



## ANALYSIS

Title  
1. Short Title  
2. Decisions on requests

3. Publication setting out functions of  
Departments and organisations  
4. Assistance of Department of Justice  
5. Consequential repeals

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1989, No. 122

**An Act to amend the Official Information Act 1982**

[1 December 1989]

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

**1. Short Title**—This Act may be cited as the Official Information Amendment Act 1989, and shall be read together with and deemed part of the Official Information Act 1982 (hereinafter referred to as the principal Act).

**2. Decisions on requests**—Section 15 of the principal Act (as substituted by section 8 (1) of the Official Information Amendment Act 1987) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Subject to section 24 of this Act, every Department or Minister of the Crown or organisation (including an organisation whose activities are funded in whole or in part by another person) may charge for the supply of official information under this Act.”

**3. Publication setting out functions of Departments and organisations**—(1) The principal Act is hereby amended by repealing section 20, and substituting the following section:

“20. (1) The Department of Justice shall cause to be published, not later than the end of the year 1989, a publication that includes in respect of each Department and each organisation,—

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

“(2) The Department of Justice shall, at intervals of not more than 2 years, bring the material contained in the publication published under subsection (1) of this section up to date either by publishing a new edition of that publication or by publishing supplementary material.

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

“(4) In complying with subsections (1) and (2) of this section, the Department of Justice shall have regard, among other things, to the need to assist members of the public to obtain official information and to effectively exercise their rights under this Act.

“(5) Where there is good reason under section 6 or section 7 or section 9 (2) (b) of this Act for withholding official information, nothing in this section requires the publication of that official information.”

(2) Notwithstanding anything in subsection (1) of section 20 of the principal Act, it shall be sufficient compliance with the requirements imposed by that subsection (as substituted by subsection (1) of this section) if, not later than the end of the year 1989, the material contained in the publication published under subsection (2) of the former section 20 of the principal Act (as repealed by subsection (1) of this section) by the State Services Commission in 1987 is brought up to date by the

publication, by the Department of Justice, of supplementary material.

(3) Where subsection (2) of this section applies, subsection (2) of section 20 of the principal Act (as substituted by subsection (1) of this section) shall apply as if the publication published under subsection (2) of the former section 20 of the principal Act (as repealed by subsection (1) of this section) by the State Services Commission in 1987 had been published by the Department of Justice in accordance with subsection (1) of section 20 of the principal Act (as so substituted).

**4. Assistance of Department of Justice**—The principal Act is hereby amended by repealing section 46, and substituting the following section:

“46. The Department of Justice may, for the purpose of assisting any other Department or any organisation to act in accordance with this Act, furnish advice or assistance or both to that other Department or that organisation.”

**5. Consequential repeals**—The following enactments are hereby consequentially repealed:

- (a) Section 3 of the Official Information Amendment Act 1983;
- (b) Section 11 of the Official Information Amendment Act 1987;
- (c) So much of the First Schedule to the Official Information Amendment Act 1987 as relates to section 20 of the principal Act.

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This Act is administered in the Department of Justice.

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