



PRIVACY (SECOND SCHEDULE) ORDER 1998

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 19th day of October 1998

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 65 of the Privacy Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the advice of the Minister of Justice given after consultation by the Minister with the Privacy Commissioner, makes the following order.

ANALYSIS

- | | | |
|---------------------------|--|----------------------------------|
| 1. Title and commencement | | 2. Amendments to Second Schedule |
|---------------------------|--|----------------------------------|
-

ORDER

1. Title and commencement—(1) This order may be cited as the Privacy (Second Schedule) Order 1998.

(2) This order comes into force on 19 November 1998.

2. Amendments to Second Schedule—(1) The Second Schedule of the Privacy Act 1993 is amended by inserting in Part I, after the item relating to the Incorporated Societies Act 1908, the following items:

“Occupational Therapy Act 1949	section 9
Physiotherapy Act 1949	section 9
Dietitians Act 1950	section 9”.

(2) The Second Schedule of the Privacy Act 1993 is amended by inserting in Part I, after the item relating to the Electoral Act 1993, the following items:

“Land Transfer Regulations 1966	Regulation 5
Medical Auxiliaries Act 1966	section 19”.

(3) The Second Schedule of the Privacy Act 1993 is amended by inserting in Part I, after the item relating to the Insolvency Act 1967, the following item:

“Pharmacy Act 1970	section 17”.
--------------------	--------------

(4) The Second Schedule of the Privacy Act 1993 is amended by inserting in Part I, after the item relating to the Local Elections and Polls Act 1976, the following items:

“Optometrists and Dispensing Opticians Act 1976	section 14
Plumbers, Gasfitters, and Drainlayers Act 1976	section 20
Nurses Act 1977	section 16
Securities Act 1978	section 51
Psychologists Act 1981	section 12
Chiropractors Act 1982	section 12”.

(5) The Second Schedule of the Privacy Act 1993 is amended by inserting in Part I, after the item relating to the Transport (Vehicle and Driver Registration and Licensing) Act 1986, the following item:

“Dental Act 1988	section 27”.
------------------	--------------

(6) The Second Schedule of the Privacy Act 1993 is amended by inserting in Part I, after the item relating to the Companies Act 1993, the following item:

“Medical Practitioners Act 1995	section 37”.
---------------------------------	--------------

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order amends Part I of the Second Schedule of the Privacy Act 1993 by inserting 14 items. The provisions listed in Part I of the Second Schedule of the Privacy Act 1993 are those under which various registers are maintained. By listing them in the Second Schedule they become public registers for the purpose of the Privacy Act 1993.

Twelve of the items added are provisions establishing registers maintained under various health occupational licensing statutes. As a result of adding these items, the occupational registers maintained under the provisions become public registers. The provisions are:

- 1) The Chiropractors Act 1982, section 12
- 2) The Dental Act 1988, section 27
- 3) The Dietitians Act 1950, section 9
- 4) The Medical Auxiliaries Act 1966, section 19
- 5) The Medical Practitioners Act 1995, section 37
- 6) The Nurses Act 1977, section 16
- 7) The Occupational Therapy Act 1949, section 9
- 8) The Optometrists and Dispensing Opticians Act 1976, section 14
- 9) The Pharmacy Act 1970, section 17
- 10) The Physiotherapy Act 1949, section 9
- 11) The Plumbers, Gasfitters, and Drainlayers Act 1976, section 20
- 12) The Psychologists Act 1981, section 12.

The other two items added to the Schedule are regulation 5 of the Land Transfer Regulations 1966 and section 51 of the Securities Act 1978.

Regulation 5 of the Land Transfer Regulations 1966 relates to the index and journals to the land registers and the application book. The land registers themselves, which are maintained under sections 33 and 50 of the Land Transfer Act 1952, are already public registers. The order makes clear that the index and journals are also maintained pursuant to public register provisions.

Section 51 of the Securities Act 1978 requires issuers to keep registers of securities. Including section 51 in the Second Schedule of the Privacy Act 1993 will mean that issuers' registers become public registers, bringing them into line with related statutory registers such as those maintained under the Companies Act 1993.

This order comes into force on 19 November 1998.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 22 October 1998.

This order is administered in the Ministry of Justice.