



# Local Government Official Information and Meetings Amendment Act 2015

Public Act 2015 No 23  
Date of assent 25 March 2015  
Commencement see section 2

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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 2015.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act**

This Act amends the Local Government Official Information and Meetings Act 1987 (the **principal Act**).

**4 Section 2 amended (Interpretation)**

Replace section 2(6) with:

- “(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.”

**5 Section 4 amended (Purposes)**

In section 4(a), replace “provide for” with “increase progressively”.

**6 Section 10 amended (Requests)**

- (1) After section 10(1), insert:

“(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.”

- (2) After section 10(3), insert:

“(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.”

**7 Section 12 amended (Transfer of requests)**

In section 12,—

- (a) after “the information”, insert “, or some of the information,”;
- (b) after “transfer the request”, insert “, or relevant part of the request,”.

## **8 Section 13 amended (Decisions on requests)**

After section 13(6), insert:

- “(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.”

## **9 Section 15 amended (Documents)**

After section 15(1), insert:

- “(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.”

## **10 Section 17 amended (Refusal of requests)**

In section 17(e), after “or”, insert “, despite reasonable efforts to locate it,”.

## **11 Section 27 amended (Functions of Ombudsmen)**

- (1) Replace section 27(4) with:
  - “(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.”

(2) After section 27(5), insert:

“(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.”

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### **Legislative history**

19 March 2015	Divided from Statutes Amendment Bill (No 4) (Bill 188–2)
24 March 2015	Third reading
25 March 2015	Royal assent

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This Act is administered by the Department of Internal Affairs.

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