

Legislative Statement for the First Reading of the LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS AMENDMENT BILL

Presented to the House of Representatives in accordance with Standing Order 272 J.17

The broad policy and purpose of the Local Government Official Information and Meetings Amendment Bill is to provide clarity and certainty for local authorities on provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA).

The Bill amends the LGOIMA to:

- introduce changes to improve natural hazard information provided in the land information memorandum (LIM); and
- align the withholding and certification processes with the Official Information Act 1982.

Improving natural hazard disclosure in the LIM

The LIM under the LGOIMA is the main source of property information for the public and is a key tool for communicating natural hazard information to buyers so they can make informed decisions.

The provision of better natural hazard information (including the impacts of climate change) on LIMs is an essential step to help property buyers understand natural hazard risk and make informed decisions when deciding whether to purchase a property. Improving natural hazard information on LIMs is a key action under Aotearoa New Zealand's first National Adaptation Plan.

However, there are challenges with how LIMs currently provide natural hazard information. LIMs may lack key natural hazard content, are not effective at communicating natural hazard information, and present legal liability issues that can prevent local authorities from providing more helpful natural hazard information.

The Bill will amend the provisions for LIMs in LGOIMA to introduce:

- clearer requirements to provide natural hazard information in the LIM (including the impacts of climate change);
- a statutory responsibility for regional councils to provide natural hazard information (including the impacts of climate change) and support to territorial authorities;
- a specific purpose for providing natural hazard information;
- provisions to develop regulations for providing natural hazard information in LIMs; and
- limitation of legal liability for local authorities when disclosing natural hazard information in good faith.

The proposed limitation of local authority liability will incentivise greater sharing of natural hazard information by providing local authorities with a similar level of protection as they currently have when sharing other official information under the LGOIMA. Affected parties may still bring complaints to the Ombudsman and apply for judicial review.

The new statutory responsibility for regional councils will ensure that regionally held natural hazard information is included in the LIM. Regional councils often hold significant natural

hazard information and technical expertise. This new responsibility will formalise existing information sharing between regional councils and territorial authorities. Territorial authorities will retain the sole responsibility for processing LIM applications.

Aligning the withholding and certification processes with the Official Information Act

The Bill amends LGOIMA to align it with the Official Information Act 1982 to provide conclusive withholding grounds for information:

- that would be likely to prejudice the security or defence of New Zealand or the international relations of the government of New Zealand; or
- entrusted to the Government of New Zealand from another Government or international organisation.

The Bill also amends the LGOIMA to allow the Prime Minister to certify that certain information should not be released if it would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

The current lack of conclusive grounds for withholding information limits the ability of local authorities to seek or receive advice on security risks. It also increases the risk of information being disclosed that could prejudice New Zealand's security or defence, or the international relations of the Government of New Zealand.