

# House of Representatives

# Supplementary Order Paper

Wednesday, 13 March 2019

## Local Government Regulatory Systems Amendment Bill

### *Proposed amendments*

Jami-Lee Ross, in Committee, to move the following amendments:

#### *Clause 26*

Before clause 26(1) (page 8, line 10), insert:

- (1AA) In Schedule 7, clause 15(2)(b)(i), after “1987” insert “, including the requirements relating to member requests under that Act”.

#### *New clause 29A*

After clause 29 (page 10, line 8), insert:

**29A New section 10A inserted (Special provision for requests from members)**

After section 10, insert:

**10A Special provision for requests from members**

- (1) Subject to **subsection (5)**, this section applies when a local authority receives a request under section 10 from a member of that local authority (a **member request**).
- (2) This Act applies with the following modifications to a member request:
  - (a) In determining whether good reason for withholding official information exists for the purposes of section 5, the local authority may consider only—
    - (i) the conclusive reasons specified in section 6; and
    - (ii) whether withholding the information is necessary to protect the privacy of natural persons, including that of

Proposed amendments to

- deceased natural persons), subject to the consideration in section 7(1).
- (b) A local authority must not charge a member for the supply of official information in response to a member request.
  - (c) A local authority must make a decision on a member request as soon as reasonably practicable, and in any event not later than 6 working days after the day on which the request is received by that local authority.
- (3) A member must not publicly disclose information received in response to a member request, unless—
- (a) the information is publicly available information; or
  - (b) the chief executive has agreed to the release of the information; or
  - (c) the member has received the information by other means (either before or after receiving the information in response to a member request); or
  - (d) an Ombudsman has recommended that the information be made available in accordance with Part 5 of this Act.
- (4) If one or more of the exceptions to the prohibition on public disclosure set out in **subsection (3)(a) to (d)** applies to only part of the information received in response to a member request, the member may publicly disclose only that part of the information.
- (5) This section does not apply if a member states, when making a request under section 10, that he or she does not wish the request to be treated as a member request.

### Explanatory note

This Supplementary Order Paper inserts an additional amendment to the Local Government Official Information and Meetings Act 1987 to provide greater rights for members of a local authority to access information through the Act to facilitate their role as representatives. It also introduces safeguards around the use of that information.