

Our ref CASE-004519
Contact Rebecca Fulton
5 March 2025



Mary Anne Gill
Senior Writer
Good Local Media Ltd
By email: MaryAnne@goodlocal.nz

Dear Ms Gill

Local Government Official Information and Meetings Act investigation Request to Waipa District Council for certain official information

I write further to the letter from Manager Tinus Schutte, of 10 February 2025, regarding the Waipa District Council's (the Council) decision on your request for information relating to public excluded workshops and weekly mail-outs.

I acknowledge the letter from Good Local Media Editor,¹ Roy Pillott, provided in response to Mr Schutte's correspondence. Mr Pillott advised that while the opinion expressed in Mr Schutte's letter was different to his, he *'accepts the reasoning'*. However, Mr Pillott did raise some further concerns, which I will briefly address below.

Your further comments

In his letter, Mr Pillott advised that he agreed with my views on Council workshops, making reference to my 2023 report.² Specifically, Mr Pillott stated that he agreed with the following statement:

'I also discovered that a range of council official and elected members didn't want to open workshops for a number of reasons including that asking questions could make them look stupid. I don't consider that to be a valid reason to close a workshop. Elected members should be resilient enough to withstand reasonable public scrutiny. It is the job they are elected to do.'

Mr Pillott then advised that he considers that I am taking a contradictory and inconsistent view to the view in the paragraph above, on the basis of the following paragraph taken from Mr Schutte's letter:

¹ Received on 21 February 2025.

² *'Open for business: A report on the Chief Ombudsman's investigation into local council meetings and workshops'*.

'The Chief Ombudsman recognises that effective conduct of public affairs requires the candid and unreserved expression of opinions, and that public exposure of those opinions can potentially inhibit people's willingness to express themselves openly, honestly, and completely in the future.'

However, Mr Pillott's concern that I am *'now taking a contradictory view'*, is not accurate. Rather, it appears that he is conflating two different topics, those being open Council workshops³ and the Council's weekly staff mail-out.⁴ In other words, the information at issue and the context in this investigation is quite different to what was discussed in my 2023 report.

Also highly relevant in addressing Mr Pillott's concern that I have taken a *'contradictory view'*, is the fact that the above quoted paragraph from Mr Schutte's letter, relates to the Council's use of section 7(2)(f)(i) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) to withhold the Council's weekly mail-out.

I have never suggested that section 7(2)(f)(i) of the LGOIMA should not apply to Council information, as Mr Pillott appears to be suggesting.

The reasons for the Council's use of section 7(2)(f)(i) to withhold the weekly mail-outs was set out in Mr Schutte's letter. Mr Schutte clearly explained that when making the assessment on whether section 7(2)(f)(i) should apply to information, consideration is given to various factors that include, but are not limited to, the nature and content of the information, who generated or supplied the information, and the content in which the information was generated.

Mr Schutte also explained that the purpose of the weekly mail-outs is to keep all staff fully and consistently informed of relevant, topical information specifically relating to Council matters. In other words, the mail-outs are an informal update for staff, which do not relate to Council decision making behind closed doors or concerns of staff resiliency, as Mr Pillott appears to be concerned with.

In the circumstances and for the reasons set out in Mr Schutte's letter, I am satisfied that the Council's use of section 7(2)(f)(i) is appropriate in the circumstances and is the type of information that this section was designed to protect.

Other concerns raised

Mr Pillott also raised a number of other concerns relating to the Council's use of the LGOIMA. His concerns included:

- that *'the LGOIMA has become the antithesis of what it was meant to be'* and that *'it is now a default mechanism used by Councils to delay answering questions'*; and
- that *the Council's establishment of media teams is in his view a 'serious threat to robust local democracy'*.

³ As referred to in the first quoted paragraph.

⁴ Which relates to the second quoted paragraph.

As these matters did not form part of my investigation, I will not comment on them further. However, if you do have specific concerns that you would like to raise, it is open to you to make a further complaint to the Council, and return to this Office should the Council's response not resolve your complaint.

Final opinion

Having considered all the issues raised, I have now finalised my opinion that the Council was entitled to refuse your request pursuant to:

- section 7(2)(c) of the Local Government Official Information and Meetings Act 1987 (LGOIMA), on the basis that the information is subject to an obligation of confidence;
- section 7(2)(f)(i) of the LGOIMA, on the basis that the information is free and frank in nature; and
- section 7(2)(g) of the LGOIMA, on the basis that the information is legally privileged.

The reasoning for my final opinion is explained in Mr Schutte's letter and above.

I have concluded my investigation, and advised the Council accordingly.

Yours sincerely



Peter Boshier
Chief Ombudsman