

**Hastings District Council**

**Final Investigation Report**

**April 2020**

**Alastair Hall, Fitzherbert Rowe**

**CONFIDENTIAL**

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# Introduction

## Events leading to the investigation

From about May 2019, Hastings District Council ("Council") staff began to formulate a water infrastructure project referred to as "Water Central". In summary, the project relates to the building of water storage tanks (reservoirs), along with the prospect of a non-council funded interactive and educational facility at one of the sites, to tell the "story of water".

The project lead is Graeme Hansen ("Mr Hansen"), Council's Director: Major Capital Projects Delivery. In August 2019, Mr Hansen and his team began developing an agenda item (the "Agenda Item"), to be discussed with elected members on 10 September 2019. Because the Agenda Item included confidential information, it was agreed that it would be discussed with members of the public excluded ("PX"). The Agenda Item (Water Central) was introduced and discussed, in that forum. Councillors and Council employees understand that a PX item is confidential and must not be disclosed to others.

The Agenda Item was disclosed to Councillors, either electronically or in hard copy on or about 5 September 2019. The 10 September 2019 meeting went ahead as scheduled.

On 18 September 2019, Facebook posts were made which appeared to include information from or related to the Agenda Item. On 20 September 2019, a media representative made contact with Council executives, asking questions which also indicated knowledge of the contents of the Agenda Item.

On 25 September 2019, that same media representative made contact noting "*I now have all the information*". Reference was then made to specific detail of the Water Central project set out in the Agenda Item. Media articles were published in the days that followed, which carried the same content.

Councillors became concerned that the Agenda Item had been leaked to the media, despite agreement that its content was to remain confidential.

An ordinary Council meeting was scheduled for 26 September 2019. At the commencement of that meeting, in "Councillor Only" time, the apparent leak of information was discussed ("COT1"). There were no Council employees present. The Councillor Only discussion continued later that same day ("COT2"), again with no Council employees present. During the course of those discussions, the Mayor provided a 24-hour window for Councillors to come forward with any information regarding the alleged breach of confidentiality.

The Mayor called for another Councillor Only meeting at 5 pm on Friday, 27 September 2019 ("COT3"). The Acting Chief Executive, Bruce Allan, attended for a short time at the commencement of the meeting.

It became apparent that the media had been advised of the content of the Councillor Only discussions, including:

- the Mayor giving time for Councillors to come forward with information about the breach of confidentiality;
- a media representative and a photographer were present when Councillors began arriving for COT3;

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- a media representative knew that Councillors had been asked to hand in their cell phones for the duration of COT3;
- a media representative being aware that during COT3, the prospect of an external investigation was discussed, which would require an extraordinary Council meeting;
- a media representative being aware that an extraordinary Council meeting was being arranged for the following week.

An extraordinary Council meeting took place on Friday 4 October 2019. The meeting resolved to commence an investigation, using an independent investigator, to consider whether confidential Council information has been improperly disclosed.

## Terms of Reference – Interim Report

The Terms of Reference set out the scope of the investigation [**Appendix A**]. The investigation has been tasked with establishing the following, if possible:

- Was there an improper disclosure of the Agenda Item or information relating to it, and if so, who was the source of that disclosure; and
- Was there an improper disclosure of information from the Councillor Only sessions on 26 and 27 September 2019, and if so, who was the source of that disclosure.

Having concluded the investigative aspect relating to the disclosure of confidential information, the investigator is also tasked with providing recommendations on any improvements which could be made to Council's procedures for handling PX items, or confidential information more generally.

The Terms of Reference required a staged investigation process. The first stage of the investigation required an "initial review" of Council procedures, electronic communications and any other documents. If further investigation was required, the investigator was to raise that with the Chief Executive and obtain written permission in order to proceed.

An Interim Report was provided to Council on 3 December 2019. Subsequently, further investigation was undertaken, primarily in relation to the Councillor only time on 26 and 27 September 2019.

## Comment on Delay

It has been just over six months since I was instructed to undertake the investigation.

Various documents were provided as relevant to the investigation. It was then important to speak with a number of Council employees and work through the electronic phase of the investigation. There were others to speak with also, which took considerable time to arrange. Lastly, the Covid-19 response contributed to the time required to work through the final stage of the investigation.

The combination of these matters, along with my own schedule, has meant that the finalisation of this investigation report has taken longer than anticipated. The delay is regretted.

## Investigation process

The material provided to the investigator during the investigation included:

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- An initial timeline provided by the Acting Chief Executive;
- Declarations made by various Councillors re: disclosure of information;
- Councillor meeting notes and observations post Councillor Only sessions;
- Relevant internal correspondence, including Councillors' correspondence;
- A list of elected members prior to 2019 election;
- Relevant external correspondence, including with media;
- Information (LGOIMA) requests and responses;
- Democracy and Governance Services timeline re: development of Agenda Item and its disclosure to others.

Having considered the information above, various Council employees and external contractors have been spoken to. They were:

- To'osavili Nigel Bickle, Chief Executive, Hastings District Council;
- Bruce Allan, Chief Financial Officer, Hastings District Council (Acting Chief Executive - 24 September to 3 October 2019);
- Scott Smith, General Counsel, Hastings District Council;
- Graeme Hansen, Director: Major Capital Projects Delivery, Hastings District Council;
- Jackie Evans, Manager: Democracy and Governance Services, Hastings District Council;
- Andrew Smith, Chief Information Officer, Hastings District Council;
- Warren Perry, Team Leader IT Operations, Hastings District Council;
- Shammi Datt, Business Applications Analyst, Hastings District Council;
- Shannon Bray, Principal and Director, Wayfinder Landscape Planning and Strategy Limited;
- Herman Wismeyer, Founder and Managing Director, Focus Project Management Limited;
- Annette Sweeney, Principal and Director, Good Earth Matters Consultancy Limited;
- Faye Murray, Executive Assistant to the Mayor;
- Various Councillors, including the Mayor.

Shannon Bray, Herman Wismeyer and Annette Sweeney are external contractors who were involved in the preparation of the Agenda Item, or were provided a copy of it in advance of the 10 September 2019 PX meeting with Councillors. The contractors were to be available to speak to the Agenda Item at the 10 September 2019 meeting, if required to do so.

All of those above were able to provide relevant background information, primarily by way of informal discussion. The bulk of the information was required to understand how the Agenda Item worked through, from commencement to delivery. The IT and Democracy and Governance Services function of Council also provided useful information about how Council's electronic and meeting systems operate. Their assistance is greatly appreciated.

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## Council's Electronic System

By way of explanation, Council's general document management system is referred to as "HPRM". Documents are able to be created and tracked, within the HPRM electronic filing system.

InfoCouncil is a software package used by Council employees. It provides templates, to help develop and manage Council's agendas and minutes. For example, the Agenda Item was developed using a template from InfoCouncil. Having been created, the Agenda Item is then saved to HPRM, which automatically creates a document number.

The Hub is an electronic portal, used to access information relevant to Councillor meetings. An agenda item or report is uploaded to The Hub in advance of a meeting. Individual Councillors are then able to access it in order to view the documents, in preparation for the meeting.

All of the Councillors at the Council have been issued with an iPad. Each Councillor is able to access The Hub through the iPad, including to download documents and to make notes, if they wish.

The Councillors' iPads are internet ready and provide access to each Councillor's "Hastings District Council" ([name@HDC.govt.nz](mailto:name@HDC.govt.nz)) email address.

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# General Findings

As discussed in more detail below, the investigation has been separated into two parts. **Part A** relates to the disclosure of the Agenda Item or information relating to it.

**Part B** relates to the disclosure of information from Councillor Only Time (COT).

## Part A – Final Conclusions

**My conclusion is that there has been improper disclosure of the Agenda Item or information relating to it.**

**The investigation has not been able to identify the source of the improper disclosure at this time.**

## Part B – Final Conclusions

**There is a strong inference that one or more Councillors has, directly or indirectly, improperly disclosed information from the Councillor Only meetings.**

**The investigation has not been able to identify the source of the improper disclosure at this time.**

# The Investigation

## Approach to Investigation

To provide some structure in addressing the various issues raised in the Terms of Reference, it was useful to establish a timeline of significant events. For this investigation, relevant events are:

Date:	Event
April/May 2019	The concept of Water Central raised.
May – August 2019	The Water Central concept floated with some potentially interested third parties, at a high level and on a confidential basis.
12 August 2019	Agenda Item document created using InfoCouncil, saved to HPRM system with unique identifier " <b>19/808</b> ".
28 August 2019	Meeting of some Council employees involved in the development of the Agenda Item.
2 September 2019  (On or About – may have been delivered to attendees on the day of the meeting)	Provisional Agenda Item development, for consideration by Pre-Agenda Committee (A group which includes the Mayor and Deputy Mayor, responsible for assessing that an agenda item is ready to be shared with remaining Councillors).
3 September 2019	Pre-Agenda Meeting. Approved to proceed.
5 September 2019	Agenda Item disclosed to Councillors, electronically and in hard copy.
10 September 2019	Meeting of full Council (Councillors agree on resolution that Agenda Item to be considered in PX).
18 September 2019	Facebook entry from Council aspirant, Stuart Perry, referencing that wider water infrastructure work was \$10 million over budget.
20 September 2019	Media representative from Hawke's Bay Today ("HBT") asks questions relating to water infrastructure being \$10 million over budget.
20 September 2019	Council responds by email.
24 September 2019	Follow-up questions from HBT relating to Water Central.
24 September 2019	Council responds by email.
25 September 2019	Email from HBT indicates that it has "all the information" and that a story will run the following day.
26 September 2019	Ordinary Council meeting scheduled.

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26 September 2019	Councillor Only Time to discuss information disclosure ( <b>COT1</b> ): took place prior to ordinary meeting.
26 September 2019	Councillor Only Time to discuss information disclosure ( <b>COT2</b> ): took place after ordinary meeting.
27 September 2019	HBT runs article relating to Water Central.
27 September 2019	Mayor calls for additional Councillor Only meeting ( <b>COT3</b> ) at 5:00pm on 27 September 2019.
30 September 2019	As a result of media articles and misinformation, redacted Agenda Item released.
4 October 2019	Extraordinary Council meeting.

Otherwise, the investigation effectively falls into two parts. The first issue is to consider whether there has been an improper disclosure of the Agenda Item or information relating to it. If the answer to that issue is "yes", then the next step is to identify, if possible, the source of the disclosure. I refer to this as the **Part A** investigation.

The second part of the investigation relates to the Councillor Only time. I refer to this as the **Part B** investigation.

## Part A Investigation:

### Has there been an improper disclosure of the Agenda Item or information relating to it?

As set out above, Council officers came up with the idea for Water Central in about April or May 2019. Subsequently, more work was undertaken to see whether the idea had potential, or not.

As part of the process, relevant Council officers worked up the Agenda Item, to introduce the idea, and its implications, to Councillors.

Mr Hansen, the Project Lead, was primarily responsible for writing the Agenda Item and putting together its attachments. Mr Hansen explained that the Agenda Item was prepared relatively late, well into late August 2019, prior to the pre-agenda process and, ultimately, the Council meeting scheduled for 10 September 2019.

Mr Hansen reports that the detail of Water Central, including its costs and what it might look like, only came together as part of preparing the Agenda Item. Prior to that point, specifics relating to the project were not recorded in one place. In that sense, the Agenda Item and its attachments represented the collation of the Council officers' work to that point.

The first indication that information from the Agenda Item may have been disclosed to others was the Facebook posts by Council aspirant Stuart Perry,<sup>1</sup> a copy of which is attached as **Appendix B**. Mr Perry's Facebook entry reads, in part:

*"It's outrageous that Council can hide a massive loss behind closed doors just on election time!*

*I'm told from a source inside council that the water program is already 10 million dollars over budget, and that's just another slam in the pockets of the ratepayers"*

Then, on 20 September 2019, the Chief Executive started to receive queries from Astrid Austin, a reporter with HBT.

Ms Austin's email of 20 September 2019 states:

*"According to council's documents, the bulk of the \$47 million allocated to Water Investment is to be spent in the first 3 years (starting last year).*

*I have reason to believe that it is already \$10 million over budget "*

On 23 September 2019, Ms Austin sent a follow-up email. The email sets out various questions, including:

- "...
- *Have you got photos or concept plans of what the reservoirs in Eastbourne Street and Frimley Park? Where are they going to be?*
  - *What are they for?*
  - *What are the measurements?*

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<sup>1</sup> Facebook entry, Stuart Perry, 18 September 2019

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- *How much are these two reservoirs expected to cost?*
- *What is water central? Do you have a business plan for Water Central?*
- *How much has/will be spent developing this business plan? and how much will it cost in total?"*

On 25 September 2019, Ms Austin sent another email, asking for comment. The email states:

"Hi Nicki,

*I now have all the information. The article will definitely run in tomorrow's paper. Can I please get comment regarding this.*

*"Water Central" will cost \$8.6 million over two years and will be funded externally to Hastings District Council.*

*The idea is for the "story of water" to be told through the building which will incorporate education and cultural aspects, as well as an observation deck, function room and office accommodation for up to 5 staff.*

*The building will be 10 metres high. The observation tower will be built on the corner of South Hampton Street and Hastings Street, along with a reservoir funded separately to "Water Central" through budget allocated for the drinking water strategy. The total cost of the reservoir will be \$13.85 million, and another reservoir, on Frimley Park will cost \$13.8 million.*

*It was discussed under agenda item; "Drinking Water Capital Programme Update" in the public excluded part of the Council meeting on September 10.*

*Let me know if you need anything else.*

*Kind regards,*

*Astrid Austin*

*Reporter"*

As far as Mr Hansen is aware, the only document which discusses specific detail relating to the Water Central project is the Agenda Item. In my discussions with him, Mr Hansen acknowledged that general ideas relating to Water Central had been discussed with others, including Councillors (public excluded), as part of the scoping for the project but not in any significant detail.

By way of example and in Mr Hansen's opinion, references to:

- Water Central costing \$8.6 million over two years;
- funded externally;
- a building which will incorporate educational and cultural aspects;
- an observation deck; and
- the cost of the reservoirs being \$13.85 million and \$13.8 million (Frimley Park) respectively;

are most likely to have come from the Agenda Item because that is the only place where these various references have been collated. In Mr Hansen's view, the information provided by Ms Austin is too specific to have come from anywhere else. I note also that I am not aware of there

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having been any media queries relating to Water Central prior to the 10 September 2019 meeting. Those queries only began after the Agenda Item was disclosed to Councillors.

Having considered the specificity of the references in Ms Austin's email, and the information she sought from Council, it appears that there has been an improper disclosure of the Agenda Item or information relating to it.

**My conclusion is that there has been improper disclosure of the Agenda Item or information relating to it.**

## Who is the source of that disclosure?

I have considered how the Agenda Item was developed over time, and how it may have been disclosed improperly.

In summary, Council officers were involved in developing the Agenda Item and its attachments. When it was developed and saved to HPRM, it was allocated reference number 19/808. The Agenda Item was then reviewed at a pre-agenda meeting, which involved various senior Council employees, along with the Mayor and Deputy Mayor.

Once it was approved and in preparation for the 10 September 2019 meeting, the Agenda Item and its attachments were uploaded to The Hub, for Councillors to download or otherwise view through their Council issued iPads. In addition, some Councillors were provided with a hard copy, although no record was kept of who received one.

There are a number of ways in which the Agenda Item or its contents may have been improperly disclosed. For example:

- A copy may have been forwarded electronically (or in hard copy) to an external third-party;
- A summary of the Agenda Item may have been sent to a third-party, by email;
- The content of the Agenda Item may have been explained to a third-party, directly or indirectly; or
- A third-party may have been provided with an opportunity to read the Agenda Item.

## Electronic Copies

With those points in mind the investigation, as part of the initial review, concentrated on Council's electronic systems and, otherwise, its distribution of the Agenda Item in hard copy.

With the assistance of members of Council's IT function, various electronic searches have been undertaken of Council's systems. They are:

Search:	Nature of Search:	Result:
Councillor iPads	All physically checked, including relevant applications, photos and deleted items.	Nothing of particular interest identified.
Council's email server (in relation to both employees, Councillors and external)	All emails with an attachment checked:	All emails attaching Agenda Item identified. No

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contractors – includes inbox, outbox and deleted items folder)	Specifically, document reference "19/808".	improper disclosure identified.
Council's email server (as above)	All emails searched, using particular search terms, including:  Water Central; Eastbourne; Frimley, Frimley Park, Media, Public Excluded; PX, Reservoir; Reservoirs; Drinking water, Drinking Water Capital Programme Update; \$13.85 million.	Very significant number of results. Additional search criteria provided.
Council's email server	Additional search criteria provided:  "Story of Water"; "Incorporate educational and cultural aspects"; "Observation tower"; "Observation deck"; "Accommodation for up to five staff".	All emails containing these search terms reviewed: no improper disclosure identified.
InfoCouncil	To identify anything of relevance.	InfoCouncil essentially provides a template for agenda items and minutes. Actual document, developed from InfoCouncil, saved to HPRM with unique identifier. Searched as above.
HPRM	To identify which Council employees have accessed Agenda Item (19/808) electronically.	All accessing of 19/808 considered appropriate, by members of the project team.
The Hub	Identification of who has accessed The Hub re: the Agenda Item.	Has identified who accessed and downloaded from The Hub: not able to tell what happened to the Agenda Item subsequently.

### Summary: Internal Council Systems

The detailed search of Council's electronic systems has not identified anything which might help identify the person or persons responsible for improperly disclosing Council information.

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The searches undertaken, in particular those searches not able to be undertaken because of the limitations within Council's current systems, support that a review of Council's Information Management is required. By way of example, once a Councillor downloads a document from The Hub, including to an external server, it is not currently possible to track what happens to the downloaded document. Council does not have access to external servers (e.g. Gmail), to check whether confidential information has been forwarded externally.

Recommendations on ways to improve Council's systems and procedures, particularly around the handling of confidential information, are discussed in more detail below.

### **External Contractors**

During the development of the Agenda Item, various external contractors were involved. They were:

- Shannon Bray, Principal and Director, Wayfinder Landscape Planning and Strategy Limited;
- Herman Wismeyer, Founder and Managing Director, Focus Project Management Limited;
- Annette Sweeney, Principal and Director, Good Earth Matters Consultancy Limited.

Each contractor has sworn an affidavit, confirming that they are not responsible for any improper disclosure of Council information, including the Agenda Item. Each contractor has also checked their electronic system, to confirm its integrity (including unauthorised access by an employee).

No evidence whatsoever has been identified which suggests that an external contractor has improperly disclosed Council information. All were very helpful and accommodating during the investigation process.

### **Hard copies**

I understand some Councillors prefer to receive a hard copy of Agenda Items, particularly when they are lengthy. Unfortunately, no distribution list is kept in order to record who received a hard copy, or when.

Once a hard copy is released, it is very difficult to track what happens to it subsequently.

### **Personal Declarations**

As part of the information provided to me at the commencement of the investigation, I have reviewed various documents headed "Personal Declaration". An example is attached as **Appendix C**.

The Personal Declarations include reference to confidential information being disclosed to HBT, along with the following:

"I, Councillor [name];

#### **Confirm**

**I understand that the signing of this declaration and submission of it to the Chief Executive of Hastings District Council is entirely voluntary.**

**And, I declare I have not:**

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1. Provided any information via any channel or through any person from the publicly excluded report titled "Drinking Water Capital Programme Update" to the Hawke's Bay Today newspaper and/or staff employed by the Hawke's Bay Today newspaper.
2. Any knowledge of or information about who may have provided via any channel or through any person any information from the publicly excluded report titled "Drinking Water Capital Programme Update" to the Hawke's Bay Today newspaper and/or staff employed by the Hawke's Bay Today newspaper."

Each Councillor prepared to make the Personal Declaration has then signed it, in the presence of a witness. Almost all of the Personal Declarations made by Councillors have been witnessed by P A Russell, JP.

The following Councillors made a Personal Declaration at the time:

Sandra Hazlehurst	Tania Kerr	Kevin Watkins
Bayden Barber	Damon Harvey	Geraldine Travers
Ann Redstone	Rod Heaps	George Lyons
Henare O'Keefe	Jacoby Poulain	Wendy Schollum
Eileen Lawson		

The Councillors who did not make a Personal Declaration at the time are:

Malcolm Dixon	Simon Nixon
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I spoke with Councillors Dixon and Nixon on 17 December 2019. Both explained their reasons for not signing a declaration at the time. Most significantly, both Councillors were clear and forthright in saying that despite not signing the declaration, they have no knowledge of the improper disclosure of the Agenda Item or information relating to it. Both expressed concern and disappointment that the information appeared to have been leaked, which ran contrary to their expectations as Councillors.

Having considered the information gathered during the course of the Part A investigation, I am not able to identify the source or sources of the improper disclosure:

- The Agenda Item has not been forwarded to a third-party using Council's email server;
- No email has been identified on Council's server, addressed to an external party, which includes confidential information relating to the Agenda Item;
- There is no evidence that confidential information was shared improperly via a Councillor's iPad;
- I am satisfied that there has not been an external "hack" of Council's systems, which may have provided access to the Agenda Item;
- I am satisfied that no external contractor with knowledge of the Agenda Item has shared that knowledge improperly.

The difficulty is that the investigation is limited by the information available to it. It would be relatively easy, for example, for a person holding a hard copy to share it with others, without

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leaving a digital footprint. That could be as simple as printing out a hard copy from The Hub (if that is where the improper disclosure came from), before either directly or indirectly passing it to an external third party.

I have not approached any media representative in relation to the investigation. Members of the media are able to receive "leaks" and to report accordingly. They are not required to disclose their sources and would not do so.

**My conclusion as part of the Part A investigation is that I am not able to identify the source of the improper disclosure.**

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## Part B Investigation:

Was there an improper disclosure of information from the Councillor Only sessions on 26 and 27 September, and if so who was the source of that disclosure?

The Terms of Reference set out that information from the Councillor Only sessions made its way to the Hawke's Bay Today (HBT). Specifically, there is information which supports that:

- In between COT2 and COT3, Councillors were contacted by a HBT reporter, asking questions which related to the COT meetings – the HBT reporter knew that Councillors had been given 24 hours to voluntarily come forward regarding breaches of confidentiality;
- The timing of COT3 was known by the media in advance. A reporter and photographer were present as Councillors arrived for that meeting;
- A reporter knew that Councillors had been asked to hand in their cell phones during COT3, and that Councillors were contemplating an external investigation.

As set out in the timeline above:

26 September 2019	Ordinary Council meeting scheduled.
26 September 2019	Councillor Only Time to discuss information disclosure ( <b>COT1</b> ): took place prior to ordinary meeting.
26 September 2019	Councillor Only Time to discuss information disclosure ( <b>COT2</b> ): took place after ordinary meeting.
27 September 2019	HBT runs article relating to Water Central.
27 September 2019	Mayor calls for additional Councillor Only meeting ( <b>COT3</b> ) at 5:00pm on 27 September 2019.

I understand that only Councillors were present at COT1 and COT2.

Otherwise, the confidential Councillor discussions took place on Thursday 26 September 2019, either side of an ordinary Council meeting which was scheduled for that day. Concern at the Councillor level had already developed because of the information appearing in the HBT, which suggested a leak. I understand that Mayor Hazlehurst invited Councillors to come forward with any information they had in relation to a potential leak.

The scheduling of COT3 took place on the morning of Friday 27 September 2019. Mayor Hazlehurst and her Executive Assistant, Faye Murray, made contact with the various Councillors by phone and email, to advise that the meeting was to take place that afternoon, at 5pm. Not unusually, some Councillors did not immediately answer the communication and messages were left on voicemail.

The Acting Chief Executive, Bruce Allan, was invited to attend at the start of COT3, to provide advice on process.

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Council employees received an email from Astrid Austin at the Hawke's Bay Today at 1.17pm on Friday 27 September 2019. The email read:

"Hi Jane,

*As discussed, I am wanting comment from you on the fact that Sandra Hazlehurst called a meeting with councillors yesterday to discuss the Water Central story and who the person(s) was who leaked to the story to me/HBToday.*

*I am also wanting comment around the fact that councillors were given 24 hours to confess if they did leak the information, the fact Sandra is/has called councillors today about this and the fact that a code of conduct investigation and a private investigator will be brought into investigate this.*

*Along with comment on this, I would like further comment on:*

- *Why is there a hunt for the person(s) who supposedly leaked this information?*
- *Do the public have a right to know about this information and why are you withholding this information from the public?*
- *Are staff being investigated too?*
- *Is there anything else you would like to add?*

*My deadline is 3:30 pm. Do let me know if you need anything else.*

*Kind regards,*

*Astrid Austin*

*Reporter"*

The email indicates that information from the Councillor Only meetings held the previous day, has been shared beyond the Councillors who were present.

Although it goes only to the timing of the COT meeting, I note also that media representatives were present outside Council offices at 5.00pm on Friday 27 September 2019, when Councillors began arriving for COT3. Media were therefore aware that COT3 had been scheduled, which to that point was known only by Councillors themselves, and perhaps one or two Council employees.

**On the basis that there were only Councillors present at COT1 and COT2, the strong inference is that one or more Councillors has, directly or indirectly, improperly disclosed information from the Councillor Only sessions.**

The electronic searches of Council's systems, including the iPads and email traffic of elected members, has not identified any information which might identify who was responsible for disclosing information from the Councillor Only meetings.

I note that the Personal Declarations relate only to the Agenda Item and do not expressly cover the Councillor Only Time.

Otherwise, the investigation received information relating to a conversation said to have been overheard at a cafe, between a Councillor and a member of the public, on the morning of Friday 27 September 2019 (i.e. between COT2 and COT3).

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At most, the information indicated that the member of the public may have known that a meeting of Councillors was to take place later that day. I have approached the member of the public involved but he made it clear that he had nothing to say.

I have spoken with the Councillors present during the conversation. I have also spoken with Mayor Hazlehurst and her Executive Assistant, Faye Murray, about the timing of contact with Councillors to arrange COT3.

In my view, it is most likely that the café conversation took place prior to Councillors being contacted about the 5pm meeting. That is to say, if the member of the public knew a meeting had been scheduled, that information did not come from the Councillors he spoke with at the café. As such, I have not identified any evidence which supports that the café conversation, or any Councillor involved in it, involved the improper disclosure of information, confidential or otherwise.

**My conclusion as part of the Part B investigation is that I am not able to identify the source of the improper disclosure.**

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# Recommendations

I have also been asked to provide any recommendations on improvements which could be made to Council's procedures for handling PX items, or confidential information more generally.

This investigation has focused on the Agenda Item, presented in PX on 10 September 2019, together with the Councillor Only meetings on 26 and 27 September 2019.

## Confidentiality at Council

In the usual course, the importance of confidentiality to the effective operation of Council is, for obvious reasons, well understood.

Individual and collective employment agreements, together with relevant policies at Council emphasise the importance of confidentiality for employees.

The Code of Conduct, which all Councillors have agreed to, makes specific reference to confidentiality and ethical behaviour, including:

- Members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour;
- In the course of their duties members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. **Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member** [Emphasis added].

There are genuine and legitimate reasons for some Council matters to be discussed confidentially, particularly where they are commercially sensitive or have the potential to undermine sensitive negotiations or planning. "Public Excluded" meetings, where sensitive matters are discussed in private, are important if Council is to operate as it should.

The processes for dealing with matters in "PX" are relatively straight-forward. First and foremost, meetings may exclude the public if confidential information would likely be disclosed from discussing a matter of business in public, and there is a good reason for keeping the information confidential. Council, in deciding what is "confidential" and whether the public should be excluded must rely on one of the grounds set out in the Local Government Official Information and Meetings Act 1987.

To exclude the public the meeting must pass a resolution, giving reasons for the exclusion, while the public is still present. When it is time to discuss the item, members of the public will then be asked to leave. Councillors, and others required for the public excluded matter, will then be able to progress the discussion.

Usually, the need for confidentiality is respected by both Councillors and others attending the meeting, including employees.

On 10 September 2019 Council followed its usual procedure. As I understand it, the resolution to move into PX passed unanimously. Councillors did not raise any issue with, or objection to, the Water Central item being discussed confidentially, without members of the public present.

April 2020

The Agenda for the Council meeting referred to confidentiality in relation to agenda item 9 (Drinking Water Capital Program Update), and 10 (Haumoana Water Treatment Plant – Acquisition of Land), as follows:

### **Confidentiality**

**Reason:** Section (7)(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

**Interests Protected:** The report contains commercially sensitive information.

**Grounds:** Section 48(1)(a)(i)

Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2) (f)(i) of this Act).

Council's process for Public Excluded agenda items is as set out above. In summary, draft papers are considered by a small group, essentially just confirming they are ready to be considered by the whole of Council.

All Councillors have a Council-issued iPad. In advance of a scheduled Council meeting, papers are uploaded to The Hub, which Councillors can access and download from. Understandably, some Councillors prefer a hard copy document, particularly when the reading is heavy and/or where there are spreadsheets or numbers involved. Other Councillors are comfortable to receive all papers electronically.

Inevitably, the distribution of documents in advance, particularly those which are intended for a PX meeting, carries the risk of unauthorised and otherwise improper distribution or sharing, including where it is "leaked" to the media. The reason is that Council has effectively lost control of the document and it becomes difficult to track what has happened with it.

An important point to note is that deliberate leaking or sharing is one thing, but there is also risk where the document is shared via insecure networks or otherwise stored electronically, without the proper security protocols and software.

## **Controlling Distribution Generally**

The ability to always maintain confidentiality when documents are distributed is problematic. The reason is that any system requires a balance between workability, practicality and trust. If trust levels are low, then systems must adjust to compensate.

By way of example, a very secure system to maintain confidentiality would be where PX items are only made available for reading in a controlled, secure room; in the presence of, say, the Mayor and/or a senior employee. No copies are able to be made and each hard copy from the secure room is accounted for, returned and, ultimately, destroyed. The Courts operate a system like this where, for example, particularly sensitive evidence is required to be read by one party in contentious proceedings.

There are obvious disadvantages with a system which operates this way. It does not take advantage of modern and available technology, it requires a physical presence and is difficult to administer where there are a number of people involved. Further, it does not prevent someone talking about the information/evidence after viewing it. No system does.

April 2020

The reality is that a solution like this is practically unworkable: Councillors need to be able to access and consider information in a convenient way and at a reasonable time, in order to work effectively.

With that in mind, the investigation has considered Council's distribution of confidential information electronically, and in hard copy form.

## Distribution Electronically

Council's current system is explained earlier in this report. In summary, meeting papers, including PX agenda items, are uploaded to The Hub. Councillors are able to access and download the papers through their Council-issued iPads.

There are currently no procedures or controls around that process, including how individual Councillors should treat, or otherwise deal with the papers in order to maintain confidentiality. Some Councillors may, for convenience, forward the information to an external mail server, like Gmail or Outlook.

This investigation recommends that Council invest in Data Loss Prevention ("DLP") software. In general terms, DLP is a set of tools and processes to ensure that sensitive data is not lost, misused, or accessed by unauthorised users. DLP is often used in the process of monitoring occurrences that can lead to information leakage.

In terms of digital PX items, DLP software can essentially 'mark' the document, such that every time the PX item is accessed, whether on the Hub or once it is downloaded, the details of that transaction are logged. For example, with DLP, if a PX item were to be downloaded from the Hub and shared via Gmail, the log would show when the PX item was downloaded; by whom; when it was subsequently shared and how. That way, the digital PX item can be constantly traced, to ensure that it remains with those who have clearance to view it.

It is also recommended that the software driving the Hub is updated (or a new system introduced) to provide a secure electronic system for the storage, distribution and tracking of copying, sharing and access to documents uploaded to the Hub. Specifically, Council should consider a Mobile Device Management ("MDM") platform, which can restrict an end-users ability to transfer confidential information to an external source, including screen shots, printing and distribution.

As discussed above, a potential risk is when PX items are downloaded onto insecure personal mobile devices, or shared on personal accounts like Gmail. While a DLP product will provide tracking information around that practice, an MDM can prevent data leakage from occurring at all.

It is also recommended that a policy is implemented which includes clear expectations around when, how and what documents can be downloaded from the Hub onto devices other than the Council-owned iPads, or shared on systems other than Council email.

Training on the new policies and procedures will also be important. Councillors must be able to make informed, security-conscious decisions when dealing with Council's confidential information.

April 2020

## Hardcopy PX Items

In addition to electronic distribution, some Councillors still require a hard copy of meeting papers, including PX agenda items.

The investigation noted that Council does not keep a record of who has received a hard copy, or what happens to the hard copy once it is issued. I understand some Councillors return the hard copy or leave it in the Council Chamber, presumably to be collected by someone later.

It is recommended that Council review its procedures for handling PX agenda items (and all confidential information) to ensure that there are clear and well-understood protocols for ensuring the following:

- a) Limited access to information: Confidential and PX items should be held in a secure electronic or hardcopy system, with controlled access. Only those with the necessary clearance or level of seniority should be able to access the information. A clear record should be kept of who/what role has that access;
- b) Record how many copies of the PX agenda items are taken, which Councillors receive the item and the date/time of receipt of the items;
- c) Ensure, as far as reasonably possible, that PX agenda items are held securely at all times, including by those who have received a copy;
- d) Record who has handled the PX agenda items and when;
- e) Account for the hard copies. Give responsibility to a role/identifiable individual for collating the distribution of hard copy documents, end-to-end.

Council should also consider watermarking each hardcopy with the Councillor's name (or in some other way in order to identify the individual document), so that if a third party has a copy, the source document is able to be identified easily.

Overall, distribution in hard copy means that there is greater opportunity for undetectable, unauthorised distribution of the item to a third-party. It would be sensible to continue to review practices, with a view to eventually phasing out hardcopy items altogether.

## Councillor Only Time

In addition to PX meetings, Councillors also meet privately in "Councillor Only Time"; which is not dissimilar to "Board Only Time" in a commercial setting. Usually, no Council employees are present. As I understand it, the Councillor only meetings are intended to provide an opportunity for ideas to be discussed at an informal level, perhaps when only at the "idea" stage. Many Council's around New Zealand have similar meetings, described on one Council website as "an opportunity for Mayor and Councillors to make any observations and enable us to maintain mutual respect, constructive relationships, to have open and honest communication and to jointly focus on issues".

I understand also that Councillors find these meetings very useful and that the confidentiality which applies, by convention, is well understood and accepted.

There are no formal protocols around the conduct of councillor-only meetings and no formal system for ensuring confidentiality. Rather, the system works on trust and respect for the importance of the meetings.

April 2020

There does not appear to be any training for new Councillors, explaining the importance of these kinds of meetings to the effective operation of Council, along with levels of confidentiality required.

My recommendation is that Council considers formalising Councillor commitment to confidentiality re: Councillor-only meetings, at the start of each triennium. That formalisation should ensure that each Councillor understands their responsibilities and the expectations that all of the Councillors should have of each other.

Lastly, it may be useful to emphasise to Councillors, old and new, the importance of confidentiality to the maintenance of good governance and the effective operation of Council. The improper sharing of confidential Council information, including Public Excluded agenda items, not only undermines Council's processes but also creates distrust and uncertainty for those involved. For example, this investigation has involved employees and external contractors. While there is no evidence whatsoever to support that an employee or external contractor has improperly shared confidential information, several understandably found the shadow of suspicion frustrating and in one case, offensive.

"Leaks" may achieve some short-term political or personal purpose but, inevitably, undermine the integrity of the system and the levels of trust which are required for the system to operate as it should.

# Appendices

**Appendix A**    Investigation Terms of Reference

**Appendix B**    Stuart Perry Facebook Entry

**Appendix C**    Personal Declarations

CONFIDENTIAL



## Investigation into the potential disclosure of confidential information

### Background

- 1) What follows is the background as I currently understand it, but the investigation may well reveal it to be otherwise.
- 2) The agenda for the meeting of the Hastings District Council's governing body on 10 September 2019 had on it an item about water infrastructure work including a concept known by the working title "water central" (the **Agenda Item**).
- 3) It was recommended by staff that the Agenda Item be considered in public excluded (**PX**), and the reasons for were briefly stated on the cover page of the Agenda Item.
- 4) On or about 2 September the Agenda Item was placed in the pre-agenda section of the Hub (an information system that is used to communicate information to Councillors used predominately in relation to their meetings). At that stage it was visible to those that attend the pre-agenda meeting (for the full Council meetings that includes the Mayor and deputy Mayor, but not other councillors). It was then considered at the pre-agenda meeting on 3 September. The Agenda Item was released to all Councillors on the Hub on approximately 5 September as an item for the 10 September meeting. Throughout that process it was identified as a likely PX item and was not released publically.
- 5) At the Council Meeting a resolution was passed to move into PX in order to consider the Agenda Item, and the meeting did so.
- 6) Following that meeting some information that could have come from the Agenda Item began appearing on social and mainstream media questions:
  - i) This started on 18 September with postings on the Facebook page of a Council candidate about an increase in estimated costs for the wider water infrastructure work, including the quantum involved. That increase was discussed in the Agenda Item. The candidate then began asking questions of Council about that increase in estimated costs;
  - ii) A local newspaper, Hawke's Bay Today (**HBT**), began asking questions about the matter on 20 September;
  - iii) On 23 September the question from HBT moved from being focused on the estimate increase to being focused on the Water Central concept; and
  - iv) During that process there was a noticeable change in the nature of the questions from the HBT (on 25 September), accompanied by an indication from the reporter that they "...now have all the information..." and a citation of reasonably specific budgetary information, a change that could indicate that they had then been provided with a full copy of the Agenda Item.

- 7) There was another meeting of Council scheduled for 26 September, and the Councillors gathered at 9am for a session of "Councillor Only Time" (**COT1**) to discuss the apparent information disclosure. No staff were present. Their discussion was interrupted by the Council meeting.
  - 8) The Councillors resumed their Councillor Only time at the end of the formal Council meeting (approximately 3pm on 26 September) (**COT2**). Again, no staff attended. We understand those present tasked Councillor Kerr with keeping notes at COT2.
  - 9) At approximately 11am on 27 September another session of Councillor Only time was called by the Mayor for 5pm on Friday 27 September (**COT3**), and that was communicated to Councillors by the Mayor's EA. This time the Acting Chief Executive (Mr Bruce Allan) was invited to attend the start of that meeting, but no other staff were present.
- 10) Some information from the three Councillor Only sessions made its way to the Hawke's Bay Today:
- i) In between COT2 and COT3 Councillors were contacted by a HBT reporter asking for their comment on the matters discussed in the COT, and in particular they knew that the Mayor had given Councillors 24 hours to voluntarily come forward with information regarding the breach of confidentiality;
  - ii) HBT also knew of the timing of COT3 as they were present to photograph and question Councillors arriving for COT3;
  - iii) The reporter was aware that at COT3 Councillors were asked to hand in their cell phones for the duration of the meeting;
  - iv) The reporter was aware that COT3 discussed instructing the Chief Executive to set in motion an investigation of Councillors in relation to the disclosure, and the need for an extraordinary Council meeting to make such a resolution;
  - v) The HBT was aware that an extraordinary Council meeting was being arranged for the following week.
- 11) As a result of the media articles about the matter, a decision was made by the Acting Chief Executive to publically release a redacted copy of the Agenda Item. That was released on 30 September 2019.
- 12) An extraordinary Council meeting was held on Friday 4 October with all of that meeting held in public. A notice of Motion was received for the meeting to be livestreamed, the balance of the meeting following that Notice of Motion was livestreamed and webcast on YouTube. That meeting resolved:
- A) *That the Council receives the report titled "Investigation into the Unauthorised Disclosure of Confidential Information".*
  - B) *That the Council receives the Declaration prepared as requested by Council and attached as Attachment 1 (CG-14-42-00049) in the report of (A) above.*
  - C) *That Council notes that the Chief Executive will conduct an internal review into the organisation's operations (including staff) into the unauthorised disclosure of confidential information.*

- D) *That Council instructs the Chief Executive to include elected members within the scope of the investigation into the unauthorised disclosure of confidential information.*
- E) *That the Council instruct the Chief Executive:*
- *to appoint and commission an independent and appropriately qualified person to investigate the Unauthorised Disclosure of Confidential Information from the Public Excluded Agenda Item “Drinking Water Capital Programme Update” in the Hastings District Council Meeting held in Hastings District Council Chambers on Tuesday 10 September 2019; and*
  - *to agree the scope and process of the investigation in accordance with best practice. The investigations will be done in good faith and use natural justice principles.*
  - *To investigate the unauthorised disclosure of information from internal “Councillor Only” meetings held on Thursday, 26 September 2019 and Friday, 27 September 2019.*
- F) *That the Chief Executive report the investigation findings and recommendations back to Council at the conclusion of the investigation. The Chief Executive will provide interim progress reports to Council when requested.*

13) The report referred to above was in the name of the Mayor. The declaration referred to above was something the Councillors had asked the Acting Chief Executive to prepare, in essence to assert their individual innocence. They had also requested a JP be arranged to take those declarations from any Councillor wishing to sign one at the end of the 4 October meeting, and that was done.

#### **Scope of the independent investigation**

- 14) The investigation is to establish, if possible:
- i) Was there an improper disclosure of the Agenda Item or information relating to it, and if so who was the source of that disclosure; and
  - ii) Was there an improper disclosure of information from the Councillor Only sessions on 26 and 27 September, and if so who was the source of that disclosure.
- 15) The investigation is to cover Council staff, contractors, and elected members.
- 16) The investigation should also recommend any improvements the investigator considers ought to be made to the Council’s procedures for handling PX items, or confidential information more generally.

#### **Process and form of the investigation**

- 17) The first stage of the investigation will be an “initial review” of Council procedures, electronic communications, and any other relevant documents. To enable this:

- i) The Council will provide technical information to the investigator regarding the Council's electronic systems the staff and elected members use, what might be found by looking through them in retrospect, and how that information might be found;
  - ii) The Council will have its systems searched as the investigator directs, and provide whatever assistance the investigator may find helpful in setting the parameters for such searches.
  - iii) The Council will provide the investigator with a copy of the product of those searches, together with any other relevant material it holds.
  - iv) If requested the Council will take steps to assist in isolating the relevant results from among the search material but, if avoidable, the Council's staff will not be asked to review the Councillor communications;
  - v) Council staff will be made available to answer any question that the investigator may have about the matter generally, or so that the investigator can better understand the electronic material; and
  - vi) Council staff will be made available to answer any question that the investigator may have about the Council's procedures for handling PX items or confidential information more generally.
- 18) If at any stage of the initial review the investigator considers it necessary to speak to all or any of the Councillors about this matter, the investigator will first raise that with the Chief Executive and/or General Counsel and obtain the prior written permission of the Chief Executive to do so.
- 19) If at any stage of the initial review the investigator considers it necessary to ask questions of a Council staff member in circumstances where the investigator has reason to suspect that staff member is more likely to have been the source of an inappropriate disclosure than any other staff member who had access to the Agenda Item, then the investigator shall not put those questions to the staff member without the prior involvement and agreement of the Council's Group Manager: Human Resources. This restriction is to ensure that any interaction with the investigator does not prejudice any obligations that are relevant to processes under employment law that may follow.
- 20) At the completion of the initial review the investigator is to discuss the matter with the Council's Chief Executive so that the Chief Executive may then make a decision about whether the investigation ought to end at that point, become a complaint and investigation under the Council's Code of Conduct, an employment investigation, or some combination of those things.
- 21) If the decision by the Chief Executive is to end the investigator's involvement after the initial review, the investigator will provide a written report of their findings and recommendations within one month of that decision.
- 22) The Investigator is limited to the scope set out in this document, or any variation agreed with the Council's Chief Executive in writing.
- 23) All information gathered, conclusions reached, and recommendations made by the investigator will be held by the investigator in strict confidence. The Council may however elect to make all or any of those things public.

- 24) The investigator is to be available to assist (if needed) with any Code of Conduct (for elected members) or employment investigation that may follow the initial review, and will provide whatever reports are necessary as a part of those processes.
- 25) The investigator is not to speak publically about this investigation without the prior written approval of the Chief Executive.

#### **Expected timelines and costs**

- 26) It is anticipated that the initial review step will be completed by 30 November 2019, hopefully sooner.
- 27) The Council recognises that time needed for the task may need recalibration once the work has commenced and a clearer understanding of its scope is available.
- 28) The investigator will invoice the Council on an hourly rate basis, but a cap for the initial review stage is set at \$20,000 ex GST (including the reporting thereon should that be the end of the matter). Should that cap need revision then early discussions about that should occur.
- 29) For clarity, assistance with a Code of Conduct (for elected members) or employment investigation that may follow the initial review is not included within that cap, but there is expected to be an overlap that would reduce what would otherwise be a part of those later processes should they be implemented.

#### **Contact people**

- 30) If the investigator needs to contact the Council in relation to a scope issue that contact should be made with the Council's Chief Executive and/or General Counsel, and authorisation of any variation must come from the Council's Chief Executive.
- 31) Should the investigator need any assistance with electronic searches or the obtaining of documents their first contact ought to be with the Council's General Counsel who will either source the information / arrange for the action, or put the investigator in contact with the appropriate staff member(s) to help with the issue.

Signed:



Nigel Bickle  
Chief Executive  
Hasting District Council

Date: 9 October 2019

Stuart Perry Hastings

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**Stuart Perry**  
for Hastings Council

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**Stuart Perry Hastings** October 12 at 1:51 PM ·

Thanks to all of you who supported my council candidacy. It was not to be and the status quo remains. At least we had a shot at making change but obviously the majority are happy with what they are getting and we have to accept that. Such is democracy. The only frustration is the 60% of people who did not vote! Cheers Stuart

5 Like Comment Share

**Stuart Perry Hastings** October 10 at 1:36 PM ·

VOTING IN Council elections. Dont miss your chance to make a change for the better! Polls close at 12 noon SATURDAY! Hastings voting papers can be dropped off at council offices in Hastings, libraries in Havelock North and Flaxmere , You can also take your voting papers to

Casey Rupnow · 1 hr ·

Hannah Thompson · 1 hr ·

Andy Vlips · 1 hr ·

David Taylor · 1 hr ·

Felicity Spender · 1 hr ·

Sarah Hutchinson · 1 hr ·

Nichola Chayen · 1 hr ·

Kirsten Bo-King-Scholes · 1 hr ·

Ryan Bain · 1 hr ·

Nicola Rumsey · 1 hr ·

Katya Hamble · 1 hr ·

Emma Voysey · 1 hr ·

Cherie Stoughton · 1 hr ·

Richard Fletcher · 1 hr ·

Cherie Fletcher · 1 hr ·

Julian Williams · 1 hr ·

Georgina Chinn · 1 hr ·

Lorraine Thomas · 1 hr ·

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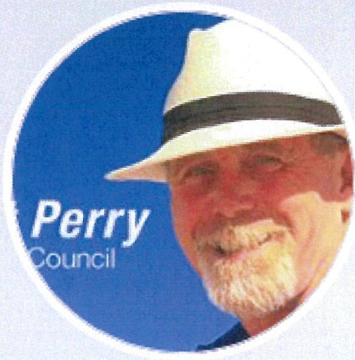
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**Stuart Perry Hastings**

September 18 · [Edit](#)

...

It's outrageous that council can hide a massive loss behind closed doors just on election time!

I'm told from a source inside council that the water program is already 10 million dollars over budget, and that's just another slam in the pockets of the ratepayers.

Its interesting that the Opera House project being run by a contractor can stay on budget, but the Drinking water program run by council staff has blown the budget right out of the water.

A local said to me today the staff couldn't run a booze up in a pub and how true is that!!

Cr Kerr, who claims in her brochure to be the 'lead in strategic finance', says she is experienced and effective. Well my response to that is: this is not another loss the ratepayers want to experience, and if that's the effectiveness the Councillor offers, we say no thanks!

Just add this 10 million to the million dollars wasted on Craggy Range track, and the million dollars wasted on legal fees this year and we can see why important projects out in the community are getting left behind. Added to the 140 million this district is in debt, quite frankly it's well past time for a change.

**Stuart Perry Hastings**  
[@Stuart.Perry.Hastings](#)

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41

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**Stuart Perry Hastings** Someone has suggested the budget blowout is 'here-say' and 'rumour'. I'd certainly trust the source as very accurate so watch this space. I'm sure we will hear more.

[Like](#) · [Reply](#) · 5w

1



**Shane Booth** Stuart Perry Hastings why hide my comment instead of allowing others in the area your standing for to see it?

It's important as a councilor that that your open and transparent and certainly hiding comments doesn't show that your are willing to be if elected with this attitude.

[Like](#) · [Reply](#) · 5w



**Stuart Perry Hastings** Shane, I don't mind constructive criticism and you can be assured I will always speak my mind, no matter how touchy the subject may be. I also make an

4 October 2019

## Personal Declaration

### Background

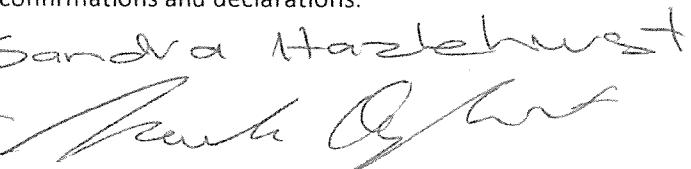
At a meeting of the Hastings District Council on Tuesday 10 September 2019 commencing at 10.30am, Councillors voted to move the meeting to a public excluded status under Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987.

A report titled 'Drinking Water Capital Programme Update' was the item on the agenda discussed with the public excluded.

This report was public excluded under Section 7 (2)(i) of the Local Government Official Information and Meetings Act 1987, namely the withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Information from this report appears to have been provided to the Hawke's Bay Today Newspaper and to Ms Astrid Austin a reporter employed by the Hawke's Bay Today Newspaper.

You are invited to make the following confirmations and declarations.

I, Mayor Sandra Hazlehurst  
I, Councillor Bayden Bernard Barber; 

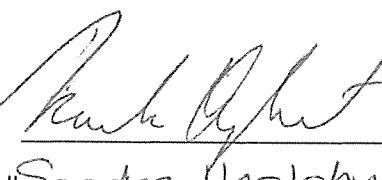
Confirm

I understand that the signing of this declaration and submission of it to the Chief Executive of Hastings District Council is entirely voluntary.

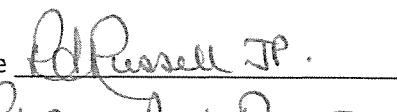
### And, I Declare I Have Not:

1. Provided any information via any channel or through any person from the publicly excluded report titled 'Drinking Water Capital Programme Update' to the Hawke's Bay Today Newspaper and/or staff employed by the Hawke's Bay Today Newspaper.
2. Any knowledge of or information about who may have provided via any channel or through any person any information from the publicly excluded report titled 'Drinking Water Capital Programme Update' to the Hawke's Bay Today Newspaper and/or staff employed by the Hawke's Bay Today Newspaper.

Signature



Witness Signature



Name in Full Sandra Hazlehurst

Name in Full

PATRICIA ANN RUSSELL JP

Date

24 / 10 / 2019

Date

4th October 2019.

P A Russell JP  
87042  
HASTINGS 4122  
Justice of the Peace for NZ

