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LGOIMA

When releasing responses to previous LGOIMA requests, names and contact details of individual requestors will be withheld to protect their privacy.

Information requested by the media, lobby groups, public sector organisations and MPs will always be published, while information specific to an individual or their property will not generally be published.

Request from:	Private Individual
Information requested:	Kumara Residents Trust proxy votes
Response from:	Simon Bastion, Chief Executive

19 May 2021

Private Individual

Via Email:

Dear Private Individual

Official information request for information regarding the Kumara Residents Trust proxy votes.

I refer to your official information request dated 21 April 2021 for information regarding the Kumara Residents Trust proxy votes.

You have asked for the following information:

The “proxy votes” I asked for are the votes referred to in Kerri Fitzgibbon’s application letter to Council where she states “In a written vote, including residents unable to attend the meeting”. They are the same votes stated by Mayor Smith in his Facebook broadcast that he had seen when he “pulled the file”. I have information that a number of the people named on the proxy votes, did not make a vote. That information was given to Council management but was ignored.

A new search was conducted under further parameters and the information cannot be found, therefore we are refusing your request Section 17 (e) of LGOIMA - which the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

1) Are you, as the Chief Executive of the Westland District Council, stating that this Facebook video did not happen and Mr Smith did not access the Council building?

The Mayoral post from 2016-2019 no longer exists, so we cannot validate that this was posted. The Mayor has a swipe key to access the Council Building.

2) If the “proxy votes” are not on file, why did Mr Smith say he had seen them?

As previously advised on 29 January Mayor Smith advised he sighted the information while meeting with a Kumara Residents Trust representative.

3) If the “proxy votes” are not on file, did Mr Smith remove them?

As previously advised on 29 January 2021 Mayor Smith advised he sighted the information while meeting with a Kumara Residents Trust representative.

We have completed our search for proxy votes and to our best endeavours, do not hold these on file at Council, therefore we refuse this part of your request under section 17 (e) of LGOIMA - that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

4) If the “proxy votes” are not on file, have they been removed between Mr Smith’s Facebook broadcast and now, by someone else?

As previously advised on 29 January 2021, we have completed our search for proxy votes and to our best endeavours, do not hold these on file at Council, therefore we refuse this part of your request under section 17 (e) of LGOIMA - that the document alleged to contain the

information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

5) How does anyone in Council know what other information has been accessed?

User access to files is permission based.

6)

a) How and when, did a Kumara Residents Trust (KRT) representative get “our survey” information presented to a full Council meeting on 25 October 2015?

Christine Fahey and Des McGrath tabled that information at the Ordinary Council meeting on 25 October 2015, please see enclosed copy of the minutes from this meeting.

You will also find enclosed a copy of the presentation regarding the Kumara Endowment Meeting held on the 29th of September 2015. You will find reference to this presentation in the minutes noted above.

b) What was the actual information Mayor Smith got from the KRT representative as the information on the Facebook video does not relate to anything in “our survey”?

KRT gave a visual presentation during the open part of the Ordinary Council meeting held on 29 Oct 2015, once information has been tabled in an open part of a council meeting it becomes public information.

I would advise you to contact the Kumara Residents Trust directly to ask for the proxy votes.

There is no charge in supplying this information to you.

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 or freephone 0800 802 602.

Council has adopted a Proactive Release Policy and accordingly may publish LGOIMA responses on the Council Website at <https://www.westlanddc.govt.nz/lgoima-responses>. The collection and use of personal information by the Westland District Council is regulated by the Privacy Act 2020. Westland District Council's Privacy Statement is available on our website [here](#)

If you wish to discuss this decision with us, please feel free to contact Mary-anne Bell, Senior Administration Assistant at LGOIMA@westlanddc.govt.nz, 03 756 9091.

Sincerely,



Simon Bastion | Chief Executive

SB/MB