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From: [Kaye Mcllveney-7552](#) Sent: 19/10/2010 8:54:46 a.m.
To: [Tony Quirk-8077](#)
Subject: RE: LGOIMA - Royal Commission

Hi Tony

Questions 2 and 4 in the review are:

Q2 Do you agree that the schedules to the OIA and LGOIMA should be examined to eliminate anomalies and ensure that all relevant bodies are included?

Q4 Do you agree that council controlled organisations should remain within the scope of the LGOIMA?

The discussion in the Review before these questions are put suggests that they will be looking to expand the organisations subject to the Act such as port companies.

At the moment the airport company is subject to LGOIMA but the port company is not. Dean and Martin are both of the view that neither should be as they operate in a commercial environment. I don't think there is much hope of removing the airport company from coverage but do you think we should make a comment on whether the port company should be subject to LGOIMA? I can't really think of valid arguments that it should not be given the large number of other commercial operations in central and local government that are. But I am not very familiar with the operations of the port company. Maybe the port company itself should look at making a submission?

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From: Michele Robins-5491 **On Behalf Of** Tony Quirk-8077
Sent: Friday, 15 October 2010 11:31 a.m.
To: Kaye Mcllveney-7552
Subject: LGOIMA - Royal Commission

I have had a skim through the Commission's report.

I note you are producing an overview and possible submissions.

I thought I might give you some comments on the report and the questions raised.

When I look at **clause 29** towards the end I agree with the suggestion that a withholding ground would be good to protect information supplied in the course of an investigation where disclosure is likely to prejudice the conduct or outcome of that investigation.

When I look at **paragraph 52** I have to say they can't have it both ways.

They can't require an over arching principle of release of information, provide a limited time period to act and then even think about leaving open the door for redress against a Council for doing what they are essentially directed to do.

In **paragraph 53 and 54** I really wonder where they are coming from. They are using as an argument the fact that to get rid of the veto the fact that it hasn't been used other than on two occasions by Local Government (one of which was this Council & that was subsequently upheld by the High Court so there was good reason for it).

I think the better argument is that if there have been only two occasions when it has been used so what is the problem to which the removal of the veto is seen as the solution.

Why not leave things as they are - It hasn't been abused.

Paragraph 71 I don't have a problem with consistency in who may apply as between the Official Information Act and LGOIMA.

General

One of the things that isn't addressed because the review is solely tied to information is the fact that under LGOIMA it incorporates provisions associated with meetings. I have always considered it would be better to have the meetings aspects covered within the LGA 2002 leaving the Act more consistent with the Official Information Act which is solely information related.

Question 1- No strong view either way but it makes sense that the schedule should include all agencies covered.

Questions 2-6- No view - doesn't really cause an issue from our end.

Question 7 - No view

Question 8 -Yes

Question 9-yes

Question 10-13 - Yes to all

Question 14- Yes

Question 15- Seems okay as a concept

Question 16 - No

Question 17 -Yes

Question 18 -Yes

Question 19 -Yes

Question 20 -No

Question 21 -Yes

Question 22 -No

Question 23 -Preference is option with second preference option 3

Question 24 -No view

Question 25 -No View

Question 26 -Agree

Question 27 -A yes, B no view, C nothing to add

Question 28 -Okay

Question 29 - Yes

Question 30 -Source of some problems for us on an ongoing basis. Often people are using LGOIMA when discovery is a more appropriate mechanism.

Question 31 -I think there would be benefits in having some non exclusive bullet points of public interest factors. It may assist a requester in understanding what is taken into account.

Question 32 -Leave for far greater minds than mine

Question 33 -Yes

Question 34 -Yes but only if some outline or bullet point factors are included (Question 31).

Question 35 -Yes

Question 36 -I agree it is desirable but it shouldn't be mandatory. Timing issues come into play.

Question 37 -Yes

Question 38 -Yes

Question 39 -Yes

Question 40 -No other than there should be an acceptance that charging should be allowed and not resisted.

Question 41 -Yes

Question 42 -Yes

Question 43 -Yes

Question 44 -Yes

Question 45 -Okay but understanding the purpose often clarifies the request and assists in redefining the information needed by a requester to meet that purpose. Often the requester is fishing and defining a purpose helps to firm up the mind about what really is needed.

Question 46 -This is how we treat things now.

Question 47 -Most I find are okay and there is no need for more guidance

Question 48 -Okay but subject to any tweaks that might be made about involving third parties and also so long as there is a continued access to the extension option.

Question 49 -Okay

Question 50 -Yes

Question 51 -Yes

Question 52 -No not needed in my view.

Question 53 -Yes

Question 54 -Okay

Question 55 -No view

Question 56 -Agree no mandatory requirement is needed.

Question 57 -No mandatory requirement but agree there are times when it is desirable and certainly is the way we've operated up until now.

Question 58 -No view

Question 59 -Okay

Question 60 -No view

Question 61 - No view

Question 62 -It is important that if there is such a requirement that the ability of the holder of the information is taken into account. In some cases if it is going to cost more to convert for electronic transmission then release in hard copy surely that should be allowed. The holder or the releaser of the information should be able to take costs into account.

Question 63 -No view

Question 64 -Discretion in terms of costs recovery.

Question 65 -Yes

Question 66 -Yes

Question 67 -The issue is public private benefit. My concern has always been that often there is an individual beneficiary with release of certain information and I see no reason why the rate payers should be funding by absorbing the costs involved to benefit that individual.

Question 68 -Definitely yes

Question 69 -Why change what we have at present.

Question 70 -Yes

Question 71 -Yes

Question 72 -No, must be provision for the ongoing indemnity if a Council is compelled to adhere to the overarching principle of release and with a limited time frame for compliance.

Question 73 -No view

Question 74 -Tongue in cheek I would only hope for more awareness within the Office of the Ombudsman of the real world when it comes to assess release or otherwise of material in a review situation.

Question 75 -No

Question 76 -No

Question 77 -No

Question 78 -Yes with the same comment that I made at the outset namely its not been abused and so therefore what is wrong with the present system - why change what is not broken

Question 79 -No

Question 80 -No

Question 81 -No view

Question 82 -No issue

Question 83 -Is there really a need

Question 84 -No

Question 85 -No

Question 86 -Why

Question 87 -No view

Question 88 -No view

Question 89 -No view

Question 90 -Yes

Question 91 -No

Question 92 -Why with RMA/Building Act there is no such provision so why have it within LGOIMA

Question 93 -No

Question 94 -Why

Question 95 -Why

Question 96 -Yes

Question 97 -No

Question 98 -Yes

Question 99 -Yes

Question 100 -Happy for the Office of the Ombudsman

Question 101 -NA

Question 102 -No just another bureaucracy and for what gain.

Question 103 -Answered by the indication that I don't see any need.

Question 104 -Yes

Question 105 -More research on why the distinction was made in the first place. There must surely have been some reason so rather than throw it out check back into why the distinction was made for LGOIMA

Question 106 -Yes a redraft particularly to remove the meeting provision into LGA 2002

Question 107 -No view just relaxed

Question 108 -No view

Tony Quirk
District Secretary

Message

From: [Tony Quirk-8077](#) Sent: 15/10/2010 11:30:42 a.m.
To: [Kaye McIlveney-7552](#)
Subject: LGOIMA - Royal Commission



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Tony Quirk
District Secretary

Message



From: [Tony Quirk-8077](#) Sent: 1/10/2010 12:28:51 p.m.
To: [Kaye Mcllveney-7552](#)
Subject: RE: Review of the Official Information Act and LGOIMA
If I can find them I'll pass them on

From: Kaye Mcllveney-7552
Sent: Friday, 1 October 2010 12:27 p.m.
To: Tony Quirk-8077
Subject: RE: Review of the Official Information Act and LGOIMA

This must be the next iteration of the review.
Can I see your/LGNZ comments?

Kaye Mcllveney
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From: Tony Quirk-8077
Sent: Friday, 1 October 2010 12:26 p.m.
To: Kaye Mcllveney-7552
Subject: RE: Review of the Official Information Act and LGOIMA

Happy but I did do some comments thru to LGNZ some months ago but acknowledged the comments were likely to have no impact-ie whatever the OO wants will take priority

From: Kaye Mcllveney-7552
Sent: Friday, 1 October 2010 12:19 p.m.
To: Tony Quirk-8077
Subject: Review of the Official Information Act and LGOIMA

Hi Tony

The Law Commission has released a review on these Acts and is calling for public submissions on the issues they raise in the review.

I would be happy to look over the review document and identify issues I think may be of relevance to us and if appropriate prepare a draft submission.

Are you happy with me doing that?

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