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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:	Rates Charges and Council Obligations under the New Zealand Consumer Guarantees Act
Response by:	Simon Bastion, Chief Executive

14 June 2024

Private Individual

Via Email:

Dear Private Individual

Official information request for rating information

I refer to your official information request dated 20 May 2024 for rating information.

You have asked for the following information:

1. Council Obligations Under the Consumer Guarantees Act

Under the CGA, the council is required to ensure that services provided are delivered with reasonable care and skill. Given that my property does not receive certain key services such as water supply, sewerage, and rubbish removal, I am seeking clarity and justification for the rates charged. Additionally, the Act stipulates that consumers are entitled to remedies when services fail to meet acceptable standards.

Council is bound by the Local Government (Rating) Act 2002

2. Withholding Rates Payment

In accordance with legal rights, I understand that ratepayers are entitled to withhold rates payments under certain conditions:

- **Rates may be withheld until the total reaches 80 percent of the rateable value of the property, without incurring interest or penalties.**
- **The council is not permitted to impose fines or additional interest on the withheld amount.**
- **No third-party debt collectors should be involved in this matter, as it is currently under dispute.**

Therefore, I request confirmation that the council will adhere to these legal provisions and acknowledge my right to withhold rates under the specified conditions.

You can find information regarding liability for rates under section 12 of the Local Government (Rating) Act 2002.

This states:

- (1) The ratepayer for a rating unit is liable to pay the rates that are due on the unit.
(1A) The ratepayer for a separate rating area is liable to pay the rates that are due on the separate rating area.

You will also find further information under section 60 of the Local Government (Rating) Act 2002 that states - A person must not refuse to pay rates on the ground that the rates are invalid unless the person brings proceedings in the High Court to

challenge the validity of the rates on the ground that the local authority is not empowered to set or assess the rates on the particular rating unit.

3. Current Actions to Reduce Rates

Moreover, I am keen to understand what proactive measures the council is taking to reduce rates. Specifically:

- **What initiatives are in place to levy charges on the thousands of tourists who utilize our district's infrastructure and services?**
- **Are there any current or planned actions aimed at generating revenue from these visitors to alleviate the financial burden on local residents?**

This would be a Central Government initiative.

Councils draft annual plan and current long-term plan can be found on the website.

A transparent outline of the council's strategies in this regard would be greatly appreciated. This information is crucial for residents to gauge the council's commitment to equitable financial management and service provision.

Council's draft annual plan and current long-term plan can be found on the website

4. Request for Itemised Account of Rates Charges

Additionally, I reiterate my request for a detailed itemised account of the rates charges for my property. This should include:

- **A breakdown of each charge and the services it covers.**
- **Any applicable adjustments or rebates due to the absence of water, sewerage, and rubbish removal services.**

You are rated for the amenities that are available to your property. There is no "opt-out" to these amenities. You can find the list of these on your individual rating assessment and is also available through the Rating Information Database on the Council website.

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, Business Analyst at LGOIMA@westlanddc.govt.nz, 03 756 9091.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Simon Bastion | Chief Executive

SB/MB