



1 November 2012

Official Information Requests Nos.
9000119609 and 9000119572
(Please quote this in any correspondence)

Ms Grace Haden
23 Wapiti Avenue
Epsom
Auckland 1024

Dear Ms Haden

Local Government Official Information and Meetings Act 1987

Re: Information considered by councillors and investigation into corruption

I refer to your two requests dated 23 and 24 October 2012:

Request of 23 October 2012

I refer to your request for information relating to a purported audit carried out in 2008 by the Ministry of Agriculture & Fisheries relating to the Waitakere City Council and the Animal Institute of New Zealand (AWINZ). Your request is refused on the following grounds:

- (a) all material held by the former Waitakere City Council relating to AWINZ has previously been provided to you in response to your several and varied requests made over several years. In this regard, I refer to the "voluminous" material that you have previously placed before both the District Court and High Court, as per references in the Decisions of those Courts respectively, and to WCC's and Auckland Council's previous advice to you, and/or
- (b) the material does not exist or cannot be found.

In any event, given the material you are requesting has apparently been referred to in a MAF report, I suggest you direct your inquiries to that agency; it is not material that is held by, or that can be located by, Auckland Council. I also note your allegation that the actions that are the subject of the MAF report and the information that is allegedly recorded in relation thereto, "were being undertaken without the official knowledge and consent of council, and this has been covered up for many years". If that is the case, then it is hardly surprising that the information you are now requesting either does not exist or cannot be found.

Your request is also refused on the grounds that it is vexatious in that it relies on a series of allegations and statements that are likely made in breach of certain Court Orders referred to below.

Request of 24 October 2012

I refer to your email received on 24 October 2012, requesting information about Information "considered and determined" by councillors.

I record that your request arose as a consequence of advice given to you in the context of a refusal of your request for "speaking rights as a whistle-blower on council corruption". The "council corruption" to which you referred related to the Animal Welfare Institute of New Zealand (AWINZ) and presumably, Mr Neil Wells. In that regard I refer also to a number of emails you circulated to councillors, council staff, the Ministers for Primary Industries and Local Government, MPs and various others on 23 and 24 October 2013.

Your request was declined on the basis of my advice to the Democracy Services staff that your allegations have been the subject of Court proceedings, and there is an injunction extant prohibiting you from "publishing or causing to be published the statements particularised in paras 20 - 35 (of the statement of claim) or words to similar effect.". In granting the injunction, the Judge referred to the fact that nothing that has occurred or been required of [you] so far has deflected you from "reviling and denigrating Mr Wells" and the Judge had no hesitation in granting the injunction in the terms sought.

In light of the Orders made against you, if you have fresh evidence, then you must return to the Court and seek orders setting aside the injunction before that material can be published in a council forum, or otherwise. It was my advice to council that unless or until you have persuaded the Courts to set aside the injunction, any publication of any material that may, or may potentially, "revile or denigrate" Mr Wells is prohibited. In my view, your allegations of "Council corruption" clearly fall within the terms of the injunction and any publication of those allegations in a Council forum, or elsewhere, will be a breach of the Court Orders unless or until the injunction is set aside.

For that reason, you were advised by the staff, that your request was declined because the matter you wished to address in the public forum has been "considered and determined" in a judicial (i.e. not council) forum, (Standing Orders 3.21.3 refers)

Your request for information upon which Council relies "which suggests that this matter has been considered and determined" is refused because the Court Judgments in the District Court (CIV-2006-004-001784) and the High Court (CIV-2008-404-5500) are a matter of public record.

You have the right to complain to the Ombudsman if you wish and that Office's address is:

Office of the Ombudsman
PO Box 10152
Wellington 6143

Or: info@ombudsman.govt.nz

Yours sincerely



Wendy Brandon
General Counsel