

Subject: Appeal



Garth Mathieson <garth@gmlaw.nz>

Sun, Jul 23, 4:15 PM (10 days ago)

to Info, Helen Copsey, Rachel.ChrySTALL@dia.govt.nz

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Helen,

I attach:

1. A copy of my original OIA request to the Department of Internal Affairs dated 6 December 2022.
2. A copy of a letter from the Department of Internal Affairs dated 17 January 2023.
3. A copy of my original appeal dated 29 January 2023.
4. A copy of the Ombudsman letter dated 11 July 2023.
5. A copy of a letter from the Department of Internal Affairs to me regarding my request of 6 December 2022 for information dated 19 July 2023.
6. Advertisement in BOP Times on 22 July 2023.
7. Advertisement in the Weekend Sun on 21 July 2023.

The Department of Internal Affairs refuses to provide me with the names of 15 individuals who supported the cancellation of the 2022 Tauranga City Council election and the re-appointment of the Commissioners to run the Tauranga City Council because Mr Cauchi thinks their individual privacy outweighs public interest. I appeal this decision and request it be reviewed and reversed on the following grounds.

Standing

1. I have been a citizen of Tauranga for 37 years and I am ratepayer who owns two properties in Tauranga. Other members of the Tauranga Millennium Track Trust (the Trust”) and the Alliance Against the Tauranga City Active Reserve Masterplans (“the Alliance”) are also citizens and ratepayers of Tauranga. We are being governed and taxed without elected representation by four unelected Commissioners. We also have a vested interest in sporting venues that will be destroyed if the Boutique Stadium project proceeds. See our website www.handsofftaurangadomain.org
2. The Commissioners resolved in October 2022 to relocate sporting venues around Tauranga including the athletic track and the croquet club at the

Tauranga Domain at the cost of Tauranga ratepayers. This is to accommodate the building of the Boutique Stadium at the Tauranga Domain, which has a construction cost of over \$220 million dollars with a 50 % probability it will cost more. (See attached public notice in the Weekend Sun and BOP Times). If all the sporting venue relocations (including those outside the Tauranga Domain) are carried out it will cost the Tauranga City Council ratepayers hundreds of millions of dollars in addition to other projects that have been approved by the Tauranga City Council. The Trust, the Alliance and I all have standing. The sporting venues we represent were all created by untold hours of free labour to create and maintain them.

3. An April 2023 Curia/Tauranga Ratepayer Alliance poll said that 59 % of the Tauranga population oppose the construction of the Boutique Stadium and the resulting relocation of sporting venues. Only 24 % of the population approved the Boutique Stadium project, and 17 % were undecided. The same poll said that 67% of the population want the Tauranga City Commissioners fired and an election held this year at the same time as the General Election.

Background

4. The following are the reasons given for the cancellation of the Tauranga City Council election in 2022 and the reappointment of the Commissioners to govern Tauranga.

“18. The Commission has analysed its achievements and believes there is real risk that the work programme may be undermined by the return of elected councillors, who have historically tended to support conservative rate increases leading to an inability to fund new growth.

19. In particular, the Commission believes that under a return to elected democracy, a change in strategic direction may jeopardise relationships the Commission has established with public and private funding contributors. This would result in an inability to deliver on planned projects both within Tauranga city and across the wider region.

20. The Department also notes that further intervention through the retention of a Commission is strongly supported by local iwi and business leaders within the Tauranga region. The Department is aware of a number of Ministerials from members of the Tauranga community noting their support for the decision to appoint Commissioners and requesting that a Commission is retained at the Council beyond October 2022. Anecdotally, the Department has also received positive feedback from other individuals such as Bay of Plenty Regional Council staff and private individuals in the Tauranga community.”

(the Briefing for Hon Nania Mahuta Exit Plan 11 February 2022 Paras 18 to 20).

5. Kieran McAnulty said in May 2023 that “the decision to appoint the commission until July 2024 was made following careful consideration of the commission’s exit plan, feedback from business and community leaders....” (Sunlive 11 May 2023).

6. Four Commissioners, three organisations and 15 unnamed individuals took away the rights of the citizens of the fifth largest city in New Zealand to vote their representatives into office, so that they could complete projects they believe in without a mandate from Tauranga citizens at the cost of hundreds of millions of dollars to Tauranga citizens and the destruction of major Tauranga City assets.

Argument in Favour of Disclosure

7. Tauranga citizens must pay but they have no say. Tauranga citizens should at least know who is responsible for that.
8. The Commissioners and their supporters went behind the back of the Tauranga citizens to cancel the 2022 Tauranga City Council election and renew the Commissioners terms to govern Tauranga City. Tauranga citizens were not notified of this application by the Commissioners before it was done. Tauranga citizens were not consulted on this matter before it was done. The public were advised about it after the event. This means that the 15 unnamed individuals were part of the collective that organised the cancellation of the 2022 election and the renewal of the Commissioners terms. The 15 were not people who read about it in a newspaper and wrote to the editor. No, they consciously took part in an activity that has taken away one of the basic rights of tens of thousands of people, the right to vote. While on the topic of newspapers I note that people publish their names to letters.
9. The Trust and the Alliance are fighting to preserve sporting venues that they created and maintained. We want to know what the motivations are of people who requested "that a Commission is retained at the Council beyond October 2022". The Preliminary Business Case for the Boutique Stadium says that there is potential for increased property values for neighbouring properties because of the Boutique Stadium (page 73). The Boutique Stadium is being built very close to where major developments are being undertaken. Do any of the 15 unnamed people have an interest in the redevelopment of central Tauranga? Impossible to know without knowing who they are?
10. I submit that with regard to the facts set out above public interest in favour of disclosure outweighs individual privacy.

Request

11. I request that the names of the 15 unnamed people be disclosed to me for the reasons set out above.
12. I request that the 15 unnamed people's supporting letters and all supporting documents not already published that I asked for in my original OIA request and my appeal be disclosed to me for the reasons set out above. When I was told by the Department of Internal Affairs in their letter to me on 17 January 2023 that "As the information requested in points one and three is publicly available, I am refusing this part of your request..." I was misled because the Department of Internal Affairs did have information, I asked for that was not publicly available.

Time is of the Essence

13. Time is of the essence with this matter. I will be speaking at the public meeting on 1 August 2023 at the Tauranga Racing Club and this will be one of the topics I will be discussing. In August or September 2023, the Boutique Stadium Business Case will go back to the Commissioners for approval to be added into the Tauranga City Council Long Term Plan.
14. The Department of Internal Affairs has been slow walking this matter for long enough.

Hands off Tauranga Domain

Yours faithfully

Garth Mathieson

Representative of the Alliance Against the Tauranga City Council Active Reserve Masterplans

Trustee of the Tauranga Millennium Track Trust

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