

## PUBLIC BODIES MEETINGS AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill extends to standing committees of public bodies the requirement that meetings be open to the public, and requires the public body to supply copies of agendas and minutes to members of the public who pay the necessary fee.

*Clause 1* relates to the Short Title and commencement.

*Clause 2* modifies various definitions in the principal Act, in particular extending the definition of "public body" to include standing and joint committees, and committees of the whole, and defines the "prescribed amount" to be charged for copies of any agenda or minutes. Also, power is given to delete names of public bodies from the Schedule to the principal Act by Order in Council. (At present there is power only to add names.)

*Clause 3* has the effect of requiring all meetings of public bodies, and standing committees of public bodies, to be open to the public, except where the public is excluded for specific reasons.

*Clause 4* modifies the power to exclude members of the public from meetings. If any matter is to be discussed *in camera* the resolution or motion to that effect must state the general subject of each matter to be considered, and the reason for the exclusion of the public.

*Clause 5* provides that agendas must be made available to members of the public attending a meeting who pay the prescribed amount (if any), and may be taken away.

*Clause 6* requires public bodies to supply to members of the public who tender the prescribed amount copies of the minutes of meetings.

*Clause 7* extends to the agendas and minutes of meetings open to the public of both public bodies and standing committees the qualified privilege at present enjoyed by agendas and minutes of meetings of the full public body required to be open to the public.

*Clause 8* omits a redundant proviso from section 9 of the principal Act.

*Hon. Mr May*

## PUBLIC BODIES MEETINGS AMENDMENT

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### ANALYSIS

Title	
1. Short Title and commencement	6. Right of public to inspect or receive copies of minutes of meeting
2. Interpretation	7. Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting
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4. Right of public bodies to exclude public	
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### A BILL INTITULED

#### An Act to amend the Public Bodies Meetings Act 1962

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

**1. Short Title and commencement**—(1) This Act may be cited as the Public Bodies Meetings Amendment Act 1975, and shall be read together with and deemed part of the Public Bodies Meetings Act 1962\* (hereinafter referred to as  
10 the principal Act).

(2) This Act shall come into force on the 1st day of November 1975.

\*1962, No. 113

Amendments: 1963, No. 109; 1974, No. 113

No. 71—1

**2. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by omitting from the definition of the term “Chairman” the words “to which subsection (3) of section 3 of this Act applies”, and substituting the words “of a public body”.

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(2) The said section 2 (1) is hereby further amended by inserting in the definition of the term “meeting”, after the word “enactment”, the words “or Order in Council”.

(3) The said section 2 (1) is hereby further amended by adding to the definition of the term “public body” the following words:

“and includes any standing committee, or joint standing committee which the public body is empowered to appoint under any enactment or Order in Council constituting the public body or regulating its proceedings, and also includes a committee of the whole public body.”

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(4) The said section 2 (1) is hereby further amended by inserting, after the definition of “Minutes”, the following definition:

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“‘Prescribed amount’, in relation to a copy of any agenda or minutes reproduced by a public body, means such amount as may be calculated at the rates per page from time to time fixed and publicly notified by the public body, being the cost of reproduction thereof:”.

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(5) Section 2 (2) of the principal Act is hereby amended by inserting, after the words “including therein”, the words “or deleting therefrom”.

**3. Admission of public to meetings of public bodies**— Section 3 of the principal Act is hereby amended by repealing subsections (2) and (3).

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**4. Right of public bodies to exclude public**—Section 4 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

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“(1) A public body may by resolution or upon motion being made exclude the public from the whole or any part of the proceedings of any meeting where in its opinion—

“(a) Publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons arising from the nature of that business or of the proceedings; or

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“(b) Publicity would be likely to cause unnecessary personal embarrassment to or unnecessarily damage the personal reputation of any person.

5 “(2) Every resolution or motion excluding the public from any meeting shall state the general subject of each matter to be considered while the public is excluded and the reason for the passing of that resolution or the making of that motion in relation to that matter.”

**5. Provisions applying when meeting open to public—**

10 Section 5 of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraphs:

“(b) Where copies of the agenda for any meeting are reproduced by any means for use by members of the public body, the public body shall cause such  
15 additional copies of the agenda to be reproduced as may in his opinion be necessary to ensure an adequate supply for persons requesting copies pursuant to paragraph (ba) of this section:

“(ba) Where any member of the public who attends a  
20 meeting of a public body and tenders the prescribed amount (if any) requests a copy of the agenda he shall be given a copy of every agenda reproduced for use by members of the public body at that meeting of which there is a spare copy, and may  
25 take each away with him.”

**6. Right of public to inspect or receive copies of minutes of meeting—**The principal Act is hereby further amended by repealing section 7 and substituting the following section:

30 “7. (1) Any member of the public may without payment of fee, at the public body’s office and during ordinary office hours, inspect the minutes of any meeting or part of any meeting of the public body (not being a meeting or part from which the public was excluded) and may take notes therefrom.

35 “(2) Every member of the public so inspecting any such minutes who requests a copy of any part thereof and tenders the prescribed amount (if any) shall be given such a copy.

40 “(3) The public body or any officer of the public body may take such precautions as may be necessary to ensure that no person inspecting any such minutes shall inspect or see the minutes of a meeting or part of a meeting from which the public was excluded.”

**7. Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting—**

The principal Act is hereby amended by repealing section 8, and substituting the following section:

“8. Where a meeting of any public body is open to the public during the proceedings or any part thereof, and— 5

“(a) There is supplied to a member of the public a copy of the agenda for the meeting with or without further statements or particulars for the purpose of indicating the nature of any item included in the agenda or copies of reports or other documents supplied in connection with any such item; or 10

“(b) The minutes of that meeting or part are produced for inspection by any member of the public or a copy thereof is given to any member of the public— 15

the publication thereby of any defamatory matter included in the agenda or in the further statements or particulars or in the reports or other documents or in the minutes shall be privileged unless the publication is proved to be made with malice.” 20

**8. This Act to prevail over other enactments—**Section 9 of the principal Act is hereby amended by repealing the proviso.