

**From:** Douglas Marshall  
**To:** [REDACTED]  
**Cc:** BDC Lgoima  
**Subject:** Request for Information under LGOIMA 1987 [WKDMS-WK.FID703713]  
**Date:** Thursday, 14 September 2023 7:56:29 am  
**Attachments:** image002.png

Dear [REDACTED]

We refer to your official information request dated 17 August 2023 regarding Buller District Councils liability insurance, specifically:

*Any and all information/documents held by the Council related to the Council's arranging, placement, holding and/or understanding of liability insurance with any brokers, and/or Local Government Mutual Funds Trustee Limited (Riskpool) and/or insurers for each of the years 2010-2023. For the avoidance of doubt, the information/documents requested includes:*

- a. Liability policy documents for the years 2010-2023; and
- b. Any file notes and correspondence related to the Council's arranging, placement, holding and/or understanding of these liability policy documents, including internal correspondence, correspondence with the Council broker(s), and direct correspondence with insurers.

Council officers have considered your request and provide the following responses to your two requests:

- a. 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 about their insurance provisions) could be compromised. Similarly, if an "opposing" party has knowledge of the Council's insurance position the Council would be placed at a disadvantage. This disadvantage would be particularly acute in respect of the Council's ability to effectively negotiate with a third party to settle a claim against the Council. Your request for copies of policies is declined under the following sections of the Local Government Official Information and Meetings Act ('the Act'):
  - Section 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;
  - Section 7(2)(h) – enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; and
  - Section 7(2)(i) – enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
- b. This part of your request is extremely broad and covers a considerable timeframe (over 14 years). An illustration of the broad nature of your request is you seeking any file notes and correspondence relating to the Council's arranging, placement, holding and/or understanding of its liability policy documents, including internal correspondence, correspondence with the Council's broker(s), and direct correspondence with insurers. Combined with the timeframe, this means your request is for a large quantity of official information that will necessitate a search through a large volume of records, which has resourcing implications for the Council. Your request in its current form is declined under section 17(f) of the Act in that the information requested cannot be made available without substantial collection or research. You are welcome to submit a refined request which will be considered a new request for the purpose of calculating the maximum statutory timeframe for response (see section 13(7) of the Act).

Notwithstanding the above responses, however, Buller District Council can provide you with the following schedule of liability policies Council has held for the 2017-2023 years:

We have been able to locate the last 7 years of policy information in our records system, reflecting our records disposal which requires us to hold records for 7 years.

Type of Policy	Term of Cover	Lead Insurance Company	RLC Insurance Broker
Professional Indemnity	1/11/2017 - 01/11/2018	NZI/QBE	Aon
Combined General & Products Liability	1/11/2017 - 01/11/2018	NZI/QBE	Aon
Statutory Liability/ Employers Liability	1/11/2017 - 01/11/2018	NZI/QBE	Aon
Professional Indemnity	1/11/2018 - 1/11/2019	Berkshire Hathaway/QBE	Aon
Statutory Liability / Employers Liability	1/11/2018 - 1/11/2019	Berkshire Hathaway/QBE	Aon
Combined General & Products Liability	1/11/2018 - 1/11/2019	Berkshire Hathaway/QBE	Aon
Combined General & Products Liability	1/11/2019 - 1/11/2020	Berkshire Hathaway/QBE	Aon
Professional Indemnity	1/11/2019 - 1/11/2020	Berkshire Hathaway/QBE	Aon
Statutory Liability/ Employers Liability	1/11/2019 - 1/11/2020	Berkshire Hathaway/QBE	Aon
Professional Indemnity	1/11/2020 - 1/11/2021	Berkshire Hathaway/QBE	Aon
Combined General & Products Liability	1/11/2020 - 1/11/2021	Berkshire Hathaway/QBE	Aon
Statutory Liability/ Employers Liability	1/11/2020 - 1/11/2021	Berkshire Hathaway/QBE	Aon
Statutory Liability / Employers Liability	1/11/2021 - 1/11/2022	Berkshire Hathaway/QBE	Aon
Combined General & Products Liability	1/11/2021 - 1/11/2022	Berkshire Hathaway/QBE	Aon
Professional Indemnity	1/11/2021 - 1/11/2022	Berkshire Hathaway/QBE	Aon
Professional Indemnity	1/11/2022 - 1/11/2023	Berkshire Hathaway/QBE	Aon
Statutory Liability / Employers Liability	1/11/2022 - 1/11/2023	Berkshire Hathaway/QBE	Aon
Combined General & Products Liability	1/11/2022 - 1/11/2023	Berkshire Hathaway/QBE	Aon

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.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to [lgoima@bdc.govt.nz](mailto:lgoima@bdc.govt.nz).

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards

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