

Department of
Building and Housing
Te Tari Kaupapa Whare

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23 November 2009

Dear

Leaky Homes - Official Information Request and Policy work

I refer to your letters to the Department dated 20 October 2009 requesting information about Leaky Homes Policy and information under the Official Information Act.

Regarding your letter (addressed to me) about the concerns of leaky home owners and possible policy options, I thank you for providing this information to the Department. The views and concerns of homeowners are important inputs into our policy work and advice to Ministers. As per our recent phone discussions, no decisions have been made by the Government yet. All issues, concerns and options are still being considered and no final decisions will be made until after there has been consultation with interested parties, including homeowners.

Details of when the consultation will take place are yet to be decided. If you have not already done so, I recommend you sign up for the Department's "e-newsletter" on weathertightness. When consultation arrangements have been made they will be publicised in the newsletter. You can sign up via the Department's website: www.dbh.govt.nz/weathertight-enevs-index and clicking on the link "subscribe to the newsletter".

In respect of your Official Information Act request, your requests and the Department's responses are as follows:

1. Request: *"Any analysis undertaken by any government employee, or contractor/consultant engaged by a Government Department, with respect to the projected or possible tax implications of remedial work to leaky homes in New Zealand, including but not limited to any analysis of the projected tax take across the economy relating to this activity, and its multiplier effects."*

Response: No such analysis has been done. Accordingly, the information you have requested does not exist and your request is therefore refused under section 18 (e) of the Official Information Act: "the document alleged to contain the information requested does not exist".

2. Request: *"A copy of the report completed by Price Waterhouse of leaky homes, or if too comprehensive, a summary of its contents (eg. The Executive Summary)."*



Response: The Government is still considering the PricewaterhouseCoopers report, advice from officials based on the report and policy options. The Government has not yet made any decisions on what steps should be taken to address the leaky homes problem in light of the findings in the report. Further, once the Government has decided on a way forward, the report will be publicly released along with other information about the results of the Weathertightness review. I cannot give you an exact date for when this release will occur, but it is currently planned to be before the end of this year. Therefore, your request is refused under section 18(d) of the Act: "the information requested will soon be publicly available".

Further, until it is publicly released, the information you requested is also withheld under the following provisions of the Act:

- section 9(2)(f)(iv): To "maintain the constitutional conventions for the time being which protect ... the confidentiality of advice tendered by Ministers of the Crown and officials"
- section 9(2)(g)(i) and (ii): To "maintain the effective conduct of public affairs through ... the free and frank expression of opinions by or between or to Ministers of the Crown ... or officers and employees of any Department ... in the course of their duty ... [and] the protection of such Ministers ... officers, and employees from improper pressure or harassment"
- section 9(2)(j): To "enable a Minister of the Crown ... holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)"

In withholding this information from you, I am required, under section 9(1) of the Act, to consider whether, "in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available". In my view the relevant considerations are:

- The Government needs to be able to negotiate and decide what course of action to take in an effective and orderly manner.
- In addition, it is desirable in the public interest that key parties, such as territorial authorities, should be able to negotiate with the Government about potential solutions in a confidential and effective manner.
- Media and general interest in information about the weathertightness review is high. But the Department's view is that release of information about the work being done in the review (including the PricewaterhouseCoopers report), in isolation from a proposed solution may cause homeowners undue concern, stress and worry. Indeed your own letter demonstrates the worry that has been caused by media speculation to date on what the policy issues and options are.
- The public interest is therefore best served by not releasing information in a piecemeal way or in response to individual requests, but by releasing information in a single public and widespread release, which is what the

Government intends to do (anticipated to be by the end of the year - as soon as possible after negotiations with territorial authorities are completed).

Thank you again for taking the time to put your thoughts and ideas in writing to me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Suzanne Townsend', written in a cursive style.

Suzanne Townsend
Deputy Chief Executive, Sector Policy