

24/08/2020

[REDACTED]
[REDACTED]

Dear [REDACTED],

Request for Information – Local Government Official Information and Meetings Act 1987

We refer to your official information request dated 24 July 2020 for information.

Part of the information you have requested is below. However, some of the points you raised were not requests for information. If you have any issues with the request process or answers given in this or previous responses then you have the right to seek an investigation and review by the Ombudsman.

First of all, whose role is it to provide answers to OIR. Yours or Mrs Stannard?

- My role is to advise and collate information if needed. The answers to LGOIMA requests come from the officers involved with that particular matter.

ITEM 1) 25th June HCC my response to OIR request:

1. *This is not a true statement. I alerted officers to the need to consult Ngati Toa. They refused, yet relied on the GWRC consultation, thus acknowledging the need for consultation.*
 - Not a request for information
2. *This is not a true statement. See above and below.*
 - Not a request for information
3. *The “evidence” was supplied by DLA Piper “after” the hearing. This legal opinion was nonsense and crafted to suite Councils narrative. It did not even mention the MOU which was signed by Ngati Toa, the Mayor and CEO on 23 November 2017.*
 - Not a request for information
4. *This is an incomplete answer. I want the CEO to support and have her officers support the MOU signed by Ngati Toa and the former CEO and Mayor. For reasons I can't understand, other than refusing to take responsibility for her errors, I do not accept the answer given.*
 - Not a request for information

5. *I do not believe the figures given are the true cost. I know what the lawyers, consultants and staff time would be. I need a breakdown. Council should have this readily available, to the cent. This is public money, not Councils*
 - Not a request for information

6. *I don't have access to this information, even after speaking to you. Please tell me rather than referring to a link.*
 - Please see below table for the CEO's remuneration. To note: Jo took a voluntary 10% pay reduction effective from 24 March for 15 months in light of the effects of Covid 19.

| | 2019 | | | 2018 | | |
|-----------------|--------------|--------------------------------------|-----------------------------|--------------|--------------------------------------|-----------------------------|
| | SALARY \$ | POST EMPLOYMENT BENEFITS \$ | TOTAL REMUNERATION \$ | SALARY \$ | POST EMPLOYMENT BENEFITS \$ | TOTAL REMUNERATION \$ |
| Chief Executive | 391,161 | 11,735 | 402,896 | 367,202 | 8,050 | 375,252 |

My Follow up questions from Mrs Stannards reply of 17th July

Dear Mrs Stannard,

Thank you for the LGOIMA reply dated 17th July.

I have some comments:

Who was the author? It was not yourself as it refers to you in the third person in the penultimate paragraph.

- *Kathryn Stannard, Head of Democratic Services was the author of the letter. Answers to the questions came from the officers involved with that particular matter.*

- *Has the reply been vetted by the HCC legal team?*
 - *The Chief Legal Officer provided verbal advice.*

- *There is confusion as to who should be answering certain questions, an elected representative, or a staff member. Some questions related to policies, and were not able to be answered by staff.*
 - *Not a request for information*

- *Four of the 10 questions were not answered, but a follow up by a staff member was offered. Is this standard practice with LGOIMA replies?*

- The Chief Legal Officer provided verbal advice regarding the offering of a staff member to contact you. Some questions are best answered by providing a verbal response and this is one of the ways in which we can deliver a LGOIMA reply.
- *I have not seen any evidence to the one word answer to question 5, so I have contacted the compliance section of the Waitangi Tribunal office for their ruling.*
 - Not a request for information
- *On a personal note, I did receive Mrs Millers reply to my Email dated 30th June. I found it rude making points in block capitals (Email "shouting"). Furthermore, she has never personally apologized to not replying to my email of March 21. A staff member did, however, say it was overlooked. I still don't have a satisfactory answer and have lost confidence in Mrs Miller in both actioning the Treaty issues, and the debacle of writing that I couldn't speak at the Council meeting – then in her recent Email to me, stating; "that is not my (Mrs Millers) role". That seems a contradiction.*
 - Not a request for information

ITEM 3) Speaking at Council Meetings:

29 June

Afternoon Grant, the Chief Executive's Office has passed on your email to me for a response.

*Under Hutt City Council's Standing Order 15.1 public comment is restricted to those items appearing on the agenda. The Ngati Toa Memorandum of Understanding with HCC is not being considered by Council at its meeting on 30 June. **There is no opportunity for you to speak at the Council meeting.***

Thank you for communicating with us.

Mrs Stannard via Mrs Miller

- 1) *The above reply was after I went through the appropriated channels, and the items I wished to speak on were implicit in the agenda. I said that I intended to speak regardless. The ability of free speech is a right, not a privilege.*
 - Not a request for information
- 2) *After I spoke at the meeting, I asked Mrs Miller why she did not stop me from speaking. Her answer is below.*
 - Not a request for information

* *Why did you not prevent me from speaking after telling me I couldn't speak? Were your instructions within your authority, or were they overruled by the Mayor?*

THAT IS NOT MY ROLE.(Miller)

3) *Furthermore, I don't believe under the NZ Bill of Rights, Council could prevent me from speaking for three minutes, after living here 40 years, this was the first time I wished to speak.*

- Not a request for information

I believe trying to block me from speaking, then admitting she couldn't stop me, was an abuse of power from Mrs Miller. There was history here. I had advised Mrs Miller that I intended to advise Council of her dismissive attitude towards Treaty issues.

Please advise. Does an official complaint go through HCC, or direct to the Ombudsman?

- If you are not satisfied with any part of our responses please direct any official complaints to the Ombudsman

ITEM 3) Conclusion:

i) *I am concerned there is a culture of misinformation which leads to credibility issues.*

- Not a request for information

ii) *I have supporting evidence regarding my position from the Waitangi Tribunal and other sources, which I still wish to discuss.*

- Not a request for information. A follow up by a staff member has been offered in previous requests.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me at euan.kyle@huttcity.govt.nz.

Yours sincerely

Euan Kyle

Senior Advisor, Official Information and Privacy