

From: [Kristy Rusher](#)
To: [Jordan Williams](#)
Cc: [lgoima](#)
Subject: RE: Lgoima request
Date: Wednesday, 11 October 2017 11:28:23 a.m.

Hi Jordan,

Thank you for your advice. Regards, Kristy.

From: Jordan Williams [mailto:Jordan@taxpayers.org.nz]
Sent: Tuesday, 10 October 2017 9:05 a.m.
To: Kristy Rusher
Subject: Re: Lgoima request

Dear Kristy,

We hereby withdraw the information request referred to in your email below.

Regards

Jordan Williams

Executive Director | New Zealand Taxpayers' Union | Auckland Ratepayers' Alliance
DDI +64 4 282 0301 | Mob +64 21 762 542 | Email Jordan@taxpayers.org.nz

New Zealand Taxpayers' Union Inc. | Main +64 4 282 0300 | Level 4, 117 Lambton Quay, Wellington | PO Box 10518, The Terrace, Wellington | www.taxpayers.org.nz
Auckland Ratepayers' Alliance Ltd. | Main +64 9 281 5172 | PO Box 133099, Eastridge, Auckland | www.ratepayers.nz

We are 100% funded by people like you. If you like what we do, join the [Taxpayers' Union](#) or the [Auckland Ratepayers' Alliance](#).

From: Kristy Rusher <Kristy.Rusher@dcc.govt.nz>
Date: Tuesday, 10 October 2017 at 5:08 AM
To: Jordan Williams <Jordan@taxpayers.org.nz>
Subject: Lgoima request

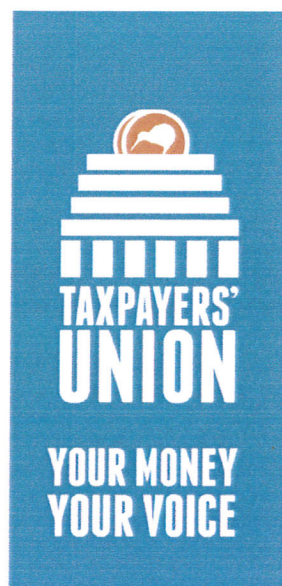
Hi Jordan

The Council has now concluded consulting with the lawyers for Mr Cull and is now compiling the information requested. We expect to be in a position to provide the information to you at the end of the week.

Regards,
Kristy

Sent from my iPhone

If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited..



New Zealand Taxpayers'
Union Incorporated

Postal:

PO Box 10518
The Terrace
Wellington 6143

Physical:

Level 4
117 Lambton Quay
Wellington 6011

Phone:

Main: +64 4 282 0300
24hr (media): +64 4 282 0302

Web:

enquiries@taxpayers.org.nz
www.taxpayers.org.nz

Social:

facebook.com/nztaxpayers
twitter.com/TaxpayersUnion

28 August 2017

Dave Cull
Mayor
Dunedin City Council

By email: mayor@dcc.govt.nz

Dear Your Worship,

DEFAMATION PROCEEDINGS

1. We refer to the recent correspondence and telephone call where you informed us that you are “not too bothered” in relation to our concerns about a demonstrably wrong claim you published relating to our *Ratepayers’ Report*, which we have requested, twice, that you publicly retract. Please may we have an update on that matter urgently.
2. We also refer to the recent Stuff.co.nz coverage¹ of your reported settlement with Councillor Lee Vandervis relating to a claim he took in defamation for comments you made at a Council meeting (the “Article” and “Claim” respectively).
3. Based on the Article it appears ratepayers funded your defence to, and settlement of, the Claim.
4. We contrast the situation with that of Invercargill Mayor Tim Shadbolt who, we understand, rightfully, had to fund his own defence of a claim in defamation relating to statements he made as the City’s Mayor.
5. We therefore request under the Local Government Official Information and Meetings Act 1987:
 - (a) a copy of the Claim;
 - (b) details of the settlement – specifically what ratepayers paid for it to be settled;
 - (c) a breakdown of all costs to ratepayers of the Claim (including copies of all legal fee invoices/fee notes); and
 - (d) the proportion of those costs covered by the Council’s indemnity insurers.
6. We want to understand the special circumstances that saw the Council foot the bill for you, vis-à-vis the situation in Invercargill. Please provide

¹ Specifically the article available at

<https://www.stuff.co.nz/national/94479793/dunedin-mayor-dave-culls-defamation-lawsuit-settled-for-50k>

any and all information which justifies ratepayers protecting you for what is a breach of tort law against your personally.² Was the Council named as a party?

7. The Article states that you apparently received legal advice that your "defence was strong and likely to prevail if the case had gone to trial". This is extraordinary: allowing ratepayer money to be used for a pay-out despite the Claim, according to you, being "a waste of everyone's time and money".
8. You may not be aware but where a politician has publicly referred to the contents of legal advice about the strength of a legal claim against a public body (or an official in public office), courts generally treat this as a waiver of legal privilege in relation to that advice. We therefore seek the advice you were referring to: that your defence was strong and you would likely have prevailed if the case had gone to trial.
9. In addition, we seek copies of the Council's insurance policies as they relate to liability in defamation, and a breakdown of all expenditure on liability insurance, per financial year, since your election.
10. We are particularly interested whether the costs of insurance have increased (or are expected to) as a result of the Claim and Councillor Vandervis' success. Please also provide that information.
11. Finally, we seek to understand why you, as Mayor, are apparently indemnified for your defamatory comments against colleagues, but those colleagues are apparently not protected from (or entitled to support to put right) slanderous remarks against them. Was this question considered by the Council in relation to the Claim? If so, we request those details and reasons.
12. If you are unsure about any of the information requests above, please do not hesitate to contact us for clarification.
13. Please confirm receipt.

Yours faithfully,
New Zealand Taxpayers' Union Inc.


Jordan Williams
Executive Director
Jordan@taxpayers.org.nz
Direct Dial: 04 282 0301

² We will be making a separate request to Mayor Shadbolt asking for documentation his Council holds about its decision not to indemnify him.

cc

Councillor Vandervis

Mayor Shadbolt (with separate information request)