



Ref 000070  
1 November 2024

Luke  
[fyi-request-28355-71e472f8@requests.fyi.org.nz](mailto:fyi-request-28355-71e472f8@requests.fyi.org.nz)

Dear Luke

## OFFICIAL INFORMATION REQUEST MĀORI WARDS POLL

I refer to your supplementary questions received 4 October regarding our response to your official information request dated 11 September 2024.

*I remind you that you are obliged to release official information in all circumstances, except where the LGOIMA requires information to be withheld. This includes where privileged information is created by a third party (such as Taituarā) and provided to a local authority, where it becomes official information liable to be released under the Act.*

- 1. Please provide the grounds in support of refusing to release the advice.*
- 2. Please explain why the public interest in local councils acting lawfully is outweighed by the need to protect legal professional privilege.*
- 3. Please also explain, if the public interest does not prevail in fully releasing the advice, why there was sufficient public interest to waive legal professional privilege over some, but not all, of the advice in your response email when you explained who your lawyers are and when the advice was provided to Council.*

### Part of the information you originally requested was provided as below:

At its meeting on 4 September 2024, the Chief Executive was directed to provide further information to the Council on the potential implications of not proceeding with a binding referendum.

Additionally, several other councils resolved to seek advice on the implications of failing to comply with the poll requirements of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024. Consequently, Taituarā sought legal guidance from Simpson Grierson. The legal opinion was provided as legally privileged and confidential information to Council 1 October 2024.

Council's Chief Executive plans to brief Council alongside other election matters in the new year.

To respond to your supplementary questions:

1. We decided to refuse your request to release the full information under Section 7(2)(g) of the Local Government Official Information and Meetings Act to maintain legal professional privilege and under



Section 17(d) as the information requested will soon be publicly available as advised to you 4 October 2024.

2 & 3. The LGOIMA enables people to request official information from local government agencies, however, the LGOIMA only applies to information that is already held by the Council. There is no obligation on Council to create information to respond to a request. The information you are seeking in this case is not held but would need to be created in order to respond to your request.

We are therefore refusing your request under Section 17(g) of the Local Government Official Information and Meetings Act, because Council does not hold any official information.

I am, however, able to advise that Council's Chief Executive plans to brief Council in the public business of a council meeting on election matters, including the Māori ward poll, in the new year

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



T Paladin  
**GOVERNANCE MANAGER**