

## Laura Bowman

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**From:** official information  
**Sent:** Tuesday, 15 February 2022 9:36 am  
**To:** [REDACTED]  
**Cc:** official information  
**Subject:** RE: Final Response: LGOIMA 21373 - [REDACTED] - Ban on Council Spaces questions

Kia ora [REDACTED],

Apologies, staff interpreted your email in error as not needing an additional response.

Council is not refunding rates. Rates recover part of the cost of running our facilities, they are not a charge for use of the facilities. Your rates cannot be adjusted if you choose not to or are unable to use the facilities for any reason. Any portion of rates not paid by the due date will have a 10% penalty added. An additional 10% is applied to the outstanding balance at 1 July each year.

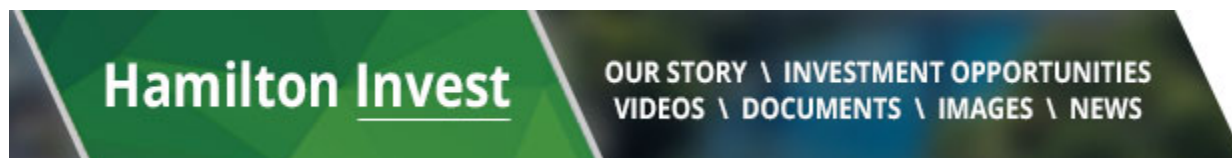
You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Kind Regards,

### Official Information Team

Legal Services & Risk | People and Organisational Performance

Email: [officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)



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**From:** [REDACTED]  
**Sent:** Monday, 14 February 2022 2:01 pm  
**To:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>  
**Subject:** RE: Final Response: LGOIMA 21373 - [REDACTED] - Ban on Council Spaces questions

Dear HCC Councillors

I have not received a reply to the email below, or a refund of the rates that I have requested. I would appreciate my refund ASAP.

I realise that this refund will also apply to the many others in the same category as myself and that as a result, this could be an embarrassment to council, nevertheless, if council is going to impose such restrictions (which it has not been mandated by government to do so), then they must stand by their decision and the repercussions it creates. Now that 5-11 year olds can be vaccinated, then there are many more people who choose not to have their child/ren vaccinated who will therefore be eligible for a refund if their children are not allowed to go to such as the Zoo and the swimming pools etc. The alternative is, of course, to lift the Draconian ban that Council CHOSE to impose in the first place.

I wonder what Fair Go would come up with if they were asked to investigate the legality of ratepayers being forced to pay for something that they are being denied the use of - as opposed to the uniform costs that all are required to pay.

I look forward to your reply.

Yours sincerely

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, 11 January 2022 4:56 PM  
**To:** 'official information' <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>  
**Subject:** RE: Final Response: LGOIMA 21373 - [REDACTED] - Ban on Council Spaces questions

Hi

Thank you for this full and informative explanation – it is much appreciated. I have now had time to study it, especially the table provided.

I note your comment under **Rates** that: *Your rates cannot be adjusted if you choose not to or **are unable to use the facilities for any reason**.* I would like to strongly challenge this. Under 'normal circumstances', this may be the case but we are not in 'normal circumstances' at this point in time. The Council cannot have it both ways – if they **deny** a person/family use of their facilities due to the 'unusual circumstances' that are pertaining today, then Council have to do the 'unusual' thing and refund those who are being denied use of such facilities. From the table below, I estimate that I should therefore be refunded approximately \$600 to cover the cost of the things I am not being allowed to use - and I therefore formally request such a refund.

It is interesting to note that currently, unvaccinated children 12-16 years are being denied access to many Council facilities. Now that the government has reduced the age so that 5-11 year olds can also be vaccinated, this could well mean that unvaccinated children in this age group may also be denied access to Council facilities. I found the restriction on 12-16 years being denied access to what should be their rights as a child growing up, cruelly coercive; I think that if Council imposes this on 5-11 year olds even more so.

Please bring some common sense back into Council's deliberations.

Incidentally, I have contacted the newspaper re this matter.

Yours sincerely

[REDACTED]

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**From:** official information  
**Sent:** Monday, 10 January 2022 10:43 AM  
**To:** [REDACTED]  
**Cc:** official information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>  
**Subject:** Final Response: LGOIMA 21373 - [REDACTED] - Ban on Council Spaces questions

Kia Ora,

Thank you for contacting Hamilton City Council regarding the Vaccine Mandate. Cr Gallagher has requested we respond on his behalf.

### **Council Facilities that require a My Vaccine Pass for entry**

The My Vaccine Pass is a condition of entry for people over 12 years and three months old if they are visiting the following public facilities:

- Hamilton City Libraries
- H3 facilities including Claudelands Events Centre, FMG Stadium and Seddon Park
- Hamilton Pools
- Hamilton Zoo
- Waikato Museum, ArtsPost and i-SITE
- Hamilton Park Cemetery chapels and offices
- other indoor facilities such as the Te Rapa Sportsdrome and Enderley Community Centre
- Parts of Hamilton Gardens
- Offices and meeting rooms in the Municipal building
- Customer Service Centre in the Municipal Building
- Council Chambers in the Municipal Building.

This change came into effect at Hamilton Pools on 3 December and other facilities from 14 December.

My Vaccine Pass documents can be issued to those who are fully vaccinated or have received a medical exemption approved by the Director-General of Health, you can find more information about medical exemptions [here](#). If you have an exemption, you can apply for a My Vaccine Pass.

In June 2021, [MedSafe](#) approved vaccination for those aged 12 and above. All those who are eligible to be vaccinated will need a My Vaccine Pass.

### **Parks and Playground will remain open to everyone.**

My Vaccine Passes are not required to exercise and spend time in our parks and open spaces. They are also not required to use and play on our city's playgrounds. We encourage you to maintain a 1m distance away from people you don't know.

### **Rates**

Rates recover part of the cost of running our facilities, they are not a charge for use of the facilities. Your rates cannot be adjusted if you choose not to or are unable to use the facilities for any reason. Any portion of rates not paid by the due date will have a 10% penalty added. An additional 10% is applied to the outstanding balance at 1 July each year.

We are continuing to provide services to our community in different ways where we can, including click and collect at the libraries, online access to Council meetings, and providing Waikato Museum exhibitions virtually.

In the table below we have provided information on how the General rate and UAGC (Uniform Annual General Charge) is allocated by activity. In the first column is the percentage allocated to each activity and in the second an example of the average residential property (2018 CV of \$582,323) and in the third the median residential property (2018 CV of \$530,000). You can find more information on rates in the 2021-2031 Long Term Plan.

Activity	% allocation of General Rates and UAGC by activity	Average Residential (\$)	Median Residential (\$)
Mayoral Support Services	0.22%	6.07	5.53
Animal Control	0.57%	15.59	14.18
Aquatics	2.69%	73.49	66.87
Cemetery & Crematorium	0.32%	8.80	8.01
City Safety Operations	1.09%	29.84	27.15
Civil Defence & Emergency	0.24%	6.49	5.90
Community & Social Development	1.67%	45.53	41.43
Community Facilities	0.47%	12.84	11.68
Environmental Health Control	0.40%	11.03	10.04
Hamilton Gardens	2.21%	60.34	54.90
Hamilton Zoo	2.47%	67.24	61.18
iSite	0.30%	8.24	7.50
Libraries	5.28%	143.97	130.99

Museum	2.63%	71.77	65.31
Parks Contracts	11.59%	316.04	287.57
City Planning	3.44%	93.89	85.43
Growth Programmes	0.52%	14.09	12.82
Planning Guidance	0.45%	12.39	11.27
Parking	0.63%	17.12	15.58
Rubbish & Recycling	4.12%	112.32	102.20
Stormwater	7.63%	207.99	189.25
Transport Centre	0.28%	7.54	6.87
Transportation Network	22.37%	609.98	555.02
Wastewater	12.28%	334.94	304.76
Water Supply	5.46%	148.96	135.54
Democracy Services	0.96%	26.21	23.85
Mayor Office	0.11%	3.02	2.74
Partnership with Maaori	0.22%	5.97	5.43
Claudlands Events Centre	3.52%	96.09	87.44
H3	1.62%	44.17	40.19
Stadia	3.35%	91.33	83.10
Theatres	0.12%	3.40	3.09
Tourism & Major Events	0.75%	20.43	18.59
	<b>100.00%</b>	<b>2,727.12</b>	<b>2,481.41</b>

We're continuing to provide services to our community in different ways where we can, including click and collect at the libraries, online access to Council meetings, and providing Zoo and Waikato Museum exhibitions virtually.

### **Legal framework**

The COVID-19 Public Health Response (Protection Framework) Order 2021 lists designated premises that cannot deny entry/access to goods or services on vaccination grounds (Sections 31 – 33). These are listed below, and includes some detail around education premises:

A designated premises means—

- (a) a supermarket:
- (b) a dairy:
- (c) a pharmacy:
- (d) a petrol station:
- (e) a public transport service except—
  - (i) a domestic air transport service; or
  - (ii) a Cook Strait ferry:
- (f) premises of health services that are partly or wholly funded by
  - (i) the Ministry of Health:
  - (ii) Oranga Tamariki—Ministry for Children:
  - (iii) the Ministry of Social Development:
  - (iv) the Department of Corrections:
- (v) a district health board:
- (vi) Veterans' Affairs New Zealand:
- (vii) the Accident Compensation Corporation:
- (g) a school transport service:
- (h) Kāinga Ora housing, as defined in section 2 of the Public and Community Housing Management Act 1992:
- (i) premises let, or to be let, by or on behalf of a registered community housing provider (as defined in section 2 of the Public and Community Housing Management Act 1992), but only if the tenancy was granted as a tenancy of social housing to a tenant assessed under that Act as eligible to be allocated social housing:
- (j) any other housing or accommodation funded by, or under contract to,—
  - (i) the Ministry of Housing and Urban Development, except for any grant funding or loan agreement:
  - (ii) the Department of Corrections:
  - (iii) Oranga Tamariki—Ministry for Children:
- (k) a housing support service funded by, or under contract to, any department referred to in paragraph (j):
- (l) emergency accommodation provided by or funded by a government department for people in need:
- (m) premises used to provide shelter or emergency and temporary housing for people in a civil defence emergency.

For those premises not listed, as a Local Government Authority we have the responsibility to decide how these spaces will operate, this includes meeting our obligations under the Health and Safety at Work Act 2015.

### **Council decision and risk assessment**

In making the decision Council undertook a risk assessment, based on well-established information on the covid-19 virus. If you have any further questions, you can visit our web page [here](#). Information on Council's decision is contained in the council report available [here](#).

Our overriding consideration is and will continue to be the safety of our workforce, volunteers, and the community (many of whom are more vulnerable to potential COVID-19 transmission) who use our services.

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

Kind regards,

### **Official Information Team**

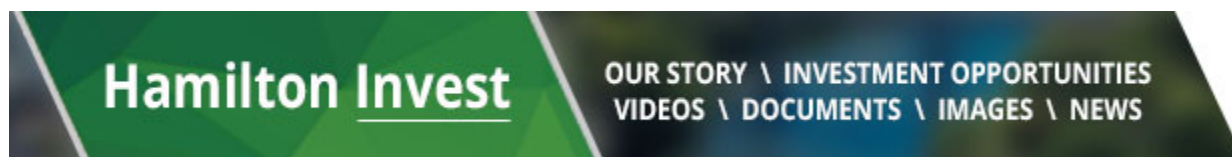
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**From:** [REDACTED]  
**Date:** 3 December 2021 at 1:02:12 PM NZDT  
**To:** Martin Gallagher <[Martin.Gallagher@council.hcc.govt.nz](mailto:Martin.Gallagher@council.hcc.govt.nz)>  
**Subject:** Ban on Council spaces

Dear Martin

Trust you and the family are keeping well.

I read with extreme disappointment of the Council's decision to ban unvaxxed people from Council spaces at their Special Meeting recently. I note that many other Councils have not instituted these Draconian measures and would have hoped that our Council would not adopt them either, hence my deep disappointment.

I would like to make the following observations as well as ask a few questions of Council as they have asked the public for their thoughts and feelings on this matter – which surely they should have done *before* they ever passed these measures. My observations and questions are as follows:

1. When will this decision be reviewed? I would hope it will be within a maximum of 60 days?
2. Will amendments to this legislation be allowed?

3. Will there be an exemption for those who have a doctor's certificate saying they should not have the vaccination for health reasons?
4. What about those who do not wish to carry a vaccine passport but who are vaccinated – how will Council deal with those people?
5. Will there be a rates rebate for those people denied use of the Council spaces?
6. Why should 12 year olds for example be denied access to council facilities?
7. Is it legal for Council to deny people access to fresh air?
8. The Ministry of Health have advised that the vaccine starts to lose its efficacy after 3 months. Therefore, people who have been vaccinated can be asymptomatic without realising they have the virus and so then be transmitters of the virus passing it on to both vaxxed and unvaxxinated.

These are all questions that need answering and I will be grateful to hear what your feelings are on this matter.

Kind regards.

