no such date is specified the decision shall take effect on the date thereof.

(3) The Authority is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

SECOND SCHEDULE—*continued*PROVISIONS RELATING TO INFORMATION AUTHORITY—*continued*

(4) There shall be paid to the members of the Authority travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

**13. Superannuation or retiring allowances**—(1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees of the Authority or for any full-time members of the Authority, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this clause.

(2) If the question whether or not any member of the Authority is a full-time member for the purposes of subclause (1) of this clause arises, that question shall be determined by the Minister of Justice, whose decision shall be final.

(3) Notwithstanding anything in this Act, any person who immediately before becoming an officer or employee of the Authority or member of the Authority is a contributor to the Government Superannuation Fund under Part II of the Government Superannuation Fund Act 1956 shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as he continues to be an officer or employee of the Authority or to hold office as a member of the Authority; and that Act shall apply to him in all respects as if his service as such an officer or employee or as such a member were Government service.

(4) Subject to the Government Superannuation Fund Act 1956, nothing in subclause (3) of this clause shall entitle any such person to become a contributor to the Government Superannuation Fund after he has once ceased to be a contributor.

(5) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subclause (3) of this clause, to a person who is in the service of the Authority, whether as an officer or employee or as a member, and is a contributor to the Government Superannuation Fund, the term “controlling authority”, in relation to any such person who is in the service of the Authority, means the Authority.

**14. Funds of Authority**—The funds of the Authority shall consist of—

- (a) Any money appropriated by Parliament for the purposes of the Authority and paid to the Authority for the purposes of the Authority;
- (b) All other money lawfully received by the Authority for the purposes of the Authority;
- (c) All accumulations of income derived from any such money.

**15. Bank accounts**—(1) The Authority shall open at any bank or banks such accounts as are necessary for the exercise of its functions and powers.

(2) All money received by the Authority, or by any employee of the Authority shall, as soon as practicable after it has been received, be paid into such bank accounts of the Authority as the Authority from time to time determines.

SECOND SCHEDULE—*continued*PROVISIONS RELATING TO INFORMATION AUTHORITY—*continued*

(3) The withdrawal or payment of money from any such account shall be authorised by a prior resolution of the Authority, or shall be submitted to the Authority for confirmation at its first ordinary meeting after the date of payment.

(4) The withdrawal or payment of money from any such accounts shall be by cheque signed by such person or persons as the Authority may from time to time authorise.

**16. Accounts and audit**—(1) The Authority shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds; and its accounts shall be audited by the Audit Office which for that purpose shall have and may exercise all such powers as it has under the Public Finance Act 1977 in respect of public money and stores.

(2) The financial year of the Authority shall end on the 31st day of March or on such other date as may from time to time be directed by the Minister.

(3) At the end of each financial year, the Authority shall prepare an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year.

(4) As soon as practicable after the end of its financial year, the Authority shall submit its income and expenditure account and balance sheet to the Audit Office for audit.

(5) A copy of the audited accounts of the Authority together with the Audit Office report thereon shall be laid before Parliament no later than 6 months after the end of the financial year and may be incorporated in the annual report of the Authority prepared under section 44 (1) of this Act.

**17. Investment of money**—Any money which belongs to the Authority and which is not immediately required for expenditure by the Authority may be invested in the same manner in which money in the Public Account may be invested pursuant to section 50 of the Public Finance Act 1977.

**18. Exemption from income tax**—The income of the Authority shall be exempt from income tax.

**19. Application of certain Acts to members and staff of Authority**—No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956 by reason of his appointment as a member of the Authority, or an officer or employee of the Authority, or a person appointed by the Authority under clause 11 of this Schedule.

**20. Proceedings privileged**—(1) No proceedings, civil or criminal, shall lie against the Authority for anything it may do or fail to do in the course of the exercise or intended exercise of its functions, unless it is shown that it acted in bad faith.

SECOND SCHEDULE—*continued*PROVISIONS RELATING TO INFORMATION AUTHORITY—*continued*

(2) No proceedings, civil or criminal, shall lie against any member of the Authority for anything he may do or say or fail to do or say in the course of the operation of the Authority, unless it is shown that he acted in bad faith.

(3) No member of the Authority, or officer or employee thereof, or person appointed under clause 11 of this Schedule, shall be required to give evidence in any Court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the course of the operations of the Authority.

(4) Anything said or any information supplied or any document produced by any person in the course of any proceedings before the Authority shall be privileged in the same manner as if the proceedings were proceedings in a Court.

(5) For the purposes of clause 5 of the First Schedule to the Defamation Act 1954, any report made by the Authority in the course of the exercise or intended exercise of its functions shall be deemed to be an official report made by a person holding an inquiry under the authority of the legislature of New Zealand.

**21. Money to be appropriated by Parliament for purposes of this Act**—All fees, salaries, allowances, and other expenditure payable or incurred under or in the administration of this Act shall be payable out of money to be appropriated by Parliament for the purpose.

**22. Crown may provide services for Authority**—The Crown, acting through any Department, may from time to time, at the request of the Authority, execute any work or enter into arrangements for the execution or provision by the Department for the Authority of any work or service, or for the supply to the Authority of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

---

## THIRD SCHEDULE

## ENACTMENTS AMENDED

## Section 50

| Title of Act  | Amendment   |
|---|---|
| 1969, No. 24—The New Zealand Security Intelligence Service Act 1969         | <p>By repealing the definition of the term “espionage” in section 2, and substituting the following definition:</p> <p>“‘Espionage’ means any offence against section 78 of the Crimes Act 1961.”</p> <p>By repealing subsection (2) of section 16, and substituting the following subsection:</p> <p>“(2) For the purposes of sections 105 and 105A of the Crimes Act 1961, the Commissioner shall be deemed to be an official.”</p>   |
| 1971, No. 150—The Race Relations Act 1971 (Reprinted 1977, Vol. 4, p. 3590) | <p>By omitting from paragraph (a) of section 16 (4), and also from paragraph (b) of that section, the words “Official Secrets Act 1951”, and substituting the words “Official Information Act 1982”.</p> <p>By omitting from section 16 (6) the words “the Official Secrets Act 1951 or”.</p> <p>By omitting from section 20 the words “Except in the case of proceedings for an offence against the Official Secrets Act 1951”, and substituting the words “Subject to subsection (1A) of this section”.</p> <p>By inserting in section 20, after subsection (1), the following subsection:</p> <p>“(1A) Nothing in subsection (1) of this section applies in respect of proceedings for—</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> |

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

| Title of Act                                       | Amendment  |
|--|--|
| 1976, No. 19—The Wanganui Computer Centre Act 1976 | <p>By omitting from section 12 (1) the words “the Official Secrets Act 1951 to be persons holding office under Her Majesty”, and substituting the words “sections 105 and 105A of the Crimes Act 1961 to be officials”.</p> <p>By omitting from section 16A (4) (as inserted by section 3 of the Wanganui Computer Centre Amendment Act 1977) the words “Official Secrets Act 1951”, and substituting the words “Official Information Act 1982”.</p> <p>By omitting from section 16A (9) (as so inserted) the words “the Official Secrets Act 1951 or”.</p>  |
| 1977, No. 49—The Human Rights Commission Act 1977  | <p>By omitting from section 73 (4) the words “Official Secrets Act 1951”, and substituting the words “Official Information Act 1982”.</p> <p>By omitting from section 73 (6) the words “the Official Secrets Act 1951 or”.</p> <p>By omitting from section 76 (1) the words “Except in the case of proceedings for an offence against the Official Secrets Act 1951”, and substituting the words “Subject to subsection (1A) of this section”.</p> <p>By inserting in section 76, after subsection (1), the following subsection:<br/> “(1A) Nothing in subsection (1) of this section applies in respect of proceedings for—</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> |

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

| Title of Act  | Amendment  |
|---|--|
| 1977, No. 49—The Human Rights Commission Act 1977— <i>continued</i> | By omitting from section 77 (1) the words “the Official Secrets Act 1951 to be persons holding office under Her Majesty”, and substituting the words “sections 105 and 105A of the Crimes Act 1961 to be officials”.   |
| 1977, No. 110—The Higher Salaries Commission Act 1977               | By inserting in the Fourth Schedule (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980), after the item “The members and associate members of the Industries Development Commission”, the item “The members of the Information Authority”.  |
| 1978, No. 53—The Liquid Fuels Trust Act 1978                        | <p>By omitting from section 17 (1) the words “the Official Secrets Act 1951 to be persons holding office under Her Majesty”, and substituting the words “sections 105 and 105A of the Crimes Act 1961 to be officials”.</p> <p>By adding to section 17 the following subsection:<br/>“(3) Every person commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who wilfully acts in contravention of subsection (2) of this section.”</p> <p>By omitting from section 18 the words “against the Official Secrets Act 1951 or against section 17 (2) of this Act”, and substituting the words “to which subsection (2) of this section applies”.</p> <p>By adding to section 18, as subsection (2), the following subsection:<br/>“(2) This subsection applies to—<br/>“(a) An offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961 or section 17 (3) of this Act; or<br/>“(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 section 17 (3) of this Act; or</p> |

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

| Title of Act   | Amendment  |
|--|--|
| 1978, No. 53—The Liquid Fuels Trust Act 1978— <i>continued</i> | “(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 or section 17 (3) of this Act.”  |
| 1978, No. 103—The Securities Act 1978                          | <p>By omitting from section 24 (1) the words “the Official Secrets Act 1951 to be persons holding office under Her Majesty”, and substituting the words “sections 105 and 105A of the Crimes Act 1961 to be officials.”</p> <p>By repealing subsection (5) of section 28 (as substituted by section 10 of the Securities Amendment Act 1982), and substituting the following subsection:</p> <p>“(5) Nothing in subsections (1) to (4) of this section applies in respect of proceedings for—</p> <p>“(a) An offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961 or section 32 (d) of this Act; 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 section 32 (d) of this Act; 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 or section 32 (d) of this Act.”</p> |

---

This Act is administered in the Department of Justice.

---