

## Chief Ombudsman releases opinion on Auckland Council complaint

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Chief Ombudsman Peter Boshier has asked Auckland Council to apologise to Radio New Zealand over the way the Council dealt with a request for official information.

“I believe an apology is necessary because I have found the Council’s handling of the request was unreasonable and contrary to law in some respects.”

RNZ complained about a five-month delay in obtaining a Council report under the Local Government Official Information and Meetings Act (LGOIMA) on the future of the imported vehicle trade at the Ports of Auckland.

RNZ claimed internal emails sent between Council officials during this period raised questions about whether the Council had intentionally delayed the release of the report.

“My focus for this investigation under the Ombudsmen Act was on the administrative conduct of the Council. I looked specifically at whether the Council acted reasonably when it processed RNZ’s request for information.”

Mr Boshier says senior officials within the Council, its subsidiary Auckland Council Investments and the Mayor’s Office all played a part in considering the request.

“Overall, there was a lack of co-ordination and oversight; staff were not aware of their role in the process, or who should make the decision.”

The Council’s consultation with interested parties was mishandled.

Mr Boshier says Mayor Phil Goff did not make the decision on RNZ’s request but his Principal Political Advisor was involved.

“There was nothing to suggest they acted improperly in this case. However there was an undesirable lack of clarity concerning their role.”

“Senior Council officials also raised a number of irrelevant considerations during the decision-making process. They may not have been factors in the final decision but they cast the Council and its commitment to openness and transparency in a very poor light.”

“This resulted in delays in processing RNZ’s request which meant the Council failed to make a decision within the 20-day timeframe required by LGOIMA.”

Mr Boshier says the deficiencies found during this investigation are worrying, given it’s now 30 years since LGOIMA came into force.

“Auckland Council is the largest Council in the country. It should set the standard for the other 77 local authorities in New Zealand.”

“The Council is conducting its own internal review of its LGOIMA policies and procedures, which I intend to look over to make sure things are working well.”

It has also agreed to develop a clear protocol between the Council organisation and elected members and their staff.

“I think all local authorities should develop a protocol to clarify the role of elected officials and Council staff when it comes to dealing with official information. I have made this recommendation to central government agencies and their ministers.”

Mr Boshier also welcomes the Council’s plan to publish LGOIMA responses of interest to the public and to increase the amount of information proactively released on Council activities’.

‘I will be keeping a close eye on all these developments to make sure they bear fruit.’

[Final opinion here.](#)

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