

**From:** [Allie Dunn](#)  
**To:** [REDACTED]  
**Subject:** Response - LGOIMA request re liability for role as BCA  
**Date:** Monday, 2 December 2024 2:02:00 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

---

Kia ora

I refer to your official information request dated 6 November 2024 seeking information about Council's liability for its role as a Building Consent Authority. Most of the information you have requested is outlined below. However, we have decided to refuse your request for information which relates to the level of excess required to be covered by the Council before any insurance or other liability cover is paid out, under sections 7(2)(b)(ii) – protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; 7(2)(h) – enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; and 7(2)(i) – enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Our responses in relation to your questions are:

***The liabilities the Council has in its role as a BCA?***

The BCA is responsible for all consents and inspections signed off by them. If there was a complaint regarding building work which was signed off by our inspectors, the process is for the complainant to lodge a determination with the Ministry for Building, Innovation and Employment. The Ministry then investigates the matter thoroughly and the Council is required to comply with their findings.

***The total financial exposure the Council faces in its role as a BCA?***

We are unable to quantify this.

***The insurance coverage, or any other form of liability cover such as insurance bonds, if any, the Council maintains for BCA-related liabilities.***

The Council does not hold a separate policy for BCA related liabilities.

***The annual cost to ratepayers to maintain BCA related liability cover.***

The Council does not hold a separate policy for BCA related liabilities.

***The portion of rates allocated to cover potential BCA liabilities.***

No rates are allocated to cover potential BCA liabilities.

***The reserves maintained specifically for BCA related claims.***

The Council does not hold a reserve for BCA related claims.

***The amount the Council has spent on BCA liability related claims in the past 3 financial years, including but not limited to, legal fees, settlements, negligence costs, etc.***

In the past three financial years, the Council has had one claim brought against it.

The total legal and expert costs incurred relating to that claim was \$26,360.50. There was no payment / settlement made in relation to that claim.

***The details of any excess or similar that is required to be covered by the Council before any insurance or other liability cover is paid out.***

Policy documents are considered commercially sensitive by Council. Council, like most commercial organisations, holds insurance to protect it against claims of damage or loss made against it. If Council's insurance details were to be made public, the Council's position in dealing with other commercial organisations (who do not have to tell the Council above their insurance provisions) could be compromised. Similarly, if an "opposing" party has knowledge of Council's insurance position, including the level of excess, the Council would be placed at a disadvantage. This disadvantage would be particularly acute in respect of the Council's ability to effectively negotiate to settle a claim against the Council. In deciding to withhold provision of this information, we have considered the public interest aspect of making information available, but in weighing this against protecting the negotiating ability of the Council we do not believe the public interests aspect outweighs our decision to withhold.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Ngā mihi



**Allie Dunn | Manager Democracy Services**

**Strategy and Community Wellbeing - Democracy Services |  
Tararua District Council**

Phone: +64 6 3744080 | Mobile: +64 27 3331626

[Allie.Dunn@TararuaDC.govt.nz](mailto:Allie.Dunn@TararuaDC.govt.nz)

26 Gordon Street, Dannevirke 4930, PO Box 115

[www.tararuaDC.govt.nz](http://www.tararuaDC.govt.nz)

[www.facebook.com/tararuaDC](https://www.facebook.com/tararuaDC)

---

**From:** Allie Dunn

**Sent:** Wednesday, November 6, 2024 3:07 PM

**To:** [REDACTED]

**Subject:** Acknowledgement - LGOIMA request re liability for role as BCA

Kia ora

This email is to acknowledge receipt of your request for information, regarding Council's liability for role as BCA.

We will endeavour to respond to your request as soon as possible and in any event

no later than 4 December 2024, being 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe.

As part of our commitment to openness and accountability, we are now proactively publishing copies of requests for information and the responses provided to these requests, on our website. In doing so, we will ensure we comply with the provisions of the Privacy Act 2020 and redact any personal / identifying information from any response published.

If you have any questions about this, please don't hesitate to get in contact with me.  
Ngā mihi



**Allie Dunn | Manager - Democracy Services**

**Strategy & Community Wellbeing - Democracy Services |  
Tararua District Council**

☎ Phone: +64 6 3744080 | Mobile: +64 27 3331626

✉ [Allie.Dunn@Tararuadc.govt.nz](mailto:Allie.Dunn@Tararuadc.govt.nz)

📍 26 Gordon Street, Dannevirke 4930, PO Box 115

🌐 [www.tararuadc.govt.nz](http://www.tararuadc.govt.nz)

📘 [www.facebook.com/tararuadc](https://www.facebook.com/tararuadc)

---

**From:** Dray Mark <[Dray.Mark@parliament.govt.nz](mailto:Dray.Mark@parliament.govt.nz)>

**Sent:** Wednesday, 6 November 2024 2:56 pm

**To:** Info - Tararua District Council <[Info@TararuaDC.Govt.NZ](mailto:Info@TararuaDC.Govt.NZ)>

**Subject:** LGOIMA Request

**EXTERNAL EMAIL ALERT:** Caution advised. This message is from an external sender. Verify the sender's identity and use caution with attachments and links.

Hi,

I am writing on behalf of ACT Local Government spokesperson Cameron Luxton. He is requesting information on the Council's liability regarding their role as a Building Consent Authority (BCA).

This request is subject to the Local Government Official Information and Meetings Act 1987.

Please provide:

The liabilities the Council has in its role as a BCA?

The total financial exposure the Council faces in its role as a BCA?

The insurance coverage, or any other form of liability cover such as insurance bonds, if any, the Council maintains for BCA-related liabilities.

The annual cost to ratepayers to maintain BCA related liability cover.

The portion of rates allocated to cover potential BCA liabilities.

The reserves maintained specifically for BCA related claims.

The details of any excess or similar that is required to be covered by the Council before any insurance or other liability cover is paid out.

The amount the Council has spent on BCA liability related claims in the past 3 financial years, including but not limited to, legal fees, settlements, negligence costs, etc.

For clarity this is not for the cost to administer BCA.

Ngā Mihi,

[REDACTED]

---