Ombudsmen Amendment Act (No 2) 1982

Public Act 1982 No 164
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Contents

		Page
	Title	1
1	Short Title and commencement	1
2	House of Representatives may make rules for guidance of Ombudsmen	2
3	Evidence	2
4	Ombudsmen and staff to maintain secrecy	2
5	Proceedings privileged	2
6	Annual report	3
7	Departments and organisations	3

An Act to amend the Ombudsmen Act 1975

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 Ombudsmen Amendment Act (No. 2) 1982, and shall be read together with and deemed part of the Ombudsmen Act 1975 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1983.

2 House of Representatives may make rules for guidance of Ombudsmen

(1) Section 15(1) of the principal Act is hereby amended by inserting, after the word "functions", the words "under this Act or under the Official Information Act 1982".

(2) Section 15(2) of the principal Act is hereby amended by inserting, after the words "functions under this Act", the words "or under the Official Information Act 1982".

3 Evidence

(1) Section 19(3) of the principal Act is hereby amended by omitting the words "Official Secrets Act 1951", and substituting the words "Official Information Act 1982."

(2) Section 19(7) of the principal Act is hereby amended by omitting the words "the Official Secrets Act 1951 or".

4 Ombudsmen and staff to maintain secrecy

Section 21(1) of the principal Act is hereby amended by omitting the words "Official Secrets Act 1951 to be persons holding office under Her Majesty", and substituting the words "sections 105 and 105a of the Crimes Act 1961 to be officials".

5 Proceedings privileged

The principal Act is hereby amended by repealing section 26, and substituting the following section:

"26

"(1) Subject to subsection (2) of this section,—

"(a) No proceedings, civil or criminal, shall lie against any Ombudsman, or against any person holding any office or appointment under the Chief Ombudsman, for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act or the Official Information Act 1982, unless it is shown that he acted in bad faith:

"(b) No Ombudsman, and no such person as aforesaid, shall be called to give evidence in any Court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions under this Act or the Official Information Act 1982.

"(2) Nothing in subsection (1) 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

"(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

"(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.

"(3) Anything said or any information supplied or any document, paper, or thing produced by any person in the course of any inquiry by or proceedings before an Ombudsman under this Act or the Official Information Act 1982 shall be privileged in the same manner as if the inquiry or proceedings were proceedings in a Court.

"(4) For the purposes of clause 5 of the First Schedule to the Defamation Act 1954, any report made by an Ombudsman under this Act or under the Official Information Act 1982 shall be deemed to be an official report made by a person holding an inquiry under the authority of the legislature of New Zealand."

6 Annual report

Section 29 of the principal Act is hereby amended by adding the words "and the Official Information Act 1982".

7 Departments and organisations

(1) Part I of the First Schedule to the principal Act is hereby amended by inserting, after the item relating to the Export Guarantee Office, the following items:

"The Export Guarantee General Manager.

"The Government Insurance Commissioner."

(2) Part II of the First Schedule to the principal Act is hereby amended by repealing the item relating to the Pest Destruction Council, and substituting, in its appropriate alphabetical order, the following item:

"The Agricultural Pests Destruction Council".

This Act is administered in the Department of Justice.