

**Reprint
as at 1 April 2012**



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

(SR 2011/43)

Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2011: expired, on 1 April 2012, by clause 3.

Anand Satyanand, Governor-General

Order in Council

At Wellington this 8th day of March 2011

Present:

His Excellency the Governor-General in Council

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

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

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Department of Internal Affairs.

Contents

	Page
1 Title	2
2 Commencement	2
3 Expiry	2
4 Interpretation	2
5 Territorial authorities to which this order applies	2
6 Modification of requirements for land information memorandum under section 44A of Act	3

Order

- 1 Title**
This order is the Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2011.
- 2 Commencement**
This order is deemed to have come into force on 5 March 2011.
- 3 Expiry**
This order expires on the close of 31 March 2012.
- 4 Interpretation**
- (1) In this order, unless the context otherwise requires,—
Act means the Local Government Official Information and Meetings Act 1987
readily available, in relation to information, means—
(a) physically accessible; and
(b) organised or stored in a way that makes the information accessible in a timely manner.
- (2) The modifications or extensions to the Act made by this order do not affect the text of the Act but require it to be read as if it had been amended in the manner indicated in this order.
- 5 Territorial authorities to which this order applies**
This order applies only to—

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

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

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

- (b) in a land information memorandum issued by Christchurch City Council or Selwyn District Council or Waimakariri District Council, that, as a consequence of the Canterbury earthquake, there is new information that the council cannot provide because the information is not readily available or in a form suitable for inclusion in the land information memorandum.
- (5) Despite subclause (3)(b), a land information memorandum issued before 5 March 2011 need not include the statement described in subclause (3)(b).
- (6) Section 44A(5) and (6) of the Act apply to information included in a land information memorandum issued under this clause as if a reference to subsection (2) of that section were a reference to subclause (3) of this clause.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

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

- modifies the application of section 44A(1) of the Local Government Official Information and Meetings Act 1987 in relation to Christchurch City Council so that the 10-working-day period that the council has to process specified applications for a land information memorandum (**LIM**) commences on 5 March 2011 instead of the date on which the application is made. The applications are those made to Christchurch City

Council if the land information memorandum has not been issued before 5 March 2011:

- exempts the 3 councils from the requirements of section 44A(2) of the Local Government Official Information and Meetings Act 1987 until the close of 31 March 2012 in the case of Christchurch City Council, and until the close of 5 June 2011 in the cases of Selwyn District Council and Waimakariri District Council. Section 44A(2) specifies the information that a council must include in a LIM:
- requires a council to include in a LIM such of the information described in section 44A(2) of the Local Government Official Information and Meetings Act 1987 as is readily available to it and in a form that is suitable for inclusion. **Readily available**, in relation to information, is defined to mean information that is physically accessible and organised or stored in a way that makes the information accessible in a timely manner:
- requires a council to include in a LIM a statement that this order is the authority for the council to issue an incomplete LIM and that specifies,—
 - in relation to a LIM issued by Christchurch City Council, that the council holds other information but that it is not readily available because of the Canterbury earthquake:
 - in relation to a LIM issued by Christchurch City Council, Selwyn District Council, or Waimakariri District Council, that, because of the Canterbury earthquake, there is new information that cannot be provided because the information is not readily available or in a form suitable for inclusion in the LIM.

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

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

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2011. The reprint incorporates all the amendments to the order as at 1 April 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Canterbury Earthquake (Local Government Official Information and Meetings Act) Order 2011 (SR 2011/43): clause 3
