



Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2011

Anand Satyanand, Governor-General

Order in Council

At Wellington this 8th day of March 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 6 of the Canterbury Earthquake Response and Recovery Act 2010, His Excellency the Governor-General makes the following order acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister made in accordance with section 6(2) of that Act.

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Order

1 Title

This order is the Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2011.

2 Commencement

This order is deemed to have come into force on 5 March 2011.

3 Expiry

This order expires on the close of 31 March 2012.

4 Interpretation

- (1) In this order, unless the context otherwise requires,—

Act means the Local Government Official Information and Meetings Act 1987

readily available, in relation to information, means—

- (a) physically accessible; and
- (b) organised or stored in a way that makes the information accessible in a timely manner.

- (2) The modifications or extensions to the Act made by this order do not affect the text of the Act but require it to be read as if it had been amended in the manner indicated in this order.

5 Territorial authorities to which this order applies

This order applies only to—

- (a) Christchurch City Council during the period beginning on 5 March 2011 and ending on the close of 31 March 2012;
- (b) Selwyn District Council during the period beginning on 5 March 2011 and ending on the close of 5 June 2011;
- (c) Waimakariri District Council during the period beginning on 5 March 2011 and ending on the close of 5 June 2011.

6 Modification of requirements for land information memorandum under section 44A of Act

- (1) If an application has, before 5 March 2011, been made to Christchurch City Council for a land information memorandum and the land information memorandum has not been issued to the applicant before 5 March 2011, the 10-working-day period specified in section 44A(1) of the Act begins on 5 March 2011.
- (2) Christchurch City Council is exempted from the requirements of section 44A(2) of the Act until the close of 31 March 2012, and Selwyn District Council and Waimakariri District Council are exempted from the requirements of section 44A(2) of the Act until the close of 5 June 2011.
- (3) While the exemption provided in subclause (2) applies, Christchurch City Council, Selwyn District Council, and Waimakariri District Council must, instead of complying with section 44A(2) of the Act, include in a land information memorandum—
 - (a) any of the information described in section 44A(2) as is readily available to the council and in a form suitable for inclusion in the land information memorandum; and
 - (b) a statement to the effect that the authority to issue an incomplete land information memorandum is provided by this order.
- (4) The statement must also specify,—
 - (a) in a land information memorandum issued by Christchurch City Council, that the council holds other information but that it is not readily available as a direct result of the Canterbury earthquake; and
 - (b) in a land information memorandum issued by Christchurch City Council or Selwyn District Council or Waimakariri District Council, that, as a consequence of the Canterbury earthquake, there is new information that the council cannot provide because the information is not readily available or in a form suitable for inclusion in the land information memorandum.
- (5) Despite subclause (3)(b), a land information memorandum issued before 5 March 2011 need not include the statement described in subclause (3)(b).

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- (6) Section 44A(5) and (6) of the Act apply to information included in a land information memorandum issued under this clause as if a reference to subsection (2) of that section were a reference to subclause (3) of this clause.

Rebecca Kitteridge,
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 in Council, which is deemed to have come into force on 5 March 2011 and expires on the close of 31 March 2012, applies to Christchurch City Council during the period beginning on 5 March 2011 and ending on the close of 31 March 2012, and Selwyn District Council and Waimakariri District Council during the period beginning on 5 March 2011 and ending on the close of 5 June 2011. The order—

- modifies the application of section 44A(1) of the Local Government Official Information and Meetings Act 1987 in relation to Christchurch City Council so that the 10-working-day period that the council has to process specified applications for a land information memorandum (**LIM**) commences on 5 March 2011 instead of the date on which the application is made. The applications are those made to Christchurch City Council if the land information memorandum has not been issued before 5 March 2011;
- exempts the 3 councils from the requirements of section 44A(2) of the Local Government Official Information and Meetings Act 1987 until the close of 31 March 2012 in the case of Christchurch City Council, and until the close of 5 June 2011 in the cases of Selwyn District Council and Waimakariri District Council. Section 44A(2) specifies the information that a council must include in a LIM:

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Explanatory note

- requires a council to include in a LIM such of the information described in section 44A(2) of the Local Government Official Information and Meetings Act 1987 as is readily available to it and in a form that is suitable for inclusion. **Readily available**, in relation to information, is defined to mean information that is physically accessible and organised or stored in a way that makes the information accessible in a timely manner:
- requires a council to include in a LIM a statement that this order is the authority for the council to issue an incomplete LIM and that specifies,—
 - in relation to a LIM issued by Christchurch City Council, that the council holds other information but that it is not readily available because of the Canterbury earthquake:
 - in relation to a LIM issued by Christchurch City Council, Selwyn District Council, or Waimakariri District Council, that, because of the Canterbury earthquake, there is new information that cannot be provided because the information is not readily available or in a form suitable for inclusion in the LIM.

A LIM need not include the statement if it was issued before 5 March 2011.

This Order in Council is made under the Canterbury Earthquake Response and Recovery Act 2010 and its effect is temporary.

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

Date of notification in *Gazette*: 10 March 2011.

This order is administered by the Department of Internal Affairs.
