



# RUAPEHU DISTRICT COUNCIL

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Ref 000046  
10 July 2024

Hamish Carnachan  
Email: [fyi-request-27249-xxxxxxx@xxxxxxx.xxx.xxx.xx](mailto:fyi-request-27249-xxxxxxx@xxxxxxx.xxx.xxx.xx)

Dear Mr. Carnachan

I refer to your official information request dated 13 June 2024 for information relating to Ombudsman upholding complaints against RDC.

The information you have requested is enclosed.

*- Have all elected members of RDC been presented with the Ombudsman's rulings upholding complaints against the council for successive breaches of the LGOIMA? Please provide details of when and in what forum this was put to council.*

*- How many of the Ombudsman's rulings upholding complaints about RDC's numerous breaches of the LGOIMA have been presented to the full council i.e., all elected members, as of this date?*

In order to provide you with context in terms of the first and second point of information you have requested, it is not ordinary process to present elected members with Ombudsman rulings however a summary of complaints received would be provided in the CE monthly report. Of note prior to 1 July 2023 RDC had received one complaint dated 7 March 2023 and prior to that a complaint dated 30 March 2020.

*- Please provide references to the meetings, notes, reports and/or briefings supplied to council (elected members) about the Ombudsman's rulings against RDC for successive breaches of the LGOIMA?*

Risk and audit meeting 18 March 2024 closed to public - Complaints to the ombudsman related to LGOIMA requests.

**16 Local Government Official Information and Meetings Act (LGOIMA) Update**

<p>The reason the subject of this matter is to be considered while the public is excluded is:</p> <p>s7(2)(a) To protect the privacy of natural persons, including that of deceased natural person.</p>	<p>The grounds for exclusion are in accordance with s48(1)(a) of the Local Government Official Information and Meetings Act 1987 whereby the public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>
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**21 Receipt of Public Excluded Minutes of Risk & Assurance Committee**

The reason the subject of this matter is to be considered while the public is excluded is:  For the reasons set out in the Public Business Minutes of the Risk & Assurance Committee Meeting 18 March 2024.	The grounds for exclusion are in accordance with s48(1)(a) of the Local Government Official Information and Meetings Act 1987 whereby the public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
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*- Has the council discussed how it plans to prevent future breaches of LGOIMA, in line with the Ombudsman’s directive to the CE and Chair, so as not to continue to subvert democracy in RDC? Please provide details of when and in what forum this was put to council, along with the proposed plan to prevent further breaches.*

Information publicly available via the public portal that provides Agendas and Minutes for Council meetings. Item 12 Chief Executive’s report: November 2023 to January 2024.

[What’s on the Agenda? - Ruapehu District Council \(ruapehudc.govt.nz\)](https://www.ruapehudc.govt.nz/what-s-on-the-agenda)

*- Please provide correspondence between the mayor (Weston Kirton) and CE (Clive Manly) regarding the Ombudsman’s determinations around RDC’s numerous breaches of the LGOIMA.*

Information requested is in attachment, Office of the Ombudsman – Ref 003132.

*- What directives have staff been given in response to the Ombudsman’s rulings that RDC has repeatedly breached its obligations under the LGOIMA? Please provide notes, briefings and/or reports to staff.*

With each LGOIMA request forwarded to relevant business unit to respond is a Memo (ref LGOIMA Memorandum attached) with a brief outline of councils regulatory obligations, also a link to the LGOIMA guide detailing every step of required process. Regular follow up from the Information management team to track progress and assist where needed.

Final draft responses are reviewed by executive lead of the responding team and or the Information management manager, information management officer and CE before release.

In order to provide you with further context in terms of the information you have requested, please note that 26 complaints were received by the ombudsman between 1 July 2023 and 31 December 2023. This information is available on the ombudsman’s website [OIA and LGOIMA complaints received between 1 July and 31 December 2023 | Ombudsman New Zealand](#)

The nature of 20 of these complaints was a delay in making a decision. 22 September 2023 you were sent an apology and an explanation for the delays in responding, see email attached Re Teitei Drive land sale – LGOIMA request.

The Ombudsman informs the CE and Mayor of his final decision on investigations. Regular catch ups are had with the CE (verbal and not recorded) to update him on the status of any complaints from the ombudsman related to LGOIMA requests.

Council endeavours to improve on process, training and accountability in the LGOIMA space and continues to follow recommendations from the Ombudsman.

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely

Maggie Flonk  
**INFORMATION MANAGEMENT MANAGER**

Attachments     *Email, Office of the Ombudsman – Ref 003132.*  
                         *LGOIMA Memorandum*  
                         *Email, Re Teitei Drive land sale – LGOIMA request*

# Memorandum

To:  
CC:

Date:

Subject: Request for Official Information -



A request for official information has been received and will be forwarded to you with this memo. You have been appointed as the person / persons responsible to respond to this request under the Local Government Official Information and Meetings Act 1987 (LGOIMA).

1. Please respond as soon as possible to the requestor, but no later than 20 working days after the request is received: **or**
2. Make a decision about whether to release the information requested and communicate the decision to the requestor as soon as reasonably practicable and no later than 20 working days after the request is received. When refusing to supply the information, ensure that you refer to the appropriate Section of the LGOIMA as the reason for the refusal. Advise the requester whether there will be a charge to obtain the information and how long it will take to collate the information; **and/or**
3. In cases where the request is so wide, vague or complex, seek a clarification from the requestor within the 20 working days.
4. In the event that this LGOIMA request requires more than one department to answer: You must communicate with the other departments included in the memo to decide if one person will collate all information provided by all departments involved and respond to the requestor, **or** it may be decided that each department will respond individually to the question/questions related to their area of expertise.  
**Note:** Any LGOIMA response needs to be signed off by the Executive Manager before the response is sent to the requestor.

The time frame can be extended if the request is for a large quantity of information and meeting the time limit would unreasonably interfere with the operations of Council or consultation is necessary to make a decision on the request and a proper response cannot be reasonably made within the original time limit.

If you **do** need to extend the time limit, you must advise the requestor within the original 20 working days of the expected time delay.

The timeframes for this request are:

Date request received:	
Respond to this request by:	
Extension advised (if required) by:	Before the "Respond by" date above

If costs are involved, you must advise the requester of the approximate costs before you begin the research and get their agreement that they will pay the costs involved. If they want to proceed with the request, an invoice should then be sent to them (and payment received) before the information is released. Please keep and log a record of your calculations for the expected cost.

Please create your reply to the requester in the allocated file.

To assist you, **there are numerous templates available for you to use in the DWS for different scenarios, (e.g. costs involved, transfer of request, decision and response)**, which we suggest you use. Please see the next page for a list of available templates.

There is a checklist on pages 43 to 45 of the LGOIMA Guide that could be of help to you if you are unsure of expectations under the LGOIMA.

Maggie Flonk/Te Rina Turanga/Colleen Mclsaac  
**LGOIMA OFFICER**

## **INSTRUCTIONS FOR USING TEMPLATE LETTERS**

The following template letters are available in the DWS from the bucket for this LGOIMA.

Firstly: Access the allocated LGOIMA file..

Select “New”

Select “From Template”

Scroll down to view the LGOIMA templates

In “Document Name” write the name of your document as: yyyyymmdd – heading for letter

Select the Template that you want to use.

Select “OK”

The Word letter will open and you can edit your letter as required for your particular scenario.

Put your signature on your letter. Save your letter. It will be in the allocated file.

If you want to email your letter “Save As” to your desktop changing the format from Word to PDF and then insert it in your email. Delete it from your desktop once sent.

1. Letter communicating the decision on a request
2. Charging letter
3. Extension letter
4. Letter seeking clarification or amendment of request
5. Transfer letter to requester
6. Transfer letter to other agency
7. Consultation with requester before relying on section 17(f) LGOIMA
8. Confirming outcome of consultation with requester
9. Releasing the information in an alternative form
10. Refusal letter under section 17(f) LGOIMA— Substantial Collation or Research
11. Refusal letter under section 17(d) LGOIMA—Information publicly available
12. Refusal letter under section 17(d) LGOIMA—Information soon to be publicly available
13. Advice that information has been published
14. Advice that publication has been delayed
15. Refusal letter under section 17(h) LGOIMA - Frivolous or Vexatious
16. Information not held—no obligation to create it
17. Nature of Request - Aggressive or abusive language
18. Refusal letter under section 17(e) LGOIMA—Document does not exist or cannot be found
19. Refusal letter under section 17(g) LGOIMA—Information not held
20. Letter refusing information excluded from the definition of ‘official information’
21. Consultation with requester before relying on section 17(e) or (g) LGOIMA

22. Letter to requesters where third party consultation is necessary
23. Consultation with third parties