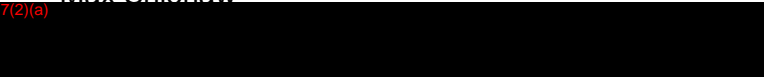


26 October 2022

Max Shierlaw



Tēnā koe Max

**Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987**

We refer to your official information request dated 28 September 2022 and subsequent email of 3 October 2022. You have asked for information about the Ombudsman's report on the investigation into Cr Chris Milne's complaint, specifically:

*"...Please supply all emails sent or received to or from Hutt City Council email addresses, including internal emails, on both Thursday 22nd September 2022 and Friday 23rd September 2022 concerning the Ombudsman's report on the Investigation of Cr Milne's complaint to the Ombudsman.*

*For emails to external parties, please include in the response to this request:*

- 1) the personal names and organisation names of the recipients*
- 2) the time and date of the emails*
- 3) the contents of emails*
- 4) who at Hutt City Council sent the emails.*

*Specifically, please disclose who was blind copied into the email from the CEO to Councillors which was sent by the CEO just after 2pm on Friday 23rd September 2022.*

*Please disclose the any phone calls made by any Hutt City Council employee to external parties about this matter over the two days. Please include:*

- 1) the personal names and organisation names of the people called.*
- 2) who at Hutt City Council made the calls*
- 3) the time and date of the phone calls*
- 4) the purpose of the phone calls."*

The information you have requested is enclosed, as follows:

1. Emails as requested, including details of sender, recipients, time, date and content. Please note that some information has been withheld under section 7(2)(a) of the LGOIMA, to protect the privacy of that individual. In doing so, we considered the public interest in making the information available and have determined that it does not outweigh the need to protect the privacy of this individual.

2. Only one email was blind copied (BC) to other parties, this being the email from the Chief Executive to Councillors, the Council's Leadership Team, Kathryn Stannard and Bruce Hodgins, sent at 2.29pm on Friday 23rd September 2022. A screen shot of this is provided on page 3 of the attachments.
3. The Chief Executive had a telephone conversation with the independent Chair of the Audit and Risk Subcommittee on 23 September 2022. There are no notes of the phone call, but the purpose of the call was to agree an approach on how to deal with the report.
4. The report was discussed at the Audit and Risk Subcommittee meeting of 28 September 2022. I refer you to page 4 of the minutes of this meeting, which are available on the Hutt City Council's website on the following link:  
[http://infocouncil.huttcity.govt.nz/Open/2022/09/ARSC\\_28092022\\_MIN\\_3076\\_AT.PDF](http://infocouncil.huttcity.govt.nz/Open/2022/09/ARSC_28092022_MIN_3076_AT.PDF)

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that this letter may be published on the Council's website.

Nāku noa, nā



Susan Sales  
**Senior Advisor, Official Information and Privacy**

Encl Emails dated 22 and 23 September 2022, relating to the report

From: Jo Miller <Jo.Miller@huttcity.govt.nz>  
Sent: Friday, 23 September 2022 2:29 pm  
To: Jo Miller <Jo.Miller@huttcity.govt.nz>  
Subject: FW: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Kia ora, please find attached the Final opinion under the Ombudsmen Act Complaint by Franks & Ogilvie Commercial & Public Law.

Sending the report to you as it is not confidential and addresses Council's handling of the Code of Conduct complaint made against Cr Milne. The finding is that Council has not acted unreasonably in all aspects.

Ngā mihi nui

Jo Miller  
Tumu Whakarae  
Chief Executive Officer

Hutt City Council, 30 Laings Road, Lower Hutt 5010, New Zealand

---

T: 04 570 6773 | M: 027 213 7550  
W: [www.huttcity.govt.nz](http://www.huttcity.govt.nz)<<http://www.huttcity.govt.nz>>

Follow me on Twitter [@jomillernz](https://twitter.com/jomillernz)<<https://twitter.com/jomillernz>>

From: John Lindeman <John.Lindeman@ombudsman.parliament.nz>  
Sent: Thursday, 22 September 2022 4:23 pm  
To: Jo Miller <Jo.Miller@huttcity.govt.nz>  
Cc: Bradley Cato <Bradley.Cato@huttcity.govt.nz>  
Subject: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

Please see the attached letter from Chief Ombudsman Peter Boshier.

Yours sincerely

John Lindeman

Senior Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

7(2)(a)

| Phone 04 473 9533 | Fax 04 471 2254

Email

John.Lindeman@ombudsman.parliament.nz<mailto:John.Lindeman@ombudsman.parliament.nz> |  
www.ombudsman.parliament.nz<http://www.ombudsman.parliament.nz>

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

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**Email Jo Miller to BCC, Friday 23 Sept 22, 2.29pm – recipient details**

The screenshot shows an Outlook window titled "FW: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401 - Message (HTML) (Read-Only)". The ribbon includes "File", "Message", "Help", "Acrobat", and "Tell me what you want to do". The "Message" tab is active, showing options like "Delete", "Respond", "Share to Teams", "Quick Steps", "Move", "Tags", "Editing", "Immersive", "Translate", "Zoom", "Viva Insights", and "Save to SharePoint". The email header shows the subject "FW: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401" and the sender "Jo Miller" with a profile picture. The recipient is "Jo Miller". The "Bcc" field lists "\_Mayor & Councillors", "\_CLT", "Kathryn Stannard", and "Bruce Hodgins". A PDF attachment is visible with the name "0\_1-542401-5113869.pdf" and a size of "896 KB".

Kia ora, please find attached the *Final opinion under the Ombudsmen Act Complaint by Franks & Ogilvie Commercial & Public Law*.

Sending the report to you as it is not confidential and addresses Council's handling of the Code of Conduct complaint made against Cr Milne. The finding is that Council has not acted unreasonably in all aspects.

---

**From:** John Lindeman <[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)>  
**Sent:** Thursday, 22 September 2022 4:23 pm  
**To:** Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
**Cc:** Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>  
**Subject:** [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

Please see the attached letter from Chief Ombudsman Peter Boshier.

Released under the Local Government Official Information and Meetings Act

**From:** Bradley Cato  
**Sent:** Thursday, 22 September 2022 9:06 PM  
**To:** Leo Donnelly <[Leo.Donnelly@chenpalmer.com](mailto:Leo.Donnelly@chenpalmer.com)>  
**Subject:** FW: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Hi Leo

Please find attached final ombudsman position on the Code of Conduct matter.

Regards  
Brad

**From:** John Lindeman <[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)>  
**Sent:** Thursday, 22 September 2022 4:23 PM  
**To:** Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
**Cc:** Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>  
**Subject:** [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

Please see the attached letter from Chief Ombudsman Peter Boshier.

Yours sincerely

**John Lindeman**  
Senior Investigator  
Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

7(2)(a)

Phone 04 473 9533 | Fax 04 471 2254

Email [John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz) |

[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

 **Ombudsman**  
Fairness for all

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**From:** Bradley Cato  
**Sent:** Friday, 23 September 2022 8:51 AM  
**To:** [leo.donnelly@informationlaw.co.nz](mailto:leo.donnelly@informationlaw.co.nz)  
**Subject:** FW: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Sent from my Galaxy

Hi Leo

Please find attached final ombudsman position on the Code of Conduct matter.

Regards

Brad

**From:** John Lindeman <[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)>  
**Sent:** Thursday, 22 September 2022 4:23 PM  
**To:** Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
**Cc:** Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>  
**Subject:** [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

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Yours sincerely

**John Lindeman**

Senior Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

7(2)(a)

Phone 04 473 9533 | Fax 04 471 2254

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Released under the Local Government Official Information and Meetings Act



**From:** Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
**Sent:** Thursday, 22 September 2022 7:55 pm  
**To:** Kathryn Stannard <[Kathryn.Stannard@huttcity.govt.nz](mailto:Kathryn.Stannard@huttcity.govt.nz)>  
**Cc:** Cam Meads <[Cam.Meads@huttcity.govt.nz](mailto:Cam.Meads@huttcity.govt.nz)>  
**Subject:** Fwd: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Fyi K . Have also sent to CLT . Jo

Ngā mihi nui

**Jo Miller**  
Tumu Whakarae  
Chief Executive Officer

Hutt City Council, 30 Laings Road, Lower Hutt 5010, New Zealand

---

**T:** 04 570 6773 | **M:** 027 213 7550  
**W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

Follow me on Twitter [@jomillernz](https://twitter.com/jomillernz)



Begin forwarded message:

**From:** John Lindeman <[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)>  
**Date:** 22 September 2022 at 4:23:22 PM NZST  
**To:** Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
**Cc:** Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>  
**Subject:** [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

Please see the attached letter from Chief Ombudsman Peter Boshier.

Yours sincerely

**John Lindeman**  
Senior Investigator  
Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

7(2)(a)

Phone 04 473 9533 | Fax 04 471 2254

From: [REDACTED] s 7(2)(a)  
Sent: Thursday, 22 September 2022 8:12 pm  
To: Jo Miller <Jo.Miller@huttcity.govt.nz>  
Subject: Re: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Thanks Jo - conclusion is not surprising and is well set out on the evidence.

Happy to discuss tomorrow or Monday.

Regards,

[REDACTED] s 7(2)(a)

Sent from my iPhone

> On 22/09/2022, at 5:59 PM, Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)> wrote:

>

> FYI [REDACTED] s 7(2)(a) Once you've had a chance to read , would be worthy of a  
> discussion. Ngā mihi , Jo

>

>

> Ngā mihi nui

>

> Jo Miller

>

>

> Tumu Whakarae

> Chief Executive Officer

>

>

> Hutt City Council, 30 Laings Road, Lower Hutt 5010, New Zealand

>

>

>

> T: 04 570 6773 | M: 027 213 7550

>

>

> W: [www.huttcity.govt.nz](http://www.huttcity.govt.nz)<<http://www.huttcity.govt.nz>>

>

>

>

>

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> Follow me on Twitter @jomillernzIMPORTANT: The information contained in this e-mail message may be legally privileged or confidential. The information is intended only for the recipient named in the e-mail message. If the reader of this e-mail message is not the intended recipient, you are notified that any use, copying or distribution of this e-mail message is prohibited. If you have received this e-mail message in error, please notify the sender immediately. Thank youBegin forwarded message:

-----Original Message-----

From: Jo Miller <Jo.Miller@huttcity.govt.nz>

Sent: Thursday, 22 September 2022 5:10 pm

To: Campbell Barry <Campbell.Barry@huttcity.govt.nz>; CNB <CNB@huttcity.govt.nz>

Subject: Fwd: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

For info

Begin forwarded message:

From: John Lindeman <[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)>

Date: 22 September 2022 at 4:23:22 PM NZST

To: Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>

Cc: Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>

Subject: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

Please see the attached letter from Chief Ombudsman Peter Boshier.

Yours sincerely

John Lindeman

Senior Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

7(2)(a) | Phone 04 473 9533 | Fax 04 471 2254

Email

[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)<mailto:John.Lindeman@ombudsman.parliament.nz> |

[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)<http://www.ombudsman.parliament.nz>

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

From: Jo Miller <Jo.Miller@huttcity.govt.nz>  
Sent: Friday, 23 September 2022 3:39 pm  
To: Kelly Alkema <Kelly.Alkema@huttcity.govt.nz>  
Subject: Fwd: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

You will be interested in this .

Begin forwarded message:

From: John Lindeman <[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)>  
Date: 22 September 2022 at 4:23:22 PM NZST  
To: Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
Cc: Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>  
Subject: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

Please see the attached letter from Chief Ombudsman Peter Boshier.

Yours sincerely

John Lindeman

Senior Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI 7(2)(a) | Phone 04 473 9533 | Fax 04 471 2254

Email

[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)<mailto:John.Lindeman@ombudsman.parliament.nz> |  
[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)<http://www.ombudsman.parliament.nz>

PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

From: Jo Miller <Jo.Miller@huttcity.govt.nz>  
Sent: Friday, 23 September 2022 8:44 am  
To: Simon Edwards <Simon.Edwards@huttcity.govt.nz>; Tui Lewis <Tui.Lewis@huttcity.govt.nz>;  
Campbell Barry <Campbell.Barry@huttcity.govt.nz>; Deborah Hislop  
<Deborah.Hislop@huttcity.govt.nz>; Josh Briggs <Josh.Briggs@huttcity.govt.nz>  
Subject: Fwd: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear All

Please see below the Chief Ombudsman's final opinion into a complaint brought by Franks Ogilvie on behalf of Cr Milne , which relates to the handling of the code of conduct complaint by the council . On every single ground , the complaint fails and the council has been found to have acting properly . Whilst this is no surprise , it is good to see it set out in this way.  
Ngā Mihi , Jo

Begin forwarded message:

From: John Lindeman <[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)>  
Date: 22 September 2022 at 4:23:22 PM NZST  
To: Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
Cc: Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>  
Subject: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

Please see the attached letter from Chief Ombudsman Peter Boshier.

Yours sincerely

John Lindeman

Senior Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

7(2)(a) | Phone 04 473 9533 | Fax 04 471 2254

**From:** Jo Miller  
**Sent:** Friday, 23 September 2022 2:29 pm  
**To:** Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
**Subject:** FW: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Kia ora, please find attached the *Final opinion under the Ombudsmen Act Complaint by Franks & Ogilvie Commercial & Public Law*.

Sending the report to you as it is not confidential and addresses Council's handling of the Code of Conduct complaint made against Cr Milne. The finding is that Council has not acted unreasonably in all aspects.

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**Sent:** Thursday, 22 September 2022 4:23 pm  
**To:** Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
**Cc:** Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>  
**Subject:** [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

Please see the attached letter from Chief Ombudsman Peter Boshier.

Yours sincerely

**John Lindeman**

Senior Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

DDI (2)(a) | Phone 04 473 9533 | Fax 04 471 2254

Email [John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz) |

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From: Jo Miller <Jo.Miller@huttcity.govt.nz>  
Sent: Thursday, 22 September 2022 6:45 pm  
To: Bruce Hodgins <bruce.hodgins@huttcity.govt.nz>; \_\_\_CLT <CLT@huttcity.govt.nz>  
Subject: Fwd: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Fyi . Jo

Begin forwarded message:

From: Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
Date: 22 September 2022 at 5:10:09 PM NZST  
To: Campbell Barry <[Campbell.Barry@huttcity.govt.nz](mailto:Campbell.Barry@huttcity.govt.nz)>, CNB <[CNB@huttcity.govt.nz](mailto:CNB@huttcity.govt.nz)>  
Subject: Fwd: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

For info

Begin forwarded message:

From: John Lindeman <[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz)>  
Date: 22 September 2022 at 4:23:22 PM NZST  
To: Jo Miller <[Jo.Miller@huttcity.govt.nz](mailto:Jo.Miller@huttcity.govt.nz)>  
Cc: Bradley Cato <[Bradley.Cato@huttcity.govt.nz](mailto:Bradley.Cato@huttcity.govt.nz)>  
Subject: [EXTERNAL] Investigation - OA - Final opinion - Cr Chris Milne - our ref: 542401

Dear Ms Miller

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Yours sincerely

John Lindeman

Senior Investigator

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

7(2)(a) | Phone 04 473 9533 | Fax 04 471 2254

Email

[John.Lindeman@ombudsman.parliament.nz](mailto:John.Lindeman@ombudsman.parliament.nz) <mailto:John.Lindeman@ombudsman.parliament.nz> |  
[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) <http://www.ombudsman.parliament.nz>

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