

## Changes to the LGOIMA, including the definition of *‘working day’*

*This is a quick reference guide to changes to the Local Government Official Information and Meetings Act 1987 (LGOIMA) which came into effect on 21 March 2019. The changes to the LGOIMA were made as a consequence of the Local Government Regulatory Systems Amendment Act 2019, which is intended to bring consistency to legislation affecting local authorities.*

*For full details of the amendments see the [Local Government Regulatory Systems Amendment Act 2019](#).*

*We will be progressively updating our other guides to ensure they are consistent with these legislative changes. In the meantime, this guide should be referred to in relation to any issues it covers.*

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## Changes to the law concerning information requests to, and notification of the meetings of, local authorities

The Local Government Regulatory Systems Amendment Act 2019 (the Amendment Act) has amended a number of pieces of legislation. This includes a number of changes or additions to certain sections of the LGOIMA.

### **New requirements for public notification of meetings**

Local authorities previously were required under Part 7 of LGOIMA to publicly notify a meeting by publishing a notice in one or more newspapers with a certain level of circulation. This requirement has been added to through an amendment to section 2(1) of the LGOIMA, which now requires the local authority also to make a notice publicly available on the local authority’s website (*‘internet site’*).<sup>1</sup>

### **Obligations when calling an extraordinary meeting**

Section 46(3) and (4) of the LGOIMA, which set out how a local authority may call an extraordinary meeting, have been amended to clarify a local authority’s obligations for giving the public notice of a meeting in circumstances where notice cannot be given in the usual way.

Local authorities are now required to ensure that the extraordinary meeting, as well as the general nature of business to be transacted at the meeting, are publicly notified by the local authority in the newspaper(s) and on its website, or are otherwise advertised, as soon as it can before the meeting is held.

If the local authority cannot publish notice of an extraordinary meeting in such a manner, it must ensure the public is given notice of the meeting and the general nature of business to be transacted at the meeting in a way that is reasonable in the circumstances.

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<sup>1</sup> The LGOIMA now defines *‘internet site’* as an internet site which is maintained by or on behalf of a local authority and to which the public has free access.

## The definition of '*working day*'

The definition of '*working day*' in section 2(1) of the LGOIMA, which is relevant for calculating the maximum time limits local authorities have for certain actions (including making decisions on official information requests), has been changed and now means any day of the week other than:

- Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day;
- The day observed as the provincial anniversary day in the area in question;<sup>2</sup> and
- A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

In contrast, the Official Information Act 1982 and Privacy Act 1993 still counts regional anniversary days as working days, and excludes the days between 25 December and 15 January.

### Regional anniversary days

The new definition of '*working day*' in LGOIMA reflects section 44 of the Holidays Act 2003, which states that public holidays include, among other things, '*the day of the anniversary of a province or the day locally observed as that day*' (emphasis added).

Provincial anniversary days are observed locally by custom and practice, and are generally prescribed by regional or city councils.<sup>3</sup> Provincial anniversary days typically are observed on the Monday nearest to the actual day,<sup>4</sup> but there are notable exceptions.<sup>5</sup>

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<sup>2</sup> The actual text says: '*the day observed in the appropriate area as the anniversary of the province of which the area forms a part*'.

<sup>3</sup> Employment New Zealand, *Public holidays and anniversary dates*, available at: <https://www.employment.govt.nz/leave-and-holidays/public-holidays/public-holidays-and-anniversary-dates/>

<sup>4</sup> New Zealand Government, *Public holidays and anniversary dates*, available at: <https://www.govt.nz/browse/work/public-holidays-and-work/public-holidays-and-anniversary-dates/>

<sup>5</sup> As above n 3.