

3 November 2022

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Local Government Official Information and Meetings Amendment Bill

1. We have considered whether the Local Government Official Information and Meetings Amendment Bill (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO 24541/5.0). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The Bill addresses two distinct matters in the Local Government Official Information and Meetings Act 1987.
4. First, the Bill introduces certain information disclosure obligations with the aim of ensuring land information memoranda (LIM) contain information about natural hazards and impacts of climate change¹. These obligations apply to:
 - a. a territorial authority,² which must include such information in a LIM; and
 - b. a regional council,³ which must share such information with a territorial authority within or partly within its region.
5. Second, the Bill introduces changes pertaining to official information for better alignment with the Official Information Act 1982 and to improve management of national security risks:
 - a. new conclusive withholding grounds for information - a local authority may withhold official information if releasing it would be likely to prejudice New Zealand's security, defence, or international relations, or the entrusting of information to the New Zealand Government by another Government or an international organisation on a confidential basis;⁴ and
 - b. changes to the certification processes – the Ombudsman must not make a recommendation to release information if the Prime Minister certifies that making the information available would be likely to prejudice New Zealand's security, defence, or international relations. Currently the Ombudsman must not make a recommendation only if the Attorney-General certifies that making the information available is likely to prejudice the prevention, investigation, or detection of offences.⁵

¹ See cls 4, 5, 7 and 8.

² A territorial authority has the meaning given to it in s 5(1) of the Local Government Act 2002.

³ A regional council has the meaning given to it in s 5(1) of the Local Government Act 2002.

⁴ See cl 11.

⁵ See cl 12.

6. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

A handwritten signature in blue ink, appearing to read "Jeff Orr". The signature is stylized and cursive.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel