

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 4 December 1986.

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

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 11 February 1987.

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

Right Hon. Geoffrey Palmer

OFFICIAL INFORMATION AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Official Information Act 1982

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

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

*1982, No. 156
Amendment: 1983, No. 83

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

New

(2) Except as provided in **section 12 (2)** of this Act, this Act shall come into force on the 1st day of April 1987.

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

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

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

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

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

New

(1A) Section 2 (1) of the principal Act is hereby amended by inserting, after paragraph (c) of the definition of the term “official information”, the following paragraph:

“(d) In relation to information held by a University (including Lincoln College), includes only information held by—

“(i) The Council of the University; or

“(ii) The Senate, Academic Board, or Professorial Board of the University; or

“(iii) Any member of the academic staff of the University; or

“(iv) Any other officer or employee of the University; or

“(v) Any examiner, assessor, or moderator in any subject or examination taught or conducted by the University; but”.

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

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

Struck Out

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

New

15 (i) Does not include information contained in any correspondence or communication which has taken place between the office of the Ombudsmen and any Department or Minister of the Crown or organisation and which relates to an investigation conducted by an Ombudsman under this Act or under the Ombudsmen Act 1975, other than information that came into existence before the commencement of that investigation:"

Struck Out

25 (4) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term "subsidiary".

New

30 (4) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term "subsidiary", and substituting the following definition:

" 'Working day' means any day of the week other than—

35 (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and

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

New

(5) Section 2 (4) of the principal Act is hereby amended by inserting, after the word "employee", in each of the 3 places where it appears, the words "or member".

Struck Out

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

- "(d) To damage seriously the economy of New Zealand by disclosing prematurely decisions to change or continue Government economic or financial policies relating to—
- "(i) Exchange rates or the control of overseas exchange transactions: 10
 - "(ii) The regulation of banking or credit: 15
 - "(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: 20
 - "(vi) The entering into of overseas trade agreements."

New

3. Conclusive reasons for withholding information— 25
Section 6 of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraphs:

- "(d) To endanger the safety of any person; or
- "(e) To damage seriously the economy of New Zealand by disclosing prematurely decisions to change or continue Government economic or financial policies relating to— 30
- "(i) Exchange rates or the control of overseas exchange transactions:
 - "(ii) The regulation of banking or credit: 35
 - "(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: 40
 - "(vi) The entering into of overseas trade agreements."

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

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

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

5. Other reasons for withholding official information—

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

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

“(i) Would disclose a trade secret; or

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

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

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

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

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

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

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

“(i) Enable a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or

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

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

“(1) Any person, being—

“(a) A New Zealand citizen; or

“(b) A permanent resident of New Zealand; or

“(c) A person who is in New Zealand; or

“(d) A body corporate which is incorporated in New Zealand;
or

“(e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand,—

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

7. Transfer of requests—(1) Section 14 of the principal Act is hereby amended by inserting, after the word “promptly”, the words “, and in any case not later than **(15 days) 10 working days** after the day on which the request is received,”.

(2) Where a request to which section 14 of the principal Act applies had not been transferred before the commencement of this Act, that request shall, notwithstanding anything in that section, be transferred under that section within **(15 days) 10 working days** after the date of the commencement of this Act; but **section 15A** of the principal Act shall apply in respect of the time limit set out in this subsection as if that time limit were set out in section 14 of the principal Act.

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

“15. (1) Subject to this Act, the Department or Minister of the Crown or organisation to whom a request is made in accordance with section 12 or is transferred in accordance with section 14 of this Act shall, as soon as reasonably practicable, and in any case not later than **(30 days after the day on which the request is received) 20 working days** after the day on which the request is received by that Department or Minister of the Crown or organisation,—

“(a) Decide whether the request is to be granted and, if it is to be granted, in what manner and for what charge (if any); and

“(b) Give or post to the person who made the request notice of the decision on the request.

“(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.

“(4) Where a request in accordance with section 12 of this Act is made or transferred to a Department, the decision on that request shall be made by the permanent head of that Department or an officer or employee of that Department authorised by that permanent head unless that request is transferred in accordance with section 14 of this Act to another Department or to a Minister of the Crown or to an organisation.

“(5) Nothing in subsection (4) of this section prevents the permanent head of a Department or any officer or employee of a Department from consulting a Minister of the Crown or any other person in relation to the decision that the permanent head or officer or employee proposes to make on any request made to the Department in accordance with section 12 of this Act or transferred to the Department in accordance with section 14 of this Act.”

(2) Where section 15 of the principal Act requires that a decision be made under that section in respect of a request and that request was received before the commencement of this Act, that decision shall, notwithstanding anything in that section, be made within ~~(30 days)~~ 20 working days after the date of the commencement of this Act; but **section 15A** of the principal Act shall apply in respect of the time limit set out in this subsection as if that time limit were set out in section 15 (1) of the principal Act.

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

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

“(a) The request is for a large quantity of official information or necessitates a search through a large quantity of

information and meeting the original time limit would unreasonably interfere with the operations of the Department or the Minister of the Crown or the organisation; or

“(b) Consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit. 5

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

“(3) The extension shall be effected by giving or posting notice of the extension to the person who made the request within ~~(30 days)~~ 20 working days after the day on which the request is received. 15

“(4) The notice effecting the extension shall—

“(a) Specify the period of the extension; and

“(b) Give the reasons for the extension; and

“(c) State that the person who made the request for the official information has the right, under **section 28 (3)** of this Act, to make a complaint to an Ombudsman about the extension; and 20

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

(2) The principal Act is hereby consequentially amended by omitting from section 22 (3), and also from section 23 (3), the expression “13 to 15”, and substituting in each case the expression “13 to 15A”. 25

10. Refusal of requests—Section 18 (c) (ii) of the principal Act is hereby amended by omitting the word “Parliament”, and substituting the words “the House of Representatives”. 30

New

10A. Publication setting out functions of Departments and organisations—(1) Section 20 (2) of the principal Act is hereby amended by omitting the words “in the year 1985, and in each subsequent year”, and substituting the words “, at intervals of not more than 2 years”. 35

(2) Notwithstanding anything in the principal Act, the material contained in the publication published under subsection (1) of section 20 of the principal Act in the year 1985 shall not be required to be brought up-to-date in accordance with subsection (2) of that section until the end of the year 1987, and shall be deemed never to have been required to have been so brought up-to-date until the end of that year. 40

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

- “(2) Every person, being—
- 5 “(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
 - 10 “(e) A body corporate which is incorporated outside New Zealand but which has a place of business in New Zealand,—
- has a right to and shall, on request made under 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.”

New

11A. Right of access to personal information—Section 24 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

- 20 “(3A) Where any person is given access to personal information under this section, that person shall be advised of that person’s right, under section 26 of this Act, to request the correction of that information.”

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12. Restriction where person sentenced to imprisonment—The principal Act is hereby amended by inserting, after section 24, the following section:

- 30 “24A. Nothing in section 24 of this Act gives any person who has been sentenced to a term of imprisonment for an offence the right to be given access to any personal information about that person which is held by the Police Department and which relates to the conviction or sentencing of that person for that offence.”

New

12. Restriction where person sentenced to imprisonment—(1) The principal Act is hereby amended by inserting, after section 24, the following section:

- 40 “24A. Nothing in section 24 of this Act gives any person who, after the commencement of this section, is sentenced to a term of imprisonment for an offence the right to be given

New

access to any personal information about that person which is held by the Police Department and which relates to the offence for which that person was sentenced, or to the conviction or sentencing of that person for that offence.” 5

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

Struck Out

13. Reasons for refusal of requests for personal information—Section 27 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 10

“(1A) No reasons other than one or more of the reasons set out in **subsection (1)** of this section justifies a refusal to disclose any personal information requested under section 24 (1) of this Act.” 15

New

13. Reasons for refusal of requests for personal information—(1) Section 27 (1) of the principal Act is hereby amended by repealing paragraph (f), and substituting the following paragraph: 20

“(f) The disclosure of that information (being information in respect of a person who has been convicted of an offence or is or has been detained in custody) would be likely to prejudice the safe custody or the rehabilitation of that person; or” 25

(2) Section 27 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) No reasons other than one or more of the reasons set out in subsection (1) of this section justifies a refusal to disclose any personal information requested under section 24 (1) of this Act.” 30

14. Functions of Ombudsmen—(1) The principal Act is hereby amended by repealing section 28, and substituting the following section: 35

“28. (1) It shall be a function of the Ombudsmen to investigate and review any decision by which a Department or Minister of the Crown or organisation,—

“(a) Refuses to make official information available to any person in response to a request made by that person in accordance with section 12 of this Act; or 40

- 5 “(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
- 10 “(d) Gives a notice under section 10 of this Act.
- “**(2)** It shall be a function of the Ombudsmen to investigate and review any decision by which the permanent head of a Department or an officer or employee of a Department authorised by its permanent head or a Minister of the Crown
- 15 or an organisation extends any time limit under **section 15A** of this Act.
- “**(3)** An investigation and review under **subsection (1)** or **subsection (2)** of this section may be made by an Ombudsman only on a complaint made to an Ombudsman in writing.
- 20 “**(4)** If, in relation to any request made in accordance with section 12 of this Act, any Department or Minister of the Crown or organisation fails within the time limit fixed by **section 15 (1)** of this Act (or, where that time limit has been extended under this Act, within that time limit as so extended) to comply with
- 25 **paragraph (a) or paragraph (b) of section 15 (1)** of this Act, that failure shall be deemed, for the purposes of **subsection (1)** of this section, to be a refusal to make available the official information to which the request relates.
- “**(5)** Undue delay in making official information available in
- 30 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.”
- (2) Section 19 (b) of the principal Act is hereby amended by omitting the expression “section 28 (2)”, and substituting the
- 35 expression “**section 28 (3)**”.
- (3) Section 30 (4) of the principal Act is hereby amended by inserting, after the expression “section 28 (1)”, the expression “or **section 28 (2)**”.
- (4) Section 33 of the principal Act is hereby amended by
- 40 omitting the expression “section 28 (2)”, and substituting the expression “**section 28 (3)**”.
- (5) Section 34 of the principal Act is hereby amended by inserting, after the expression “section 28 (1)”, the expression “or **section 28 (2)**”.

New

14A. Requirements of Ombudsman to be complied with within certain period—(1) The principal Act is hereby

amended by inserting, after section 29, the following section:

“29A. (1) Subject to this section, where, during the course of an investigation, under section 28 of this Act, of any decision of any Department or Minister of the Crown or organisation, an Ombudsman, pursuant to any power conferred on that Ombudsman by section 19 (1) of the Ombudsmen Act 1975, requires that Department or Minister of the Crown or organisation to furnish or produce to that Ombudsman any information or document or paper or thing which relates to that investigation, that Department, Minister of the Crown, or organisation shall, as soon as reasonably practicable, and in no case later than 20 working days after the day on which that requirement is received by that Department or Minister of the Crown or organisation, comply with that requirement.

“(2) Where any requirement to which **subsection (1)** of this section applies is made to any Department or Minister of the Crown or organisation, the permanent head of that Department or an officer or employee of that Department authorised by that permanent head or that Minister of the Crown or that organisation may extend the time limit set out in **subsection (1)** of this section in respect of that requirement if—

“(a) The requirement relates to, or necessitates a search through, a large quantity of information or a large number of documents or papers or things, and meeting the original time limit would unreasonably interfere with the operations of the Department or the Minister of the Crown or the organisation; or

“(b) Consultations necessary before the requirement can be complied with are such that the requirement cannot reasonably be complied with within the original time limit; or

“(c) The complexity of the issues raised by the requirement are such that that requirement cannot reasonably be complied with within the original time limit.

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

“(4) The extension shall be effected by giving or posting notice of the extension to the Ombudsman within 20 working days after the day on which the requirement is received.

“(5) The notice effecting the extension shall—

“(a) Specify the period of the extension; and

“(b) Give the reasons for the extension; and

New

“(c) Contain such other information as is necessary.

“(6) If any Department or Minister of the Crown or organisation fails, within the time limit fixed by **subsection (1)** of this section (or, where that time limit has been extended under **subsection (2)** of this section, within that time limit as so extended) to comply with any requirement to which **subsection (1)** of this section applies, the Ombudsman may report such failure to the Prime Minister, and may thereafter make such report to the House of Representatives on the matter as the Ombudsman thinks fit.

“(7) Notwithstanding anything in this section, an Ombudsman shall not, in any report made under **subsection (6)** of this section, make any comment that is adverse to any person unless the person has first been given an opportunity to be heard.”

(2) Section 35 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The provisions of **section 29A** of this Act, so far as they are applicable and with the necessary modifications, shall apply in respect of any requirement, made by any Ombudsman in the course of any investigation conducted pursuant to subsection (1) of this section, whereby that Ombudsman, pursuant to any power conferred on that Ombudsman by section 19 (1) of the Ombudsmen Act 1975, requires any Department or Minister of the Crown or organisation to furnish or produce to that Ombudsman any information or document or paper or thing which relates to that investigation.”

(3) Where, in relation to any investigation by an Ombudsman under section 28 or section 35 of the principal Act, a Department or Minister of the Crown or organisation is required, pursuant to **section 29A (1)** of the principal Act, to comply with a requirement of an Ombudsman, and that requirement was received before the commencement of this Act, that Department or Minister of the Crown or organisation shall, notwithstanding anything in this section, comply with that requirement within 20 working days after the date of the commencement of this Act; but **section 29A (2)** of the principal Act shall apply in respect of the time limit set out in this subsection as if that time limit were set out in **section 29A (1)** of the principal Act.

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

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

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

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“(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—

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“(i) The members of the organisation; and

“(ii) Every officer and employee of that Department or organisation to whom that recommendation is applicable; and

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

20

“(iv) 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 thirty-first day)* from the commencement of the twenty-first working day after the day on which that recommendation is made to that Minister unless, before that day, the Governor-General, by Order in Council, otherwise directs.

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30

“(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 thirty-first day)* from the commencement of the twenty-first working day after the day on which that recommendation is made to that organisation unless, before that day, the Governor-General, by Order in Council, otherwise directs; and

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“(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

45

“(ii) Its members; and

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

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

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

10 “(5) Nothing in this section—

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

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

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

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

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

25 “(3) An Order in Council made under **section 32** of this Act in relation to a recommendation made under section 30 (1) of this Act may be made for all or any of the reasons for the decision reviewed by the Ombudsman (being reasons that were before the Ombudsman when the recommendation was made) but for no other reasons.

30 “32B. **Right of review—**(1) Where—

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

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

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

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

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

45 “(a) Make an order confirming that the Order in Council was validly made; or

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

“(4) Unless the High Court is satisfied that an application brought under **subsection (1)** of this section has not been reasonably or properly brought, it shall, in determining the application and irrespective of the result of the application, order that the costs of the applicant on a solicitor and client basis shall be paid by the Crown, and such costs shall be paid out of money appropriated by Parliament for the purpose.”

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

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

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

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

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

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

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

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

Struck Out

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

New

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

15 “(b) No proceedings, civil or criminal, in respect of any publication involved in, or resulting from, the making available of that information shall lie against the author of the information or any other person by reason of that author or other person having supplied the information to a Department or Minister of the Crown or organisation.

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

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

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

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

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

Struck Out

- (b) Section 44 (3) of the Commerce Amendment Act 1983:
 (c) Section 36 of the New Zealand Market Development Board Act 1986.

Struck Out

5

New

- (b) Section 36 of the New Zealand Market Development Board Act 1986:
 (c) So much of the Second Schedule to the Law Commission Act 1985 as relates to the principal Act: 10
 (d) So much of the Second Schedule to the Commerce Act 1986 as relates to the principal Act.

New

- (b) So much of the Second Schedule to the Law Commission Act 1985 as relates to the principal Act: 15
 (c) Section 36 of the New Zealand Market Development Board Act 1986:
 (d) So much of the Second Schedule to the Commerce Act 1986 as relates to the principal Act:
 (e) So much of the Third Schedule to the State-Owned Enterprises Act 1986 as relates to the principal Act: 20
 (f) Section 27 of the Environment Act 1986.

21. Amendments to Ombudsmen Act 1975—(1) Section 19 of the Ombudsmen Act 1975 is hereby amended by repealing subsections (3) and (4), and substituting the following subsections: 25

“(3) Subject to this section and to subsection (1) of section 20 of this Act, any person who is bound by the provisions of any enactment (being any Act of Parliament or any regulations within the meaning of the Regulations Act 1936 made by Order in Council) to maintain secrecy in relation to, or not to disclose, any matter may be required to supply any information to or answer any question put by an Ombudsman in relation to that matter, or to produce to an Ombudsman any document or paper or thing relating to it, notwithstanding that compliance with that requirement would otherwise be in breach of the obligation of secrecy or non-disclosure. 30 35

“(4) Compliance with a requirement of an Ombudsman (being a requirement made pursuant to **subsection (3)** of this section) is not a breach of the relevant obligation of secrecy or non-disclosure or of the enactment by which that obligation is imposed.” 40

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

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

Struck Out

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

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

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

New

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

30 “(a) Any matter that might prejudice—
 “(i) The security, defence, or international relations of New Zealand (including New Zealand’s relations with the Government of any other country or with any international organisation); or

“(ii) Any interest protected by section 7 of the Official Information Act 1982; or

“(iii) The prevention, investigation, or detection of offences; or

35 “(b) Any matter that might involve the disclosure of the deliberations of Cabinet; or

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

(3) Part II of the First Schedule to the Ombudsmen Act 1975 is hereby amended by repealing the items relating to—

(a) The Agricultural Chemicals Board:

New

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| (b) The Building Performance Guarantee Corporation Act 1977: | |
| (c) The Fire Service Commission: | |
| (d) The Marginal Lands Board: | |
| (e) The Technicians Certification Authority of New Zealand. | 5 |
| (4) Part II of the First Schedule to the Ombudsmen Act 1975 is hereby further amended by inserting, in their appropriate alphabetical order, the following items: | |
| “The Authority for Advanced Vocational Awards | 10 |
| “The Building Performance Guarantee Corporation | |
| “The New Zealand Fire Service Commission | |
| “The Pesticides Board.” | |
| (5) Section 44 of the Building Performance Guarantee Corporation Act 1977 is hereby consequentially repealed. | 15 |

22. Amendments to other Acts—(1) The Acts specified in the **Third** Schedule to this Act are hereby amended in the manner indicated in that Schedule.

New

- | | |
|---------------------------------------------------------------------------|----|
| (2) The following enactments are hereby consequentially repealed, namely: | 20 |
| (a) Section 2 (2) of the Machinery Amendment Act 1978: | |
| (b) Section 14 of the Fire Service Amendment Act 1986. | |

23. Amendments to regulations—(1) The regulations specified in the **Fourth** Schedule to this Act are hereby amended 25 in the manner indicated in that Schedule.

(2) The amendment by this section of the regulations specified in the **Fourth** Schedule to this Act shall be without prejudice to any power of amending or revoking those regulations. 30

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

SCHEDULES

FIRST SCHEDULE

Section 4 (2)

CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT

Section Affected	Amendment
Section 9	By omitting from subsection (2) the expression "8 (1)".
Section 10	By omitting the expression "section 8 (1)" in both places where it appears, and substituting in each case the expression "section 9 (2) (b)".
Section 16	By omitting from subsection (2) (c), and also from subsection (3) (b), the expression "or section 8 (1)".
Section 17	By omitting from subsection (2) (b) the expression "or section 8 (1)".
Section 18	By omitting from paragraph (a) the expression "or section 8 (1)".
Section 19	By omitting from paragraph (a) (ii) the expression "or section 8 (1)".
Section 20	By omitting from subsection (5) the expression "section 8 (1)", and substituting the expression "section 9 (2) (b)".
Section 22	<i>Struck Out</i>
	By omitting from subsection (1), and also from subsection (4), the expression "8 (1), 9 (2) (a) and (b), and substituting the expression "section 9 (2) (a), (b), (ba), (i), and (j)".
	<i>New</i>
	By omitting from subsection (1) the expression "section 6 (a) to (c), sections 7, 8 (1), 9 (2) (a) and (b), and 10", and substituting the expression "section 6 (a) to (d), section 7, section 9 (2) (a), (b), (ba), (i), and (j), and section 10". By omitting from subsection (4) the expression "sections 6 (a) to (c), 7, 8 (1), and 9 (2) (a) and (b)", and substituting the expression "section 6 (a) to (d), section 7, section 9 (2) (a), (b), (ba), (i), and (j)".
	By repealing paragraph (b) of subsection (5), and substituting the following paragraph: " (b) If the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice

FIRST SCHEDULE—continued

CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT—continued

Section Affected	Amendment
Section 22—continued	the interests protected by (section 6 (a) to (c)) section 6 (a) to (d) or section 7 or section 9 (2) (a) or (b) or (ba) or (i) or (j) of this Act and (in the case of the interests protected by section 9 (2) (a) or (b) or (ba) or (i) or (j) of this Act there is no countervailing public interest.”
Section 23	<p style="text-align: center;"><i>Struck Out</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from subsection (1) the expression “8 (1)”, and substituting the expression “9 (2) (b)”.</p> </div> <p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from subsection (1) the expression “sections 6 (a) to (c), 7, 8 (1), and 10”, and substituting the expression “section 6 (a) to (d), section 7, section 9 (2) (b), and section 10”.</p> </div>
Section 27	<p>By repealing paragraph (a) of subsection (1), and substituting the following paragraph:</p> <p>“(a) The disclosure of the information would be likely to prejudice any of the interests protected by (section 6 (a) to (c)) section 6 (a) to (d) or section 7 or section 9 (2) (b) of this Act and (in the case of the interests protected by section 9 (2) (b) of this Act) there is no countervailing public interest; or”.</p>

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Section 20 (1)

SECOND SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL ACT

Section 2 (1)

“FIRST SCHEDULE

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

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

*Struck Out*SECOND SCHEDULE—*continued*

National Housing Commission
National Library of New Zealand
National Research Advisory Council
Natural Gas Corporation of New Zealand Limited
Nature Conservation Council
New Zealand Apple and Pear Marketing Board
New Zealand Council for Educational Research
New Zealand Council for Postgraduate Medical Education
New Zealand Dairy Board
New Zealand Export-Import Corporation
New Zealand Film Commission
New Zealand Fishing Industry Board
New Zealand Geographic Board
New Zealand Government Property Corporation
New Zealand Industrial Design Council
New Zealand Kiwifruit Authority
New Zealand Lottery Board
New Zealand Market Development Board
New Zealand Meat Producers Board
New Zealand Milk Board
New Zealand Planning Council
New Zealand Pork Industry Board
New Zealand Ports Authority
New Zealand Potato Board
New Zealand Poultry Board
New Zealand Racing Authority
New Zealand Security Intelligence Service
New Zealand Survey Board
New Zealand Walkway Commission
New Zealand Wheat Board
New Zealand Wool Board
New Zealand Wool Testing Authority
Noxious Plants Council
Offshore Mining Limited
Overseas Investment Commission
Petrochemical Corporation of New Zealand Limited
Petroleum Corporation of New Zealand (Exploration) Limited
Petroleum Corporation of New Zealand Limited
Phosphate Commission of New Zealand
Provincial Patriotic Councils
Public Debt Commission
Public Trust Office Investment Board
Queen Elizabeth the Second National Trust
Radiation Protection Advisory Council

Struck Out

SECOND SCHEDULE—*continued*

Raspberry Marketing Council
Raspberry Marketing Export Authority
Regional Co-ordinating Committees established under section 22 of the
Noxious Plants Act 1978
Representation Commission
Reserve Bank of New Zealand
Rural Electrical Reticulation Council
Secondary Schools Councils
Securities Commission
Shipping Corporation of New Zealand Limited
Testing Laboratory Registration Council
The Council of the University of Auckland
The Council of the University of Canterbury
The Council of the University of Otago
The Council of the University of Waikato
The Council of Massey University
The Council of the Victoria University of Wellington
The Lincoln College Council
Tobacco Board
Totalisator Agency Board
Tourist Hotel Corporation of New Zealand
Universities Entrance Board
University Grants Committee
Veterinary Services Council
Waikato Carbonisation Limited
Waitangi National Trust Board
War Pensions Boards
War Pensions Medical Research Trust Board
Waterfront Industry Commission
Winston Churchill Memorial Trust Board”.

*New***Section 20 (1)****SECOND SCHEDULE**

NEW FIRST SCHEDULE TO PRINCIPAL ACT

Section 2 (1)

"FIRST SCHEDULE

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

Abortion Supervisory Committee

Air New Zealand Limited

Airways Corporation of New Zealand Limited

Alcoholic Liquor Advisory Council

Apple and Pear Prices Authority

Area Health Boards

Armed Forces Canteen Council

Berryfruit Marketing Licensing Authority

Broadcasting Corporation of New Zealand

Canterbury Provincial Buildings Board

Clean Air Council

Coal Corporation of New Zealand Limited

Coal Mining Industries Welfare Council

Commerce Commission

Consumer Council

Dairy Products Prices Authority

Development Finance Corporation of New Zealand

Education Authorities (as defined in section 2 (1) of the Education Act 1964)

Electricity Corporation of New Zealand Limited

Emergency Protection Authorities appointed for the purposes of the Industries Development Commission Act 1961

Fisheries Authority

Fruit Distributors Limited

Game Industry Board

Government Property Services Limited

Higher Salaries Commission

Hop Marketing Committee

Hospital Boards

Human Rights Commission

Industries Development Commission

Information Authority

Land Corporation Limited

New

SECOND SCHEDULE—*continued*

Law Commission
Legal Aid Board
Liquid Fuels Trust Board
Lincoln College
Local Authorities Loans Board
Marine Reserve Management Committees
Market Development Committee appointed under section 3 of the Meat
Export Control Amendment Act 1966
Massey University
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 Limited
Nature Conservation Council
New Zealand Apple and Pear Marketing Board
New Zealand Council for Educational Research
New Zealand Council for Postgraduate Medical Education
New Zealand Dairy Board
New Zealand Export-Import Corporation
New Zealand Film Commission
New Zealand Fishing Industry Board
New Zealand Forestry Corporation Limited
New Zealand Geographic Board
New Zealand Government Property Corporation
New Zealand Industrial Design Council
New Zealand Kiwifruit Authority
New Zealand Lottery Board
New Zealand Market Development Board
New Zealand Meat Producers Board
New Zealand Milk Board
New Zealand Planning Council
New Zealand Pork Industry Board
New Zealand Ports Authority
New Zealand Post Limited
New Zealand Potato Board
New Zealand Poultry Board

*New*SECOND SCHEDULE—*continued*

New Zealand Racing Authority
 New Zealand Security Intelligence Service
((New Zealand Survey Board))
 New Zealand Walkway Commission
 New Zealand Wheat Board
 New Zealand Wool Board
 New Zealand Wool Testing Authority
 Noxious Plants Council
 Offshore Mining Limited
 Overseas Investment Commission
Parliamentary Commissioner for the Environment
 Petrochemical Corporation of New Zealand Limited
 Petroleum Corporation of New Zealand (Exploration) Limited
 Petroleum Corporation of New Zealand Limited
 Phosphate Commission of New Zealand
Post Office Bank Limited
 Provincial Patriotic Councils
 Public Trust Office Investment Board
 Queen Elizabeth the Second National Trust
 Radiation Protection Advisory Council
 Raspberry Marketing Council
 Raspberry Marketing Export Authority
 Regional Co-ordinating Committees established under section 22 of the
 Noxious Plants Act 1978
 Representation Commission
 Reserve Bank of New Zealand
 Rural Electrical Reticulation Council
 Securities Commission
 Shipping Corporation of New Zealand Limited
((Survey Board))
Survey Board of New Zealand
Telecom 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
 University of Auckland
 University of Canterbury

New

SECOND SCHEDULE—*continued*

University of Otago
University of Waikato
Veterinary Services Council
Victoria University of Wellington
Waikato Carbonisation Limited
Waitangi National Trust Board
War Pensions Boards
War Pensions Medical Research Trust Board
Waterfront Industry Commission
Winston Churchill Memorial Trust Board".

Section 22

THIRD SCHEDULE

ACTS AMENDED

Title of Act	Amendment
1908, No. 40—The Deeds Registration Act 1908 (R.S. Vol. 6, p. 89)	By repealing subsections (2) and (3) of section 50.
1908, No. 81—The Industrial and Provident Societies Act 1908 (R.S. Vol. 7, p. 407)	By repealing subsections (3), (6), and (8) of section 13A (as inserted by section 2 of the Industrial and Provident Societies Amendment Act 1983).
	<i>New</i>
	<p>By inserting, after section 13A (as inserted by section 2 of the Industrial and Provident Societies Amendment Act 1983) the following section:</p> <p>13AA. Registrar may refuse to disclose information relating to inspection—</p> <p>(1) Notwithstanding anything in the Official Information Act 1982, but subject to subsections (4) and (5) of section 13A of this Act, any person who makes an inspection under section 13A (1) of this Act, and any person to whom that person has, pursuant to subsection (4) or subsection (5) of section 13A of this Act or otherwise, given, divulged, or communicated any information that the first-mentioned person has acquired <i>((in the course))</i> as a result of that inspection, may refuse to disclose any such information to any other person until the purpose for which that inspection is carried out has been satisfied.</p> <p>“(2) Notwithstanding anything in the Official Information Act 1982, where any person requests the Registrar or any person referred to in subsection (4) (a) or (b) or (c) or (d) or subsection (5) (a) or (b) of section 13A of this Act to disclose whether an inspection under section 13A (1) of this Act is being, or is proposed to be, or has been carried out, the Registrar or, as the case may require, that person shall not be required to disclose that information under the Official Information Act 1982 unless the disclosure of that information would not be likely to prejudice the commercial position of any registered society or any other person, and there is no other good reason for withholding that information under that Act.”</p>

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
<p>1908, No. 81—The Industrial and Provident Societies Act 1908 (R.S. Vol. 7, p. 407)— <i>continued</i></p>	<p style="text-align: center;"><i>New</i></p> <p>By inserting, after section 13B (as inserted by section 5 of the Industrial and Provident Societies Amendment Act 1981) the following section:</p> <p>“13BA. Appeals against decisions under section 13AA—(1) Any person who is aggrieved by the refusal of any person to disclose any information under section 13AA of this Act may appeal to the High Court within 21 days after being notified of that refusal, or within such further time as the High Court may allow.</p> <p>“(2) On hearing the appeal, the High Court may confirm the refusal, or give such directions or make such determination in the matter as the High Court thinks fit.”</p>
<p>1908, No. 212—The Incorporated Societies Act 1908 (R.S. Vol. 7, p. 383)</p>	<p>By repealing subsections (3), (6), and (8) of section 34A (as inserted by section 2 of the Incorporated Societies Amendment Act 1983).</p>
<p>1937, No. 27—The Petroleum Act 1937 (R.S. Vol. 7, p. 647)</p>	<p style="text-align: center;"><i>Struck Out</i></p> <p>By repealing subsection (5) of section 47E (as enacted by section 3 of the Petroleum Amendment Act 1975).</p>
	<p style="text-align: center;"><i>New</i></p> <p>By repealing subsection (5) of section 47E (as enacted by section 3 of the Petroleum Amendment Act 1975), and substituting the following subsection:</p> <p>“(5) All information furnished by a licensee under this section shall be made available, on request, to any person—</p> <p>“(a) On the expiry of 5 years after the date on which the information was obtained; or</p> <p>“(b) On the expiry, surrender, revocation, or relinquishment of the licence, or any part of it, in respect of which the information was furnished,—</p> <p>whichever first occurs.”</p>

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

Title of Act	Amendment
1945, No. 27—The Bush Workers Act 1945 (Reprinted 1976, Vol. 3, p. 2365)	By repealing section 5 (4) (as inserted by section 2 (2) of the Bush Workers Amendment Act 1978).
1950, No. 52—The Machinery Act 1950 (Reprinted 1972, Vol. 3, p. 2543)	<p style="text-align: center;"><i>Struck Out</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By repealing section 6 (3) (as inserted by section 2 (2) of the Machinery Amendment Act 1978).</p> </div>
1950, No. 53—The Boilers, Lifts, and Cranes Act 1950 (R.S. Vol. 1, p. 377)	By repealing section 6 (3).
1951, No. 22—The Births and Deaths Registration Act 1951 (R.S. Vol. 1, p. 333)	By repealing subsection (8) of section 19A (as inserted by section 12 (2) of the Status of Children Act 1969).
1953, No. 7—The Ministry of Agriculture and Fisheries Act 1953 (Reprinted 1972, Vol. 3, p. 2575)	By repealing section 20 (4).
1954, No. 71—The Labour Department Act 1954 (R.S. Vol. 7, p. 521)	By repealing section 12 (4).
1955, No. 63—The Companies Act 1955 (R.S. Vol. 15, p. 89)	By repealing section 13.
	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By repealing section 6 (3) (as inserted by section 2 (2) of the Machinery Amendment Act 1978), and substituting the following subsection: “(3) An Inspector shall, if requested to do so by a Coroner, provide that Coroner with a written report relating to the circumstances of any fatal accident.”</p> </div>
	By repealing subsections (3), (7), and (9) of section 9A (as substituted by section 3 of the Companies Amendment Act (No. 2) 1983).

THIRD SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
<p>1955, No. 63—The Companies Act 1955 (R.S. Vol. 15, p. 89)—<i>continued</i></p>	<p style="text-align: center;"><i>New</i></p> <p>By inserting, after section 9A (as substituted by section 3 of the Companies Amendment Act (No. 2) 1983), the following section:</p> <p>“9AA. Registrar may refuse to disclose information relating to inspection—</p> <p>(1) Notwithstanding anything in the Official Information Act 1982, but subject to sections (5) and (6) of section 9A of this Act, any person who makes an inspection under section 9A (1) of this Act, and any person to whom that person has, pursuant to subsection (5) or subsection (6) of section 9A of this Act or otherwise, given, divulged, or communicated any information that the first-mentioned person has acquired ((in the course)) as a result of that inspection, may refuse to disclose any such information to any other person until the purpose for which that inspection is carried out has been satisfied.</p> <p>“(2) Notwithstanding anything in the Official Information Act 1982, where any person requests the Registrar or any person referred to in subsection (5) (a) or (b) or (c) or (d) or subsection (6) (a) or (b) of section 9A of this Act to disclose whether an inspection under section 9A (1) of this Act is being, or is proposed to be, or has been carried out, the Registrar or, as the case may require, that person shall not be required to disclose that information under the Official Information Act 1982 unless the disclosure of that information would not be likely to prejudice the commercial position of any company or person, and there is no other good reason for withholding that information under that Act. ((’))</p> <p>“(3) <u>In this section, ‘company’ includes an overseas company.</u>”</p> <p>By inserting, after section 9B (as inserted by section 5 of the Companies Amendment Act 1973, and as amended by section 3 of the Companies Amendment Act 1977), the following section:</p>

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

Title of Act	Amendment
<p>1955, No. 63—The Companies Act 1955 (R.S. Vol. 15, p. 89)—<i>continued</i></p>	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“9BA. Appeals from decisions under section 9AA—(1) Any person who is aggrieved by the refusal of any person to disclose any information under section 9AA of this Act may appeal to the Court within 21 days after being notified of that refusal, or within such further time as the Court may allow.</p> <p>“(2) On hearing the appeal, the Court may confirm the refusal, or give such directions or make such determination in the matter as the Court thinks fit.”</p> </div>
<p>1956, No. 50—The Trade and Industry Act 1956 (Reprinted 1973, Vol. 2, p. 1645)</p>	<p>By repealing section 13 (5).</p>
<p>1958, No. 109—The Police Act 1958 (R.S. Vol. 4, p. 137)</p>	<p>By repealing the proviso to section 48 (1).</p>
<p>1959, No. 32—The Construction Act 1959 (Reprinted 1972, Vol. 2, p. 1421)</p>	<p>By repealing section 7 (3) (as substituted by section 3 (2) of the Construction Amendment Act 1978).</p>
<p>1961, No. 123—The Industries Development Commission Act 1961 (Reprinted 1975, Vol. 3, p. 2039)</p>	<p>By repealing section 5 (6) (as amended by section 3 (3) (b) of the Industries Development Commission Amendment Act 1975), and substituting the following subsections:</p> <p style="text-align: center;"><i>Struck Out</i></p>
	<div style="border: 1px solid black; padding: 5px;"> <p>“(6) Where there would be good reason for withholding information under the provisions of the Official Information Act 1982, the Commission may make an order (which may be expressed to have effect from the commencement of any inquiry or proceedings of the Commission to the determination of such inquiry or proceedings) prohibiting—</p> <p>“(a) The publication of that information; or</p> <p>“(b) The giving of any evidence involving that information.</p> </div>

THIRD SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
<p>1961, No. 123—The Industries Development Commission Act 1961 (Reprinted 1975, Vol. 3, p. 2039—<i>continued</i>)</p>	<p style="text-align: center;"><i>Struck Out</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(6A) Notwithstanding anything in subsection (6) of this section, at the conclusion of any inquiry or proceedings of the Commission, the provisions of the Official Information Act 1982 shall apply in respect of any information that was the subject of an order under that subsection.</p> <p>“(6B) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100 who knowingly acts in contravention of an order made under subsection (6) of this section.”</p> </div>
	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(6) The Commission may make an order (which may be expressed to have effect from the commencement of any inquiry or proceedings of the Commission to the determination of such inquiry or proceedings) prohibiting—</p> <p>“(a) The publication or communication of any information or document or evidence which is furnished or given or tendered to, or obtained by, the Commission in connection with that inquiry or those proceedings:</p> <p>“(b) The giving of any evidence involving any such information, document, or evidence.</p> <p>“(6A) Notwithstanding anything in subsection (6) of this section, at the conclusion of any inquiry or proceedings of the Commission, the provisions of the Official Information Act 1982 shall apply in respect of any information that was the subject of an order under that subsection.</p> <p>“(6B) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who acts in contravention of any order made by the Commission under subsection (6) of this section.”</p> </div> <p>By repealing section 10A (5) (e) (as enacted by section 3 of the Industries Development Commission Amendment Act 1967).</p> <p>By repealing section 11.</p>

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

Title of Act	Amendment
1962, No. 136—The Shearers Act 1962 (R.S. Vol. 9, p. 575)	By repealing section 6 (3).

Struck Out

1964, No. 134—The Reserve Bank of New Zealand Act 1964 (R.S. Vol. 16, p. 455)	By omitting from section 31 (5) the words “but no such statement shall disclose any information so supplied by any particular trading bank unless— “(a) The same information has been supplied by that bank in a monthly return made by that bank under subsection (2) of this section; or “(b) That bank has agreed to the disclosure.”
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1965, No. 23—The Radiation Protection Act 1965	By repealing section 26 (1) (c).
1965, No. 59—The Standards Act 1965	By repealing section 45, and substituting the following section: “ 45. Disclosure of information —The disclosure of any information relating to any formula, process, or practice to the Council, or to any member, officer, or employee thereof, or to any other person under the provisions of the Official Information Act 1982 or for purposes connected with the administration of this Act, shall not prejudice any application subsequently made for a patent.”
1966, No. 19—The Customs Act 1966 (R.S. Vol. 2, p. 57)	By repealing clause 9 of the Ninth Schedule (as inserted by section 5 (3) of the Customs Amendment Act 1981), and substituting the following clause: “ 9. Supply of information —Upon written request by the importer of any goods, the Collector shall give notice to that importer in writing of the Customs value of the goods, and the basis of the determination of that Customs value, including the provisions of this Schedule applying thereto.”

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
1967, No. 51—The Animal Remedies Act 1967	By repealing sections 12 and 31 (4).
1967, No. 54—The Insolvency Act 1967	<p>By repealing section 131, and substituting the following section:</p> <p>“131. Right to inspect documents—The bankrupt, or any person who has lodged a proof of debt, or any solicitor or accountant acting for any such person, may, at any convenient time inspect and take extracts or copies of—</p> <p>“(a) The bankrupt’s books of account;</p> <p>“(b) The bankrupt’s answers to the prescribed questions and the bankrupt’s statement of his affairs;</p> <p>“(c) All proofs of debt;</p> <p>“(d) The minutes of any creditors’ meeting, and the record of any examination of the bankrupt.”</p>
1967, No. 161—The Technicians Training Act 1967 (R.S. Vol. 13, p. 733)	<p>By repealing section 22, and substituting the following section:</p> <p>“22. Power to obtain information from employers in order to facilitate determination of levy—(1) A technician training council and any person assessing and collecting a levy on behalf of any such council may require employers in the industry—</p> <p>“(a) To furnish such returns and other information of a kind approved by the Minister; and</p> <p>“(b) To keep and produce for examination on behalf of the council such records of a kind approved by the Minister,—</p> <p>as are necessary to enable the council to assess the amount of levy payable by any employer and to perform its other functions under this Act.</p> <p>“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200, or on a second or subsequent conviction to a fine not exceeding \$400, who fails to comply with any requirement made under subsection (1) of this section.</p>

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

Title of Act	Amendment
1967, No. 161—The Technicians Training Act 1967 (R.S. Vol. 13, p. 733)— <i>continued</i>	<p>“(3) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$200 or both who—</p> <p>“(a) Knowingly or recklessly furnishes, pursuant to any requirement made under subsection (1) of this section, any return or other information which is false in a material particular; or</p> <p>“(b) Wilfully makes a false entry in any record required to be produced under subsection (1) of this section or, with intent to deceive, makes use of any such entry which that person knows to be false.</p> <p>“(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.”</p>
1968, No. 140—The New Zealand Ports Authority Act 1968	By repealing section 15 (4).
<i>Struck Out</i>	
1969, No. 12—The Consumer Information Act 1969	By repealing section 13 (3).
1969, No. 18—The Status of Children Act 1969 (R.S. Vol. 4, p. 893)	<p>By omitting from section 9 (2) (as substituted by section 3 of the Status of Children Amendment Act 1979) the words “who, in the opinion of the Registrar-General, has a proper interest in the matter,”.</p> <p>By repealing section 9 (2A) (as enacted by section 3 of the Status of Children Amendment Act 1979).</p>

THIRD SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
<i>New</i>	
<p>1969, No. 24—The New Zealand Security Intelligence Service Act 1969</p>	<p>By repealing section 24, and substituting the following section:</p> <p>“24. Proceedings and findings privileged—(1) Subject to subsection (2) of this section,—</p> <p>“(a) No proceedings, civil or criminal, shall lie against the Commissioner for anything the Commissioner may do or report or say in the course of the exercise or intended exercise of the Commissioner’s functions under this Act, unless it is shown that the Commissioner acted in bad faith:</p> <p>“(b) The Commissioner shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to the Commissioner’s knowledge in the exercise of the Commissioner’s functions under this Act.</p> <p>“(2) 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> <p>“(3) Anything said or any information supplied or any document, paper, or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act shall be privileged in the same manner as if the inquiry or proceedings were proceedings in a Court.”</p>

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
1971, No. 17—The Hovercraft Act 1971 1971, No. 25—The Mining Act 1971	<p data-bbox="543 395 842 425">By repealing section 5 (3).</p> <p data-bbox="735 451 875 481" style="text-align: center;"><i>Struck Out</i></p> <div data-bbox="543 491 1067 582" style="border: 1px solid black; padding: 5px;"> <p data-bbox="543 510 1067 564">By repealing section 156 (as amended by section 40 of the Mining Amendment Act 1981).</p> </div> <p data-bbox="773 598 834 628" style="text-align: center;"><i>New</i></p> <div data-bbox="543 639 1067 1130" style="border: 1px solid black; padding: 5px;"> <p data-bbox="543 657 1067 737">By repealing section 156 (as amended by section 40 of the Mining Amendment Act 1981), and substituting the following section:</p> <p data-bbox="568 737 1067 893">“156. Disclosure of information—All information obtained by an Inspector or authorised person under section 153 or section 154 or section 155 of this Act shall be made available, on request, to any person when—</p> <p data-bbox="595 893 1067 973">“(a) The mining privilege in respect of which the information was obtained; and</p> <p data-bbox="595 973 1067 1080">“(b) Every succeeding mining privilege in the same ownership in respect of the same or partly the same land—</p> <p data-bbox="568 1080 828 1110">ceases to be in force.”</p> </div>
1972, No. 31—The Clean Air Act 1972	<p data-bbox="543 1165 817 1195">By repealing section 47.</p> <p data-bbox="543 1195 1067 1272">By repealing section 52 (3) (as amended by section 26 (d) of the Clean Air Amendment Act 1982).</p>
1972, No. 118—The Equal Pay Act 1972 (Reprinted 1973, Vol. 2, p. 1379)	<p data-bbox="543 1272 847 1302">By repealing section 16 (4).</p>
1973, No. 5—The Rates Rebate Act 1973	<p data-bbox="543 1352 1067 1409">By repealing section 12, and substituting the following section:</p> <p data-bbox="568 1409 1067 1673">“12. Secrecy—Except for the purposes of this Act or the Public Finance Act 1977, or of investigating the correctness of any information contained in any application for a rebate under this Act, no officer of a territorial authority shall disclose to any person any information contained in any application for a rebate made under this Act or disclosed or obtained pursuant to section 11 of this Act.”</p>

Official Information Amendment

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
1973, No. 19—The Industrial Relations Act 1973 (R.S. Vol. 14, p. 221)	By repealing subsections (5) to (8) of section 6.
1973, No. 32—The Development Finance Corporation Act 1973	By repealing section 30A (as inserted by section 9 of the Development Finance Corporation Act 1976).
<i>Struck Out</i>	
1974, No. 50—The Tobacco Growing Industry Act 1974	By repealing subsection (6) of section 11, and substituting the following subsection: “(6) All information required under this section shall be supplied to the Chairman of the Board.”
<i>Struck Out</i>	
1975, No. 42—The Fire Service Act 1975	By repealing the proviso to section 15A (as inserted by section 4 of the Tobacco Growing Industry Amendment Act 1976).
<i>Struck Out</i>	
1975, No. 116—The Misuse of Drugs Act 1975 1976, No. 3—The Superannuation Schemes Act 1976 (R.S. Vol. 13, p. 639)	By repealing section 52.
<i>New</i>	
	By repealing section 52 (as substituted by section 14 of the Fire Service Amendment Act 1986).
	By repealing section 19 (5).
	By repealing section 20 (as amended by section 7 (8) of the Superannuation Schemes Amendment Act 1982), and substituting the following section: “20. Secrecy —No person, being— “(a) The Government Actuary or a former Government Actuary; or “(b) A member or former member of the National Provident Fund Board; or “(c) An officer or employee in the service of the Government Actuary or the National Provident Fund Board; or

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

Title of Act	Amendment
1976, No. 3—The Superannuation Schemes Act 1976 (R.S. Vol. 13, p. 639)— <i>continued</i>	<p>“(d) A person who was formerly in the service of the Government Actuary or the National Provident Fund Board,—</p> <p>shall be required to produce in any Court or tribunal any book or document or to divulge or communicate to any Court or tribunal any matter or thing coming under that person’s notice in the performance of that person’s duties, except when it is necessary to do so for the purpose of carrying into effect any provision of this Act.”</p>
1976, No. 71—The Energy Resources Levy Act 1976	By repealing section 21 (1) (f).
1976, No. 155—The International Energy Agreement Act 1976	By repealing subsections (5) and (6) of section 7.
1977, No. 8—The Shop Trading Hours Act 1977 (R.S. Vol. 7, p. 793)	By repealing section 22 (6).
1977, No. 33—The Ministry of Energy Act 1977	By repealing subsections (2) and (3) of section 28.
1977, No. 43—The Agricultural Workers Act 1977	By repealing section 6 (3).
1977, No. 49—The Human Rights Commission Act 1977	<p>By repealing section 6 (3).</p> <p>By repealing section 77 (as amended by section 50 of the Official Information Act 1982), and substituting the following section:</p> <p>“77. Commissioners and staff deemed to be officials—Every Commissioner and every officer or employee of the Commission shall be deemed for the purposes of sections 105 and 105A of the Crimes Act 1961 to be officials.”</p>
1977, No. 61—The Citizenship Act 1977	<p style="text-align: center;"><i>Struck Out</i></p> <div style="border: 1px solid black; padding: 5px;">By repealing section 28 (h).</div>
	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By repealing paragraph (h) of section 28, and substituting the following paragraph:</p> <p>“(h) Providing for the keeping of records, registers, and indexes for the purposes of this Act, and enabling persons to inspect and make copies of any entry in any such record, register, or index.”</p> </div>

THIRD SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
1978, No. 53—The Liquid Fuels Trust Act 1978	<p>By repealing section 17 (as amended by section 50 of the Official Information Act 1982), and substituting the following section:</p> <p>“17. Members of Board and staff deemed to be officials—Every member of the Board or a committee appointed by the Board, and every officer or employee of the Board, and every person appointed under section 13 of this Act shall be deemed for the purposes of sections 105 and 105A of the Crimes Act 1961 to be officials.”</p> <p>By repealing section 18 (as amended by section 50 of the Official Information Act 1982), and substituting the following section:</p> <p>“18. Members of Board, etc., not personally liable—(1) Except in the case of proceedings for an offence to which subsection (2) of this section applies, no member of the Board or of any committee appointed by the Board, and no officer or employee of the Board, and no person appointed under section 13 of this Act, who does any act in pursuance or intended pursuance of any provision of this Act, or omits to do any act required by any such provision, shall be under any criminal or civil liability as a result of that act or omission, whether on the ground of want of jurisdiction or mistake of law or fact, or on any other ground, unless the act was done or omitted in bad faith or without reasonable care.</p> <p>“(2) This subsection applies to—</p> <p>“(a) An offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961; or</p> <p>“(b) The offence of conspiring to commit an offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961; or</p> <p>“(c) The offence of attempting to commit an offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961.”</p>

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

Title of Act	Amendment
1978, No. 103—The Securities Act 1978 (R.S. Vol. 15, p. 533)	<p style="text-align: center;"><i>Struck Out</i></p> <p>By repealing subsection (5) of section 19, and substituting the following subsections:</p> <p>“(5) Where the Commission is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter, the Commission may, of its own motion or on the application of any party to the proceedings,—</p> <p>“(a) Order that any proceedings or any class of proceedings held by it be heard in private, either as to the whole or any portion thereof:</p> <p>“(b) Where there would be good reason for withholding information under the provisions of the Official Information Act 1982, make an order (which may be expressed to have effect from the commencement of any inquiry or other proceedings of the Commission to the determination of such inquiry or proceedings) prohibiting,—</p> <p>“(i) The publication of that information; or</p> <p>“(ii) The giving of any evidence involving that information.</p> <p>“(6) Notwithstanding anything in subsection (5) (b) of this section, at the conclusion of any inquiry or proceedings of the Commission, the provisions of the Official Information Act 1982 shall apply in respect of any information that was the subject of an order made under subsection (5) (b) of this section.”</p> <p style="text-align: center;"><i>New</i></p> <p>By repealing subsection (5) of section 19, and substituting the following subsections:</p> <p>“(5) The Commission may, of its own motion or on the application of any party to the proceedings,—</p> <p>“(a) Order that any proceedings or any class of proceedings held by it be heard in private, either as to the whole or any portion thereof:</p>

THIRD SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
<p>1978, No. 103—The Securities Act 1978 (R.S. Vol. 15, p. 533)—<i>continued</i></p>	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“(b) Make an order (which may be expressed to have effect from the commencement of any inquiry or other proceedings of the Commission to the determination of such inquiry or proceedings) prohibiting—</p> <p> “(i) The publication or communication of any information or document or evidence which is furnished or given or tendered to, or obtained by, the Commission in connection with that inquiry or those proceedings:</p> <p> “(ii) The giving of evidence involving any such information, document, or evidence.</p> <p>“(6) Notwithstanding anything in subsection (5) (b) of this section, at the conclusion of any inquiry or proceedings of the Commission, the provisions of the Official Information Act 1982 shall apply in respect of any information or document or evidence that was the subject of an order made under subsection (5) (b) of this section.”</p> </div> <p>By repealing section 24 (as amended by section 50 of the Official Information Act 1982), and substituting the following section:</p> <p> “24. Members of Commission and staff deemed to be officials—Every member (<i>and alternate member</i>) of the Commission, and every officer or employee thereof and every person appointed under section 21 of this Act, shall be deemed for the purposes of sections 105 and 105A of the Crimes Act 1961 to be officials.”</p> <p>By omitting from section 28 (5) (as substituted by section 50 of the Official Information Act 1982) the words “or section 32 (d) of this Act” wherever they appear.</p> <p>By omitting from section 32 (c) the words “or paragraph (c)”.</p> <p>By repealing section 32 (d).</p> <p>By repealing section 67 (3).</p>

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

Title of Act	Amendment
<p>1978, No. 103—The Securities Act 1978 (R.S. Vol. 15, p. 533)—<i>continued</i></p>	<p style="text-align: center;"><i>New</i></p> <p>By inserting, after section 67, the following section:</p> <p>“67A. Registrar may refuse to disclose information relating to inspection—</p> <p>(1) Notwithstanding anything in the Official Information Act 1982, but subject to subsection (5) of section 67 of this Act, any person who makes an inspection under section 67 (1) of this Act, and any person to whom that person has, pursuant to subsection (5) of section 67 of this Act or otherwise, given, divulged, or communicated any information that the first-mentioned person has acquired ((in the course)) as a result of that inspection, may refuse to disclose any such information to any other person until the purpose for which the inspection is carried out has been satisfied.</p> <p>“(2) Notwithstanding anything in the Official Information Act 1982, where any person requests the Registrar or the Minister or the Commission to disclose whether an inspection under section 67 (1) of this Act is, or is proposed to be, or has been carried out, the Registrar or, as the case may require, the Minister or the Commission shall not be required to disclose that information under the Official Information Act 1982 unless the disclosure of that information would not be likely to prejudice the commercial position of any company or person, and there is no other good reason for withholding that information under that Act.”</p> <p>By inserting in section 69 (1) (b), after the expression “section 67”, the expression “or section 67A”.</p> <p>By inserting, after section 69, the following section:</p> <p>“69A. Appeals from decisions under section 67A—(1) Any person who is aggrieved by the refusal of any person to disclose any information under section 67A of this Act may, within 21 days after being notified of that refusal, or within such further time as the Court may allow, appeal against that refusal to the Court.</p> <p>“(2) On hearing the appeal, the Court may confirm the refusal, or may give such directions or make such determination in the matter as it thinks fit.”</p>

THIRD SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
<p>1979, No. 21—The Coal Mines Act 1979</p>	<p style="text-align: center;"><i>Struck Out</i></p> <p style="border: 1px solid black; padding: 5px;">By repealing section 207.</p> <p style="text-align: center;"><i>New</i></p> <p style="border: 1px solid black; padding: 5px;">By repealing section 207, and substituting the following section: “207. Disclosure of information—All information obtained by an Inspector or authorised person under section 204 or section 205 or section 206 of this Act shall be made available, on request, to any person— “(a) On the expiry of 5 years after the date on which the information was obtained; or “(b) On the expiry, surrender, revocation, or relinquishment of the coal mining right, or any part of it, in respect of which the information was obtained,— whichever first occurs.”</p>
<p>1979, No. 26—The Pesticides Act 1979</p>	<p>By repealing section 34.</p>
<p>1979, No. 27—The Toxic Substances Act 1979</p>	<p>By repealing section 59 (5). By repealing subsections (4) and (5) of section 12.</p>
<p>1981, No. 12—The Petroleum Demand Restraint Act 1981</p>	<p>By repealing section 32 (6). By repealing section 50 (4). By repealing section 55 (5).</p>
<p>1981, No. 12—The Petroleum Demand Restraint Act 1981</p>	<p>By repealing section 20. By repealing section 21 (c).</p>
<p>1981, No. 25—The Factories and Commercial Premises Act 1981</p>	<p>By repealing section 5 (5). By repealing section 61 (1) (h).</p>
<p>1981, No. 45—The Food Act 1981</p>	<p>By repealing section 12 (4). By omitting from section 13 (2) the words “Subsections (3) and (4) of section 12”, and substituting the words “Section 12 (3)”.</p>
<p>1981, No. 45—The Food Act 1981</p>	<p>By repealing section 17 (4). By repealing section 22 (5).</p>

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

Title of Act	Amendment
<i>New</i>	
1981, No. 113—The Summary Offences Act 1981	<p>By repealing paragraph (a) of section 20A (1) (as inserted by section 2 of the Summary Offences Amendment Act (No. 2) 1982), and substituting the following paragraph:</p> <p>“(a) To endanger the safety of any person:”</p> <p>By repealing paragraph (f) of section 20A (1) (as so inserted), and substituting the following paragraph:</p> <p>“(f) To damage seriously the economy of New Zealand by disclosing prematurely decisions to change or continue Government economic or financial policies relating to—</p> <p>“(i) Exchange rates or the control of overseas exchange transactions:</p> <p>“(ii) The regulation of banking or credit:</p> <p>“(iii) Taxation:</p> <p>“(iv) The stability, control, and adjustment of prices of goods and services, rents, and other costs, and rates of wages, salaries, and other incomes:</p> <p>“(v) The borrowing of money by the Government of New Zealand:</p> <p>“(vi) The entering into of overseas trade agreements.”</p>
1981, No. 118—The Medicines Act 1981	<p>By repealing section 63 (4).</p> <p>By repealing section 66 (4).</p> <p>By repealing section 70 (5).</p>
1982, No. 28—The Rural Banking and Finance Corporation Amendment Act 1982	<p>By omitting from section 5 the words “and every other person at any time engaged or employed in connection with the work of the Board or of any such committee,”.</p>
1982, No. 118—The Friendly Societies and Credit Unions Act 1982	<p>By omitting from section 8 (1) the words “Subject to subsection (2) of this section,”</p> <p>By repealing subsections (2) and (3) of section 8.</p>
1982, No. 138—The Pork Industry Board Act 1982	<p>By repealing section 39 (3).</p>

THIRD SCHEDULE—continued

ACTS AMENDED—continued

Title of Act	Amendment
<p>1983, No. 14—The Fisheries Act 1983</p>	<p style="text-align: center;"><i>Struck Out</i></p> <p>By omitting from section 67 (3) the words “and no returns or information shall be released to any person, or published in any form unless summarised so that specific identities or businesses are not revealed except by written permission of the person furnishing the return or information”.</p> <p>By repealing section 95 (c).</p>
<i>New</i>	
<p>1986, No. 5—The Commerce Act 1986</p>	<p>By omitting from section 66 (3) (as substituted by section 13 of the Fisheries Amendment Act 1986) the words “and no returns or information shall be released to any person not employed by or within the Ministry or acting on the Ministry’s behalf for the purposes of this Act, or published in any form, unless summarised so that specific identities or businesses are not revealed except by written permission of the person furnishing the return or information”.</p> <p>By repealing section 96 (c) (as substituted by section 27 of the Fisheries Amendment Act 1986).</p> <p>By repealing section 100, and substituting the following section:</p> <p style="padding-left: 2em;">“100. Powers of Commission to prohibit disclosure of information, documents, and evidence—(1) Subject to subsection (2) of this section, the Commission may, in relation to any application for, or any notice seeking, any clearance or authorisation under Part V of this Act, or in the course of carrying out any other investigation or inquiry under this Act, make an order prohibiting—</p> <p style="padding-left: 4em;">(a) The publication or communication of any information or document or evidence which is furnished or given or tendered to, or obtained by, the Commission in connection with the operations of the Commission:</p>

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

Title of Act	Amendment
<i>New</i>	
<p>1986, No. 5—The Commerce Act 1986—<i>continued</i></p>	<p>“(b) The giving of any evidence involving any such information, document, or evidence.</p> <p>“(2) Any order made by the Commission under subsection (1) of this section may be expressed to have effect for such period as is specified in the order, but no such order shall have effect,—</p> <p>“(a) Where that order was made in connection with any application for, or any notice seeking, any clearance or authorisation under Part V of this Act, after the expiry of 20 working days from the date on which the Commission makes a final determination in respect of that application or notice, or, where that application or notice is withdrawn before any such determination is made, after the date on which the application or notice is withdrawn:</p> <p>“(b) Where that order was made in connection with any other investigation or inquiry conducted by the Commission, after the conclusion of that investigation or inquiry.</p> <p>“(3) On the expiry of any order made under subsection (1) of this section, the provisions of the Official Information Act 1982 shall apply in respect of any information, document, or evidence that was the subject of that order.</p> <p>“(4) Every person who, contrary to any order made by the Commission under subsection (1) of this section, publishes or communicates any information or document or evidence commits an offence and is liable, on summary conviction, to a fine not exceeding \$4,000 in the case of a person not being a body corporate, and \$12,000 in the case of a body corporate.”</p>

Section 23

FOURTH SCHEDULE
REGULATIONS AMENDED

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