

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 17 April 1986.

**Words inserted are shown in roman underlined with a
single rule.**

Hon. Stan Rodger

**WANGANUI COMPUTER CENTRE
AMENDMENT (NO. 2)**

ANALYSIS

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A BILL INTITULED

**An Act to amend the Wanganui Computer Centre Act
1976**

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

10 **1. Short Title**—This Act may be cited as the Wanganui
Computer Centre Amendment Act (No. 2) 1985, and shall be
read together with and deemed part of the Wanganui
Computer Centre Act 1976* (hereinafter referred to as the
principal Act).

*1976, No. 19

Amendments: 1977, No. 83; 1979, No. 118; 1980, No. 52; 1983, No. 122; 1985, No. 52

No. 180—2

Price \$1

2. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “State Services Commission”.

3. Wanganui Computer Centre Policy Committee—
 (1) Section 19 (2) of the principal Act is hereby amended by 5
 repealing paragraph (e), and substituting the following
 paragraph:

“(e) The General Manager of the Government Computing Service:”.

(2) Section 19 (2) of the principal Act is hereby amended by 10
 adding the following paragraph:

“(i) The Manager of the Wanganui Computer Centre.”

(3) Section 19 (3) of the principal Act is hereby amended by
 omitting the words “the Chairman of the State Services
 Commission,”. 15

(4) Section 19 of the principal Act is hereby amended by
 adding the following subsection:

“(4) In the absence from any meeting of the Policy Committee
 of the General Manager of the Government Computing Service,
 that General Manager may authorise any other officer of the 20
 Government Computing Service who has the status of a deputy
 to the General Manager of the Government Computing Service,
 or some other senior officer of the Government Computing
 Service approved by the Minister responsible for that Service,
 to attend in that General Manager’s stead.” 25

(5) Section 21 (2) of the principal Act is hereby amended by
 omitting the expression “and (h)”, and substituting the
 expression “(h), and (i)”.

4. Management Committee—(1) Section 23 (2) of the
 principal Act is hereby amended by repealing paragraph (a), 30
 and substituting the following paragraph:

“(a) The General Manager of the Government Computing
 Service, who shall be the Chairman of the
 Management Committee:”.

(2) Section 23 (3) of the principal Act is hereby amended by 35
 omitting the words “the Chairman of the State Services
 Commission,”.

(3) Section 23 of the principal Act is hereby amended by
 inserting, after subsection (3), the following subsection:

“(3A) In the absence from any meeting of the Management 40
 Committee of the General Manager of the Government
 Computing Service, that General Manager may authorise any
 other officer of the Government Computing Service who has

the status of a deputy to the General Manager of the Government Computing Service, or some other senior officer of the Government Computing Service approved by the Minister responsible for that Service, to attend in that General
5 Manager's stead."

5. New sections substituted—(1) The principal Act is hereby amended by repealing section 25, and substituting the following sections:

10 **"24A. Remuneration, allowances, and expenses of Commissioner**—(1) There shall be paid to the Commissioner, out of money appropriated by Parliament for the purpose, such remuneration by way of fees, salary, wages, or allowances as may from time to time be determined by the Higher Salaries Commission.

15 "(2) Subject to the Higher Salaries Commission Act 1977, any determination made under **subsection (1)** of this section, and any provision of any such determination, may be made so as to come into force on a date to be specified in that behalf in the determination, being the date of the making of the
20 determination or any other date, whether before or after the date of the making of the determination or the date of the commencement of this section.

"(3) Every such determination, and every provision of any such determination, in respect of which no date is specified as
25 aforesaid shall come into force on the date of the making of the determination.

"24B. Travelling allowances and expenses of Commissioner—Notwithstanding anything in **section 24A** of this Act, there shall be paid to the Commissioner, out of money
30 appropriated by Parliament for the purpose, in respect of time spent in travelling in the exercise of the Commissioner's functions, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the
35 Commissioner were a member of a statutory Board and the travelling were in the service of a statutory Board.

"25. Fees and allowances—(1) The Policy Committee and the Management Committee are hereby declared to be statutory Boards within the meaning of the Fees and Travelling
40 Allowances Act 1951.

“(2) There may be paid to the Chairman and other appointed members of the Policy Committee and the Management Committee, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.” 5

(2) Notwithstanding anything in this section, the remuneration of the Commissioner shall, until amended or superseded by determination of the Higher Salaries Commission, continue to be payable at the rates applicable at the commencement of this section. 10

6. Schedule amended—The Schedule to the principal Act is hereby amended by inserting in the part headed “*Police Department Records*”, after the item relating to firearms, the following item: 15

“Medical details

An indicator to identify persons who are or have been special patients under the Mental Health Act 1969 and the hospitals at which those persons are or have been detained as special patients or committed patients:

Police
Transport
Justice

Provided that—

(a) No actual details of the medical condition of any person shall be recorded on the computer system under this subject-heading; and

(b) No record shall be kept under this subject-heading of any person who is a special patient under the Mental Health Act 1969 only by reason of—

(i) Having been the subject of an order under section 39B of the Criminal Justice Act 1954 for that person’s detention in a hospital; or

(ii) Having been the subject of an order under section 47A of the Criminal Justice Act 1954 for that person’s detention in a hospital; or

(iii) Having been the subject of an order under section 120 of the Criminal Justice Act 1985; or

(iv) Having been the subject of an order under subsection (2) (b) (ii) or subsection (11) of section 121 of the Criminal Justice Act 1985; or

- (v) Having been the subject of a temporary reception order under section 42 (4) of the Mental Health Act 1969 for that person's detention in a hospital; or
(vi) Having been the subject of an order under the proviso to subsection (3) of section 171 of the Summary Proceedings Act 1957 for that person's detention in a hospital; and
(c) The indicator shall be removed if the Commissioner so directs, on being satisfied that the indicator should not be recorded."

7. Substitution of references to Government Computing Service—The provisions of the principal Act specified in the Schedule to this Act are hereby amended by omitting the words "State Services Commission" wherever they occur, and substituting in each case the words "Government Computing Service".

8. Consequential amendment to Higher Salaries Commission Act 1977—The Higher Salaries Commission Act 1977 is hereby amended by adding to the Fourth Schedule (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980), the following item:

"The Wanganui Computer Centre Privacy Commissioner."

SCHEDULE

Section 7

PROVISIONS OF PRINCIPAL ACT WHERE REFERENCES TO STATE SERVICES COMMISSION ARE TO BE READ AS REFERENCES TO GOVERNMENT COMPUTING SERVICE

Sections 3 (1), 3A (3) (a), 4 (3) (c), 4 (6), 16A (2) (a), 24, 26 (1), 26 (2), 27A (1), 27A (2), 27A (4), and 29 (2) (e).