

Tabled Information from Michael Gibson - Reference 219/12P(a)

QUESTIONS

- 1/ Do members of the public have a right to know how an elected member is being influenced in a Council debate or vote?
- 2/ Was a letter from the Auditor General dated November 7 2012 tabled at a Council Committee Meeting the next day, November 8?
- 3/ Did the letter authorise all elected members to participate in & vote on all matters involving Council Controlled Organisations?
- 4/ Should any elected member have declared a conflict of interest in relation to any debate or vote regarding the advancement of narrow commercial interests on Wellington's waterfront?
- 5/ Are elected members really happy with the advice which they are receiving?

From: michaelpcgibson@hotmail.com
To: justin.lester@wcc.govt.nz
Subject: Conflict of interest
Date: Mon, 26 Nov 2012 16:24:31 +1300

Dear Cr Lester - this is a personal note regarding your personal position.

I have just been told that you have not declared a "conflict of interest" before the Waterfront Company's business has been considered at Meetings of the Council's Strategy & Policy Committee.

I have also just been told that you are a lawyer.

I am again sending you an email because, as you will have noticed, I have adopted the practice of informing relevant parties if I have concerns which might involve them or their behaviour.

If you are indeed subject to the disciplinary regime which applies to legal practitioners I wish to let you know that you are subject to having a complaint made against you. Having served as Lay Observer under the Law Practitioners Act 1993 for the last eleven years of the old disciplinary regime I would be particularly loath to make such a complaint.

Any problem involving your elected office is, of course, an entirely different matter which concerns an entirely different party, the Office of the Auditor-General.

Any help you can give me about your position would be most appreciated.

SIGNED

Michael Gibson

Tabled Information from Michael Gibson - Reference 219/12P(a)

From: michaelpcgibson@hotmail.com
To: public.participation@wcc.govt.nz
CC: andy.foster@wcc.govt.nz; justin.lester@wcc.govt.nz; ian.hunter@wcc.govt.nz
Subject: Public Participation: Request
Date: Mon, 26 Nov 2012 15:24:52 +1300

This is my request to speak in "Public Participation" at the Council Meeting scheduled to commence at 5.30p.m. this Thursday, 29 November.

The subject which I plan to address is: "Report 1 - Review of Council Controlled Organisations".

Please arrange for a hard copy of this email/these emails to be circulated to those present at the beginning of the Meeting.

Thank you.

Michael Gibson

From: michaelpcgibson@hotmail.com
To: justin.lester@wcc.govt.nz
CC: andy.foster@wcc.govt.nz; ian.hunter@wcc.govt.nz
Subject: "Public participation"
Date: Sun, 25 Nov 2012 18:21:41 +1300

Dear Cr Lester - has there been a resolution to the matter of your participation at Council debates about North Kumutoto, I wonder & ask? The only trace that I can see on the Council's website about this is on next Thursday's Agenda as follows -

*"Report 1. To Be Circulated
Strategy and Policy Committee
Meeting of Thursday 8 November 2012
• Review of Council Controlled Organisations
This paper is contained in the agenda of the Strategy and Policy Committee meeting.
The resolutions from the Committee will be presented to Council for approval."*

- & of course this was fully addressed in the letter from the Auditor-General's Office mentioned below.

I look forward to meeting you sometime!

With kind regards,

Michael Gibson

Tabled Information from Michael Gibson - Reference 219/12P(a)

From: michaelpcgibson@hotmail.com
To: andy.foster@wcc.govt.nz
CC: justin.lester@wcc.govt.nz; councillors@wcc.govt.nz; info@oag.govt.nz;
ian.hunter@wcc.govt.nz
Subject: Availability of consultation documents
Date: Fri, 16 Nov 2012 19:29:14 +1300

Dear Andy - in your capacity as Chairman of yesterday's Committee Meeting you expressed doubt (or was is incredulity?) about a simple statement I made in answer to a question from Cr Justin Lester (acting in whatever capacity) about any contact I had had with any officer of Wellington Waterfront Ltd. - & I said I would give you an email about it.

Firstly, I can confirm that my visit to the Headquarters of Wellington Waterfront Ltd was indeed on the Tuesday after Labour Day & was in response to a Public Notice about consultation on Kumutoto published a few days earlier.

Secondly, an extract from an email which I sent the next day reads:
"Yesterday I went to the Wellington Waterfront Ltd offices on Queens Wharf in order to pick up the 'draft design brief' which a big advertisement told me would be there. It wasn't. I was fobbed off with some excuse designed to stop me from being informed."

Thirdly, I refer you to the CEO of WWL, Mr Ian Pike, who followed me out immediately after I had left yesterday's meeting, kindly introduced himself, & said that he knew about the incident to which I referred. He also said that it was the responsibility not of his company but of the Council.

I hope that you confirm the situation with Mr Pike & that your doubt about my simple statement is resolved if not your incredulity!

With kind regards,

Michael

From: michaelpcgibson@hotmail.com
To: info@oag.govt.nz
CC: justin.lester@wcc.govt.nz; andy.foster@wcc.govt.nz; ian.hunter@wcc.govt.nz;
garry.poole@wcc.govt.nz
Subject: Proprieties at WCC
Date: Fri, 16 Nov 2012 19:27:01 +1300

WELLINGTON CITY COUNCIL

I am writing with reference to Ms Nicola White's letter to DLA Phillips Fox dated 7 November 2012. I wish simply to comment from the point-of-view of a member of the public who has spoken to the relevant Committee at its meetings on both 8 November & 15 November, my subject being "Wellington Waterfront Ltd."

Tabled Information from Michael Gibson - Reference 219/12P(a)

At the first meeting I said: *"I was not here at the beginning of the Meeting but I understand that there were no 'Conflict of Interest' declarations. Good, this means that there is an 'osmosis' between the Waterfront Company & the Council which will mean that getting information from the Port Company will be that much easier..."*

I learned about your letter in The Dominion Post the next day.

I have asked the Chairman of the Meeting, Cr Andy Foster, if your letter had been tabled but I have not had an answer about this yet. In my opinion it should have been. If I am right about this I record that one expects a local authority to be able to do this sort of thing without it having to be mentioned in a letter such as yours.

At the next meeting I said that

- 1/ Council staff had now kindly supplied me with a copy of your letter,
- 2/ it should have been tabled at the earlier Meeting so that members of the public were made aware of the motivations & other elements governing the behaviour of elected members, and
- 3/ it did not mention that Cr Justin Lester was entitled to vote against consulting the public *"so as to further the narrow, commercial interests of a limited company from which he was receiving \$15,000 a year."*

(In respect of the last matter I referred to Cr Lester's vote at the beginning of October that the public should not be consulted on a Draft Design Brief which described commercial developments being planned by Wellington Waterfront Ltd in furtherance of its statutory obligations to make a profit - Cr Lester indicated to the Meeting that he had cast his vote because it was in line with the officers' recommendations.)

This is NOT a complaint but simply refers to the statement in your letter that *"(without a declaration from your Office) councillors who are directors of CCOs would not be able to discuss and vote on the recommendation concerning their particular CCO"* and records what has happened recently at the coalface.

I am sending a copy of this to Crs Foster & Lester who, of course, can, if they see fit, obtain their own advice from the Council's in-house legal officers.

However, if advice on the above is given to Wellington City Council by your office I should be very grateful if I were sent a copy.

With very kind regards,

Michael Gibson