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| Request for draft amendments to the Terrorism (Bombings and Financing) Bill |
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| Legislation Official Information Act, s 18(c)(ii) Agency Minister of Foreign Affairs and TradeOmbudsman Sir Brian ElwoodCase number(s) 165413Date 17 May 2002 |

*Section 18(c)(ii) OIA did not apply—once a select committee has reported back to the House all proceedings of that committee, oral and written, can be referred to and used without any confidentiality restrictions stemming from parliamentary privilege*

A requester sought a copy of proposed amendments to the Terrorism (Bombings and Financing) Bill (the Bill) that the Minister of Foreign Affairs and Trade had referred to in a media statement.

The information at issue was a draft Parliamentary Counsel Office parliamentary slip containing proposed amendments to the definition of a *‘terrorist act’.* The Minister said he could not release it as it was legal advice to the select committee.

Section 18(c)(ii) of the OIA provides that a request can be refused if the making available of the information would constitute contempt of the House of Representatives.

The Chief Ombudsman consulted the Clerk of the House of Representatives.

The Clerk noted that the Bill was reported back to the House on 22 March 2002, and no evidence was received by the committee as secret evidence. Consequently, from 22 March 2002, all proceedings of the committee, oral and written, on the Bill could be referred to and used without any confidentiality restrictions stemming from parliamentary privilege. In his view, section 18(c)(ii) could not apply in respect of any material received by the committee in its examination of the Bill.

The Clerk also noted that all submissions and written advice received on a Bill are deposited in the Parliamentary Library, and he would have no grounds to refuse access to that material. While practice has been to retain only the first and final versions of amendments drafted for the committee, if other versions existed, and were retained, they would be provided to an enquirer as a matter of course.

In light of the clarification provided by the Clerk, the Minister decided to release the information.

*This case note is published under the authority of the* [*Ombudsmen Rules 1989*](http://legislation.govt.nz/regulation/public/1989/0064/latest/DLM129834.html?src=qs)*. It sets out an Ombudsman’s view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.*