

26 January 2022

**Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) (the Act) – reference: OIR 2122-155**

I refer to your information request we received on 12 December 2021 for the following:

*I understand from statements he has made on a Facebook live-stream that [REDACTED] wrote separately to each councillor (including I presume His Worship the Mayor) setting out his views or suggestions on how Council should act in response to the Covid-19 Protection Framework. I gather each letter differed slightly.*

- 1. Could I please have a copy of his letter to the Mayor, the Mayor's reply, and if there was any subsequent letter from [REDACTED] a copy of that letter.*

Please find attached a copy of [REDACTED] letter of 2 December 2021 and the Mayor's response. At the time of writing this response there have been no subsequent letters to the Mayor from [REDACTED].

You will see that the personal details of other parties have been withheld from this information. The decision to withhold this information is made under Section 7(2)(a) of the Act which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons.

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](mailto:info@ombudsman.parliament.nz), by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



**Mark de Haast**  
Group Manager Corporate Services  
Te Kaihautū Ratonga Tōpū

**From:** [REDACTED]  
**To:** [Mayor K Gurunathan](#)  
**Subject:** A request  
**Date:** Thursday, December 2, 2021 9:24:56 PM

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Hello Mr Gurunathan,

I am very concerned about how the introduction of the governments 'traffic light system' is going to affect the nature of our community here on the Kapiti Coast.

As a resident of Kapiti for nearly 18 years now I have come to love and appreciate the diversity and the inclusivity of this community over those years. It has however been alarming to observe the community starting to fracture over the last 18 months as good people have become more and more divided by the governments divisive and fear based messaging. Worn down and stressed out by the situation of moving goal posts and veiled threats that is being imposed upon them, once loving people are now viewing their neighbours as potential threats to their chance to 'return to normal' and live a life of freedom.

The introduction of vaccine passports in association with this confusing traffic light system will in my opinion will only further this social division and discrimination.

I personally will not comply with the use of any passport system that discriminates against people who make an informed choice about what medical procedures or therapies they choose.

Bodily sovereignty is a fundamental human right and is supposed to be protected in New Zealand's own Bill of Rights. This level of discrimination is not acceptable in a community that I desire to live in.

So I write to you today to request that you as the elected mayor of our council consider how the Kapiti Coast district can opt out of this ridiculous traffic light system and instead manage our own covid response at a local level in a sensible way that benefits all people, businesses and the district itself.

I know several other people in my circle who have also chosen to opt out of using a vaccine passport, some of those people are already double jabbed but will not take the dangerous step of complying with this passport system, interestingly they have Eastern European heritage, living memory of what it is like to live in a highly controlled society. I do not intend to leave such a legacy for my children and their children.

Both of my Grandfathers fought in WWII and made considerable sacrifice to give us the freedom and peace and a fair and just society that we have enjoyed thus far in New Zealand, I do not want to see that eroded away by our current government initiating such massive fundamental changes with no proper consultation or debate under the pretence of an 'emergency'

I also know several small business owners here on the coast who are very confused by this new system, most of them think it is rubbish but also feel significantly threatened by the proposed fines etc that they are just trying to cover their backsides and tow the line even though they do not agree with the system. This bullying is not part of the community I desire to live in.

The simple truth is, the rules that they are trying to enforce do not make sense and are not backed by any independent science. This whole agenda is about forcing compliance rather than protecting and fostering our health as individuals and as a society.

So, I personally do not consent to this system of discrimination and fear based division being imposed upon me. And I ask you as an elected representative of our community to stand up to this government and do what is right in protecting our freedom to live in an inclusive, fair, and peaceful community.

Yours with love and respect



**From:** [REDACTED] on behalf of [Mayor K Gurunathan](#)  
**To:** [REDACTED]  
**Subject:** Mayor's Personal Response to Vaccine Pass Enquiries  
**Date:** Friday, January 14, 2022 1:30:19 PM  
**Attachments:** [REDACTED]

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Seasonal greetings to all of you who have written to me and my fellow Councillors highlighting your concerns about Council's decision to require vaccine passes to access council facilities.

I apologise for not giving you all an immediate response as it has been, and continues to be, a fast changing scenario. **Please consider this as my individual response and not a standard Council response or position.** One important area that I have to comment on is to those raising the perceived issue of a rates rebate for the Council services that they claim have been denied them because of the introduction of vaccine passes. Rates help pay for all services and facilities for the Kāpiti community that are either critical or beneficial to the community as a whole – often the things that make our district a more desirable place to live. Those services are still on offer and ratepayers cannot receive a rebate or reduction simply because they have self-selected to opt-out by not receiving the government funded vaccine. It is important to also note that not everyone who pays rates will use every service or facility on offer – for example I do not personally use the Aquatic Centre.

Firstly, a number of you have given very personal stories on vaccination and its challenges. I have also come to the current complex situation with my own luggage of deep memories. I shared this in my regular [Kāpiti News column of 8 December 2021](#). I hope that column gives you an initial insight on my approach to what's been unfolding. In my baby brother's case I recognised that while a majority, including myself, gained protection from smallpox, a small minority suffered adverse effects. I realise that there are those who believe and argue that vaccinations per se are bad. And, in the case of the Covid-19 vaccine, that it's a sinister global plot peddled by a hidden elite. I accept that there have been many instances where people are manipulated by the rich and powerful. The invasion of Iraq justified on the basis of fake news that Saddam possessed weapons of mass destruction is but just one such instance.

In the case of the pandemic and the Covid vaccine I don't believe there is a global plot. Over my 25 years in New Zealand I have had to seek medical attention many times and the medical system with its technical biomedical expertise has managed my problems. I have no reason now to question that expertise. In the current 'battle' for the hearts and minds of people a clear majority believe in the medical system. The fact that more than 90 percent of those eligible who have taken the decision to be vaccinated is proof of that. I remember some years back the debate on the fluoridation of Kāpiti's water supply. Councillors were battered with technical information from both sides. My argument at that time observed that councillors as elected representatives do not generally have the technical expertise to make well informed medical decisions. That is the responsibility of the Ministry of Health. I maintain that position. My last point on this. Every time I board a plane I don't ask for a right to personally check on the qualifications of the pilot to fly the plane. I have safely assumed that the system, that includes the airline industry and CAA ...etc, has procedures in place to ensure public safety.

Secondly, the management of Council facilities and services is the responsibility of the Chief Executive and his Senior Leadership Team. Not the elected councillors. Council's Chief Executive is directly responsible for managing the health and safety obligations towards staff under the Health & Safety at Work Act 2015. The Chief Executive's decision is backed by another legal instrument, the COVID-19 Public Health Response Act 2020 which triggers the use of specific public health orders to empower a range of measures in response to the pandemic while an Epidemic Notice is in force. The Covid-19 Public Health Response (Protection Framework) Order 2021 provides a framework for the use of vaccine passes for some types of work, and other "regulated businesses or services" must choose between operating either with or without vaccination certificates. The Order sets the legal basis for councils to set conditions of entry by requiring the use of vaccine passes for physical access to facilities to help manage the pandemic. These Orders, however, must not limit, or must only impose justified limits on the rights set out in the NZ Bill of Rights 1990. It's this last part, in reference to the Bill of Rights, that has triggered some of the challenges to the Council decision to require vaccine passes to access Council facilities. I support that fundamental right to challenge and add that the full exercise of the Bill of Rights is under siege from a pandemic that can kill people and is a very difficult issue. No one describes the inherent tensions between the Public Health Response Act 2020 (including its public health response Orders) and the NZ Human Rights Act 1990 better than the Chief Human Rights Commissioner Paul Hunt in his [16 December 2021 statement](#) where, in addressing the enormous challenges of Covid-19 including social exclusion he said: "*I urge you to support fair and reasonable balance between competing rights*". Anyone reading that statement will appreciate the struggle the Commissioner went through to balance his statement of appeal itself.

A number of you have pointed out that, in delivering the Protection Framework Order, Upper Hutt Council had chosen not to mandate vaccine passes. This is not completely accurate. The Chief Executive there had imposed a vaccine pass requirement at one of its facilities - its Arts Centre. The Protection Framework does give councils discretion. Upper Hutt had chosen to be more liberal in its risk management while all the other councils in the Wellington Region including Kāpiti had chosen a vaccine pass approach. Even then, Upper Hutt had qualified its approach not only by mandating vaccine passes at its Arts Centre but also issuing a statement that their comparatively liberal approach was open to review. So, really, none of Wellington's councils have taken an ideologically purist freedom of access position. Added to this is the imminent spread of the Omicron variant so things are likely to change. One example of this change can be seen again in the actions of the Upper Hutt Council who has further reviewed its position and now require vaccine passes for their aquatic centre, libraries and their council reception. I add that I had met a representative of a group wanting to explore and negotiate for a loosening of some of the restrictions at 'low risk' facilities. I had responded in good faith to explore this until, that is, the unfolding news of the impact of the aggressive Omicron variant which has undermined my confidence in taking, this now, risky step.

I'm aware that unusual or extraordinary circumstances may require the use of legal tools that impact individual rights. I'm aware of the anti terrorism laws birthed in many countries following the September 11 attack being used by the ruling elite to oppress the legitimate democratic rights of the opposition and human rights activists. I have faith in the political culture of New Zealand that our current government or the other parties represented in Parliament are not using, and will not use, the current management of the Covid-19 pandemic to support dictatorships and totalitarian control. I support the approach adopted by our Chief Executive and senior management especially given the

imminent breakout of the Omicron variant. I think I can safely speak for all my Councillors that we don't want any of our Council facilities to be the unfortunate source of an Omicron super-spreader event. I particularly fear for the almost 30 percent of our vulnerable demographics aged 65 and over.

In concluding, I support the observation of the Chief Human Rights Commissioner that Covid-19 is hurting many people. He mentions a whole list of people and circumstances, including those who are excluded from important public spaces. He noted that it's making many confused and angry and added: *"But we mustn't take it out on our family, the shop worker, the bus driver, the health professional. We mustn't take it out on the vaccinated or unvaccinated, whether we agree with them or not, each has its own history, fears and reasons...I urge you to call for human rights - all human rights - the rights to healthcare, health protection, work, association, and assembly - in this country and beyond. I urge you to support fair and reasonable balances between competing rights."*

My wish for 2022 is for all our Kāpiti communities to be safe. Take care.

Regards,

Mayor Guru

**K Gurunathan JP MA**  
Mayor  
Koromatua

Kāpiti Coast District  
[www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

