

February 21, 2025

Re: CASE-004519

I write in response to the office's opinion on matters we raised 18 months ago in August 2023.

Clearly an opinion has been expressed which is different to ours. I accept the reasoning so will not seek to change your mind.

However, I feel it is prudent to make the following points.

The thrust of our concerns was that Waipā district councillors, while out of public view, decide which way they vote on issues. When full council meetings are held, decisions are passed with little or no discussion – and the public is denied any access to councillors' views beyond a yes or no. As recently as last month a significant change in meeting days was advertised in our paper following a workshop decision – but before councillors rubber stamped it in public.

Our complaints illustrated the efforts we made to unpick the threads to determine how and where decisions were made.

We were heartened in October 2023 by the Chief Ombudsman's report on workshops and the call for them to be open by default.

We agreed with this view:

"I also discovered that a range of council officials 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."

I am therefore disturbed to see the office now takes this contradictory view:

"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."

This is not consistent with the view that elected members should be “resilient enough to withstand reasonable public scrutiny. It is the job they are elected to do”.

I have covered local body politics for almost half a century. I understand commercial sensitivities. I agree with the view that certain matters should be discussed in committee.

However, in terms of open government, the media environment has changed, and I wonder if the Office of the Ombudsman recognises it.

The Local Government Official Information and Meetings Act has become the antithesis of what it was meant to be. Far from opening doors for the public, it is now a default mechanism used by councils to delay answering questions for up to four working weeks. Councils across New Zealand now place simple questions – e.g. “is there a caveat on a building?” into the LGOIMA basket.

The investment by councils to establish media teams which control the narrative to the point, in Waipā, of becoming not only the gatekeepers of council information able to time its responses to us, but also our biggest media rival, is a conflict of interest and a serious threat to robust local democracy reporting.

On the back of that, I suspect your endorsement of a scenario where discussions – which lead to decisions - and held behind closed doors because some people – and we are talking about staff and councillors - may be unwilling to express themselves openly, honestly, and completely in public, will be welcomed in some quarters.

To quote a word you used twice in your finding, I find it chilling.

Roy Pilott

Editor

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