



# WAIROA DISTRICT COUNCIL

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19 September 2016

Helen Kelly  
[fyi-request-4615-1458c439@requests.fyi.org.nz](mailto:fyi-request-4615-1458c439@requests.fyi.org.nz)

FILE REF A06.10

Dear Helen

## OFFICIAL INFORMATION REQUEST - TALLEYS

We are in receipt of your information request dated Saturday, 17 September 2016, specifically:

*Please provide me with any record of correspondence between the council and any part of the Talleys company for the period of the last two years. Please also provide any details regarding unpaid or disputed service charges and any permissions granted to the company including any breaches of any permissions. Please treat this request as urgent.*

With reference to “Please also provide any details regarding unpaid or disputed service charges”.

Please note, the aforementioned information is withheld under Sections 7(2)(h) and (i) of the Local Government Official Information and Meetings Act 1987 (LGOIMA):

The relevant withholding grounds are set out below:

### **“Local Government Official Information and Meetings Act 1987**

#### **7 Other reasons for withholding official information**

- (2) Subject to sections 6, 8, and 17, this section applies if, and only if, the withholding of the information is necessary to -
- (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
  - (i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)”

It is necessary to withhold this information to allow the Wairoa District Council to carry on, without prejudice or disadvantage, commercial activities and negotiations.

We do not consider that there is a stronger public interest in favour of releasing this particular information which outweighs the reasons for withholding it.

Furthermore, with reference to "Please also provide ... any permissions granted to the company including any breaches of any permissions". We have presumed this portion of your requested relates to resource consents, accordingly we are transferring this particular section of your request to the Hawke's Bay Regional Council under Section 12 of LGOIMA as this information is more closely connected with their functions.

The remainder of your information request will attract a charge at set out below.

Firstly, please note that charges cannot be fixed for time spent or expenses (including legal expenses) incurred deciding on whether or not, or to what extent, information can be made available. We have not fixed a charge in this regard.

Section 13(1A) and (3) of the LGOIMA provides:

- "(1A) Subject to section 23, every local authority (including a local authority whose activities are funded in whole or in part by another person) may charge for the supply of official information under this Act.*
- (3) Where no such amount is prescribed, any charge fixed shall be reasonable, and regard may be had to the cost of the labour and materials involved in making the information available and to any costs incurred pursuant to a request of the applicant to make the information available urgently"*

The Government Guidelines on Charging (which were last issued by the Ministry of Justice in March 2002) provide a basis for assessing whether a proposed charge is reasonable. These give some guidance on factors which may be relevant when assessing whether it is reasonable to charge for the supply of certain information.

After the first hour the cost for supplying information is based on an initial charge of \$38 for the first chargeable half hour or part thereof; and then \$38 for each additional half hour or part thereof.

Specific charges relating to your information request:

Staff time used preparing information for release  
1 hour free  
15 hours thereafter = \$1140.00 (GST included)

A copy of the Ministry of Justice - Charging Guidelines for Official Information Act 1982 Requests can be found online at <https://www.justice.govt.nz/about/official-information-act-requests/directory-of-official-information/charging-guidelines-for-oia-requests/>.

Under Section 13(4) of the LGOIMA we require a deposit of \$285.00 (GST included) before proceeding.

You have opportunity to refine the scope of your request and thereby reduce the charge to be imposed for the information released. Additionally, you have the right to seek a review by the Ombudsman of the estimated charge.

Please confirm how you wish to proceed.

Please note if you are unhappy with the response to your request, you can complain to the Ombudsman.

Under the LGOIMA, the Ombudsman can investigate:

- decisions to withhold information or to delete information from documents released to you;
- delays or extensions to the time limits for responding to requests;
- charges for supplying information;
- the way in which information has been made available;
- release of information subject to conditions; and
- the response to a request for a statement of reasons for a decision affecting the requester.

If you have any questions regarding this letter please contact me directly on (06) 838-7309.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Fergus Power', written in a cursive style.

Fergus Power  
**CHIEF EXECUTIVE OFFICER**