

Official Information (Parliamentary Under-Secretaries) Amendment Bill

Member's Bill

As reported from the Government Administration Committee

Commentary

Recommendation

The Government Administration Committee has examined the Official Information (Parliamentary Under-Secretaries) Amendment Bill. The committee unanimously agrees that the bill should be passed. We recommend that the amendment set out be incorporated.

Introduction

The bill seeks to amend the definition of Minister of the Crown in the Official Information Act 1982 to include Parliamentary Under-Secretaries. This would mean that Parliamentary Under-Secretaries, where that role relates to official information held by them in their official capacity, would be subject to obligations set out in the Official Information Act.

Definition of Minister of the Crown

We recommend amending clause 4 to simplify the proposed definition of “Minister of the Crown”. This amendment would not change the policy intent of the bill.

We recommend removing reference to “Associate Minister” from the bill as introduced. We believe including this reference could cast doubt over whether other types of ministers are subject to the Official Information Act. In practice, all types of minister (e.g. Prime Minister, Associate Minister, Acting Minister, Minister outside Cabinet) are subject to the same rules as ministers. It is the bill’s intent that this would continue.

Subsequently, we recommend replacing “means” with “includes”, to make the definition of “Minister” inclusive of Parliamentary Under-Secretaries.

Appendix

Committee process

The Official Information (Parliamentary Under-Secretaries) Amendment Bill was referred to the committee on 14 October 2015. The closing date for submissions was 10 December 2015. We received and considered five submissions from interested groups and individuals. We heard in person from two submitters.

We received advice from the Ministry of Justice.

Committee membership

Hon Ruth Dyson (chairperson)

Kris Faafoi

Paul Foster-Bell

Brett Hudson

Mojo Mathers

Mark Mitchell

Adrian Rurawhe replaced Kris Faafoi for this item of business

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Adrian Rurawhe

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Official Information (Parliamentary Under-Secretaries) Amendment Act **2015**.

2 Commencement

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This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Official Information Act 1982 (the **principal Act**).

4 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

Minister of the Crown ~~means~~ includes a ~~Minister, Associate Minister, or Parliamentary Under-Secretary~~

Legislative history

23 July 2015
14 October 2015

Introduction (Bill 50–1)
First reading and referral to Government Administration
Committee