



1 July 2019

David Brown

Sent via email to [fyi-request-10443-1849f4cb@requests.fyi.org.nz](mailto:fyi-request-10443-1849f4cb@requests.fyi.org.nz)

Dear David,

### **REQUEST FOR OFFICIAL INFORMATION – PARTIAL RELEASE OF INFORMATION**

Thank you for your request for official information dated 4 June 2019. You requested the following information from the Queenstown Lakes District Council (QLDC):

- Information on or how to locate the information that demonstrates QLDC has met the responsibilities of the Local Government Act 2002 (LGA), in particular Sections 77 and 78 (as listed below), in relation to the 'Visitor Tax 2019'.
  - *77 Requirements in relation to decisions*  
*(1) A local authority must, in the course of the decision-making process,—*  
*(a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and*  
*(b) assess the options in terms of their advantages and disadvantages.*
  
  - 78 Community views in relation to decisions*  
*(1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.*

You've also provided the following action points / questions for us to consider when releasing information to you:

1. What consultation process was used for persons affected by this proposed tax as per Section 78?
2. Who or what entity was used to represent each sub sector in the consultation process?
3. Revealing of the confidential conversations, content, intent and identification of the supposed industry representatives who had no objection.
4. Has there been any conflict of interests recorded, in particular with the Mayor Jim Boulton, in relation to his Chairmanship of the largest tourist activity provider in Queenstown very specifically not being included or considered in this proposed tax?

**Decision to partially release information requested**

QLDC has decided to grant your request for information in part. The information requested is provided below.

### **QLDC response**

*Information on or how to locate the information that demonstrates QLDC has met the responsibilities of the Local Government Act 2002 (LGA), in particular Sections 77 and 78, in relation to the 'Visitor Tax 2019'.*

- The only decision made in relation to the visitor levy referendum was the decision to hold a referendum on whether the community supported a visitor levy in the Queenstown lakes district. This decision was made at the council meeting held on 7 March 2019. The agenda and minutes for this meeting can be accessed here:
  - <https://www.qldc.govt.nz/council-online/council-documents/agendas-and-minutes/full-council-agendas/2019-full-council-agenda/7-march-2019/>
  - <https://www.qldc.govt.nz/council-online/council-documents/agendas-and-minutes/full-council-agendas/2019-full-council-agenda/18-april-2019/>
- Once the decision to hold the referendum had been made, all matters relating to the referendum were governed by the [Local Electoral Act 2001](#).
- There have been no decisions made by council about the visitor levy itself. When decisions are made, council responsibilities under the LGA will be met.
- It should also be noted here that prior to the announcement of the referendum, QLDC invited questions from the accommodation sector regarding the proposed referendum. This was in follow-up to a meeting that was organised by the New Zealand Property Council and which included a large number of people from the accommodation sector. The questions and our answers were published on our website: <https://www.qldc.govt.nz/your-council/elected-members/elections/proposed-visitor-levy/frequently-asked-questions/>
- QLDC has also released a substantial amount of informative information on the QLDC website in relation to the visitor levy. The key purpose of the release of information has been to ensure that the Queenstown Lakes community was well informed of the details of the proposed visitor levy prior to voting in the referendum. This information can be accessed here: <https://www.qldc.govt.nz/your-council/elected-members/elections/proposed-visitor-levy/>

### **Answers to your specific questions**

1. *What consultation process was used for persons affected by this proposed tax as per Section 78?*
  - Please see our comments above.
2. *Who or what entity was used to represent each sub sector in the consultation process?*
  - Please see our comments above.

3. *Revealing of the confidential conversations, content, intent and identification of the supposed industry representatives who had no objection.*
- We will not be revealing any confidential conversations that QLDC has had with industry representatives. The Chambers, the Regional Tourism Organisations and some members of the accommodation sector were involved in discussions with QLDC staff prior to the announcement of the referendum, however, they were subject to non-disclosure agreements. They were therefore under the impression that their communications to and from QLDC would not be shared outside of QLDC.
  - For this reason, any requests for information relating to these talks are being refused under section 7(2)(c)(i) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) – an obligation of confidence. More details about this withholding ground are provided below.
4. *Has there been any conflict of interests recorded, in particular with the Mayor Jim Boulton, in relation to his Chairmanship of the largest tourist activity provider in Queenstown very specifically not being included or considered in this proposed tax?*
- No conflicts of interest have been considered at QLDC regarding the visitor levy referendum.

We trust the above information satisfactorily answers the relevant components of your request.

#### **Decision to withhold remaining information requested**

##### *Relationship of confidence*

QLDC has decided to refuse your request for “confidential conversations, content, intent and identification of the supposed industry representatives who had no objection (to the referendum)” in accordance with section 7(2)(c)(i) of the LGOIMA. Section 7(2)(c)(i) of the LGOIMA applies to information where the making available of that information *would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information continue to be supplied.*

As mentioned, non-disclosure agreements were signed by the parties consulted prior to the referendum so we are not in a position to release details of the conversations. We believe that an obligation of confidence exists between QLDC and external individuals who email QLDC voicing views and providing advice in confidence, or who discuss issues in confidence with QLDCs staff. Such information is not normally made publicly available and we believe it is in the public interest that external people continue to raise issues with QLDC staff in confidence in the future.

#### **Right to review the above decision**

Note that you have the right to seek an investigation and review by the Ombudsman of this decision. Information about this process is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss this decision with us, please contact [Naell.Crosby-Roe@qldc.govt.nz](mailto:Naell.Crosby-Roe@qldc.govt.nz) (Governance, Engagement and Communications Manager).

We trust this response satisfactorily answers your request.

Regards,

A handwritten signature in black ink, appearing to be 'MA', with a long horizontal line extending to the right.

Madeline Patterson  
Governance and Official Information Advisor