

**Reprint  
as at 1 November 2020**



## **Local Government Official Information and Meetings Act 1987**

Public Act      1987 No 174  
Date of assent      17 July 1987  
Commencement      see section 1(2)

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Department of Internal Affairs.**

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**An Act to make official information held by local authorities more freely available, to provide for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of those purposes**

**1 Short Title and commencement**

- (1) This Act may be cited as the Local Government Official Information and Meetings Act 1987.
- (2) This Act shall come into force on 1 March 1988.

## 2 Interpretation

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

**department** means a government department named in Part 1 of Schedule 1 of the Ombudsmen Act 1975 (other than the Parliamentary Counsel Office)

**document** means a document in any form, and includes—

- (a) any writing on any material:
- (b) any information recorded or stored by means of any tape recorder, computer, or other device; and any material subsequently derived from information so recorded or stored:
- (c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:
- (d) any book, map, plan, graph, or drawing:
- (e) any photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced

**enactment**—

- (a) means any provision of—
  - (i) any Act of Parliament; or
  - (ii) any legislative instrument within the meaning of the Legislation Act 2012 made by Order in Council; and
- (b) in relation to section 54, includes any bylaw, standing order, or rule of procedure of any local authority

**Internet site**, in relation to a particular local authority, means an Internet site that is maintained by, or on behalf of, the local authority and to which the public has free access

**local authority**—

- (a) for the purposes of Parts 1 to 6, means those local authorities and public bodies named or specified in Schedule 1; and
- (b) for the purposes of Parts 7 and 8, means those local authorities and public bodies named or specified in Schedule 1 or Schedule 2,—

and, in both cases, includes—

- (c) any committee or subcommittee or standing committee or special committee or joint standing committee or joint special committee which the local authority is empowered to appoint under its standing orders or rules of procedure or under any enactment or Order in Council constituting the local authority or regulating its proceedings; and
- (d) a committee of the whole local authority

**member**, in relation to a local authority, means any person elected or appointed to that local authority or to any committee or subcommittee of that local authority, and includes the presiding member of that local authority or of any committee or subcommittee of that local authority

**official information**—

- (a) means any information held by a local authority; but
- (b) does not include—
  - (i) information contained in library or museum material made or acquired and preserved solely for reference or exhibition purposes; or
  - (ii) information which is held by a local authority solely as an agent or for the sole purpose of safe custody and which is so held on behalf of a person other than a local authority; or
  - (iii) information contained in any correspondence or communication that has taken place between the office of the Ombudsmen and any local authority and that relates to an investigation conducted by an Ombudsman under this Act or under the Ombudsmen Act 1975, other than information that came into existence before the commencement of that investigation; and
- (c) does not include information contained in any correspondence or communication that has taken place between the office of the Privacy Commissioner and any local authority and that relates to any investigation conducted by the Privacy Commissioner under the Privacy Act 1993, other than information that came into existence before the commencement of that investigation

**Ombudsmen** means the Ombudsmen holding office under the Ombudsmen Act 1975

**organisation** means—

- (a) an organisation named in Part 2 of Schedule 1 of the Ombudsmen Act 1975 (other than the Parliamentary Service Commission);
- (b) an organisation named in Schedule 1 of the Official Information Act 1982

**person** includes a corporation sole, and also a body of persons, whether corporate or unincorporate

**personal information** means any official information held about an identifiable person

**prescribed amount**, in relation to any document or copy of any document provided pursuant to this Act, means the amount determined in accordance with regulations made under this Act

**presiding member** means the Chairman or presiding member of a local authority; and includes the Mayor of a borough; and also includes any person acting as the Chairman or presiding member of a local authority or of any committee or subcommittee of a local authority

**publicly notified** means made known by means of a notice that—

- (a) is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site; and
- (b) is published in at least—
  - (i) 1 daily newspaper circulating in the region or district of the local authority; or
  - (ii) 1 or more other newspapers that have a combined circulation in that region or district at least equivalent to that of a daily newspaper circulating in that region or district

**statutory officer** means a person—

- (a) holding or performing the duties of an office established by an enactment; or
- (b) performing duties expressly conferred on that person by virtue of that person's office by an enactment

**working day** means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
- (ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (b) the day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) a day in the period commencing with 20 December in any year and ending with 10 January in the following year.

(2) *[Repealed]*

(3) Subject to subsection (4), information that is held by an officer or employee or member of a local authority in that person's capacity as such an officer or employee or member or in that person's capacity as a statutory officer shall be deemed to be held by the local authority of which that person is an officer or employee or member.

(4) Nothing in subsection (3) applies in respect of any information that any officer or employee or member of a local authority would not hold but for that person's membership of, or connection with, a body other than a local authority, except where that membership or connection is in that person's capacity as such an officer or employee or member of that local authority or as a statutory officer.

- (5) *[Repealed]*
- (6) Any information held by an independent contractor engaged by any local authority in his or her capacity as an independent contractor is, for the purposes of this Act, deemed to be held by the local authority.
- Section 2(1) **enactment** paragraph (a)(ii): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).
- Section 2(1) **Internet site**: inserted, on 21 March 2019, by section 29(1) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).
- Section 2(1) **official information** paragraph (b): amended, on 1 July 1993, by section 2(1) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).
- Section 2(1) **official information** paragraph (c): added, on 1 July 1993, by section 2(2) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).
- Section 2(1) **publicly notified**: replaced, on 21 March 2019, by section 29(2) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).
- Section 2(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).
- Section 2(1) **working day** paragraph (b): replaced, on 21 March 2019, by section 29(3) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).
- Section 2(1) **working day** paragraph (c): inserted, on 21 March 2019, by section 29(3) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).
- Section 2(2): repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).
- Section 2(4): substituted, on 1 July 1993, by section 2(3) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).
- Section 2(5): repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).
- Section 2(6): replaced, on 26 March 2015, by section 4 of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

## 2A Temporary definition of publicly notified as result of outbreak of COVID-19

*[Repealed]*

Section 2A: repealed, on 1 November 2020, by section 2A(4).

## 3 Act to bind the Crown

This Act binds the Crown.

## 4 Purposes

The purposes of this Act are—

- (a) to increase progressively the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order—
- (i) to enable more effective participation by the public in the actions and decisions of local authorities; and



- (ii) to promote the accountability of local authority members and officials,—  
and thereby to enhance respect for the law and to promote good local government in New Zealand:
- (b) to provide for proper access by each person to official information relating to that person:
- (c) to protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.

Compare: 1982 No 156 s 4

Section 4(a): amended, on 26 March 2015, by section 5 of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

## **Part 1**

### **Access to local authority information**

#### **5 Principle of availability**

The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.

Compare: 1982 No 156 s 5

#### **6 Conclusive reasons for withholding official information**

Good reason for withholding official information exists, for the purpose of section 5, if the making available of that information would be likely—

- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (b) to endanger the safety of any person.

Compare: 1982 No 156 s 6(c), (d); 1987 No 8 s 3

#### **7 Other reasons for withholding official information**

- (1) Where this section applies, good reason for withholding official information exists, for the purpose of section 5, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
- (2) Subject to sections 6, 8, and 17, this section applies if, and only if, the withholding of the information is necessary to—
  - (a) protect the privacy of natural persons, including that of deceased natural persons; or

- (b) protect information where the making available of the information—
  - (i) would disclose a trade secret; or
  - (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
- (ba) in the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or
- (c) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
  - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
  - (ii) would be likely otherwise to damage the public interest; or
- (d) avoid prejudice to measures protecting the health or safety of members of the public; or
- (e) avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) maintain the effective conduct of public affairs through—
  - (i) the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty; or
  - (ii) the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (g) maintain legal professional privilege; or
- (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) prevent the disclosure or use of official information for improper gain or improper advantage.

Compare: 1982 No 156 s 9; 1987 No 8 ss 4(2), 5

Section 7(2)(ba): inserted, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

## **8 Information concerning existence of certain information**

Where a request under this Act relates to information to which section 6 or section 7(2)(b) applies, or would, if it existed, apply, the local authority dealing with the request may, if it is satisfied that the interest protected by section 6 or section 7(2)(b) would be likely to be prejudiced by the disclosure of the existence or non-existence of such information, give notice in writing to the applicant that it neither confirms nor denies the existence or non-existence of that information.

Compare: 1982 No 156 s 10; 1987 No 8 s 4(2)

## **9 Exclusion of public interest immunity**

(1) Subject to subsection (2), the rule of law which authorises or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest shall not apply in respect of—

- (a) an investigation by or proceedings before an Ombudsman in relation to any decision under this Act; or
- (b) any application under section 8 of the Judicial Review Procedure Act 2016 for the review of any decision under this Act;—

but not so as to give any party any information that that party would not, apart from this section, be entitled to.

(2) Nothing in subsection (1) affects—

- (a) section 31; or
- (b) section 20(1) of the Ombudsmen Act 1975.

Compare: 1982 No 156 s 11

Section 9(1)(b): amended, on 1 March 2017, by section 24 of the Judicial Review Procedure Act 2016 (2016 No 50).

## **Part 2**

### **Requests for access to information held by local authorities**

#### **10 Requests**

(1) Any person may request any local authority to make available to that person any specified official information.

(1AA) A request under subsection (1)—

- (a) may be made in any form and communicated by any means (including orally); and
- (b) does not need to refer to this Act.

(1A) Notwithstanding subsection (1), a request made, on or after the date of commencement of this subsection, by or on behalf of a natural person for access to any personal information which is about that person shall be deemed to be a

request made pursuant to subclause (1)(b) of principle 6 of the Privacy Act 1993, and shall be dealt with accordingly, and nothing in this Part or in Part 5 shall apply in relation to any such request.

- (2) The official information requested shall be specified with due particularity in the request.
- (3) If the person making the request asks that that request be treated as urgent, that person shall give that person's reasons for seeking the information urgently.
- (4) A local authority to which an oral request is made under subsection (1) may, if written clarification is reasonably necessary, ask the person requesting the information to put the request in writing to clarify the request.
- (5) If the person requesting the information declines or is unable to put the oral request in writing, the local authority must record its understanding of the request, and provide a copy of the record to the person.

Compare: 1982 No 156 s 12; 1987 No 8 s 6

Section 10(1AA): inserted, on 26 March 2015, by section 6(1) of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

Section 10(1A): inserted, on 1 July 1993, by section 3 of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

Section 10(4): inserted, on 26 March 2015, by section 6(2) of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

Section 10(5): inserted, on 26 March 2015, by section 6(2) of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

## 11 Assistance

It is the duty of every local authority to give reasonable assistance to a person who—

- (a) wishes to make a request in accordance with section 10; or
- (b) in making a request under section 10, has not made that request in accordance with that section; or
- (c) has not made that person's request to the appropriate local authority or department or Minister of the Crown or organisation,—

to make a request in a manner that is in accordance with that section or to direct that person's request to the appropriate local authority or department or Minister of the Crown or organisation.

Compare: 1982 No 156 s 13

## 12 Transfer of requests

Where—

- (a) a request in accordance with section 10 is made to any local authority; and
- (b) the information, or some of the information, to which the request relates—

- (i) is not held by that local authority but is believed by the person dealing with the request to be held by another local authority or a department or Minister of the Crown or organisation; or
- (ii) is believed by the person dealing with the request to be more closely connected with the functions of another local authority or a department or Minister of the Crown or organisation,—

the chief executive of the local authority to which the request is made, or an officer or employee authorised by that chief executive, shall promptly, and in no case later than 10 working days after the day on which the request is received, transfer the request, or relevant part of the request, to the other local authority, or the appropriate department, Minister of the Crown, or organisation, and inform the person making the request accordingly.

Compare: 1982 No 156 s 14; 1987 No 8 s 7(1)

Section 12: amended, on 26 March 2015, by section 7(b) of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

Section 12: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 12(b): amended, on 26 March 2015, by section 7(a) of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

### **13 Decisions on requests**

- (1) Subject to this Act, the local authority to which a request is made in accordance with section 10, or is transferred in accordance with section 12 of this Act or section 14 of the Official Information Act 1982, shall, as soon as reasonably practicable, and in no case later than 20 working days after the day on which the request is received by that local authority,—
  - (a) decide whether the request is to be granted and, if it is to be granted, in what manner and for what charge (if any); and
  - (b) give or post to the person who made the request notice of the decision on the request.
- (1A) Subject to section 23, every local authority (including a local authority whose activities are funded in whole or in part by another person) may charge for the supply of official information under this Act.
- (2) Any charge for the supply of official information under this Act shall not exceed the prescribed amount.
- (3) Where no such amount is prescribed, any charge fixed shall be reasonable, and regard may be had to the cost of the labour and materials involved in making the information available and to any costs incurred pursuant to a request of the applicant to make the information available urgently.
- (4) The local authority may require that the whole or part of any charge be paid in advance.

- (5) Where a request in accordance with section 10 is made or transferred to a local authority, the decision on that request shall be made by the chief executive of that local authority or an officer or employee of that local authority authorised by that chief executive unless that request is transferred in accordance with section 12 to another local authority or to a department, Minister of the Crown, or organisation.
- (6) Nothing in subsection (5) prevents the chief executive of a local authority or any officer or employee of a local authority from consulting a local authority or any other person in relation to the decision that the chief executive or officer or employee proposes to make on any request made to the local authority in accordance with section 10 or transferred to the local authority in accordance with section 12 of this Act or section 14 of the Official Information Act 1982.
- (7) If a request (the **original request**) is amended or clarified after the date on which it is received, the local authority that receives the request may treat the amended or clarified request as a new request that, for the purposes of subsection (1), replaces the original request.
- (8) However, subsection (7) does not apply if—
  - (a) the original request is amended or clarified because the local authority sought an amendment to, or a clarification of, the request; and
  - (b) the local authority did not seek that amendment or clarification within 7 working days after receiving the original request.

Compare: 1982 No 156 s 15; 1987 No 8 s 8(1)

Section 13(1A): inserted, on 1 December 1989, by section 2 of the Local Government Official Information and Meetings Amendment Act (No 2) 1989 (1989 No 123).

Section 13(5): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 13(6): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 13(7): inserted, on 26 March 2015, by section 8 of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

Section 13(8): inserted, on 26 March 2015, by section 8 of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

## 14 Extension of time limits

- (1) Where a request in accordance with section 10 is made or transferred to a local authority, the chief executive of that local authority, or an officer or employee authorised by that chief executive, may extend the time limit set out in section 12 or section 13(1) in respect of the request if—
  - (a) the request is for a large quantity of official information or necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of the local authority; or

- (b) consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.
- (2) Any extension under subsection (1) shall be for a reasonable period of time having regard to the circumstances.
- (3) The extension shall be effected by giving or posting notice of the extension to the person who made the request within 20 working days after the day on which the request is received.
- (4) The notice effecting the extension shall—
  - (a) specify the period of the extension; and
  - (b) give the reasons for the extension; and
  - (c) state that the person who made the request for the official information has the right, under section 27(3), to make a complaint to an Ombudsman about the extension; and
  - (d) contain such other information as is necessary.

Compare: 1982 No 156 s 15A; 1987 No 8 s 9(1)

Section 14(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

## **15 Documents**

- (1) Where the information requested by any person is comprised in a document, that information may be made available in 1 or more of the following ways:
  - (a) by giving the person a reasonable opportunity to inspect the document; or
  - (b) by providing the person with a copy of the document; or
  - (c) in the case of a document that is an article or thing from which sounds or visual images are capable of being reproduced, by making arrangements for the person to hear or view those sounds or visual images; or
  - (d) in the case of a document by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form, by providing the person with a written transcript of the words recorded or contained in the document; or
  - (e) by giving an excerpt or summary of the contents; or
  - (f) by furnishing oral information about its contents.
- (1A) Subject to subsections (2) and (3), information made available in any of the ways listed in subsection (1) may be made available in electronic form or by electronic means.
- (2) Subject to section 16, the local authority shall make the information available in the way preferred by the person requesting it unless to do so would—

- (a) impair efficient administration; or
  - (b) be contrary to any legal duty of any local authority in respect of the document; or
  - (c) prejudice the interests protected by section 6 or section 7 and (in the case of the interests protected by section 7) there is no countervailing public interest.
- (3) Where the information is not provided in the way preferred by the person requesting it, the local authority shall, subject to section 8, give to that person—
- (a) the reason for not providing the information in that way; and
  - (b) if that person so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section 6 or section 7 and (in the case of the interests protected by section 7) there is no countervailing public interest.

Compare: 1982 No 156 s 16; 1987 No 8 s 4(2)

Section 15(1A): inserted, on 26 March 2015, by section 9 of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

## **16 Deletion of information from documents**

- (1) Where the information requested is comprised in a document and there is good reason for withholding some of the information contained in that document, the other information in that document may be made available by making a copy of that document available with such deletions or alterations as are necessary.
- (2) Where a copy of a document is made available under subsection (1), the local authority shall, subject to section 8, give to the applicant—
- (a) the reason for withholding the information; and
  - (b) if the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section 6 or section 7 and (in the case of the interests protected by section 7) there is no countervailing public interest.

Compare: 1982 No 156 s 17; 1987 No 8 s 4(2)

## **17 Refusal of requests**

A request made in accordance with section 10 may be refused only for 1 or more of the following reasons, namely:

- (a) that, by virtue of section 6 or section 7, there is good reason for withholding the information:
- (b) that, by virtue of section 8, the local authority does not confirm or deny the existence or non-existence of the information requested:
- (c) that the making available of the information requested would—
  - (i) be contrary to the provisions of a specified enactment; or



- (ii) constitute contempt of court or of the House of Representatives:
- (d) that the information requested is or will soon be publicly available:
- (da) that the request is made by a defendant or person acting on behalf of a defendant and is—
  - (i) for information that could be sought by the defendant under the Criminal Disclosure Act 2008; or
  - (ii) for information that could be sought by the defendant under that Act and that has been disclosed to, or withheld from, the defendant under that Act:
- (e) that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found:
- (f) that the information requested cannot be made available without substantial collation or research:
- (g) that the information requested is not held by the local authority and the person dealing with the request has no grounds for believing that the information is either—
  - (i) held by another local authority or a department or Minister of the Crown or organisation; or
  - (ii) connected more closely with the functions of another local authority, or a department or Minister of the Crown or organisation:
- (h) that the request is frivolous or vexatious or that the information requested is trivial.

Compare: 1982 No 156 s 18; 1987 No 8 ss 4(2), 10

Section 17(da): inserted, on 29 June 2009, by section 37 of the Criminal Disclosure Act 2008 (2008 No 38).

Section 17(e): amended, on 26 March 2015, by section 10 of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

### **17A Requests involving substantial collation or research**

- (1) In deciding whether to refuse a request under section 17(f), the local authority must consider whether doing either or both of the following would enable the request to be granted:
  - (a) fixing a charge under section 13:
  - (b) extending the time limit under section 14.
- (2) For the purposes of refusing a request under section 17(f), the local authority may treat as a single request 2 or more requests from the same person—
  - (a) that are about the same subject matter or about similar subject matters; and
  - (b) that are received simultaneously or in short succession.

Section 17A: inserted, on 22 October 2003, by section 3 of the Local Government Official Information and Meetings Amendment Act 2003 (2003 No 82).

**17B Duty to consider consulting person if request likely to be refused under section 17(e) or (f)**

If a request is likely to be refused under section 17(e) or (f), the local authority must, before that request is refused, consider whether consulting with the person who made the request would assist that person to make the request in a form that would remove the reason for the refusal.

Section 17B: inserted, on 22 October 2003, by section 3 of the Local Government Official Information and Meetings Amendment Act 2003 (2003 No 82).

**18 Reason for refusal to be given**

Where a request made in accordance with section 10 is refused, the local authority shall—

- (a) subject to section 8, give to the applicant—
  - (i) the reason for its refusal; and
  - (ii) if the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section 6 or section 7 and (in the case of the interests protected by section 7) there is no countervailing public interest; and
- (b) give to the applicant information concerning the applicant's right, by way of complaint under section 27(3) to an Ombudsman, to seek an investigation and review of the refusal.

Compare: 1982 No 156 s 19; 1987 No 8 ss 4(2), 16(2)

### Part 3

#### Publication of, and access to, certain documents and information

**19 Publication setting out functions of local authorities**

*[Repealed]*

Section 19: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

**20 Right of access to publication published under section 19**

*[Repealed]*

Section 20: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

**21 Right of access to internal rules affecting decisions**

- (1) Subject to sections 6, 7(2)(a), (b), (c), (h), and (i), 8, and 44, every person has a right to and shall, on request made under this section, be given access to any

document (including a manual) which is held by a local authority and which contains policies, principles, rules, or guidelines in accordance with which decisions or recommendations are made in respect of any person or body of persons in that person's or that body of persons' personal capacity.

- (2) Sections 10(2) and (3), 11 to 14, and 18 shall apply, with all necessary modifications, to a request made under subsection (1).
- (3) Where by virtue of any of the provisions of section 6 and section 7(2)(a), (b), (c), (h), and (i), there is good reason for withholding some of the information contained in a document to which subsection (1) relates, the local authority shall, unless it is impracticable to do so, either—
  - (a) make a copy of that document available with such deletions or alterations as are necessary; or
  - (b) provide another document stating the substance and effect of the document except as it relates to the information withheld.
- (4) Where a document is made available under subsection (3), the local authority shall, subject to section 8, give to the applicant—
  - (a) the reason for withholding the information; and
  - (b) if the applicant so requests, the grounds in support of that reason, unless the giving of those grounds would itself prejudice the interests protected by section 6 or section 7(2)(a) or (b) or (c) or (h) or (i) and (in the case of the interests protected by section 7(2)(a) or (b) or (c) or (h) or (i)) there is no countervailing public interest.

Compare: 1982 No 156 s 22; 1987 No 8 ss 4(2), 9(2)

## **22 Right of access by person to reasons for decisions affecting that person**

- (1) Subject to sections 6, 7(2)(b), 8, and 44, where a local authority makes, on or after 1 March 1988, a decision or recommendation in respect of any person, being a decision or recommendation in respect of that person in that person's personal capacity, that person has the right to and shall, on request made within a reasonable time of the making of the decision or recommendation, be given a written statement of—
  - (a) the findings on material issues of fact; and
  - (b) subject to subsection (1A), a reference to the information on which the findings were based; and
  - (c) the reasons for the decision or recommendation.
- (1A) A reference to the information on which any findings were based need not be given under subsection (1)(b) if—
  - (a) the disclosure of the information or of information identifying the person who supplied it, being evaluative material, would breach an express or implied promise—
    - (i) which was made to the person who supplied the information; and

- (ii) which was to the effect that the information or the identity of the person who supplied it or both would be held in confidence; or
  - (b) after consultation undertaken (where practicable) by or on behalf of the local authority with a natural person's medical practitioner, the local authority is satisfied that—
    - (i) the information relates to that person; and
    - (ii) the disclosure of the information (being information that relates to the physical or mental health of the person making the request under this section) would be likely to prejudice the physical or mental health of that person; or
  - (c) in the case of a natural person under the age of 16, the disclosure of that information would be contrary to that person's interests; or
  - (d) the disclosure of that information (being information in respect of a person who has been convicted of an offence or is or has been detained in custody) would be likely to prejudice the safe custody or the rehabilitation of that person.
- (1B) For the purposes of subsection (1A), the term **evaluative material** means evaluative or opinion material compiled solely—
- (a) for the purpose of determining the suitability, eligibility, or qualifications of the person to whom the material relates—
    - (i) for employment or for appointment to office; or
    - (ii) for promotion in employment or office or for continuation in employment or office; or
    - (iii) for removal from employment or office; or
    - (iv) for the awarding of contracts, awards, scholarships, honours, or other benefits; or
  - (b) for the purpose of determining whether any contract, award, scholarship, honour, or benefit should be continued, modified, or cancelled.
- (2) Sections 10(3), 11 to 14, and 18 shall apply, with all necessary modifications, to a request made under subsection (1).
- (3) In subsection (1A)(b), **medical practitioner** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

Compare: 1982 No 156 s 23; 1987 No 8 ss 4(2), 9(2)

Section 22(1)(b): amended, on 1 July 1993, by section 4(1) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

Section 22(1A): inserted, on 1 July 1993, by section 4(2) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

Section 22(1B): inserted, on 1 July 1993, by section 4(2) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

Section 22(3): added, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

## **Part 4**

### **Right of access to personal information**

#### **23 Right of access to personal information**

- (1) Subject to this Part, and to sections 8 and 44, every person has a right to and shall, on request, be given access to any personal information which—
  - (a) is about that person; and
  - (b) is held in such a way that it can readily be retrieved.
- (1A) The right conferred by subsection (1) may be exercised only by a person who is not a natural person.
- (2) Sections 10(3), 11 to 16, and 18 shall apply, with all necessary modifications, to a request made under subsection (1).
- (3) Where any person is given access to any personal information under this section, that person shall be advised of that person's right, under section 25, to request the correction of that information.
- (4) Nothing in this section requires, or imposes any responsibility on, any local authority to compile files or data banks of personal information.

Compare: 1982 No 156 s 24; 1987 No 8 s 13

Section 23(1): amended, on 1 July 1993, by section 5(1) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

Section 23(1A): inserted, on 1 July 1993, by section 5(2) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

#### **24 Precautions**

Where a request is made under section 23(1), the local authority—

- (a) shall not give access to that information unless it is satisfied concerning the identity of the person making the request; and
- (b) shall ensure, by the adoption of appropriate procedures, that any information intended for a person is received—
  - (i) only by that person; or
  - (ii) where the request is made by an agent of the person, only by that person or that person's agent; and
- (c) shall ensure that, where the request is made by an agent of the person, the agent has the written authority of that person to obtain the information or is otherwise properly authorised by that person to obtain the information.

Compare: 1982 No 156 s 25

**25 Correction of information**

- (1) Every person who is given access under section 23(1) to personal information may, by letter addressed to the local authority,—
  - (a) request correction of the personal information where the person believes that the information—
    - (i) is inaccurate; or
    - (ii) is incomplete and gives a misleading impression; and
  - (b) require that a notation be attached to the information indicating the nature of any correction requested but not made.
- (2) Where a local authority receives a letter pursuant to subsection (1), it shall inform the person by whom or by which the letter was sent of the action taken by the local authority as a result of the letter.

Compare: 1982 No 156 s 26

**26 Reasons for refusal of requests for personal information**

- (1) A local authority may refuse to disclose any personal information requested under section 23(1), if, and only if,—
  - (a) the disclosure of the information would be likely to prejudice any of the interests protected by section 6 or section 7(2)(b) and (in the case of the interests protected by section 7(2)(b)) there is no countervailing public interest; or
  - (b) the disclosure of the information would involve the unwarranted disclosure of the affairs of another person or of a deceased person; or
  - (c) the disclosure of the information or of information identifying the person who supplied it, being evaluative material, would breach an express or implied promise—
    - (i) which was made to the person who supplied the information; and
    - (ii) which was to the effect that the information or the identity of the person who supplied it or both would be held in confidence; or
  - (d) *[Repealed]*
  - (e) *[Repealed]*
  - (f) *[Repealed]*
  - (g) the disclosure of the information would breach legal professional privilege; or
  - (h) the request is frivolous or vexatious, or the information requested is trivial.
- (2) No reasons other than 1 or more of the reasons set out in subsection (1) justifies a refusal to disclose any personal information requested under section 23(1).

- (3) For the purposes of subsection (1)(c), the term **evaluative material** means evaluative or opinion material compiled solely—
- (a) for the purpose of determining the suitability, eligibility, or qualifications of the person to whom the material relates for the awarding of contracts, awards, or other benefits; or
  - (b) for the purpose of determining whether any contract, award, or benefit should be continued, modified, or cancelled.

Compare: 1982 No 156 s 27; 1987 No 8 ss 4(2), 15

Section 26(1)(d): repealed, on 1 July 1993, by section 6(1) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

Section 26(1)(e): repealed, on 1 July 1993, by section 6(1) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

Section 26(1)(f): repealed, on 1 July 1993, by section 6(1) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

Section 26(3): substituted, on 1 July 1993, by section 6(2) of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

## **Part 5**

### **Review of decisions**

#### *Decisions under Part 2 and section 8*

#### **27 Functions of Ombudsmen**

- (1) It shall be a function of the Ombudsmen to investigate and review any decision by which a local authority—
- (a) refuses to make official information available to any person in response to a request made by that person in accordance with section 10; or
  - (b) decides, in accordance with section 15 or section 16, in what manner or, in accordance with section 13, for what charge a request made in accordance with section 10 is to be granted; or
  - (c) imposes conditions on the use, communication, or publication of information made available pursuant to a request made in accordance with section 10; or
  - (d) gives a notice under section 8.
- (2) It shall be a function of the Ombudsmen to investigate and review any decision by which the chief executive of a local authority, or an officer or employee of a local authority authorised by its chief executive, extends any time limit under section 14.
- (3) An investigation and review under subsection (1) or subsection (2) may be made by an Ombudsman only on complaint being made to an Ombudsman in writing or orally.
- (3A) A complaint made orally must be put in writing as soon as practicable.

- (4) For the purposes of subsection (1)(a), a refusal to make official information available includes, without limitation, a failure by the local authority to comply with section 13(1)—
  - (a) as soon as is reasonably practicable, or at the latest within 20 working days, after receiving the request; or
  - (b) within an extended time limit notified under section 14(3) to the person who requested the information.
- (5) Undue delay in making official information available in response to a request for that information shall be deemed, for the purposes of subsection (1), to be a refusal to make that information available.
- (6) If an Ombudsman receives a complaint that a local authority has refused to make official information available for any of the reasons specified in section 17(1)(e) to (g), the Ombudsman may notify the Chief Archivist appointed under the Public Records Act 2005.

Compare: 1982 No 156 s 28; 1987 No 8 s 16(1)

Section 27(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 27(3): substituted, on 22 October 2003, by section 4 of the Local Government Official Information and Meetings Amendment Act 2003 (2003 No 82).

Section 27(3A): inserted, on 22 October 2003, by section 4 of the Local Government Official Information and Meetings Amendment Act 2003 (2003 No 82).

Section 27(4): replaced, on 26 March 2015, by section 11(1) of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

Section 27(6): inserted, on 26 March 2015, by section 11(2) of the Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23).

## **28 Application of Ombudsmen Act 1975**

- (1) Except as otherwise provided by this Act, the provisions of the Ombudsmen Act 1975 shall apply in respect of investigations and other proceedings carried out under this Part in respect of decisions under Part 2 or section 8 as if they were investigations carried out under the Ombudsmen Act 1975.
- (2) Nothing in sections 13, 14, and 25 of the Ombudsmen Act 1975 shall apply in relation to any function or power conferred on an Ombudsman by this Act or in relation to any proceeding, decision, recommendation, or act of an Ombudsman under this Act.

Compare: 1982 No 156 s 29

## **29 Requirements of Ombudsman to be complied with within certain period**

- (1) Subject to this section, where, during the course of an investigation, under section 27, of any decision of any local authority, an Ombudsman, pursuant to any power conferred on that Ombudsman by section 19 of the Ombudsmen Act 1975, requires that local authority to furnish or produce to that Ombudsman any information or document or paper or thing that relates to that investigation, that local authority shall, as soon as reasonably practicable, and in no case later



than 20 working days after the day on which that requirement is received by that local authority, comply with that requirement.

- (2) Where any requirement to which subsection (1) applies is made to any local authority, the chief executive of that local authority or an officer or employee of that local authority authorised by that chief executive may extend the time limit set out in subsection (1) in respect of that requirement if—
  - (a) the requirement relates to, or necessitates a search through, a large quantity of information or a large number of documents or papers or things, and meeting the original time limit would unreasonably interfere with the operations of the local authority; or
  - (b) consultations necessary before the requirement can be complied with are such that the requirement cannot reasonably be complied with within the original time limit; or
  - (c) the complexity of the issues raised by the requirement are such that that requirement cannot reasonably be complied with within the original time limit.
- (3) Any extension under subsection (2) shall be for a reasonable period of time having regard to the circumstances.
- (4) The extension shall be effected by giving or posting notice of the extension to the Ombudsman within 20 working days after the day on which the requirement is received.
- (5) The notice effecting the extension shall—
  - (a) specify the period of the extension; and
  - (b) give the reasons for the extension; and
  - (c) contain such other information as is necessary.

Compare: 1982 No 156 s 29A; 1987 No 8 s 17(1)

Section 29(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

### **29A Consultation with Privacy Commissioner**

Where an Ombudsman investigates a complaint made under section 27 in relation to a refusal to make official information available in reliance on section 7(2)(a), the Ombudsman shall, before forming a final opinion under section 30 in relation to the merits of refusing that request on that ground, consult with the Privacy Commissioner under the Privacy Act 1993.

Section 29A: inserted, on 1 July 1993, by section 7 of the Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37).

### **30 Procedure after investigation**

- (1) Where, after making an investigation of a complaint made under section 27, an Ombudsman is of the opinion—

- (a) that the request made in accordance with section 10 should not have been refused; or
  - (b) that the decision complained of is unreasonable or wrong or is otherwise a decision to which subsection (1) or subsection (2) of section 22 of the Ombudsmen Act 1975 applies,—
- the Ombudsman shall, subject to subsection (2) of this section,—
- (c) report that Ombudsman's opinion and that Ombudsman's reasons therefor to the appropriate local authority; and
  - (d) subject to section 31, make such recommendations as that Ombudsman thinks fit; and
  - (e) give to the complainant—
    - (i) a copy of that Ombudsman's recommendations (if any); and
    - (ii) such other information as that Ombudsman thinks proper.
- (2) Notwithstanding anything in this section, an Ombudsman shall not, in any report made under this section, make any comment that is adverse to any person unless the person has been given an opportunity to be heard.
- (3) Except as provided in subsection (1), nothing in section 22 of the Ombudsmen Act 1975 shall apply in respect of a decision that may be investigated and reviewed under section 27(1) or section 27(2) of this Act.

Compare: 1982 No 156 s 30; 1987 No 8 s 16(3)

### **31 Disclosure of certain information not to be recommended**

Where the Attorney-General certifies that the making available of any information would be likely to prejudice the prevention, investigation, or detection of offences, an Ombudsman shall not recommend that the information be made available, but may recommend that the making available of the information be given further consideration by the appropriate local authority.

Compare: 1982 No 156 s 31

### **32 Recommendations made to local authorities**

- (1) Where a recommendation is made under section 30(1) to a local authority, a public duty to observe that recommendation shall be imposed on that local authority on the commencement of the 21st working day after the day on which that recommendation is made to the local authority unless, before that day, the local authority, by resolution made at a meeting of that local authority, decides otherwise and records that decision in writing.
- (2) The public duty imposed by subsection (1) shall be imposed not only on the local authority itself but also on—
- (a) every member, officer, and employee of that local authority to whom that recommendation is applicable; and

- (b) every body within that local authority to whom that recommendation is applicable; and
  - (c) every statutory officer to whom that recommendation is applicable; and
  - (d) every person (being a person who holds information that is deemed, by virtue of section 2(5) or (6), to be held by that local authority) to whom that recommendation is applicable.
- (3) As soon as practicable after a decision is made under subsection (1), the local authority making that decision shall give a copy of the decision to the Ombudsman who made the recommendation, and to the person in respect of whose request that recommendation was made.
- (4) Nothing in this section—
- (a) limits section 15 of the Judicial Review Procedure Act 2016; or
  - (b) prevents effect being given to any interim order made under section 15 of the Judicial Review Procedure Act 2016 or to any declaration contained in any such interim order.

Compare: 1982 No 156 s 32; 1987 No 8 s 18

Section 32(4)(a): amended, on 1 March 2017, by section 24 of the Judicial Review Procedure Act 2016 (2016 No 50).

Section 32(4)(b): amended, on 1 March 2017, by section 24 of the Judicial Review Procedure Act 2016 (2016 No 50).

### **33 Requirements in relation to decision**

- (1) Every decision made by a local authority under section 32(1) shall be published in the *Gazette* and publicly notified within the district of that local authority as soon as practicable after it is made.
- (2) Every decision made under section 32(1) shall set out—
- (a) the reasons for the decision; and
  - (b) the grounds in support of those reasons; and
  - (c) the source and purport of any advice on which the decision is based.
- (3) A decision made under section 32(1) in relation to a recommendation made under section 30(1) may be made for all or any of the reasons for the decision reviewed by the Ombudsman (being reasons that were before the Ombudsman when the recommendation was made) but for no other reasons.

Compare: 1982 No 156 s 32A; 1987 No 8 s 18

### **34 Right of review**

- (1) Where—
- (a) a recommendation is made under section 30(1) in respect of a request made under section 10; and
  - (b) a decision is made under section 32(1) in respect of that recommendation,—

the person who made that request may apply to the High Court for a review of that decision.

- (2) An application under subsection (1) may be made on the ground that the decision was beyond the powers conferred by sections 32 and 33 or was otherwise wrong in law.
- (3) On an application under subsection (1), the High Court may—
  - (a) make an order confirming that the decision was validly made; or
  - (b) make an order declaring that the decision was beyond the powers conferred by sections 32 and 33 or was otherwise wrong in law.
- (4) Unless the High Court is satisfied that an application brought under subsection (1) has not been reasonably or properly brought, it shall, in determining the application and irrespective of the result of the application, order that the costs of the applicant on a solicitor and client basis shall be paid by the local authority that made the decision in respect of which the application is brought.

Compare: 1982 No 156 s 32B; 1987 No 8 s 18

### **35 Appeals**

Any party to an application under section 34 who is dissatisfied with any final or interlocutory order in respect of an application may appeal to the Court of Appeal; and section 56 of the Senior Courts Act 2016 shall apply to any such appeal.

Compare: 1982 No 156 s 32C; 1987 No 8 s 18

Section 35: amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

### **36 Complainant to be informed of result of investigation**

The Ombudsman who investigates a complaint made for the purposes of section 27(3) shall inform the complainant, in such manner and at such time as that Ombudsman thinks proper, of the result of the investigation.

Compare: 1982 No 156 s 33; 1987 No 8 s 16(4)

### **37 Restriction on application for review**

Where any person makes a request under this Act that official information be made available to that person and a decision to which section 27(1) or section 27(2) applies is made in relation to that request, that person—

- (a) shall not make an application under section 8 of the Judicial Review Procedure Act 2016 for the review of that decision; and
- (b) shall not commence any proceedings in which that decision is sought to be challenged, quashed, or called in question in any court,—

unless a complaint made by that person in respect of that decision has first been determined under this Part.

Compare: 1982 No 156 s 34; 1987 No 8 s 16(5)

Section 37(a): amended, on 1 March 2017, by section 24 of the Judicial Review Procedure Act 2016 (2016 No 50).

*Decisions under Part 3 or Part 4*

**38 Application of Ombudsmen Act 1975**

- (1) It shall be a function of the Ombudsmen to investigate, pursuant to the Ombudsmen Act 1975, any decision made by a local authority under Part 3 or Part 4 of this Act, except a decision made under section 8 in relation to a request made under Part 3 or Part 4.
- (2) The provisions of section 29, so far as they are applicable and with the necessary modifications, shall apply in respect of any requirement, made by any Ombudsman in the course of any investigation conducted pursuant to subsection (1), whereby that Ombudsman, pursuant to any power conferred on that Ombudsman by section 19 of the Ombudsmen Act 1975, requires any local authority to furnish or produce to that Ombudsman any information or document or paper or thing that relates to that investigation.
- (3) Where the Ombudsman, after making an investigation, forms an opinion of the kind described in subsection (1) or subsection (2) or subsection (3) of section 22 of the Ombudsmen Act 1975, that Ombudsman shall, subject to subsection (6) of this section, report that Ombudsman's opinion to the appropriate local authority, and may make such recommendations as that Ombudsman thinks fit in accordance with section 22(3) of the Ombudsmen Act 1975.
- (4) Where a report is made under subsection (3) to a local authority, the Ombudsman shall request the local authority to notify the Ombudsman, within a specified time, of the steps (if any) that the local authority proposes to take to give effect to the Ombudsman's recommendations.
- (5) If, within a reasonable time after the report is made under section 22(3) of the Ombudsmen Act 1975 (as applied by subsection (3) of this section), no action is taken which seems to an Ombudsman to be adequate and appropriate, the Ombudsman shall, after considering the comments (if any) made by or on behalf of any local authority affected, inform the complainant of the Ombudsman's recommendations and make such comments as the Ombudsman thinks fit in accordance with section 24 of the Ombudsmen Act 1975.
- (6) Notwithstanding anything in this section, an Ombudsman shall not, in any report made under this section, make any comment that is adverse to any person unless the person has first been given an opportunity to be heard.
- (7) If, in relation to any request for official information made under Part 3 or Part 4, any local authority fails within the time limit fixed by section 13(1) (or, where that time limit has been extended under this Act, within that time limit as so extended) to comply with paragraph (a) or paragraph (b) of section 13(1), that failure shall be deemed, for the purposes of subsection (1), to be a decision made under Part 3 or Part 4.

- (8) Undue delay in giving any person access to official information in response to a request under Part 3 or Part 4 for access to that information shall be deemed, for the purposes of subsection (1), to be a decision made under Part 3 or Part 4.

Compare: 1982 No 156 s 35; 1987 No 8 ss 17(2), 19

### **39 Ombudsman may require publication of summary of report**

- (1) Where an Ombudsman has prepared a report under section 38(3), the Ombudsman may prepare and send to the chief executive of the local authority concerned a written summary of the contents of that report and require that officer to make copies of that summary available during ordinary business hours for inspection by members of the public without charge. Any member of the public may make a copy of the whole or any part of the summary.
- (2) Before forwarding any such written summary to the appropriate chief executive under subsection (1), the Ombudsman shall send a copy of it in draft form to the local authority concerned for perusal, and shall, as far as practicable, incorporate in the summary any comments made to the Ombudsman by the local authority.
- (3) Within 1 week after the report is received by the local authority, the chief executive of that local authority shall, at the expense of the local authority, give public notice in such form and in such newspapers as the Ombudsman shall require of the availability of the report for inspection and of the places where it may be inspected.
- (4) Every such report shall be made available for a period of 4 weeks from the date of the first publication of the public notice.

Compare: 1975 No 9 s 23

Section 39(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 39(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 39(3): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

### *Saving*

### **40 Saving in respect of Ombudsmen Act 1975**

Except as expressly provided in this Act, nothing in this Act shall derogate from or limit the functions of the Ombudsmen under the Ombudsmen Act 1975.

Compare: 1982 No 156 s 36

## Part 6

### Miscellaneous provisions relating to access to official information

#### 41 Protection against certain actions

- (1) Where any official information is made available in good faith pursuant to Part 2 or Part 3 or Part 4 by any local authority,—
  - (a) no proceedings, civil or criminal, shall lie against the local authority or any other person in respect of the making available of that information, or for any consequences that flow from the making available of that information; and
  - (b) no proceedings, civil or criminal, in respect of any publication involved in, or resulting from, the making available of that information shall lie against the author of the information or any other person by reason of that author or other person having supplied the information to a local authority.
- (2) The making available of, or the giving of access to, any official information in consequence of a request made under Part 2 or Part 3 or Part 4 shall not be taken, for the purposes of the law relating to defamation or breach of confidence or infringement of copyright, to constitute an authorisation or approval of the publication of the document or of its contents by the person to whom the information is made available or the access is given.

Compare: 1982 No 156 s 48; 1987 No 8 s 21

#### 42 Delegation of powers by local authority

- (1) A local authority may from time to time, either generally or particularly, delegate to any officer or employee of the local authority all or any of the powers of the local authority under Parts 2 to 5, except any powers specified in section 32.
- (2) Subject to any general or special directions given or conditions attached by the local authority, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on that officer or employee directly by this section and not by delegation.
- (3) Until a delegation made under this section is revoked, it shall continue in force according to its tenor.
- (4) Where a person purports to act pursuant to a delegation made under this section, that person shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.
- (5) Any delegation under this section may be made to a specified officer or employee, or may be made to the holder for the time being of a specified office.

- (6) Every delegation made under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the local authority.

Compare: 1974 No 66 s 715; 1979 No 59 s 2

#### **43 Delegation of powers by officers**

- (1) Any officer or employee of a local authority may from time to time, by writing under that officer's or employee's hand, either generally or particularly, delegate to any other officer or employee of the local authority all or any of the powers exercisable by the first-mentioned officer or employee under Parts 2 to 5 or section 46A, except—
- (a) the power to delegate under this section; and
  - (b) any power delegated to that officer or employee by a local authority pursuant to section 42, unless that delegation authorises that officer or employee to delegate that power to other officers or employees pursuant to this section.
- (2) Subject to any general or special directions given or conditions attached by the officer or employee making the delegation, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on that officer or employee directly by this section and not by delegation.
- (3) Until a delegation made under this section is revoked, it shall continue in force according to its tenor; and, in the event of the officer or employee by whom any such delegation has been made ceasing to hold office, the delegation shall continue to have effect as if made by the person for the time being holding the office of the officer or employee making the delegation.
- (4) Any delegation under this section may be made to a specified officer or employee, or may be made to the holder for the time being of any specified office.
- (5) Where any officer or employee purports to act pursuant to a delegation made under this section, that officer or employee shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.
- (6) Every delegation made under this section shall be revocable at will and no such delegation shall prevent the exercise of any power by the officer or employee making the delegation.

Compare: 1974 No 66 s 716; 1979 No 59 s 2

Section 43(1): amended, on 1 October 1991, by section 5(2) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).



#### 44 Savings

- (1) Nothing in Parts 1 to 5 authorises or permits the making available of any official information if the making available of that information would constitute contempt of court or of the House of Representatives.
- (2) Nothing in Parts 1 to 5 derogates from—
  - (a) any provision which is contained in any other enactment and which authorises or requires official information to be made available; or
  - (b) any provision which is contained in any other Act of Parliament or in any regulations within the meaning of the Regulations Act 1936 (made by Order in Council and in force immediately before 1 March 1988) and which—
    - (i) imposes a prohibition or restriction in relation to the availability of official information; or
    - (ii) regulates the manner in which official information may be obtained or made available.

Compare: 1982 No 156 s 52; 1987 No 8 s 22

#### *Land information memoranda*

Heading: inserted, on 1 December 1992, by section 2 of the Local Government Official Information and Meetings Amendment Act (No 2) 1991 (1991 No 151).

#### 44A Land information memorandum

- (1) A person may apply to a territorial authority for the issue, within 10 working days, of a land information memorandum in relation to matters affecting any land in the district of the authority.
- (2) The matters which shall be included in that memorandum are—
  - (a) information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that—
    - (i) is known to the territorial authority; but
    - (ii) is not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991:
  - (b) information on private and public stormwater and sewerage drains as shown in the territorial authority's records:
  - (ba) any information that has been notified to the territorial authority by a drinking-water supplier under section 69ZH of the Health Act 1956:
  - (bb) information on—

- (i) whether the land is supplied with drinking water and if so, whether the supplier is the owner of the land or a networked supplier:
- (ii) if the land is supplied with drinking water by a networked supplier, any conditions that are applicable to that supply:
- (iii) if the land is supplied with water by the owner of the land, any information the territorial authority has about the supply:
- (c) information relating to any rates owing in relation to the land:
- (ca) if the land concerned is located in a levy area that is subject to a levy order under the Infrastructure Funding and Financing Act 2020, information about—
  - (i) the levy period:
  - (ii) how liability for a levy on the land is assessed:
  - (iii) amounts of any unpaid levy:
- (cb) if the land concerned is located in a project area that is subject to a targeted rates order under the Urban Development Act 2020, information about—
  - (i) the financial years to which the order applies; and
  - (ii) how liability for targeted rates under that Act on the land is calculated; and
  - (iii) amounts of any unpaid targeted rates under that Act:
- (d) information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority (whether under the Building Act 1991, the Building Act 2004, or any other Act):
- (da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:
- (e) information concerning any certificate issued by a building certifier pursuant to the Building Act 1991 or the Building Act 2004:
- (ea) information notified to the territorial authority under section 124 of the Weathertight Homes Resolution Services Act 2006:
- (f) information relating to the use to which that land may be put and conditions attached to that use:
- (g) information which, in terms of any other Act, has been notified to the territorial authority by any statutory organisation having the power to classify land or buildings for any purpose:
- (h) any information which has been notified to the territorial authority by any network utility operator pursuant to the Building Act 1991 or the Building Act 2004.

- (3) In addition to the information provided for under subsection (2), a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant.
- (4) An application for a land information memorandum shall be in writing and shall be accompanied by any charge fixed by the territorial authority in relation thereto.
- (5) In the absence of proof to the contrary, a land information memorandum shall be sufficient evidence of the correctness, as at the date of its issue, of any information included in it pursuant to subsection (2).
- (6) Notwithstanding anything to the contrary in this Act, there shall be no grounds for the territorial authority to withhold information specified in terms of subsection (2) or to refuse to provide a land information memorandum where this has been requested.

Section 44A: inserted, on 1 December 1992, by section 2 of the Local Government Official Information and Meetings Amendment Act (No 2) 1991 (1991 No 151).

Section 44A(2)(ba): inserted, on 1 July 2008, by section 18 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

Section 44A(2)(bb): inserted, on 1 July 2008, by section 18 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

Section 44A(2)(ca): inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 44A(2)(cb): inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

Section 44A(2)(d): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 44A(2)(da): inserted, on 28 November 2013, by section 77 of the Building Amendment Act 2013 (2013 No 100).

Section 44A(2)(e): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 44A(2)(ea): inserted, on 1 April 2007, by section 127(5) of the Weathertight Homes Resolution Services Act 2006 (2006 No 84).

Section 44A(2)(h): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

## Part 7

### Local authority meetings

#### 45 Interpretation

- (1) In this Part, unless the context otherwise requires,—  
**meeting**, in relation to a local authority, means, subject to subsection (2),—
  - (a) any annual, biennial, triennial, ordinary, or extraordinary meeting of a local authority; and
  - (b) any meeting of—

- (i) any committee or standing committee or special committee or subcommittee of a local authority; and
- (ii) any meeting of any joint standing committee or joint special committee appointed by 2 or more local authorities, and any subcommittee of any such committee—  
if—
- (iii) any function, duty, or power is conferred or imposed on that committee or subcommittee by any enactment; or
- (iv) that committee or subcommittee is empowered to exercise or perform, on behalf of any local authority or any committee of any local authority, any function, duty, or power conferred or imposed on any local authority, or on any committee of any local authority, by or under any enactment or bylaw

**minutes**, in relation to any meeting of any local authority, means any minutes or other record of the proceedings of any such meeting.

- (1A) Despite subsection (1), **meeting**, in relation to a local authority that is a board of inquiry, special tribunal, or freshwater hearings panel given authority to conduct hearings under section 149J or 202 or clause 58 of Schedule 1 of the Resource Management Act 1991 is limited to any hearing that—
- (a) the board or tribunal holds under section 149L or 206 of the Resource Management Act 1991; and
  - (b) the freshwater hearings panel holds under clause 39 of Schedule 1 of that Act.
- (2) For the avoidance of doubt, it is hereby declared that any meeting of a local authority or of any committee or subcommittee of a local authority, at which no resolutions or decisions are made is not a meeting for the purposes of this Part.

Section 45(1) **meeting**: amended, on 1 October 1991, by section 3(1) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

Section 45(1) **meeting** paragraph (a): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 45(1A): replaced, on 1 July 2020, by section 109 of the Resource Management Amendment Act 2020 (2020 No 30).

Section 45(2): added, on 1 October 1991, by section 3(2) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

#### 45A Application of this Part to certain local authorities

The only provisions of this Part that apply to the following local authorities are sections 48 and 53:

- (a) a board of inquiry given authority to conduct hearings under section 149J of the Resource Management Act 1991; and
- (b) a special tribunal given authority to conduct hearings under section 202 of the Resource Management Act 1991; and

- (c) a freshwater hearings panel given authority to conduct hearings under clause 58 of Schedule 1 of the Resource Management Act 1991.

Section 45A: inserted, on 4 September 2013, by section 5 of the Local Government Official Information and Meetings Amendment Act 2013 (2013 No 65).

Section 45A(c): inserted, on 1 July 2020, by section 109 of the Resource Management Amendment Act 2020 (2020 No 30).

#### **46 Meetings of local authorities to be publicly notified**

- (1) Subject to subsection (2), every local authority shall, not more than 14 days and not less than 5 days before the end of every month, cause to be publicly notified a list of all meetings of that local authority scheduled to be held in the following month, together with the dates on which, and the times and places at which, those meetings are to be held.
- (2) Where any meeting of a local authority is to be held on or after the 21st day of any month, the local authority may, instead of causing that meeting to be publicly notified in accordance with subsection (1), cause that meeting to be publicly notified not more than 10 nor less than 5 working days before the day on which the meeting is to be held.
- (3) If an extraordinary or emergency meeting of a local authority is called and cannot be publicly notified in the manner required or permitted by subsections (1) and (2), the local authority must cause that meeting and the general nature of business to be transacted at that meeting—
- (a) to be publicly notified as soon as practicable before the meeting is to be held; or
- (b) if it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.
- (4) *[Repealed]*
- (5) No meeting of any local authority shall be invalid merely because that meeting was not publicly notified in accordance with this section.
- (6) Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with this section, that local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice,—
- (a) state the general nature of the business transacted at that meeting; and
- (b) give the reasons why that meeting was not so notified.
- (7) Nothing in subsections (1) to (6) applies to a board constituted under subpart 5 of Part 3 of the Education and Training Act 2020, but every board must take all reasonable steps to ensure that parents (within the meaning of that Act) of students enrolled at schools that the board administers can readily find out, within a reasonable time before those meetings, where and when meetings of the board are to be held.

- (8) Nothing in this section applies to—
- (a) the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987:
  - (b) *[Repealed]*
  - (c) Provincial Patriotic Councils:
  - (d) the National Animal Ethics Advisory Committee established by section 62 of the Animal Welfare Act 1999:
  - (e) the National Animal Welfare Advisory Committee established by section 56 of the Animal Welfare Act 1999.

Section 46: substituted, on 1 October 1991, by section 4(1) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

Section 46(3): replaced, on 21 March 2019, by section 30 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 46(4): repealed, on 21 March 2019, by section 30 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 46(7): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 46(8)(a): substituted, on 13 March 1996, by section 11 of the National Parks Amendment Act 1996 (1996 No 4).

Section 46(8)(b): repealed, on 1 April 2000, by section 7 of the Children's Health Camps Board Dissolution Act 1999 (1999 No 141).

Section 46(8)(d): added, on 1 January 2000, by section 196(1) of the Animal Welfare Act 1999 (1999 No 142).

Section 46(8)(e): added, on 1 January 2000, by section 196(1) of the Animal Welfare Act 1999 (1999 No 142).

#### **46A Availability of agendas and reports**

- (1) Subject to subsections (6) to (10), any member of the public may, without payment of a fee, inspect, during normal office hours, within a period of at least 2 working days before every meeting, all agendas and associated reports circulated to members of the local authority and relating to that meeting.
- (2) Subject to subsections (6) to (10), the agendas—
  - (a) shall be available for inspection under subsection (1) at the public offices of the local authority (including service delivery centres) and the public libraries under the authority's control; and
  - (b) shall be accompanied by either—
    - (i) the associated reports; or
    - (ii) a notice specifying the places at which the associated reports may be inspected under subsection (1).
- (3) Subject to subsections (6) to (10), the associated reports shall be available for inspection under subsection (1) at the public offices of the local authority.

- (4) Any member of the public may take notes from any agenda or report inspected by that member of the public under subsection (1).
- (5) Every member of the public who inspects an agenda or report made available under subsection (1) and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable.
- (6) Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the local authority must cause the agenda and any associated reports to be made available as soon as is reasonable in the circumstances.
- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if—
  - (a) the local authority by resolution so decides; and
  - (b) the presiding member explains at the meeting at a time when it is open to the public,—
    - (i) the reason why the item is not on the agenda; and
    - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- (7A) Where an item is not on the agenda for a meeting,—
  - (a) that item may be discussed at that meeting if—
    - (i) that item is a minor matter relating to the general business of the local authority; and
    - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
  - (b) no resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.
- (8) The chief executive may exclude from the reports made available under subsection (1), reports or items from reports that he or she reasonably expects the meeting to discuss with the public excluded.
- (9) The chief executive shall indicate on each agenda the items that he or she reasonably expects the meeting to discuss with the public excluded.
- (10) Where agendas and associated reports are for meetings of community boards, it shall be sufficient for the purposes of this section that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.

Section 46A: inserted, on 1 October 1991, by section 5(1) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

Section 46A(6): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 46A(7): amended, on 7 July 2004, by section 3 of the Local Government Official Information and Meetings Amendment Act 2004 (2004 No 65).

Section 46A(7A): inserted, on 2 September 1996, by section 2(2) of the Local Government Official Information and Meetings Amendment Act 1996 (1996 No 132).

Section 46A(8): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 46A(9): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

#### **46B Modifications to section 46A while epidemic notice in force for COVID-19**

- (1) Despite section 46A(2), (3), and (10), an agenda and any associated report referred to in that section may be made available free of charge on the local authority's Internet site (instead of at the locations referred to in that section).
- (2) A member of the public may still request a copy of the agenda or report in accordance with section 46A(5) (and that copy must be provided by post).
- (3) This section is repealed when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.

Section 46B: inserted, on 26 March 2020, by section 10 of the COVID-19 Response (Urgent Management Measures) Legislation Act 2020 (2020 No 9).

#### **47 Admission of public to meetings of local authorities**

Except as otherwise provided by this Part, every meeting of a local authority shall be open to the public.

Compare: 1962 No 113 s 3; 1975 No 125 s 3

#### **47A Modifications to section 47 while epidemic notice in force for COVID-19**

- (1) For the purposes of section 47, **open to the public** means that the local authority,—
  - (a) if it is reasonably practicable, enables access to the meeting by broadcasting live the audio or video of the meeting (for example, by broadcasting it on an Internet site); and
  - (b) does 1 or both of the following as soon as practicable after the meeting ends:
    - (i) makes an audio or a video recording of the meeting available on its Internet site;
    - (ii) makes a written summary of the business of the meeting available on its Internet site.
- (2) The local authority must provide the live broadcast, and make the recording or summary available, free of charge.



- (3) This section is repealed when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.

Section 47A: inserted, on 26 March 2020, by section 11 of the COVID-19 Response (Urgent Management Measures) Legislation Act 2020 (2020 No 9).

#### **48 Right of local authorities to exclude public**

- (1) Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:
- (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist,—
    - (i) where the local authority is named or specified in Schedule 1, under section 6 or section 7 (except section 7(2)(f)(i));
    - (ii) where the local authority is named or specified in Schedule 2 of this Act, under section 6 or section 7 or section 9 (except section 9(2)(g)(i)) of the Official Information Act 1982:
  - (b) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would—
    - (i) be contrary to the provisions of a specified enactment; or
    - (ii) constitute contempt of court or of the House of Representatives:
  - (c) that the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a local authority named or specified in Schedule 1) or under section 30(1) or section 35(2) of the Official Information Act 1982 (in the case of a local authority named or specified in Schedule 2 of this Act):
  - (d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.
- (2) Paragraph (d) of subsection (1) applies to—
- (a) any proceedings before a local authority where—
    - (i) a right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings; or
    - (ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
  - (b) *[Repealed]*

- (c) any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.
- (3) Every resolution excluding the public from any meeting shall be in the form set out in Schedule 2A and shall state—
  - (a) the general subject of each matter to be considered while the public is excluded; and
  - (b) the reason for the passing of that resolution in relation to that matter, including, where that resolution is passed in reliance on subsection (1)(a), the particular interest or interests protected by section 6 or section 7 of this Act, or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings in public; and
  - (c) the grounds on which that resolution is based (being 1 or more of the grounds set out in subsection (1)).
- (4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof)—
  - (a) shall be available to any member of the public who is present; and
  - (b) shall form part of the minutes of the local authority.
- (5) A resolution pursuant to subsection (1), may also provide for 1 or more specified persons to remain after the public has been excluded if that person, or persons, has or have, in the opinion of the local authority, knowledge that will assist the authority.
- (6) Where a local authority resolves that 1 or more persons may remain after the public has been excluded, the resolution must state the knowledge possessed by that person or those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to that matter.

Section 48: substituted, on 1 October 1991, by section 6(1) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

Section 48(2)(b): repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

#### **49 Provisions applying when meeting open to public**

Where a meeting of a local authority is required by this Part to be open to the public during the proceedings or any part of them, the following provisions shall apply:

- (a) for the purposes of this Part, bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media:
- (b) where copies of the agenda for any meeting are reproduced by any means for use by members of a local authority, that local authority shall

cause such additional copies of the agenda to be reproduced as may in its opinion be necessary to ensure an adequate supply for persons requesting copies pursuant to paragraph (c):

- (c) where any member of the public who attends a meeting of a local authority requests a copy of the agenda and tenders the prescribed amount (if any), that person shall be given a copy of every agenda reproduced for use by members of the local authority at that meeting of which there is a spare copy, and may take each away with that person:
- (d) copies of the agenda supplied for members of the public as provided in paragraph (b) shall include such further statements or particulars, if any, as are necessary to indicate the nature of any items included in the agenda, unless that item refers to any matter to be considered by the local authority when the meeting is not likely to be open to the public.

Compare: 1962 No 113 s 5; 1963 No 109 s 2; 1975 No 125 s 5

## **50 Maintenance of order**

- (1) The person presiding at any meeting of any local authority may, if that person believes, on reasonable grounds, that the behaviour of any member of the public attending that meeting is likely to prejudice or to continue to prejudice the orderly conduct of that meeting if that member of the public is permitted to remain in that meeting, require that member of the public to leave the meeting.
- (2) If any member of the public who is required, pursuant to subsection (1), to leave a meeting of a local authority—
  - (a) refuses or fails to leave the meeting; or
  - (b) having left the meeting, attempts to re-enter the meeting without the permission of the person presiding at the meeting,—

any constable, or any officer or employee of the local authority, may, at the request of the person presiding at the meeting, remove or, as the case may require, exclude that member of the public from the meeting.

Compare: 1962 No 113 s 6

## **51 Right of public to inspect or receive copies of minutes of meeting**

- (1) Any member of the public may, without payment of fee, at the local authority's office and during normal office hours, inspect the minutes of any meeting or part of any meeting of the local authority (not being a meeting or part of a meeting from which the public was excluded) and may take notes therefrom.
- (2) Every member of the public so inspecting any such minutes who requests a copy of any part thereof and tenders the prescribed amount (if any) shall be given such a copy.
- (3) Where any person requests a copy of the minutes of any meeting or part of a meeting from which the public was excluded pursuant to this Part, the request shall,—

- (a) where the local authority concerned is named or specified in Schedule 1, be deemed to be a request for access to official information made under this Act; and
- (b) where the local authority concerned is named or specified in Schedule 2, be deemed to be a request for access to official information made under the Official Information Act 1982,—

and shall be dealt with by that local authority accordingly.

Compare: 1962 No 113 s 7; 1975 No 125 s 6

### **51AA Modifications to section 51 while epidemic notice in force for COVID-19**

- (1) Despite section 51(1), meeting minutes referred to in that section may be made available free of charge on the local authority's Internet site (instead of at the local authority's office).
- (2) A member of the public may still request a copy of the minutes in accordance with section 51(2) (and, subject to section 51(3), that copy must be provided by post).
- (3) This section is repealed when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.

Section 51AA: inserted, on 26 March 2020, by section 12 of the COVID-19 Response (Urgent Management Measures) Legislation Act 2020 (2020 No 9).

### **51A Public notification of resolution at extraordinary meeting**

- (1) A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless—
  - (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
  - (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.
- (2) For the purposes of this section, **resolution** means the resolution on the matter or matters for which the extraordinary meeting was held.

Section 51A: substituted, on 7 July 2004, by section 4 of the Local Government Official Information and Meetings Amendment Act 2004 (2004 No 65).

### **52 Defamatory matter in copy of agenda or additional particulars supplied to public or in minutes of meeting**

Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and—

- (a) there is supplied to a member of the public a copy of the agenda for the meeting with or without further statements or particulars for the purpose of indicating the nature of any item included in the agenda; or

- (b) the minutes of that meeting or part are produced for inspection by any member of the public or a copy thereof is given to any member of the public,—

the publication thereby of any defamatory matter included in the agenda or in the further statements or particulars or in the minutes shall be privileged unless, in any proceedings for defamation in respect of that publication, the plaintiff proves that, in publishing the matter, the defendant was predominantly motivated by ill will towards the plaintiff, or otherwise took improper advantage of the occasion of publication.

Compare: 1962 No 113 s 8; 1975 No 125 s 7

Section 52: amended, on 1 February 1993, by section 56(1) of the Defamation Act 1992 (1992 No 105).

### **53 Oral statements at local authority meetings privileged**

- (1) Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings shall be privileged, unless, in any proceedings for defamation in respect of the statement, the plaintiff proves that, in making the statement, the defendant was predominantly motivated by ill will towards the plaintiff, or otherwise took improper advantage of the occasion of publication.
- (2) The privilege conferred by subsection (1) is in addition to and not in substitution for or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority.

Section 53(1): amended, on 1 February 1993, by section 56(1) of the Defamation Act 1992 (1992 No 105).

### **54 This Part to prevail over other enactments**

Any provisions in any enactment in relation to attendance by the public at any meeting of any local authority or at any meeting of any committee or subcommittee of any local authority, or in relation to inspection of the minutes of any such meeting, shall be read subject to the provisions of this Part.

Compare: 1962 No 113 s 9

## **Part 8 Miscellaneous provisions**

### **55 Regulations**

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing forms of applications and other documents required for the purposes of this Act, or authorising any person to prescribe or approve such forms:

- (b) prescribing reasonable charges or scales of reasonable charges for the purposes of this Act;
- (c) providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

Compare: 1982 No 156 s 47

#### **56 Power to amend Schedules 1 and 2 by Order in Council**

- (1) Where any class of local authority named in Schedule 1 or Schedule 2 is abolished, or its name is altered, or any specified local authority named in Schedule 1 or Schedule 2 is abolished, or its name is altered, the Governor-General may, by Order in Council, make such amendments to those schedules as may be necessary to give effect to the abolition or alteration.
- (2) An Order in Council made under subsection (1) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Compare: 1962 No 113 s 2(2); 1975 No 125 s 2(5); 1982 No 156 s 49

Section 56(2): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

#### **57 Consequential amendments to other enactments**

- (1) The enactments specified in Schedule 3 are hereby amended in the manner indicated in that schedule.
- (2) *Amendment(s) incorporated in the Act(s).*

#### **58 Repeals and revocations**

- (1) The enactments specified in Schedule 4 are hereby repealed.
- (2) The Orders in Council specified in Schedule 5 are hereby revoked.

#### **59 Transitional provisions for amendments made on or after commencement of Local Government Official Information and Meetings Amendment Act 2013**

- (1) The transitional provisions set out in Schedule 6 have effect for the purposes of this Act.
- (2) The provisions relate to amendments made to this Act on or after the commencement of the Local Government Official Information and Meetings Amendment Act 2013.

Section 59: inserted, on 4 September 2013, by section 6 of the Local Government Official Information and Meetings Amendment Act 2013 (2013 No 65).

## **Schedule 1**

### **Local authorities to which Parts 1 to 7 apply**

s 2

Schedule 1: substituted, on 1 October 1991, by section 7(1) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

#### **Part 1**

##### **Classes of local authorities**

Administering bodies of reserves as defined in section 2(1) of the Reserves Act 1977 (other than a Minister of the Crown or a department)

Airport authorities (other than airport companies (as defined in section 2 of the Airport Authorities Act 1966))

Community boards

Community boards, boards of inquiry, freshwater hearings panels, public bodies, special tribunals, or any person given authority to conduct hearings under section 33, 34, 34A, 117, 149J, or 202 or clause 58 of Schedule 1 of the Resource Management Act 1991

Irrigation boards

Licensing trusts

Local boards within the meaning of the Local Government Act 2002

Public reserves special boards, trusts, or trust boards

Regional councils

Territorial authorities within the meaning of the Local Government Act 2002

Schedule 1 Part 1: amended, on 1 July 2020, by section 109 of the Resource Management Amendment Act 2020 (2020 No 30).

Schedule 1 Part 1: amended, on 8 August 2014, by section 78 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 1 Part 1: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Schedule 1 Part 1: amended, on 7 October 1994, by section 96(1) of the Energy Companies Act 1992 (1992 No 56)

#### **Part 2**

##### **Particular local authorities**

The Aotea Centre Board of Management

The board established under Part 7 of the Local Government (Auckland Council) Act 2009

The Canterbury Museum Trust Board

Chatham Islands Council

The Council of the Auckland Institute and Museum

The Greytown Trust Lands Trustees

Hauraki Gulf Forum

The Lake District Waterways Authority

The Masterton Trust Lands Trust

The Museum of Transport and Technology Board

The Otago Museum Trust Board

The Riccarton Bush Trustees

The selection body established under Schedule 2 of the Local Government (Auckland Council) Act 2009

Tūpuna Maunga o Tāmaki Makaurau Authority (as established by section 106 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014)

The Wairarapa Cadet Training Farm Trust Board

Schedule 1 Part 2: amended, on 1 August 2014, by section 165(2) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

Schedule 1 Part 2: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 1 Part 2: amended, on 1 April 2000, by section 28(3) of the Museum of Transport and Technology Act 2000 (2000 No 1 (P)).

Schedule 1 Part 2: amended, on 27 February 2000, by section 49 of the Hauraki Gulf Marine Park Act 2000 (2000 No 1).

Schedule 1 Part 2: amended, on 8 October 1998, by section 20(2) of the Selwyn Plantation Board Empowering Act 1992 (1992 No 4 (L)).

Schedule 1 Part 2: amended, on 1 July 1996, by section 11(2) of the Marlborough Forestry Corporation Act Repeal Act 1996 (1996 No 2 (L)).

Schedule 1 Part 2: amended, on 1 November 1995, by section 33 of the Chatham Islands Council Act 1995 (1995 No 41).

Schedule 1 Part 2: amended, on 7 October 1994, by section 96(1) of the Energy Companies Act (1992 No 56).

Schedule 1 Part 2: amended, on 26 October 1993, by section 79(2) of the Energy Companies Act 1992 (1992 No 56).

Schedule 1 Part 2: amended, on 1 October 1993, by section 95(2) of the Energy Companies Act 1992 (1992 No 56).



## **Schedule 2**

### **Local authorities (additional to those named in Schedule 1) to which Part 7 applies**

s 2

Schedule 2: substituted, on 1 October 1991, by section 7(1) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

#### **Part 1**

##### **Classes of local authorities**

Boards constituted under subpart 5 of Part 3 of the Education and Training Act 2020

Conservation boards

Councils of institutions established under subpart 3 of Part 4 of the Education and Training Act 2020

Fish and game councils

Provincial Patriotic Councils

Regional Co-ordinating Committees established under section 22 of the Noxious Plants Act 1978

Schedule 2 Part 1: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 2 Part 1: amended, on 1 April 2000, by section 7 of the Children's Health Camps Board Dissolution Act 1999 (1999 No 141).

Schedule 2 Part 1: amended, on 1 July 1993, by section 32 of the Health Sector (Transfers) Act 1993 (1993 No 23).

Schedule 2 Part 1: amended, on 1 October 1991, by section 34(a) of the Education Amendment Act (No 4) 1991 (1991 No 136).

#### **Part 2**

##### **Particular local authorities**

Game Animal Council

National Animal Ethics Advisory Committee

National Animal Welfare Advisory Committee

Te Pūkenga—New Zealand Institute of Skills and Technology continued by section 314 of the Education and Training Act 2020 and its subsidiaries

The New Zealand Conservation Authority

The New Zealand Fish and Game Council

Schedule 2 Part 2: amended, on 25 September 2020, by clause 4(2) of the Education (Name Change for NZIST) Order 2020 (LI 2020/260).

Schedule 2 Part 2: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 2 Part 2: amended, on 1 April 2020, by section 78(1) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Schedule 2 Part 2: amended, on 28 November 2013, by section 41(2) of the Game Animal Council Act 2013 (2013 No 98).

Schedule 2 Part 2: amended, on 1 January 2000, by section 196(2) of the Animal Welfare Act 1999 (1999 No 142).

## Schedule 2A Resolution to exclude the public

s 48(3), (4), (5), (6)

Schedule 2A: inserted, on 1 October 1991, by section 8 of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

### *Section 48, Local Government Official Information and Meetings Act 1987*

I move that the public be excluded from—

- \*(a) the whole of the proceedings of this meeting; or
- \*(b) the following parts of the proceedings of this meeting, namely,—

[*state agenda items*]

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| <b>General subject of each matter to be considered</b> | <b>Reason for passing this resolution in relation to each matter</b> | <b>Ground(s) under section 48(1) for the passing of this resolution</b> |
|--|--|---|
| —  | —  | —   |
| —  | —  | —   |
| —  | —  | —   |
| —  | —  | —   |

\*This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

[*give particulars*]

\*I also move that [*name of person or persons*] be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of [*specify*]. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because [*specify*].

\*Delete if inapplicable.

### **Note**

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- “(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof)—

- (a) shall be available to any member of the public who is present; and
- (b) shall form part of the minutes of the local authority.”

### Schedule 3 Enactments amended

s 57

**Canterbury Museum Trust Board Act 1983 (1983 No 13 (L))**

*Amendment(s) incorporated in the Act(s).*

**Electric Power Boards Act 1925 (1925 No 38) (Reprinted 1976, Vol 4, p 3465)**

*Amendment(s) incorporated in the Act(s).*

**Official Information Act 1982 (1982 No 156) (RS Vol 21)**

*Amendment(s) incorporated in the Act(s).*

**Ombudsmen Act 1975 (1975 No 9)**

*Amendment(s) incorporated in the Act(s).*

**Soil Conservation and Rivers Control Act 1941 (1941 No 12) (RS Vol 17, p 607)**

*Amendment(s) incorporated in the Act(s).*

## Schedule 4

### Enactments repealed

s 58(1)

**Agricultural Pests Destruction Act 1967 (1967 No 147)***Amendment(s) incorporated in the Act(s).***Agricultural Pests Destruction Amendment Act 1971 (1971 No 74)***Amendment(s) incorporated in the Act(s).***Area Health Boards Act 1983 (1983 No 134)***Amendment(s) incorporated in the Act(s).***Auckland Aotea Centre Empowering Act 1985 (1985 No 9 (L))***Amendment(s) incorporated in the Act(s).***Auckland Electric Power Board Act 1978 (1978 No 11 (L))***Amendment(s) incorporated in the Act(s).***Auckland Harbour Bridge Authority Dissolution Act 1983 (1983 No 153)***Amendment(s) incorporated in the Act(s).***Auckland Regional Authority Act 1963 (1963 No 18 (L)) (Reprinted 1970, Vol 3, p 1779)***Amendment(s) incorporated in the Act(s).***Christchurch Town Hall Board of Management Act 1976 (1976 No 2 (L))***Amendment(s) incorporated in the Act(s).***Dog Control and Hydatids Act 1982 (1982 No 42)***Amendment(s) incorporated in the Act(s).***Education Amendment Act (No 2) 1974 (1974 No 136) (Reprinted 1975, Vol 3, p 1888)***Amendment(s) incorporated in the Act(s).***Lakes District Waterways Authority (Shotover River) Empowering Act 1985 (1985 No 2 (L))***Amendment(s) incorporated in the Act(s).***Local Government Act 1974 (1974 No 66) (RS Vol 5, p 77)***Amendment(s) incorporated in the Act(s).*

**Local Legislation Act 1963 (1963 No 138)**

*Amendment(s) incorporated in the Act(s).*

**Local Legislation Act 1965 (1965 No 122)**

*Amendment(s) incorporated in the Act(s).*

**Marlborough Forestry Corporation Act 1970 (1970 No 17 (L))**

*Amendment(s) incorporated in the Act(s).*

**Massey University Amendment Act 1966 (1966 No 10) (RS Vol 14, p 476)**

*Amendment(s) incorporated in the Act(s).*

**Milk Act 1967 (1967 No 53)**

*Amendment(s) incorporated in the Act(s).*

**National Parks Act 1980 (1980 No 66)**

*Amendment(s) incorporated in the Act(s).*

**Noxious Plants Act 1978 (1978 No 15)**

*Amendment(s) incorporated in the Act(s).*

**Public Bodies Meetings Act 1962 (1962 No 113) (Reprinted 1975, Vol 3, p 2269)**

**Public Bodies Meetings Amendment Act 1963 (1963 No 109) (Reprinted 1975, Vol 3, p 2280)**

**Public Bodies Meetings Amendment Act 1974 (1974 No 113) (Reprinted 1975, Vol 3, p 2281)**

**Public Bodies Meetings Amendment Act 1975 (1975 No 125) (Reprinted 1975, Vol 3, p 2281)**

**Reserves Act 1977 (1977 No 66)**

*Amendment(s) incorporated in the Act(s).*

**University of Albany Act 1972 (1972 No 30) (RS Vol 14, p 777)**

*Amendment(s) incorporated in the Act(s).*

**University of Waikato Act 1963 (1963 No 8) (RS Vol 14, p 849)**

*Amendment(s) incorporated in the Act(s).*

**Water and Soil Conservation Amendment Act 1971 (1971 No 24) (RS Vol 17, p 783)**

*Amendment(s) incorporated in the Act(s).*

**Water and Soil Conservation Amendment Act 1973 (1973 No 24) (RS Vol 17,  
p 877)**

*Amendment(s) incorporated in the Act(s).*

**Wellington Regional Water Board Act 1972 (1972 No 3 (L))**

*Amendment(s) incorporated in the Act(s).*



**Schedule 5  
Orders revoked**

s 58(2)

**Public Bodies Meetings Order 1971 (SR 1971/113)**

**Public Bodies Meetings Order 1976 (SR 1976/94)**

**Public Bodies Meetings Order 1979 (SR 1979/215)**

**Schedule 6**  
**Transitional provisions for amendments made on or after**  
**commencement of Local Government Official Information and**  
**Meetings Amendment Act 2013**

s 59

Schedule 6: inserted, on 4 September 2013, by section 7 of the Local Government Official Information and Meetings Amendment Act 2013 (2013 No 65).

**1 Interpretation**

In this schedule, **amendment Act** means the Local Government Official Information and Meetings Amendment Act 2013, which amends this Act.

**2 Application of amendments to boards of inquiry and special tribunals**

The amendments made by the amendment Act apply to a board of inquiry appointed under section 149J of the Resource Management Act 1991, or to a special tribunal appointed under section 202 of that Act, whether appointed before or after the commencement of the amendments.

## **Reprints notes**

### **1 *General***

This is a reprint of the Local Government Official Information and Meetings Act 1987 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2 *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3 *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4 *Amendments incorporated in this reprint***

Education (Name Change for NZIST) Order 2020 (LI 2020/260): clause 4(2)

Infrastructure Funding and Financing Act 2020 (2020 No 47): section 161

Urban Development Act 2020 (2020 No 42): section 300

Education and Training Act 2020 (2020 No 38): section 668

Resource Management Amendment Act 2020 (2020 No 30): section 109

COVID-19 Response (Urgent Management Measures) Legislation Act 2020 (2020 No 9): Part 4

Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1): section 78(1)

Local Government Regulatory Systems Amendment Act 2019 (2019 No 6): Part 5

Judicial Review Procedure Act 2016 (2016 No 50): section 24

Senior Courts Act 2016 (2016 No 48): section 183(b)

Local Government Official Information and Meetings Amendment Act 2015 (2015 No 23)

Local Government Act 2002 Amendment Act 2014 (2014 No 55): section 78

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52): section 165

Building Amendment Act 2013 (2013 No 100): section 77

Game Animal Council Act 2013 (2013 No 98): section 41(2)

Local Government Official Information and Meetings Amendment Act 2013 (2013 No 65)

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Legislation Act 2012 (2012 No 119): section 77(3)

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)

Criminal Disclosure Act 2008 (2008 No 38): section 37

Health (Drinking Water) Amendment Act 2007 (2007 No 92): section 18  
Weathertight Homes Resolution Services Act 2006 (2006 No 84): section 127(5)  
Building Act 2004 (2004 No 72): section 414  
Local Government Official Information and Meetings Amendment Act 2004 (2004 No 65)  
Local Government Official Information and Meetings Amendment Act 2003 (2003 No 82)  
Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)  
Local Government Act 2002 (2002 No 84): sections 262, 266  
Museum of Transport and Technology Act 2000 (2000 No 1 (P)): section 28(3)  
Hauraki Gulf Marine Park Act 2000 (2000 No 1): section 49  
Animal Welfare Act 1999 (1999 No 142): section 196  
Children's Health Camps Board Dissolution Act 1999 (1999 No 141): section 7  
Local Government Official Information and Meetings Amendment Act 1996 (1996 No 132)  
Marlborough Forestry Corporation Act Repeal Act 1996 (1996 No 2 (L)): section 11(2)  
National Parks Amendment Act 1996 (1996 No 4): section 11  
Chatham Islands Council Act 1995 (1995 No 41): section 33  
Local Government Official Information and Meetings Amendment Act 1993 (1993 No 37)  
Health Sector (Transfers) Act 1993 (1993 No 23): section 32  
Defamation Act 1992 (1992 No 105): section 56(1)  
Energy Companies Act 1992 (1992 No 56): sections 79(2), 95(2), 96(1)  
Selwyn Plantation Board Empowering Act 1992 (1992 No 4 (L)): section 20(2)  
Local Government Official Information and Meetings Amendment Act (No 2) 1991 (1991 No 151)  
Education Amendment Act (No 4) 1991 (1991 No 136): section 34(a)  
Resource Management Act 1991 (1991 No 69): section 362  
Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54)  
Local Government Official Information and Meetings Amendment Act (No 2) 1989 (1989 No 123)  
Local Government Official Information and Meetings Act 1987 (1987 No 174): section 2A(4)