

22 September 2016
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Dr Robert Shaw

Fyi-request-4488-d5568856@requests.fyi.org.nz

Dear Dr Shaw

Information request – decisions and policy on vexatious

On 4 September 2016 you requested information. The Council treated your request as a request under the Local Government Official Information Act (LGOIA). The Council has decided to release the requested information and our response is as follows:

What causes the Council to decide the people involved are ‘vexatious’?

The Council has never to the best of our records and recollections deemed a person, or group of persons, to be vexatious with specific regard to the sanctions prescribed in the LGOIA. That Act provides for Council, if it so elects, to totally desist from responding to information requests.

Because such potential considerations are very rare, the Council’s approach has been to consider each case on the specific merits or otherwise of the circumstances.

Although no person or persons have been refused a response as per LGOIA, the Council has on one occasion considered the actions of a group of three people and on advice resolved to severely curtail the Council’s response to their future enquiries. To that extent they were considered to be vexatious. What that meant in practice was that while all requests for information from these persons were still responded to and they were provided with all reports and like information that the Council had in its records associated with their requests (subject to the normal procedures of LGOIA), the Council stopped at that point from also providing any additional analysis, detailed explanations and the like that would have required significant additional staff time. Again to the best of our records and recollections, that situation has applied in only one case.

See the attached letter from Mr D MacLeod (Chairman) that arose from a submission from M Self to the Council’s 2012-2022 Long Term Plan hearing.

See attached letter from Mr B Chamberlain (Chief Executive) and the 28 August 2012 agenda item to the Consents and Regulatory Committee.

Is there an officer’s paper of advice to the Council to make the classification ‘vexatious’?

See the attached 28 August 2012 agenda item to the Consents and Regulatory Committee.

Was there anything published in local government literature about your decision on this matter?

The Council is not aware of any government literature.

You have the right to seek an investigation and review by the Ombudsman of the decision to supply the above information. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602. If you wish to discuss this information request, please contact me (mike.nield@trc.govt.nz 0800 736 222).

Yours faithfully
BG Chamberlain
Chief Executive



per: M J Nield
Director - Corporate Services

Encl s #1085491 2012 letter to trio from B Chamberlain and attachment #1080310
#1048475 2012 letter from D MacLeod to M Self
#1085723 agenda item on response to allegations re monitoring fracking activities