

Version  
as at 23 December 2023



## Local Government Official Information and Meetings Amendment Act 2023

Public Act 2023 No 41  
Date of assent 26 July 2023  
Commencement see section 2

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Local Government Official Information and Meetings Amendment Act 2023.

**2 Commencement**

- (1) Part 1 comes into force as follows:
  - (a) on a date set by Order in Council; but
  - (b) on 1 July 2025, if it has not come into force by then.
- (2) Part 2 comes into force on the day after Royal assent.
- (3) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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**3 Principal Act**

This Act amends the Local Government Official Information and Meetings Act 1987.

## Part 1

### Amendments relating to land information memoranda

#### 4 Section 2 amended (Interpretation)

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

**climate change** has the meaning given in section 2(1) of the Resource Management Act 1991

**natural hazard** has the meaning given in section 2(1) of the Resource Management Act 1991

**regional council** has the meaning given in section 5(1) of the Local Government Act 2002

**regulations** means regulations made under section 55

**territorial authority** has the meaning given in section 5(1) of the Local Government Act 2002

Section 4: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

#### 5 Section 4 amended (Purposes)

After section 4(c), insert:

(d) to provide for the issue of land information memoranda.

#### 6 Cross-heading above section 44A replaced

Replace the cross-heading above section 44A with:

### Part 6A

#### Land information memoranda

#### 7 Section 44A amended (Land information memorandum)

Replace section 44A(2)(a) with:

(a) the information about natural hazards that is required by section 44B:

(aa) information about other special features or characteristics of the land concerned, including information about the likely presence of hazardous contaminants, that—

(i) is known to the territorial authority; but

(ii) is not apparent from a district plan under the Resource Management Act 1991:

Section 7: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

**8 New sections 44B to 44D inserted**

After section 44A, insert:

**44B Natural hazard information to be included in land information memoranda**

- (1) The purpose of this section is to ensure that land information memoranda contain understandable information about the following in relation to land:
  - (a) natural hazards;
  - (b) impacts of climate change that exacerbate natural hazards.
- (2) A land information memorandum must include—
  - (a) information that identifies the following, to the extent that the information is known to the territorial authority:
    - (i) each natural hazard, and each impact of climate change that exacerbates natural hazards, that affects the land concerned;
    - (ii) each potential natural hazard, and each potential impact of climate change that exacerbates natural hazards, to the extent that the territorial authority is satisfied that there is a reasonable possibility that the hazard or impact may affect the land concerned (whether now or in the future);
    - (iii) the cumulative or combined effects of the hazards and impacts referred to in subparagraphs (i) and (ii) on the land concerned; and
  - (b) any further information required by the regulations to make the information provided under paragraph (a) more understandable.
- (3) The information must be summarised and presented in the land information memorandum in the form required by the regulations (if any).

**44C Regional council must provide territorial authority with natural hazard information**

- (1) A regional council must, as soon as is reasonably practicable in the circumstances, provide to a territorial authority within or partly within its region—
  - (a) information that identifies the following, to the extent that the information is known to the regional council:
    - (i) each natural hazard, and each impact of climate change that exacerbates natural hazards, that affects land in the territorial authority's district;
    - (ii) each potential natural hazard, and each potential impact of climate change that exacerbates natural hazards, to the extent that the regional council is satisfied that there is a reasonable possibility that the hazard or impact may affect land in the territorial authority's district (whether now or in the future):

- (iii) the cumulative or combined effects of the hazards and impacts referred to in subparagraphs (i) and (ii) on land in the territorial authority's district; and
  - (b) any further information required by the regulations to make the information provided under paragraph (a) more understandable.
- (2) The information must be summarised and presented in the form required by the regulations (if any).

**44D Territorial authority and regional council protected against certain actions when providing information in good faith**

A territorial authority or regional council is not liable in civil or criminal proceedings for making available in good faith,—

- (a) in the case of a territorial authority, information in a land information memorandum under section 44A(2)(a); or
- (b) in the case of a regional council, information to a territorial authority under section 44C.

Section 8: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

**9 Section 55 amended (Regulations)**

After section 55(1), insert:

- (1A) The Minister must not recommend that regulations be made for the purposes of Part 6A unless they have consulted—
- (a) each regional council and territorial authority that the Minister considers may be affected by the proposed regulations; and
  - (b) the persons and organisations that the Minister considers appropriate to consult.
- (1B) However, the Minister is not required to consult the entities set out in subsection (1A)(a) if satisfied that a proposed amendment to regulations has no more than a minor effect, corrects errors, or makes similar technical alterations.

**10 Schedule 1 amended**

In Schedule 1, Part 1, item relating to territorial authorities, delete “within the meaning of the Local Government Act 2002”.

**Part 2**

**Amendments relating to official information**

**11 Section 6 amended (Conclusive reasons for withholding official information)**

- (1) In section 6, renumber paragraphs (a) and (b) as paragraphs (c) and (d).

- (2) Before section 6(c), insert:
- (a) to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
  - (b) to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—
    - (i) the Government of another country or an agency of that Government; or
    - (ii) any international organisation (as defined in section 2(1) of the Official Information Act 1982); or

- (3) In section 6, replace the compare note with:

Compare: 1982 No 156 s 6(a)–(d)

**12 Section 7 amended (Other reasons for withholding official information)**

In section 7(2)(f)(i), delete “, or any persons to whom section 2(5) applies,”.

**13 Section 31 replaced (Disclosure of certain information not to be recommended)**

Replace section 31 with:

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

- (1) An Ombudsman must not recommend that information be made available if—
- (a) the Prime Minister certifies that making the information available would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
  - (b) the Attorney-General certifies that making the information available would be likely to prejudice the prevention, investigation, or detection of offences.
- (2) However, the Ombudsman may recommend that the appropriate local authority give further consideration to making the information available.

Compare: 1982 No 156 s 31

## Notes

### **1** *General*

This is a consolidation of the Local Government Official Information and Meetings Amendment Act 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

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

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

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

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6