

PUBLIC BODIES MEETINGS BILL

EXPLANATORY NOTE

THE purpose of this Bill is to define the rights of the public to attend meetings of local authorities and certain other public bodies and to inspect the minutes of such meetings.

Clause 1 relates to the Short Title, and provides that the Act is to come into force on 1 January 1963.

Clause 2 defines terms used in the Bill. By the definition of "public body" the Bill will apply to the classes of local authorities and public bodies specified in Part I of the Schedule to the Bill and to the particular local authorities and public bodies specified in Part II of that Schedule.

Subclause (2) authorises the addition, by Order in Council, of additional local authorities and public bodies to that Schedule.

Clause 3 provides that, except where the Bill otherwise provides, every meeting of a public body must be open to the public.

Clause 4 defines the circumstances in which the public may be excluded from a meeting of a public body. The public may be excluded where—

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

The reason for excluding the public from any meeting must be stated in the resolution or motion for that exclusion.

Clause 5 sets out provisions that apply when a meeting is required to be open to the public. The clause provides that accredited newspaper representatives are entitled to attend as members of the public, that where an agenda is prepared a reasonable number of additional copies must be available for members of the public attending the meeting, that copies of additional statements or particulars necessary to indicate the nature of items included in the agenda must be supplied with the agenda, and that, except as provided in *clauses 4 and 6*, the public body shall have no power to exclude any member of the public.

Clause 6 preserves the right to remove or exclude any member of the public from any meeting on account of noisy or disorderly conduct, intoxication, or misbehaviour.

Clause 7 provides that members of the public are entitled, without payment of any fee, to inspect during ordinary office hours, the minutes of any meeting or part thereof that was required to be open to the public.

Clause 8 provides that where an agenda for any meeting and any accompanying particulars or statements or reports or other documents are supplied to a member of the public as required by *clause 5* or the minutes of any meeting are produced for inspection by any member of the public as required by *clause 7*, the publication thereby of any defamatory statement shall be privileged, unless the publication was made with malice.

Clause 9 provides that this Bill is to prevail over the provisions of any other enactment (which by *clause 2* includes the bylaws, standing orders, or rules of procedure of a public body).

Hon. Mr Götz

PUBLIC BODIES MEETINGS

ANALYSIS

Title	
1. Short Title and commencement	7. Right of public to inspect minutes of meeting
2. Interpretation	8. Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting
3. Admission of public to meetings of public bodies	9. This Act to prevail over other enactments
4. Right of public bodies to exclude public	Schedule
5. Provisions applying when meeting open to public	
6. Maintenance of order	

A BILL INTITULED

An Act to make provision for the admission of the public to meetings of local authorities and public bodies, and for the inspection by members of the public of the minutes of such meetings

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

1. **Short Title and commencement**—(1) This Act may be cited as the Public Bodies Meetings Act 1962.

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-three.

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

“Chairman” includes the Mayor of a borough; and also includes any person acting as the Chairman of a public body or of any committee to which subsection (3) of section 3 of this Act applies:

“Enactment” includes any bylaw, standing order, or rule of procedure of any public body:

“Meeting”, in relation to any public body, includes any annual, triennial, ordinary, special, or emergency meeting of the members of the public body that the public body is required or empowered to hold under any enactment constituting the public body or regulating its proceedings: 5

“Minutes”, in relation to any meeting of any public body, means any minutes or other record of the proceedings of any such meeting: 10

“Public body” means—

(a) Any local authority or public body of any of the classes for the time being specified in Part I of the Schedule to this Act: 15

(b) Every local authority or public body for the time being referred to in Part II of the Schedule to this Act.

(2) The Governor-General may from time to time, by Order in Council, amend the Schedule to this Act by including therein the name of any class of local authorities or public bodies or the name of any specified local authority or public body. 20

3. Admission of public to meetings of public bodies—

(1) Except as is otherwise provided by this Act, every meeting of a public body shall be open to the public. 25

(2) For the purposes of this Act, where by resolution a public body goes into committee, the proceedings in committee shall be deemed to form part of the proceedings of a meeting of the public body. 30

(3) Where any committee (including a joint committee) of a public body consists of or includes all the members of the public body, a meeting of that committee shall for the purposes of this Act be deemed to be a meeting of the public body. 35

4. Right of public bodies to exclude public—(1) A public body may by resolution or, where the public body is sitting in any committee to which subsection (2) or subsection (3) of section 3 of this Act applies, upon motion being made, exclude the public from any meeting (whether during the whole or part of the proceedings of the meeting), where in its opinion— 40

- (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
- 5 (b) Publicity would be likely to cause unnecessary personal embarrassment to or unnecessarily damage the personal reputation of any person.
- (2) Any resolution or motion excluding the public from any meeting shall state the matters to be considered while the public is excluded and the reason for the passing or making of that resolution or motion.
- 10 (3) For the purposes of paragraph (a) of subsection (1) of this section, but without restricting the provisions of that
- 15 paragraph, a public body may treat the need to receive or consider recommendations or advice from sources other than members, committees, or subcommittees of the public body as a special reason why publication would be prejudicial to the public interest, without regard to the subject or purport
- 20 of the recommendations or advice.

5. Provisions applying when meeting open to public—

Where a meeting of a public body is required by this Act to be open to the public during the proceedings or any part of them, the following provisions shall apply:

- 25 (a) For the purposes of this Act, duly accredited representatives of any newspaper shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any newspaper:
- 30 (b) Where copies of the agenda for the meeting are reproduced by typewriting or by other means for use by members of the public body at the meeting, the chief executive officer of the public body shall
- 35 cause such additional copies of the agenda to be reproduced as may in his opinion be necessary to permit a reasonable supply thereof at the meeting for members of the public who attend the meeting:
- 40 (c) Copies of the agenda supplied for members of the public as provided in paragraph (b) of this section shall include such further statements or particulars, if any, as are necessary to indicate the nature of any item included in the agenda and, if

thought fit in the case of any item, copies of any reports or other documents supplied to members of the public body in connection with the item:

Provided that any such copy of the agenda may, if thought fit, exclude any item referring to any matter to be considered by the public body when the meeting is not likely to be open to the public: 5

(d) Subject to the provisions of sections 4 and 6 of this Act, a public body shall not have power to exclude any member of the public from the meeting. 10

6. Maintenance of order—The Chairman of any public body may request any member of the Police or any officer of the public body to exclude or remove any member of the public from any meeting on account of noisy or disorderly conduct, intoxication, or other misbehaviour. 15

7. Right of public to inspect minutes of meeting—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 thereof that was required to be open to the public under the provisions of this Act, and may take notes therefrom: 20

Provided that the public body or any officer of the public body may take such precautions as are deemed necessary to ensure that, in so inspecting the minutes of a meeting, no member of the public shall inspect or sight the minutes of a meeting or part of a meeting that was not open to the public. 25

8. Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting—Where a meeting of any public body is required by this Act to be open to the public during the proceedings or any part of them, and— 30

(a) There is supplied to a member of the public attending the meeting any such copy of the agenda as is mentioned in paragraph (b) of section 5 of this Act, 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 35

(b) The minutes of any such meeting or part thereof that was open to the public are produced for inspection by any member of the public under section 7 of this Act,—

5 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.

10 **9. This Act to prevail over other enactments**—Any provisions in any enactment in relation to attendance by the public at any meeting of any public body or at any meeting of any committee of any public body, or in relation to inspection of the minutes of any such meeting, shall be read
15 subject to the provisions of this Act:

Provided that, where any public body is a Metropolitan Authority under the Transport Act 1949, nothing in this Act shall derogate from the provisions of section 101 of that Act.

Section 2 (1)

SCHEDULE

PUBLIC BODIES TO WHICH THIS ACT APPLIES

Part I—Classes of Public Bodies

Class of Public Bodies	Enactment Under Which Constituted
Approved organisations under the Hydatids Act 1959	1959, No. 93—The Hydatids Act 1959.
Borough Councils	1954, No. 76—The Municipal Corporations Act 1954. (1957 Reprint, Vol. 10, p. 377.)
Catchment Boards } Catchment Commissions }	1941, No. 12—The Soil Conservation and Rivers Control Act 1941. (1957 Reprint, Vol. 14, p. 637.)
City Councils	1954, No. 76—The Municipal Corporations Act 1954. (1957 Reprint, Vol. 10, p. 377.)
Combined school controlling authorities	1924, No. 50—The Education Amendment Act 1924. (1931 Reprint, Vol. 2, p. 1011.)
County Councils } County Town Committees }	1956, No. 64—The Counties Act 1956. (1957 Reprint, Vol. 3, p. 1.)
District Licensing Trusts	1949, No. 43—The Licensing Trusts Act 1949. (1957 Reprint, Vol. 8, p. 289.)
District Milk Boards	1944, No. 30—The Milk Act 1944. (1957 Reprint, Vol. 9, p. 757.)
Domain Boards (in cases where a local authority has been appointed a Domain Board under section 47 of the Reserves and Domains Act 1953)	1953, No. 69—The Reserves and Domains Act 1953. (1957 Reprint, Vol. 13, p. 323.)
Drainage Boards	1908, No. 96—The Land Drainage Act 1908. (1957 Reprint, Vol. 7, p. 471.)
Education Boards	1914, No. 56—The Education Act 1914. (1931 Reprint, Vol. 2, p. 1007.)
Electric Power Boards	1925, No. 38—The Electric Power Boards Act 1925. (1957 Reprint, Vol. 4, p. 441.)
Fire Boards } Fire Brigade Committees } Fire Committees	1949, No. 18—The Fire Services Act 1949. (1957 Reprint, Vol. 5, p. 179.)
Harbour Boards	1950, No. 34—The Harbours Act 1950. (1957 Reprint, Vol. 5, p. 813.)
Hospital Boards	1957, No. 40—The Hospitals Act 1957. (1957 Reprint, Vol. 6, p. 119.)
Local Licensing Trusts	1949, No. 43—The Licensing Trusts Act 1949. (1957 Reprint, Vol. 8, p. 289.)
Metropolitan Milk Boards	1944, No. 30—The Milk Act 1944. (1957 Reprint, Vol. 9, p. 757.)

SCHEDULE—*continued*PUBLIC BODIES TO WHICH THIS ACT APPLIES—*continued**Part I—Classes of Public Bodies—continued*

Class of Public Bodies	Enactment Under Which Constituted
Nassella Tussock Boards	1946, No. 2—The Nassella Tussock Act 1946. (1957 Reprint, Vol. 10, p. 643.)
Post-Primary Schools } Councils } Post-Primary Schools } Boards of Governors }	1953, No. 70—The Education Amendment Act 1953: Section 7.
Rabbit Boards	1955, No. 28—The Rabbits Act 1955. (1957 Reprint, Vol. 13, p. 33.)
Railway Boards	1914, No. 32—The Local Railways Act 1914. (1931 Reprint, Vol. 7, p. 935.)
Regional Planning Authorities	1953, No. 91—The Town and Country Planning Act 1953. (1957 Reprint, Vol. 15, p. 683.)
River Boards	1908, No. 165—The River Boards Act 1908. (1957 Reprint, Vol. 13, p. 397.)
Road Boards	1956, No. 64—The Counties Act 1956. (1957 Reprint, Vol. 3, p. 1.)
Secondary schools governing bodies	1914, No. 56—The Education Act 1914 (1931 Reprint, Vol. 2, p. 1007) and, in the case of the secondary schools named in the Ninth Schedule to that Act, the several Acts constituting those schools.
Technical schools governing bodies or Boards of Managers	1914, No. 56—The Education Act 1914. (1931 Reprint, Vol. 2, p. 1007.)
Town Councils	1954, No. 76—The Municipal Corporations Act 1954. (1957 Reprint, Vol. 10, p. 377.)
Underground Water Authorities	1953, No. 56—The Underground Water Act 1953. (1957 Reprint, Vol. 16, p. 295.)
Urban Fire Authorities	1949, No. 18—The Fire Services Act 1949. (1957 Reprint, Vol. 5, p. 179.)

Part II—Particular Public Bodies

Name of Public Body	Enactment by Which Constituted
The Auckland Centennial Memorial Park Board	1941, No. 7 (Local)—The Auckland Centennial Memorial Park Act 1941.
The Auckland Electric Power Board	1921, No. 17 (Local)—The Auckland Electric Power Board Act 1921.

SCHEDULE—*continued*PUBLIC BODIES TO WHICH THIS ACT APPLIES—*continued**Part II—Particular Public Bodies—continued*

Name of Public Body	Enactment by Which Constituted
The Auckland Harbour Bridge Authority	1950, No. 101—The Auckland Harbour Bridge Act 1950.
The Auckland Metropolitan Drainage Board	1944, No. 8 (Local)—The Auckland Metropolitan Drainage Act 1944.
The Auckland Transport Board	1928, No. 44—The Auckland Transport Board Act 1928.
The Canterbury Museum Trust Board	1947, No. 3 (Local)—The Canterbury Museum Trust Board Act 1947.
The Christchurch Drainage Board	1951, No. 21 (Local)—The Christchurch District Drainage Act 1951.
The Christchurch-Lyttelton Road Tunnel Authority	1956, No. 16—The Christchurch-Lyttelton Road Tunnel Act 1956.
The Christchurch Transport Board	1920, No. 15 (Local)—The Christchurch Tramway District Act 1920.
The Council of the University of Auckland	1961, No. 50—The University of Auckland Act 1961.
The Council of the University of Canterbury	1961, No. 49—The University of Canterbury Act 1961.
The Council of the University of Otago	1961, No. 48—The University of Otago Act 1961.
The Council of the Victoria University of Wellington	1961, No. 51—The Victoria University of Wellington Act 1961.
The Dunedin Drainage and Sewerage Board	1900, No. 25 (Local)—The Dunedin District Drainage and Sewerage Act 1900.
The Greytown Trust Lands Trustees	1956, No. 5 (Local)—The Greytown Trust Lands Act 1956.
The Hawke's Bay Crematorium Board	1944, No. 7 (Local)—The Hawke's Bay Crematorium Act 1944.
The Hutt Valley Drainage Board	1948, No. 11 (Local)—The Hutt Valley Drainage Act 1948.
The Invercargill Licensing Trust	1950, No. 33—The Invercargill Licensing Trust Act 1950.
The Lincoln College Council	1961, No. 52—The Lincoln College Act 1961.
The Massey College Council	1961, No. 53—The Massey College Act 1961.
The Masterton Licensing Trust	1947, No. 35—The Masterton Licensing Trust Act 1947.
The Masterton Trust Lands Trustees	1950, No. 5 (Local)—The Masterton Trust Lands Act 1950.
The Napier Airport Board	1935, No. 12 (Local)—The Napier Airport Act 1935.
The North Shore Drainage Board	1951, No. 19 (Local)—The North Shore Drainage Act 1951.

SCHEDULE—*continued*PUBLIC BODIES TO WHICH THIS ACT APPLIES—*continued**Part II—Particular Public Bodies—continued*

Name of Public Body	Enactment by Which Constituted
The Otago Museum Trust Board	1955, No. 6 (Local)—The Otago Museum Trust Board Act 1955.
The Riccarton Bush Trustees	1914, No. 15 (Local)—The Riccarton Bush Act 1914.
The Selwyn Plantation Board	1953, No. 96—The Selwyn Plantation Board Act 1953.
The Waikato Airport Board	1939, No. 12 (Local)—The Waikato Airport Act 1939.
The Waikato Valley Authority	1956, No. 104—The Waikato Valley Authority Act 1956.
The Waimakariri-Ashley Water Supply Board	1961, No. 131—The Counties Amendment Act 1961.
The Wellington City and Suburban Water Supply Board	1927, No. 24 (Local)—The Wellington City and Suburban Water Supply Act 1927.
The Whangarei Airport Board	1937, No. 10 (Local)—The Whangarei Airport Act 1937.