

OIR: 2223/370

15 September 2022



Request for Information under the Local Government and Official Information and Meetings Act 1987 (the Act)

Thank you for your email of 6 September 2022 requesting the following information:

- 1. During the pre-election period up to 5:00pm on 5/09/22 how many complaints have officially been lodged with council staff about candidates signs. Please provide information so that it includes the number of complaints against each candidate, the number of complaints upheld against each candidate, and who has made the complaints, and on what grounds was the complaint made.***

I acknowledge that I have made no complaints despite noticing that a number of signs are technically breaking the council rules, because democracy is served by the public knowing what options are available to them.

While I understand this might take a short amount of time to pull this information together, if there is a serial litigator and or an organised campaign at work that is wasting both staff and candidates time, it would be in the interests of our community to have that information. Nothing in section 6 or 7 precludes providing the details of the complainants information from being shared.

I firmly believe it is in the public's interest to know if a candidate or part of their team is a serial complainant.

Our response is set out below.

In summary:

- 13 complaints have been made involving 15 incidents. 4 have been upheld.
- 9 candidates have had complaints about their signs.
- 6 candidates have 1 complaint each
- 3 candidates have 3 complaints each

Please refer to 'Table 1' below for details of the complaints received about candidates' signs.

Table 1: Details of complaints

Complaint number	Complainant	Nature of complaint	Result of complaint grounds (Upheld/not upheld)	Candidate sign belongs to
Complaint 1	Observed by compliance officer	Sign on berm not in permitted location	Upheld	Candidate 1
Complaint 2	Complainant B	No authorisation statement	Closed / not upheld Signs made compliant before action could be initiated.	Candidate 2
Complaint 3	Complainant C	Sign not in permitted location	Upheld	Candidate 3
Complaint 4	Complainant C	Sign not in permitted location	Not upheld	Candidate 3
Complaint 5	Complainant C	Sign not in permitted location	Not upheld	Candidate 3
Complaint 6	Complainant D	Sign not in permitted location	Not upheld	Candidate 4
Complaint 7	Complainant E	Sign not compliant with height restrictions	Upheld	Candidate 5
Complaint 8	Complainant C	Two signs without appropriate authorisation	1 Not upheld 1 Upheld	Candidate 6 Candidate 7
Complaint 9	Complainant F	Signs without appropriate authorisation	Not upheld	Candidate 6
Complaint 10	Observed by compliance officer	Sign non-compliant with height restrictions	Not upheld	Candidate 8
Complaint 11	Complainant C	Signage exceeds 3m ² and possibly non-compliant authorisation	1 ground upheld Complaint open – some grounds still being actioned by regulatory team.	Candidate 4
Complaint 12	Complainant G	Signs are a road safety issue	1 Not upheld 1 Not upheld Complaint not upheld as not a road safety issue, but signs didn't meet minimum offset from kerb requirements – compliance action required.	Candidate 9 Candidate 6
Complaint 13	Complainant H	Sign not in permitted location	Not upheld	Candidate 4

Please note that some information has been withheld under the following section(s) of the LGOIMA:

- 7(2)(a) - to protect the privacy of natural persons, including that of deceased natural persons
- 7(2)(j) - to prevent the disclosure or use of official information for improper gain or improper advantage.

This relates to the names of complainants on the basis that it is necessary to protect their privacy interests, as well as the names of candidates on the basis that withholding this information is necessary to prevent the use of the information for improper advantage in the lead up to the election on 8 October 2022.

In the Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Janice McDougall

Group Manager People and Partnerships
Te Kaihautū, ngā Rangapū, Tāngata hoki