

Māori Party queries:

Part 17: Local Government Official Information and Meetings Act 1987

Clause 50 – changes to 4(a) (Purposes) of the Principal Act, replacing “Provides for” to “Increase progressively” – what was the reason for the change?

What does Clause 50 do?

Clause 50 seeks to align the purposes of the Local Government Official Information and Meetings Act 1987 (LGOIMA) with the purposes of the Official Information Act 1982 (OIA). This clarifies that the availability of information should be progressively increased, not just provided for.

What are the reasons for changes to Clause 50?

The purpose of the proposed amendment is to align the purposes of the LGOIMA with the purposes of the OIA. The Law Commission’s paper: *The Public’s Right to Know: Review of the Official Information Legislation* notes that an underlying assumption of the OIA is that there will be continual advances in the openness of government. At present, the same assumption does not appear in the LGOIMA. As noted in the Law Commission’s paper the openness of government is important at all levels of government. The Commission recommended that the purpose sections of the OIA and LGOIMA be the same and emphasise progressive availability.

Response to Māori party query:

The term “increase progressively” is stronger than “provide for”. The concept of increasing progressively includes the provision of information as well as the need for continual advances in the openness of government. The term “increase progressively” is already in use in the OIA and the amendment in Clause 50 will align the purposes of the LGOIMA with the purposes of the OIA.

Clause 53 – amend section 12 (Transfer of requests) to include the new definition “or relevant part of the request” – this leaves room for interpretation as to who determines what is the relevant part of the request?

What does Clause 53 do?

Clause 53 clarifies that a partial transfer of an official information request is permitted. It codifies existing best practice that is permitted by the Office of the Ombudsman.

What are the reasons for changes to Clause 53?

The amendment will make it explicit that partial transfers of official information requests are permitted, so long as the normal transfer procedure is followed (including notification of the transfer to the requestor). There is currently no explicit mechanism in the LGOIMA that allows for partial transfer of a request. This amendment makes the existing Ombudsman-approved practice explicit. The Law Commission also recommended the amendment in its paper: *The Public's Right to Know: Review of the Official Information Legislation*.

Response to Māori party query:

The relevant part of the official information request would initially be identified by the organisation receiving the request (the transferor), who would then consult with the other organisation (transferee). The requester of the information would be notified of the transfer. Existing guidelines for the transfer of information requests would apply. For example, the partial request would be transferred where the transferor does not hold the information on that part, or where the information is more closely connected with the functions of the transferee.

Released under the Official Information Act 1987