

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 14 December 1982

OFFICIAL INFORMATION BILL

Proposed Amendments

HON. MR McLAY, in Committee, to move the following amendments:

Title: To omit from lines 3 to 7 on page 2 the words “give individuals proper access to official information relating to them, to protect official information to the extent required by the public interest and the need to preserve the privacy of the individual”, and substitute the words “provide for proper access by each person to official information relating to that person, to protect official information to the extent consistent with the public interest and the preservation of personal privacy”.

Clause 6B: To omit from line 33 on page 11 the word “purposes”, and substitute the word “purpose”.

To insert in line 14 on page 12, after the expression “section 6”, the expression “section 6A”.

Clause 7: To omit from line 24 on page 13 the word “purposes”, and substitute the word “purpose”.

To insert in line 29 on page 13, after the expression “6B (1)”, the expression “8”.

To omit from subclause (2) (b) the words “or by or on behalf of the Crown or of any Department or organisation” in the first place where they appear (lines 36 and 37 on page 13).

To insert in line 38 on page 14, after the word “organisation”, the words “or any subsidiary of any organisation”.

Clause 18: To omit from line 13 on page 22 the expression “1984”, and substitute the expression “1985”.

Clause 19: To omit this clause, and substitute the following clause:

19. Right of access to certain official information—(1)
Every person has a right to and shall, on request made under this subsection, be given access to the latest edition of the publication published under section 18 of this Act and to any published supplementary material bringing that edition up-to-date.

- (2) Every person, being—
- (a) A New Zealand citizen; or
 - (b) A permanent resident of New Zealand; or
 - (c) A body corporate which is incorporated 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.

(3) The giving of access to any official information to which subsection (2) of this section applies shall be subject to the provisions of any regulations made under this Act.

Clause 20: To omit from lines 3 and 4 on page 24 the expression “6A, 6B (1), and 7 (a) and (b)”, and substitute the expression “sections 6A, 6B (1), 7 (a) and (b), and 8”.

Clause 21: To insert in line 5 on page 26, after the word “decision”, the words “or recommendation”.

Clause 22: To omit from line 16 on page 27 the words “, without charge”, and substitute the words “(in the case of a natural person, without charge)”.

Clause 25: To insert in line 18 on page 31, after the words “the case of a”, the word “natural”.

Clause 46A: To insert, after *clause 46*, the following clause:

46A. Power to amend First Schedule by Order in Council—(1) Where any organisation named in the First Schedule to this Act is abolished, or its name is altered, the Governor-General may, by Order in Council, make such amendments to that Schedule as may be necessary to give effect to the abolition or alteration.

(2) Every Order in Council made under subsection (1) of this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

Clause 49A: To insert, after paragraph (a), the following paragraph:

- (ab) Section 9 (1) (a) of this Act shall be amended by omitting the words “or the Authority”; and

Clause 55c: To omit from line 10 on page 64 the expression “subsection (1) (c)”, and substitute the expression “subsection (2) (c)”.

Clause 65: To omit from line 32 on page 70 the word “will”.

First Schedule: To omit the word “Radiological”, and substitute the words “Radiation Protection”.

Third Schedule: To omit from page 89 the proposed amendment to section 28 of the Securities Act 1978, and substitute the following amendment:

By repealing subsection (5) of section 28 (as substituted by section 10 of the Securities Amendment Act 1982), and substituting the following subsection:

“(5) Nothing in subsections (1) to (4) of this section applies in respect of proceedings for—

“(a) An offence against section 78 or section 78A (1) or section 105 or section 105A of the Crimes Act 1961 or section 32 (d) of this Act; or

“(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 section 32 (d) of this Act; or

“(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 or section 32 (d) of this Act.”

EXPLANATORY NOTE

The amendments proposed in this Supplementary Order Paper, except the new *clause 19*, the proposed amendment to *clause 22*, and the new *clause 46A*, are of a tidying-up nature.

Subclause (2) of the new *clause 19* provides that the right of access conferred by that subclause is conferred only on a person who is—

- (a) A New Zealand citizen; or
- (b) A permanent resident of New Zealand; or
- (c) A body corporate which is incorporated in New Zealand.

The effect of the proposed amendment to *clause 22* is that only natural persons will be entitled to be given access to personal information about them without charge. Bodies corporate may be required, under *clause 13* (as applied by *clause 22 (3)*), to pay a reasonable charge.

The proposed new *clause 46A* gives power to amend the First Schedule by Order in Council. The power conferred by the new clause was agreed to in principle by the Committee on the Bill.
