



2 December 2024

Mark Drey

Dray.Mark@parliament.govt.nz

Dear Mark Dray

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

We refer to your email dated 6 November 2024 requesting Information. We will answer each of your questions in turn.

The liabilities the Council has in its role as a BCA?

The issue of Council liability for its role as a BCA is complex and there is a significant amount of case law. Liability for negligence or wrongdoing is assessed on a case by case basis and consideration needs to be given to other involved parties, their roles, acts, omissions and negligence.

The total financial exposure the Council faces in its role as a BCA?

Council has not calculated the total financial exposure of the BCA.

The insurance coverage, or any other form of liability cover such as insurance bonds, if any, the Council maintains for BCA-related liabilities.

Hutt City Council maintains Professional Indemnity insurance which in certain circumstances will respond to a BCA liability.

The annual cost to ratepayers to maintain BCA related liability cover.

\$137,516 excl GST.

The portion of rates allocated to cover potential BCA liabilities.

Council does not set aside a portion of rates to cover potential BCA liabilities.

The reserves maintained specifically for BCA related claims.

Council does not maintain reserves specifically for potential BCA claims.

The details of any excess or similar that is required to be covered by the Council before any insurance or other liability cover is paid out.

\$100,000 incl GST.

The amount the Council has spent on BCA liability related claims in the past 3 financial years, including but not limited to, legal fees, settlements, negligence costs, etc.

For clarity this is not for the cost to administer BCA.

\$220,000.

If you are unhappy with this response, or with the way Council has arrived at the fees it charges, you can seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website. Please refer to the following link: www.huttcity.govt.nz/council/contactus/make-an-official-information-act-request/proactive-releases

Yours sincerely

Philip Rossiter

Senior Advisor, Official Information and Privacy