

Extract from *Elected Members' Handbook* – Local Government Official Information and Meetings Act

1. Connecting with the Community

Councillors are responsible for making decisions in the best interests of their citizens. Elected members are required to represent all members of the city or district to which they are elected. This is emphasised in the 'oath of office' where they agree to faithfully and impartially, and according to their best skill and judgment, execute and perform in the interests of the city or district.

Wards exist only for electoral purposes so that, once elected, councillors' responsibilities extend to the full community.

Public Access to Information

Official information must be made available unless there is a good reason for withholding it (Local Government Official Information and Meetings Act 1987).

Best Practice

Many councils go well beyond the legislative requirements in providing information to the public. City, district, and regional councils often provide:

- *advertisements in addition to public notification requirements*
- *brochures about council services*
- *information booths at exhibitions*
- *information centres*
- *leaflets sent out with rates notices*
- *newsletters to all household.5*
- *media statements*
- *speakers at resident association meetings and other local community groups*
- **regular** *columns in newspapers*
- *telephone information lines on particular issues.*

Copies of Reports

Official information includes minutes of full council meetings and any reports made to council.

Copies of all or part of a report made available for inspection must be supplied to members of the public on request. A fee can be charged

but most councils charge only for very large reports, those that cannot easily be copied, and information that is difficult to extract and assemble.

Excluding the Public from Meetings

Section 48 of the Local Government Official Information and Meetings Act 1987 states the grounds under which the authority, by resolution, may exclude the public from a city, district, community board, and regional council meeting.

In summary the grounds are:

- when there is good reason as outlined below under 'Withholding Information'
- when the meeting is considering a recommendation from the Ombudsman
- when the topic of discussion is subject to a right of appeal in a court.

The order paper usually details, in the form required by the Act, when the council should consider excluding the public.

Withholding Information

The chief executive officer (CEO) can withhold information under Sections 6, 7, 8 and 17 of the Local Government Official Information and Meetings Act 1987. A summary of the reasons governing withholding or disclosure of information is set out below. Essentially, there is good reason to withhold information in order to:

- avoid prejudicing the maintenance of the law
- protect the health or safety of any person
- protect the privacy of natural persons
- protect information involving a trade secret, or commercially sensitive information (including relevant negotiations), or where disclosure would offend tikanga Maori or reveal the location of waahi tapu (in the case of specified statutory actions under the Resource Management Act)
- protect information which could be prejudicial or damaging to the public interest
- avoid prejudice to measures that protect public health or safety, and that prevent or mitigate material loss to the public
- maintain the effective conduct of public affairs by way of free and frank discussion among members and/or officers of the council, and by protecting them from improper pressure or harassment
- maintain legal professional privilege
- prevent disclosure or use of official information for improper gain or advantage

There are a number of reasons the council can give for refusing requests for information.

In particular where:

- substantial collation and research is required. (The council can charge a suitable fee if substantial collation and research is required. But it must tell the applicant when it refuses to provide official information or proposes to charge a fee for providing it; and it must also explain the reasons for doing so and that the applicant has a right to complain to the Ombudsman.)



- providing the information would be illegal or constitute contempt of court or Parliament
- the information requested does not exist, cannot be found, or is vexatious, frivolous or trivial.

Directory of Information about a Council

Each year every city, district, and regional council must publish a directory of its functions (Local Government Official Information and Meetings Act 1987).

The directory must include:

- a description of what the council does
- the name, role, and committee membership of each elected member and, where applicable, of each ~~ward~~ ward member
- the terms of reference of each standing committee
- an outline of the management structure, the names of managers, and where they may be contacted
- schedules containing details of:
 - information and documents held by the council
 - legislation relevant to the authority
 - the council's bylaws
- statements of information for use by the public about contacts to direct official information enquiries to the council and about regular council committee and subcommittee meetings
- postal addresses and telephone numbers of all the council's offices and service centres.

The directory must be available for public scrutiny at council offices and public libraries. Copies must be available for purchase. Some councils send a copy to every household. In other cases the requirements are met by incorporating them in the annual plan.