

Charge for supply of official information— staff rates in excess of Charging Guidelines

Legislation	Local Government Official Information and Meetings Act 1987, s 13
Agency	Regional Councils
Ombudsman	Dame Beverley Wakem
Case number(s)	176345, 368207
Date	May 2008, 8 April 2014

Staff rates in excess of those in the Charging Guidelines unreasonable

These cases involved councils charging higher hourly rates than those specified in the *Charging Guidelines*. The hourly rates were derived from their LGOIMA charging policies, adopted in the councils' annual plans. The rates varied depending on the seniority of the staff involved (in one case, the charge ranged between \$45/hour and \$125/hour, and in the other, the charge ranged between \$75/hour and \$121.83/hour).

In both cases, the Ombudsmen compared the proposed staff rates with those in the *Charging Guidelines*, noting that the latter rates applied irrespective of the seniority of the staff members involved. The Ombudsmen also noted there was no suggestion in either case that staff with specialist expertise were required to process the request. The higher staff rates were found to be unreasonable, as was the decision to charge different rates depending on the seniority of the staff members involved.

In case 176345, the Ombudsman suggested that the Council consider amending its current scale of charges for the supply of official information to bring them in to line with the *Charging Guidelines*. In case 368207, the Ombudsman noted that the official information legislation does not contemplate full cost recovery for providing information, and that adequate funding should be provided for in agency budgets in order to perform their statutory functions.

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