

16 August 2021

Andrew Noone

Chairperson

Otago Regional Council

By email: [Andrew.Noone@orc.govt.nz](mailto:Andrew.Noone@orc.govt.nz)

## **CODE OF CONDUCT COMPLAINT – CR MICHAEL LAWS**

- 1 Pursuant to clause 12.2 of the Otago Regional Council Code of Conduct (the Code) I am writing to lodge a complaint, for the reasons set out below, in respect of Councillor Michael Laws (**Cr Laws**).
- 2 I have lodged the complaint, in my role as Chief Executive, in respect of Otago Regional Council (**ORC**) staff who have in my view, been adversely affected by breaches of the Code by Cr Laws in the manner set out below.

### **Obligations of Chief Executive under the Health and Safety at Work Act 2015**

- 3 A guiding principle of the Health and Safety at Work Act 2015 (**HSWA**) is that workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from work risks as is reasonably practicable.
- 4 In my role as the Chief Executive, I am considered to be an officer<sup>1</sup> of the ORC which is a person conducting a business or undertaking (a **PCBU**)<sup>2</sup> with a corresponding duty to either (a) eliminate risks to health and safety, so far as is reasonably practicable; and (b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.<sup>3</sup>
- 5 Under the Health and Safety at Work Act 2015, the Chief Executive has a primary duty of care in relation to the health and safety of workers where health is defined as being either physical or mental health. The Chief Executive is also required to proactively identify and manage risks within the workplace to either eliminate the risk or take steps to minimise or isolate risks as they arise. Failing to meet these obligations, makes the organisation and the Chief Executive personally liable under the Act.
- 6 As a responsible Chief Executive, I consider the health and wellbeing of ORC staff as paramount.

### **ORC Code of Conduct – Relevant Clauses**

- 7 Clause 3 of the Code states that it is designed to give effect to the following values:
  2. *Public trust: members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;*
  3. *Ethical behaviour: members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;*

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<sup>1</sup> Section 18(b) Health and Safety at Work Act 2015.

<sup>2</sup> Section 17.

<sup>3</sup> Section 30(1).

...

*5. Respect for others: will treat people, including other members, with respect and courtesy...*

*6. Duty to uphold the law: members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.*

8 Clause 4 of the Code concerning "Roles and responsibilities" states that:

*The Code of Conduct is designed to strengthen the good governance of your city, district or region. Good governance requires that the complementary roles of the governing body and the administration are understood and respected.*

9 It also states in the 6<sup>th</sup> bullet point of clause 4.1 that the role of the governing body includes:

*...Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.*

10 Clause 5 of the Code concerning "Relationships" sets out:

*...agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.*

11 In respect of "Relationships with staff", clause 5.2 states (relevantly):

*An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship and:*

- *Raise any concerns about employees, officers or contracted officials with the Chief Executive;*
- *Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;*
- *Treat all employees with courtesy and respect and not publicly criticise any employee.*

12 Clause 6 of the Code concerning "Media and social media" states that:

*The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by member to comply with the provisions of this section can represent a breach of the Code.*

Clause 6 requires (relevantly) that:

*1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.*

*2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:*

- *Comments shall be consistent with the Code.*

## **Background – Clutha River Dumping Investigation**

- 13 On 10 March 2021, ORC received a pollution hotline complaint regarding the dumping of rubble in the Clutha River. The matter received media attention at the time with the Otago Daily Times (the ODT) publishing an article on 12 March 2021 titled “**Dumped detritus shocks woman**” [attachment 1].
- 14 The matter was referred to the Environmental Protection Agency (the EPA) for investigation due to the suggestion that ORC staff may have been involved in the provision of advice in respect of the dumping. ORC’s insurers were advised.
- 15 The notification to ORC’s insurers was tabled via a report at the Audit and Risk Subcommittee on 13 May 2021.
- 16 On 14 July 2021, in my role of ORC Chief Executive, I received a letter from the ORC Manager Compliance which contained a warning resulting from the regulatory process and investigation which had been undertaken.
- 17 On 16 July 2021, ORC provided a media statement to the ODT which outlined the regulatory process which had been undertaken and that the ORC could not comment on the resulting action while an appeal of the decision could still be made [attachment 2].
- 18 On 19 July 2021, ORC received a follow up media query from the ODT in relation to Fish & Game comments which had been made to the media.
- 19 On 19 July 2021, as ORC Chief Executive, I advised councillors via email [attachment 3] about the media interest and noted that a warning letter had been received by the ORC due to the suggestion that it had been ORC advice given.
- 20 On 20 July 2021, as ORC Chief Executive, I sent a copy of the warning letter to councillors [attachment 4].
- 21 On 20 July 2021, the ODT journalist advised the ORC media advisor that “we have seen Sarah’s email to councillors” and “we have an email from Michael Laws”.
- 22 On 20 July 2021, ORC issued two further media responses, one from GM Regulatory and one from the Chief Executive which provided more information in respect of the issue, noting that the matter was still with an appeals period, and clarifying the dual role of the ORC [attachments 5 and 6].
- 23 On 21 July 2021, the ODT published an article titled “**ORC’s role in Clutha waste dumping ‘embarrassing’**” [attachment 7].
- 24 The article attributed the following comments to Cr Laws:
- It was “extraordinarily embarrassing” that the council had advised a company which it later took enforcement actions against;
  - “If advice was given, then there seems to be a whole series of people let down – from the construction company, to Fish & Game, to local residents and to the environment.”;
  - That he was unhappy about the council’s “lack of transparency” to the public and to councillors; and
  - “Given that drive – upping policy, upping staff and upping rates to pay for those staff and policy – it is extraordinary to me that in the middle of 2021, you would have ORC staff advising people that they can do something that is clearly not right.”.

- 25 On 21 July 2021, [REDACTED] filed a Job Sheet (file number IN21.0787) where he reported an interaction with a member of the public, where the member of the public verbally assaulted [REDACTED], and made direct reference to the abovementioned ODT article [attachment 8].
- 26 On the same date, the same member of the public emailed Cr Noone admitting that he had “gone on the attack because after only reading today’s edition of the ODT regarding a [sic] employee from the ORC giving consent to dumping of waste into the Clutha River” [attachment 9].
- 27 On 22 July, as Chief Executive, I emailed further advice to councillors [attachment 10] which explained why it wouldn’t be appropriate to share further information as had been requested by Cr Laws and Cr Noone in their emails of 21 July and 22 July 2021 to the Chief Executive [attachments 11 and 12].

### **Breach of the Code**

- 28 In performing my role as Chief Executive, I have formed the opinion that the comments made by Cr Laws, which have been reported in the ODT, breach ORC’s Code of Conduct.
- 29 The comments appear to have been made without reasonable regard to the likely negative media and commentary generated within the community which ORC staff serve. The adverse reaction by some members of the public to ORC staff has created a potential risk for harm both psychologically and physically for ORC staff. These adverse outcomes for the health and safety of ORC staff would be likely to have been avoided if Cr Laws had acted in accordance with Code and not made comments criticising ORC staff in circumstances where they have no ability to speak publicly in their own defence.
- 30 Under clause 5.2 of the Code, Cr Laws is required to abide by agreed standards of behaviour for members in respect of relationships with staff. Members are required to “[t]reat all employees with courtesy and respect and not publicly criticise any employee”. Cr Law’s comments published by the ODT and in emails to the Chief Executive do not meet this standard [attachment 13].
- 31 In addition, Cr Laws’ comments in respect of the allegation that ORC staff may have advised the company they could dump the waste fails to treat all employees with courtesy and respect. While Cr Laws comments do not identify a particular staff member, his comments effectively criticised publicly employees of ORC in a manner that breaches of clause 5.2 of the Code. The fact that particular employees were not identified as individuals does not alter the fact that Cr Laws publicly criticised ORC employees.
- 32 Additionally, I have formed the view as Chief Executive that the comments made by Cr Laws prejudice ORC’s ability to provide a safe and healthy working environment for ORC staff in line with ORC’s obligations under clause 5.2. I consider that there is a link between the statements made by Cr Laws and the consequent actions of a member of the public in verbally abusing two members of the Incident Response team. There is direct reference to the article containing Cr Laws statements in the member of the public’s email to Cr Noone of 21 July 2021.
- 33 As Chief Executive, I consider that Cr Law’s comments fail to demonstrate respect for others working within the ORC (value 5 in clause 3) in the manner reasonably expected of a Councillor under the Code.
- 34 Under clause 6 of the Code, although Cr Laws is free to express a view to the media either personally or on behalf of the ORC, he is required to do so in a way that is not inconsistent with

the Code. It is my view, as Chief Executive, that based on the above information, Cr Laws public statements criticising ORC staff are in breach of the Code.

### **Background - Manuherekia River Flow**

- 35 The ORC is responsible for managing water quantity and water quality in Otago. This includes setting minimum flow limits for the Manuherekia River.
- 36 The last attempt in 2018 to set a minimum flow limit was voted down by councillors in favour of more planning and scientific work.
- 37 The issue is further complicated by legacy issues associated with historical deemed permits that need to be transitioned to water permits by October 2021 under the Resource Management Act 1991.
- 38 The Manuherekia River is used heavily for irrigation which supports economic activity in the region.
- 39 The 2019 Skelton Investigation which was ordered by Minister David Parker found that ORC did not have a fit for purpose planning framework. This resulted in the expedited publication of a new Regional Policy Statement, a short term plan change (Plan Change 7) to manage deemed permits in the interim and a new Land and Water Regional Plan to replace the out of date Water Plan.
- 40 The ORC has been working on the Manuherekia catchment since 2018. It has undertaken community consultation, set up the Manuherekia Reference Group and a Technical Advisory Group to assist with community engagement.
- 41 The ORC is able to now present a recommended minimum flow “number to Council for noting. This would then be adopted for notification in 2023 as part of the Land and Water Regional Plan.
- 42 On 12 May 2021, a Council workshop on the Manuherekia Options Consultation Document was held. The Options Document was put out for public consultation between mid-May 2021 to mid-June 2021, this consultation process was supported by an online survey tool which enabled the collection of community feedback.
- 43 On 21 July 2021, ORC released a summary report on the results of the public consultation.
- 44 On 22 July 2021, the ODT published an article titled “**Clear support on Manuherekia River Flow**” [attachment 14].
- 45 On 22 July 2021, Cr Laws sent a series of emails to ORC Chief Executive Sarah Gardner in respect of the ODT article and the process which had been undertaken. In his emails he writes that “This is moronic” and that “This is beyond incompetence... this is something else.” [attachment 13].
- 46 On 23 July 2021, the ODT published a further article titled “**River flow submissions report findings bogus**” [attachment 15].
- 47 The article attributed the following comments to Cr Laws:
- The Otago Regional Council deputy chairman has described the findings of a report released yesterday on submissions made on five flow scenarios for the Manuherekia River as “bogus”
  - “... alleged the report, which supposedly shows support for a flow of more than 3000 litres per second for the river, had no validity ...”

- “I would have to state this report is crap.”
- He was stunned anyone could think online surveys could have “any validity in the real world”
- His ire was directed at the process undertaken by ORC staff in releasing the data.
- “I’m really annoyed ORC staff decided to release today the results of a survey that if you had any inkling you would know it was bogus.”

48 On 12 August 2021, ORC staff undertook a public workshop with councillors with a view to presenting a paper to Council for noting on 25 August 2021.

49 On 5 August 2021, the [REDACTED] forwarded an email from the [REDACTED] to me as ORC Chief Executive which advised “there is a general feeling of unease regarding staff safety and wellbeing due to the Manuherekia work/consultation and meetings. Suggestion from the HSR’s is to have some comms to adequately inform staff of upcoming contentious sessions and look at risk mitigation for Central Otago office locations)” [attachment 16].

### **Breach of the Code**

50 In performing my role of Chief Executive, I have formed the opinion that the comments made by Cr Laws which have been reported in the ODT breach ORC’s Code of Conduct. The comments appear to have been made without reasonable regard to the likely negative media and commentary generated within the community within which ORC staff serve. The adverse reaction by some members of the public to ORC staff has created a potential risk for harm both psychologically and physically for ORC staff. These adverse outcomes for the health and safety of ORC staff are likely to have been avoided if Cr Laws had acted in accordance with Code and not made comments criticising ORC staff in circumstances where they have no ability to speak publicly in their own defence.

51 Under clause 5.2 of the Code, Cr Laws is required to abide by agreed standards of behaviour for members in respect of relationships with staff. Members are required to “[t]reat all employees with courtesy and respect and not publicly criticise any employee”. Cr Law’s comments published by the ODT do not meet this standard. While Cr Laws comments do not identify a particular staff member, his words served to publicly criticise employees of ORC in breach of clause 5.2 of the Code.

52 As Chief Executive, I consider that Cr Law’s comments fail to demonstrate respect for others working within the ORC (value 5 in clause 3) in the manner reasonably expected of a Councillor under the Code.

53 Under clause 6 of the Code, while Cr Laws is free to express a view to the media either personally or on behalf of the ORC he is required to do so in a way that is consistent with the Code. The published statements in the media made by Cr Laws about Council staff are inconsistent with the Code and have brought the ORC into disrepute.

54 I also consider that comments in respect of the Manuherekia River process have led to the concerns raised by members of the ORC health and safety representative body that planned consultation processes present a potential risk to the health and safety of the team who will be present at those events in contravention of clause 5.2. While the consultation process in respect of the Manuherekia River has previously been fraught, I would suggest that Cr Law’s comments have unnecessarily fuelled the tensions already present in the community on this issue.

55 Clause 3 of the Code outlines the values to which the Code is designed to give effect. From my perspective as the Chief Executive, Cr Laws' reported comments have served to undermine rather than foster community confidence and trust in the ORC. My opinion in this regard is based on the feedback posted by members of the public both as comments to the articles published by the ODT [**attachments as above**] and on the ORC Facebook page [**attachment 17**]. I have concluded that, Cr Law's behaviour has not demonstrated respect for the impartiality and integrity of officials, both in the management of the Clutha River Dumping Investigation matter nor in the community consultation process run in respect of the Manuherekia River Flow. This is contrary to the values and standards of behaviour reasonably expected of Councillors under the Code.

56 I believe that Cr Law's conduct should be investigated under Clause 12 of the Code.

57 I am available to answer any questions which may arise from this complaint.

Yours sincerely

Sarah Gardner  
Chief Executive

Friday, 12 March 2021

# Dumped detritus shocks woman

By [Richard Davison](#)

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## 1. [Regions](#)

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## 2. [South Otago](#)

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### 2 Comments

A Balclutha resident says she was shocked to find demolition rubble had been dumped in the Clutha River this week. Suzanne Schofield said initially she was incredulous when husband Richard returned from one of his frequent walks alongside the river on Tuesday afternoon, reporting he had seen a truck dumping waste building materials down the riverbank behind the Balclutha Aerodrome.

He said the truck, marked with Balclutha contractor Andrew Haulage's logo, appeared to have dumped rubble in three closely adjoining locations in the river, forming small jetties.

Mrs Schofield said her astonishment and displeasure were only magnified when she visited the dump site herself on Wednesday morning.

"I walk the dog three or four times a week along here as it's quite a beautiful spot, and there's a lot of varied birdlife on the gravel bank in the middle.

"Given the sensitivities around rivers nowadays, and given we don't know what might be in the rubble, it's shocking and entirely inappropriate to be dumping it in the river here."

The material contained breeze blocks, rebar, plasterwork, metal components and plastic piping.





Concerned Balclutha resident Suzanne Schofield inspects demolition rubble she says was dumped in the Clutha River behind the town's aerodrome on Tuesday. PHOTO: RICHARD DAVISON

Some of the blocks appeared to be painted in the colours of Hammer Hardware, whose former Charles St, Balclutha store is being demolished by Andrew Haulage to make way for a new supermarket.

Andrew Haulage's depot is located about 100m from the dump site.

Yesterday afternoon, the firm's director, Colin Calteaux, declined to comment on the allegations. Mrs Schofield said she had contacted the Otago Regional Council when she returned from her walk on Wednesday, and spoken to its "pollution department".

"They seemed surprised, and quite interested. I believe they plan to inspect the site this afternoon."

An ORC spokesman said he could not comment in detail about the situation, as the council had only just been alerted.

"We received a complaint to our pollution hotline about this on Wednesday. We are looking into the issue."

However, the Otago Daily Times understands the council does not believe the dumping is a permitted activity, and could be a breach of water plan regulations.

Mrs Schofield said she had seen birds, including black-fronted and Caspian terns, pied stilts, black- and red-billed gulls, and spur-winged plovers, on the nearby gravel bank. Some of those species are listed as nationally vulnerable or endangered.

She said pollution of rivers could have serious effects on resident wildlife, and she would like to see the rubble removed.

"I assume it could be an ill-thought-out attempt to prevent bank erosion, or perhaps avoid paying for disposal at the dump, but it's not acceptable.

"It will just continue to leach away into the river forever, unless it goes."

[richard.davison@odt.co.nz](mailto:richard.davison@odt.co.nz)

## **Attachment 2**

### **OTHER**

*Supplied the following statement to the ODT:*

#### **Statement on Clutha River dumping investigation**

The Otago Regional Council (ORC) responded to pollution complaints about potential illegal dumping of construction material into the Clutha River near Balclutha in March.

ORC requested support from the the Environmental Protection Authority (EPA) to investigate the incident. The EPA has now completed their investigation. ORC has accepted EPA's recommendations, and we would like to thank them for their support with this matter. We cannot comment on the resulting action during the period when appeals may be made.

The material placed in the river was removed a month ago, and we acknowledge the willingness of the offending party to rectify breaches when they became known. We encourage anybody planning works in or near a river to check with the ORC consents or compliance team about the relevant rules prior to starting work.

### **MEDIA RELEASES**

*Attached:*

*QLDC - Rabbit control operations to target locations in Wānaka and Albert Town*

*Waka Kotahi - Bucketting rain causes slips, high river levels, closures on highways West Coast, Marlborough and Buller/ Tasman*

*Environment Southland - AB Lime landfill consent application granted*

*DCC - More tests needed to confirm source of bacteria*

**From:** Sarah Gardner  
**Sent:** Monday, 19 July 2021 7:56 p.m.  
**To:** Councillors  
**Cc:** Gavin Palmer; Richard Saunders  
**Subject:** Clutha Investigation

**Attachment 3**

Dear Councillors

Just a heads up that the media have been in touch today, see the usual update, re an investigation into material deposited in the Clutha River

The material has been removed however how it got there was recently investigated. Because there was a suggestion that the material was deposited on orc advice we asked the EPA to conduct an independent investigation. As a result I have received a warning letter from ORC compliance.

There is no enforcement action being taken on any staff member - only the organisation. The company that deposited the material has also had compliance action taken against it.

This will likely be reported in the media tomorrow.

Kind regards  
Sarah

Sent from my iPhone

**From:** Sarah Gardner <Sarah.Gardner@orc.govt.nz>  
**Sent:** Tuesday, 20 July 2021 8:59 a.m.  
**To:** Cr Michael Laws (ORC)  
**Cc:** Councillors; Gavin Palmer; Richard Saunders  
**Subject:** RE: Clutha Investigation  
**Attachments:** Scan\_Janice Coldicott\_202107200852.pdf

**Attachment 4**

Dear Cr Laws, All

For further information please see the attached warning letter.

Kind regards  
Sarah

-----Original Message-----

**From:** Cr Michael Laws (ORC) <Michael.Laws@orc.govt.nz>  
**Sent:** Monday, 19 July 2021 8:15 p.m.  
**To:** Sarah Gardner <Sarah.Gardner@orc.govt.nz>  
**Cc:** Councillors <Councillors@orc.govt.nz>; Gavin Palmer <Gavin.Palmer@orc.govt.nz>; Richard Saunders <Richard.Saunders@orc.govt.nz>  
**Subject:** Re: Clutha Investigation

Sorry?

Did the ORC provide advice to the alleged offender that it was OK to dump materiel (right spelling) in the Clutha River, and that the EPA has now found that it was illegal/hazardous to deposit?

If there's an alternate observation, happy to read it.

More details would be good too.

Cheers  
M

michael.laws@orc.govt.nz  
Dunstan Ward, ORC  
027 3060 600

> On 19/07/2021, at 7:55 PM, Sarah Gardner <Sarah.Gardner@orc.govt.nz> wrote:

>

> Dear Councillors

>

> Just a heads up that the media have been in touch today, see the usual update, re an investigation into material deposited in the Clutha River

>

> The material has been removed however how it got there was recently investigated. Because there was a suggestion that the material was deposited on orc advice we asked the EPA to conduct an independent investigation. As a result I have received a warning letter from ORC compliance.

>

> There is no enforcement action being taken on any staff member - only the organisation. The company that deposited the material has also had compliance action taken against it.

>

> Kind regards

> Sarah

>

> Sent from my iPhone

ODT, received 20 July  
Query:

## Attachment 5

- What specific advice has been given by council staff to the company about dumping waste material in rivers, including the Clutha, and when?
- Did ORC staff tell the company it was okay to dump the material in the Clutha River? If yes, why?
- What exact communication, and when, has there been between council staff and the contracting company?
- Who (ie. was it the construction company and/or the ORC) were the two infringement notices issued to? By whom? (ie. was it ORC compliance?) And what specifically were the notices for?
- Regards any infringement to the ORC, was it issued to an individual or individuals, and if so whom; or the organisation?
- How much were the fines for each notice?
- Was any enforcement action made against the council in relation to this?
- Who was he warning issued to? And what for?
- Can the council please provide a copy of the EPA's investigation report? Can it please provide the full list of recommendations made to the council from the EPA?
- What did the EPA investigation find in relation to the advice given by council staff?
- Did the ORC withhold information about this investigation or this incident to protect the organisation (the council)?

### Response:

Richard Saunders, General Manager Regulatory and Communications:

We are not making any further comment on this matter until it is concluded. ORC will be happy to make further comment including providing details of the case at the appropriate time.

We have not withheld any information on this case. There are processes that are followed when investigations are undertaken, regardless of which parties may be involved. In this instance the EPA undertook the investigation to ensure independence.

Sarah Gardner, Chief Executive:

This matter is not concluded. The letter attached reflects the current point in the process.

*The letter, including a formal warning to ORC, set out the findings of the EPA investigation.*

**Clutha Dumping Follow-up**  
ODT, received 20 July  
**Query:**

## **Attachment 6**

In the initial responses, it was not mentioned anywhere that ORC was being investigated and that part of the enforcement action was against the ORC.

What changed now that the council can send this formal letter?

I understand that the process might not be concluded, but this was clearly information that the council could legally share, as it has now.

### **Response:**

ORC is involved in two distinct capacities.

Mr Saunders' statement, on behalf of ORC, was made in its capacity as a regulator.

Mrs Gardner's statement was made on behalf of ORC in its capacity as a person who is the subject of a regulators enquiry.



Attachment 7

Wednesday, 21 July 2021

# ORC's role in Clutha waste dumping 'embarrassing'

By **Molly Houseman** (/author/molly.houseman%40odt.co.nz)

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[News \(/news\)](#) > [10 news \(/news/10\)](#) > [52 actions-%E2%80%98embarrassing%E2%80%99#comments](#)

A revelation a construction company was told by an Otago Regional Council staff member it could dump material into the Clutha River has been labelled "extraordinarily embarrassing" by a councillor.

The council did not initially say it had faced censure over the incident, but in response to further questioning said yesterday it had been issued with a warning for permitting Balclutha-based Andrew Haulage to dump the material.

It follows an investigation into the issue by the Environmental Protection Agency (EPA), which began in March after a Balclutha resident saw a truck with the company's branding dumping waste building materials down the riverbank behind the Balclutha Aerodrome.

The formal warning letter, which was provided to the Otago Daily Times by the council, said Andrew Haulage managing director Colin Calteaux approached a council staff member in December 2020 while they were visiting his depot on unrelated matters.

Mr Calteaux asked the employee if he could put demolition material into the river to cover an area that was eroding.

The council employee allegedly responded by acknowledging they did not see any reason why Mr Calteaux could not do that, the letter said.

In January, he spoke to another staff member about the location where the demolition material could be put.

That staff member provided general advice on how the banks of the Clutha River could be protected, the letter said.



The warning said: "The ORC, through the actions of its employees, is considered to have contravened sections of the Resource Management Act by permitting [Andrew Haulage] to deposit any substance on the bed of the river when not expressly allowed by a national environmental standard".

Andrew Haulage has been issued with two infringement notices over the dumping.

Council deputy chairman Michael Laws said it was "extraordinarily embarrassing" that the council had advised a company which it later took enforcement action against.

"If advice was given, then there seems to be a whole series of people let down — from the construction company, to Fish & Game, to local residents and to the environment."

He said he was unhappy at the council's "lack of transparency" to the public and to councillors.

"Obviously [council] staff knew long before governance [councillors] were informed, and that was only after it was obvious that the Otago Daily Times were going to write a story about it.

"That disturbs me greatly."

Cr Laws said the council had worked hard in the past three to four years after decades of neglect around issues that affected the environment.

"Given that drive — upping policy, upping staff, and upping rates to pay for those staff and policy — it is extraordinary to me that in the middle of 2021, you would have ORC staff advising people that they can do something that is clearly not right," he said.

Chairman Andrew Noone said the situation was "not ideal".

He also felt that councillors should have been informed of the investigation sooner, but did not want to comment further until the situation became "clearer".

The ODT understands an email was sent to councillors by council chief executive Sarah Gardner on Monday evening informing them a story on the topic would likely appear in the media.

The council did not say it was warned over the dumping when it issued a statement, saying the investigation was complete on Friday.

On Monday, in response to further questions from the ODT, the council said the dumping had resulted in a warning, but did not specify the warning had been made to the council.

Regulatory and communications general manager Richard Saunders said the council had not withheld any information on the incident.

Also, he said, the council would also not make any further comment until "the matter was concluded".

"There are processes that are followed when investigations are undertaken, regardless of which parties may be involved, he said.

"In this instance the EPA undertook the investigation to ensure independence."

The council did not answer questions about how much Andrew Haulage was fined.

[molly.houseman@odt.co.nz](mailto:molly.houseman@odt.co.nz) (mailto:molly.houseman@odt.co.nz)



<https://www.drivesouth.co.nz/>



(https://www.drivesouth.co.nz/vehicle/1991-1991-OLDSMOBILE-TRUCK-788?utm\_source=ODTC\_DSODTC)

(https://www.drivesouth.co.nz/vehicle/1960-1960-MASSEY-BERGUSON-TRACTOR?utm\_source=ODTC\_DSODTC)

(https://www.drivesouth.co.nz/vehicle/1991-PORSCHE-TRUCK?utm\_source=ODTC\_DSODTC)

15 (/news/dunedin/orc%E2%80%99s-actions-%E2%80%98embarrassing%E2%80%99#comments)

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Memorable day for school with opening of hockey turf (/news/dunedin/memorable-day-school-opening-hockey-turf)



(/news/dunedin/fairweather-gets-mass-support-schoolmates)

Fairweather gets mass support from schoolmates (/news/dunedin/fairweather-gets-mass-support-schoolmates)

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**Pinkney** Wed, 21/07/2021 - 7:26am # (/comment/40928#comment-40928)

The incompetence of ORC is extraordinary. The management in consents, policy and hazard departments are failing the ratepayers. We can be sure the ORC staff member wont get enforcement action much like Natural Hazards office killing hundreds of fish in the Kaikorai Estuary. 100% the most arrogant and useless council in the south island.

**Pat.** Wed, 21/07/2021 - 8:07am # (/comment/40930#comment-40930)

Infringement notices, warnings and a cover up. Clearly NZ still doesn't take the protection of it's environment seriously. I am disgusted.

**Buzz** Wed, 21/07/2021 - 10:24pm # (/comment/40977#comment-40977)

Here you are implying there has been a cover up by ORC, yet in a latter comment in reply to me, you say Andrews Haulage should be jailed or a hefty fine. So which is it.....  
And no, you are totally correct Pat, NZ doesn't take it's environment seriously...NEWSFLASH, no country does, we don't live in some dreamy utopia. We are a developing species, overcrowding, over polluting and rather brutal in our endeavour for superiority and survival . We always have been, we always will be, it's in our very NATURE. Rosy glasses and idealist goals are the smallest cog in achieving our development as a race. The only thing we can't control are the natural forces, everything else is fair game, especially in a capitalist driven world.

**Concerned** Wed, 21/07/2021 - 9:21am # (/comment/40936#comment-40936)

1/2 glass full ... the "material will eventually break down and be forced downstream and out to sea by floods (1 in 50 years events only)

!/2 Glass empty ... the same can't be said of ORC staff that make stupid mistakes like this one ...

**Red\_Pill** Wed, 21/07/2021 - 9:22am # (/comment/40937#comment-40937)

The ORC is an embarrassment. They think people will forget the 75% rate increase. This is the quality of leadership we get with the rate increase! Awesome eh?

[View all](#)

» [Login \(/user/login?destination=news/dunedin/orc%E2%80%99s-actions-%E2%80%98embarrassing%E2%80%99%23comment-form\)](/user/login?destination=news/dunedin/orc%E2%80%99s-actions-%E2%80%98embarrassing%E2%80%99%23comment-form) or [register \(/register?destination=news/dunedin/orc%E2%80%99s-actions-%E2%80%98embarrassing%E2%80%99%23comment-form\)](/register?destination=news/dunedin/orc%E2%80%99s-actions-%E2%80%98embarrassing%E2%80%99%23comment-form) to post comments.

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[Extra! Newspapers in Education](https://www.extraeducation.co.nz/)

(<https://www.extraeducation.co.nz/>)

## Newspapers

ODT E-edition (<https://subs.odt.co.nz/>)  
 The Star - Christchurch (<https://starmedia.kiwi/newspapers/the-star/>)  
 Oamaru Mail (<http://www.oamarumail.co.nz/>)  
 The Star - Dunedin (<http://www.thestar.co.nz/>)  
 The News - Central Otago (<http://www.thenews.co.nz/>)  
 The Ensign - Gore (<http://www.theensign.co.nz/>)  
 Ashburton Courier (<http://www.ashburtoncourier.co.nz/>)  
 North Canterbury News (<http://www.ncnews.co.nz/>)  
 Southland Express - Invercargill (<http://www.southlandexpress.co.nz/>)  
 Southern Rural Life (/rural-life)  
 Central Rural Life (/rural-life)  
 The Courier - Timaru (<http://www.timarucourier.co.nz/>)  
 Mountain Scene - Queenstown (<http://www.scene.co.nz/>)  
 Property Times South Canterbury (<http://www.propertytimes.co.nz/>)  
 Extra! School Publication (/extra)  
 Clutha Leader (<http://www.cluthaleader.co.nz/>)  
 Bay Harbour News (<https://starmedia.kiwi/newspapers/bay-harbour-news/>)  
 Selwyn Times (<https://starmedia.kiwi/newspapers/selwyn-times/>)

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 Drivesouth (<http://drivesouth.co.nz/>)  
 Jobs (<http://jobs.odt.co.nz/>)  
 Classified Advertising (/classified-advertising)

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 (<http://www.alliedproductions.co.nz/>)  
 ODT Journeys (<https://www.journeys.odt.nz/>)  
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 Otago Images  
 (<https://odtshop.co.nz/collections/photography/products>)  
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 Advertising Terms (/allied-press-advertising-terms-conditions)  
 Advertise with us (/advertise)

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Classic Driver  
 (<https://odtshop.co.nz/products/classic-driver-magazine>)  
 Dunedin Guide  
 (<http://dunedinguide.co.nz/#folio=1>)  
 Drivesouth Best Motor Buys  
 (<https://starmedia.kiwi/magazines/drivesouth/>)  
 Explore Dunedin  
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 Home & Leisure  
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## JOB SHEET

Our Reference: [Click or tap here to enter text.](#)  
 File: IN21.0787  
 Author: [REDACTED]  
 Subject: Discharge to waterway

Date/Time	Activity
<p><b>21 July 2021</b> 1149 hrs</p>	<p>[REDACTED] I were stopped on a red light at the intersection of [REDACTED] I observed a male exit the [REDACTED] [REDACTED] tavern carrying a bucket and approach the gutter adjacent to our Pollution Response vehicle. I made eye contact with the male at a distance of approximately 2 meters away as he approached. The male looked at our vehicle (both the front doors and the Pollution writing on the rear passenger door), looked back at me then proceeded to tip the bucket of liquid into the gutter immediately beside the vehicle. The liquid was a darkish brown colour and had a whitish foamy head to it. I was in some disbelief that this was actually happening when we were within a couple of meters of the incident and asked [REDACTED] to also observe the action as it was happening. The male then looked at me again turned and walked back into the [REDACTED]. [REDACTED] and I decided to immediately find a park and undertake a site visit to have an educational discussion with the man about what we had observed.</p>
<p>1151 hrs</p>	<p>[REDACTED] and I introduced ourselves as [REDACTED] from the Otago Regional Council and asked if the male had a minute to have a quick chat. The male (M) responded with 'Oh, what the fuck do youse cunts want?' [REDACTED] responded with 'We just want a quick chat with you about the liquid we just observed you tipping down the gutter outside.' (M) "Aww, fuck off. Haven't you got some real work to do". [REDACTED] "Yes and this is part of the work that we do, can you confirm for me that you did just tip the bucket of liquid into the gutter?" (M) "So, what if I did? What are youse cunts doing about the water in Waikouaiti? When are you going to fix that?" [REDACTED] "The water in Waikouaiti?" (M) "Yeah, the poison water in Waikouaiti" [REDACTED] That's not the ORC responsible for that water, it's the DCC, so you want to talk to them about it. We have nothing to do with it.</p>

(M) Awww, don't split fucking straws with me, you're all the fucking same. What are you doing about the fucking water, when will that get back on?

█) "That's the DCC, were from the ORC and its nothing to do with us".

█) "The water into the water treatment plant was tested and found to be not the source, that's where our responsibility ends with the drinking water into Waikouaiti"

(M) "Don't split straws with me, you're all the fucking same, you're all fucking bureaucratic cunts"

█) "Were not bureaucrats, were actually incident responders and were just here to have a chat about what we can and can't put into our waterways"

(M) "Your just bureaucratic cunts"

█) "We're not bureaucrats, we don't get paid that much. Can I talk now please?"

(M) "I don't even know that you're really from the council, have you got a business card to say you're from the council?"

█) "Have we got a business card? I can do one better than that. I have a warrant."

(I produced my warrant.)

█) "I'm █ for the Otago Regional Council and I would like to talk to you about potential discharge of contaminants to the stormwater by you that my college and I just witnessed outside just a few minutes ago"

(NB: I did not formally warn him).

The male viewed my warrant and asked █ if she had one, which █ provided immediately.

█) "Can you tell me what was in the bucket that you tipped out in the gutter?"

(M) "Ice."

█) "I don't think it was just ice, there was a distinct brown colour to it, and it had a foamy head on it. I think it was more than ice."

(M) "It was ice from the fucking freezer"

█) "Was there anything else in it, have you just been cleaning up?"

(M) "I've just been cleaning the fucking freezer out and cleaning up"

█) "Was there anything else in the liquid, were there cleaning products or beer or anything like that?"

(M) "Of course, there was beer"

█) "Can you tell me where the beer was from?"

(M) "It's a fucking pub, where do you think the fucking beer came from?"

█) "Allow me to clarify that, was the beer from a spill in the freezer, or from the drip trays or from half full jugs type of thing?"

(M) "It was from the fucking drip trays"

█) "Great, Thank you. That's what we want to talk to you about, beer is a contaminant and that's actually not permitted under the Regional Water Plan and we just want to have a really quick chat about it with you"

█ moved outside to take a photo of the discharge and I remained with the male.

(M) "How do you know it's in the gutter, do you have photos or evidence?"

█ "My college is taking photos as we speak, and we also observed you tipping the liquid into the gutter."

(M) "Fucking bureaucratic cunts."

█) "We came in here to have a friendly chat about what we witnessed outside; however, I am now going to record your details and the details of this incident in my journal for further consideration". Can I have your name please?

(M) █.

█ was scrolling through Facebook on his phone and referenced the ODT article re: the Clutha dumping incident)

(M) "I don't give a fuck, do what you like to me. Send me a fine, I don't give a fuck. What are you doing about the shit in the Clutha? That was your cunts."

█) "Thank you, is that spelt █?"

(M) "What can you tell me about the shit in the river?"

█) "█, I'd be happy to discuss what we know about the Clutha river after I have this information written down. Is it spelt █?"

(M) "Yes."

█) "Do you have a contact phone number?"

(M) "I'll give you my work number █"

█) "Thank you."

(M) "So, what do you know about the fucking Clutha?"

█) "Actually, nothing. We weren't involved in the matter and can only tell you what we saw in the paper and on Facebook. So, can't help you there."

█) "So █, we came in here with the intention of having a friendly chat about the discharge. We had hoped that we could inform you of the rules with the view to you not doing this again...."

(M) "You're just a bureaucratic cunts!"

█) "I don't get paid enough to be a bureaucrat, only about half as much as that! Can I please now finish what I was saying then we will be on our way and out of your hair."

█ "We came in to have a chat, your attitude towards us now requires that I make some notes and we consider any follow up action in due course. After that someone may be in contact with you to discuss the incident further."

█ stated that we had just come in for a chat and that maybe next time █ should maybe have the chat and then we would leave. At this point █ became more aggressive toward █ and asked if she was threatening him. █ very calmly replied that she was not threatening him and that we only came in for a chat.

█ and I thanked █ for his time and we departed the building. █ and I were having a debrief of the situation as we walked back to the pollution truck and had made it about half a block when █ began yelling at us from the front of the building.

█ was calling █ and I “cunts” and “fucking bureaucrats” █ was also yelling about the “sludge in the fucking gutter and what are you going to do about it. That goes into the drain as well.”

We moved back towards █ to avoid a public spectacle being made and I asked █ to repeat his ‘question’ which he did.

█ replied that anything that naturally made its way into the gutter was the DCC’s responsibility. █ thanked █ for bringing it to our attention and that we would take it up with the DCC.

█ replied with ‘Don’t split straws with me’.

█ wished █ a ‘good afternoon’ and we left.

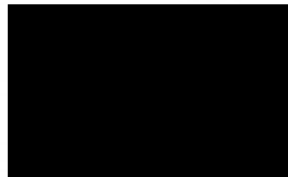
█ continued to shout profanities at us as we left.

█ and I departed en route to our next incident.

1201 hrs

Signed

█



## Attachment 9

**From:** [Cr Andrew Noone \(ORC\)](#)  
**To:** [Richard Saunders](#)  
**Cc:** [Sarah Gardner](#)  
**Subject:** Fwd: [REDACTED]/Duke of Wellington  
**Date:** Wednesday, 21 July 2021 2:45:00 p.m.

---

Hi Richard,  
See email below for your info.

Cheers  
Andrew

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 21 July 2021 at 2:20:27 PM NZST  
**To:** "Cr Andrew Noone (ORC)" <Andrew.Noone@orc.govt.nz>  
**Subject:** [REDACTED]

Good Afternoon Chairman Noone, Earlier today I poured about 2 litres of beer and Ice into drain outside pub. At the time I did not think this a big deal but this was witnessed by 2 employees of The ORC who just happened to be driving past. They then decided to pay me a visit. Yes I will not deny that I went on the attack because after only reading today's edition of the ODT regarding a employee from the ORC giving consent to dumping of waste into the Clutha River. I felt double standards were being applied. No one has done more to ensure gutters and footpaths have been cleared of rubbish and foilage especially in winter than myself. My request to the DCC about clearing the drains quite often appears to fall on deaf ears. So therefore it is left to me. Clearly not liking my attitude these 2 employees then proceeded to inform me that they were going to take this further. What did they mean by this? Are they going to fine me, issue me with an infringement notice? etc. Clearly I believe there is double standards involved here.  
Kind Regards [REDACTED]

Attachment 10

**From:** Sarah Gardner  
**Sent:** Friday, 23 July 2021 12:54 p.m.  
**To:** Cr Hilary Calvert (ORC)  
**Cc:** Councillors  
**Subject:** RE: Chronology - Clutha dumping issue & ORC

Dear Councillor Calvert

I hope this response assists.

The EPA was the investigator, but we cannot delegate our enforcement powers, hence the decision maker is our delegated regulatory staff for both the warning to ORC and the Infringements. The Infringements were issued on 13 July and there are up to 56 days from the date of service for the recipient to request a Court Hearing. Lawyers appointed by [REDACTED] act for the staff and ORC in the ongoing process.

Kind regards  
Sarah

---

**From:** Cr Hilary Calvert (ORC) <Hilary.Calvert@orc.govt.nz>  
**Sent:** Thursday, 22 July 2021 5:42 p.m.  
**To:** Sarah Gardner <Sarah.Gardner@orc.govt.nz>  
**Cc:** Councillors <Councillors@orc.govt.nz>  
**Subject:** Re: Chronology - Clutha dumping issue & ORC

Thanks Sarah.

Is it that the EPA is considering further action? I understood from what we received that the EPA had issued a warning and that that was the extent of its interest in us at this point? Could we also know please when the infringement notice was issued and how long the company had to appeal since I gather this is still in train?

I assume that once the EPA has concluded its investigations and the time has passed for any infringement notice appeal period has concluded the situation will be clearer?

Obviously we would not want to jeopardise any possible legal proceedings.

Are we to assume the lawyers appointed by [REDACTED] are there to be involved in any possible legal actions relating to the EPA?

Cheers,  
Hil

Sent from my iPad

On 22/07/2021, at 5:16 PM, Sarah Gardner <[sarah.gardner@orc.govt.nz](mailto:sarah.gardner@orc.govt.nz)> wrote:

Dear Councillors

Because the process has not concluded, I am limited in what I can provide you today.

The Council has necessarily delegated enforcement decisions to the Chief Executive and staff. Such delegation ensures there is no actual or apparent political influence over enforcement decisions.

This is consistent with the Solicitor General's Prosecution Guidelines, which includes:

*"4. THE INDEPENDENCE OF THE DECISION-MAKER*

*4.1 The universally central tenet of a prosecution system under the rule of law in a democratic society is the independence of the prosecutor from persons or agencies that are not properly part of the prosecution decision-making process.*

*4.2 In practice in New Zealand, the independence of the prosecutor refers to freedom from undue or improper pressure from any source, political or otherwise. All government agencies should ensure the necessary processes are in place to protect the independence of the initial prosecution decision."*

In 2011, the Auditor General emphasised "... councillors should not be involved either in decisions or to investigate or hear grievances about cases".

It is essential that integrity of the enforcement process is protected. As above, the matter has not been concluded. It would be unwise for you to draw conclusions in the interim.

In light of the above, there are only some of the questions you have raised that I can answer at this time.

- *When did the ORC receive the EPA report? 8 July 2021*
- *Where is the actual EPA report, and given everything, why have we not been provided a copy? The report is in possession of the General Manager Regulatory. The report will be provided to you when the matter has been concluded.*

The Council's [REDACTED] appointed lawyers for staff/organisation. It is essential that no comment is made which may jeopardise our position with [REDACTED] or our legal responsibilities to our employees.

I hope that this assists you in understanding the multiple legal and risk fronts before me as I manage the safety and integrity of process, staff natural justice and potential HR and health and safety matters, related to comments made and public reaction.

Kind regards  
Sarah

<image001.png>

**Sarah Gardner**  
CHIEF EXECUTIVE

---

P 0800 474 082 | M 027 612 7896  
[sarah.gardner@orc.govt.nz](mailto:sarah.gardner@orc.govt.nz)  
[www.orc.govt.nz](http://www.orc.govt.nz)

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---

**From:** Cr Hilary Calvert (ORC) <[Hilary.Calvert@orc.govt.nz](mailto:Hilary.Calvert@orc.govt.nz)>

**Sent:** Thursday, 22 July 2021 3:23 p.m.

**To:** Cr Andrew Noone (ORC) <[Andrew.Noone@orc.govt.nz](mailto:Andrew.Noone@orc.govt.nz)>  
**Cc:** Sarah Gardner <[Sarah.Gardner@orc.govt.nz](mailto:Sarah.Gardner@orc.govt.nz)>; Councillors <[Councillors@orc.govt.nz](mailto:Councillors@orc.govt.nz)>  
**Subject:** Re: Chronology - Clutha dumping issue & ORC

It may be more realistic to hope that councillors will not share info that is likely not to be discoverable under a LGOIMA application.

Hil

On 22/07/2021, at 11:16 AM, Cr Andrew Noone (ORC) <[Andrew.Noone@orc.govt.nz](mailto:Andrew.Noone@orc.govt.nz)> wrote:

Hi Sarah,  
Email below from Michael L with the questions requiring either answers or a statement from you ( which ever you prefer) to help inform Governance of the Clutha matter.  
Sharing what you can of the EPA investigation outcome/impact on the organisation would be helpful as well.

Hi Councillors,  
Treat the reply from Sarah as confidential and its not to be shared.

Many thanks

Andrew Noone  
Chairperson  
Otago Regional Council

027 430 1727  
[Andrew.noone@orc.govt.nz](mailto:Andrew.noone@orc.govt.nz)  
[www.orc.govt.nz](http://www.orc.govt.nz)

0800 474 082

Begin forwarded message:

**From:** Michael Laws <[michael@themessage.nz](mailto:michael@themessage.nz)>  
**Date:** 21 July 2021 at 4:25:01 PM NZST  
**To:** "Cr Andrew Noone (ORC)" <[Andrew.Noone@orc.govt.nz](mailto:Andrew.Noone@orc.govt.nz)>, "Cr Kevin Malcolm (ORC)" <[Kevin.Malcolm@orc.govt.nz](mailto:Kevin.Malcolm@orc.govt.nz)>, "Cr Alexa Forbes (ORC)" <[Alexa.Forbes@orc.govt.nz](mailto:Alexa.Forbes@orc.govt.nz)>, "Cr Kate Wilson (ORC)" <[Kate.Wilson@orc.govt.nz](mailto:Kate.Wilson@orc.govt.nz)>, "Cr Marian Hobbs (ORC)" <[Marian.Hobbs@orc.govt.nz](mailto:Marian.Hobbs@orc.govt.nz)>, "Cr Hilary Calvert (ORC)" <[Hilary.Calvert@orc.govt.nz](mailto:Hilary.Calvert@orc.govt.nz)>, "Cr Michael Deaker (ORC)" <[Michael.Deaker@orc.govt.nz](mailto:Michael.Deaker@orc.govt.nz)>, "Cr Gary Kelliher (ORC)" <[Gary.Kelliher@orc.govt.nz](mailto:Gary.Kelliher@orc.govt.nz)>, "Cr Carmen Hope (ORC)" <[Carmen.Hope@orc.govt.nz](mailto:Carmen.Hope@orc.govt.nz)>, "Cr Bryan Scott (ORC)" <[Bryan.Scott@orc.govt.nz](mailto:Bryan.Scott@orc.govt.nz)>, "Cr Gretchen Robertson (ORC)" <[Gretchen.Robertson@orc.govt.nz](mailto:Gretchen.Robertson@orc.govt.nz)>, "Cr Michael Laws (ORC)" <[Michael.Laws@orc.govt.nz](mailto:Michael.Laws@orc.govt.nz)>  
**Subject:** Fwd: Chronology - Clutha dumping issue & ORC

CLUTHA RIVER DUMPING ISSUE



Dear Chair Andrew & Colleagues

A number of issues arise from the above issue, as well as the response of the ORC to both governance and media on this issue.

I've enclosed a bare chronology as best that I can glean from official communications to ourselves.

I am now aware that Chair Andrew was no more informed than ourselves: that his first alert was from the CE on the eve of the *Otago Daily Times* publishing their story.

Consequently, a number of questions arise that go to the heart of the relationship between our chair and the CE.

In any organisation that I have ever been involved with, a CE would have briefed their chairperson long ago.

In addition, I believe that the ORC wilfully misled the *Otago Daily Times*, as the attached chronology illustrates.

We were also not fully informed at first blush. We still aren't.

There arises the unsettling suspicion that the ORC was not only prepared to mislead the media, but deliberately hide their true role in this matter from both governance and media scrutiny.

I believe that this matter - and its implications for our governance team - needs to be canvassed ASAP in a councillors-only forum.

In the meantime, the following questions require answer:

1. When did the ORC receive the EPA report?
2. At what level of the organisation are those ORC staff that apparently approved the dumping?
3. When did the ORC actually know that staff had provided Andrew Haulage with that advice?
4. Where is the actual EPA report, and given everything, why have we not been provided a copy?
5. Why wasn't our elected Chair informed of the issue, given its potential seriousness and political risk, at the very first instant, and then during, and at the conclusion of the EPA inquiry?

As I understand it, from the 14 July letter from the ORC manager of compliance, the ORC was at risk of a six figure monetary fine from its actions in this matter.

I'm also concerned at the procedural fairness of the ORC imposing a financial penalty upon an individual company that was poorly advised by ORC staff, prior to Andrew Haulage dumping its illegal material.

**Andrew: I will leave this matter (& the questions) to you to handle.**

Cheers

Michael Laws

<Clutha Dumping Issue - ORC (21 July 2021).docx>

## Attachment 11

**From:** Sarah Gardner  
**Sent:** Thursday, 22 July 2021 11:41 a.m.  
**To:** [REDACTED] Richard Saunders; Gavin Palmer  
**Subject:** FW: Chronology - Clutha dumping issue & ORC  
**Attachments:** Clutha Dumping Issue - ORC (21 July 2021).docx

Dear All

Please see below and attached. This is what I need some detail and help with at 1pm today.

Kind regards  
Sarah

**From:** Cr Andrew Noone (ORC) <Andrew.Noone@orc.govt.nz>  
**Sent:** Thursday, 22 July 2021 11:17 a.m.  
**To:** Sarah Gardner <Sarah.Gardner@orc.govt.nz>; Councillors <Councillors@orc.govt.nz>  
**Subject:** Fwd: Chronology - Clutha dumping issue & ORC

Hi Sarah,  
Email below from Michael L with the questions requiring either answers or a statement from you ( which ever you prefer) to help inform Governance of the Clutha matter.  
Sharing what you can of the EPA investigation outcome/impact on the organisation would be helpful as well.

Hi Councillors,  
Treat the reply from Sarah as confidential and its not to be shared.

Many thanks

Andrew Noone  
Chairperson  
Otago Regional Council

027 430 1727  
[Andrew.noone@orc.govt.nz](mailto:Andrew.noone@orc.govt.nz)  
[www.orc.govt.nz](http://www.orc.govt.nz)

0800 474 082

Begin forwarded message:

**From:** Michael Laws <[michael@themessage.nz](mailto:michael@themessage.nz)>  
**Date:** 21 July 2021 at 4:25:01 PM NZST  
**To:** "Cr Andrew Noone (ORC)" <[Andrew.Noone@orc.govt.nz](mailto:Andrew.Noone@orc.govt.nz)>, "Cr Kevin Malcolm (ORC)" <[Kevin.Malcolm@orc.govt.nz](mailto:Kevin.Malcolm@orc.govt.nz)>, "Cr Alexa Forbes (ORC)" <[Alexa.Forbes@orc.govt.nz](mailto:Alexa.Forbes@orc.govt.nz)>, "Cr Kate Wilson (ORC)" <[Kate.Wilson@orc.govt.nz](mailto:Kate.Wilson@orc.govt.nz)>, "Cr Marian Hobbs (ORC)" <[Marian.Hobbs@orc.govt.nz](mailto:Marian.Hobbs@orc.govt.nz)>, "Cr Hilary Calvert (ORC)" <[Hilary.Calvert@orc.govt.nz](mailto:Hilary.Calvert@orc.govt.nz)>, "Cr Michael Deaker (ORC)" <[Michael.Deaker@orc.govt.nz](mailto:Michael.Deaker@orc.govt.nz)>, "Cr Gary Kelliher (ORC)" <[Gary.Kelliher@orc.govt.nz](mailto:Gary.Kelliher@orc.govt.nz)>, "Cr Carmen Hope (ORC)" <[Carmen.Hope@orc.govt.nz](mailto:Carmen.Hope@orc.govt.nz)>, "Cr Bryan Scott (ORC)" <[Bryan.Scott@orc.govt.nz](mailto:Bryan.Scott@orc.govt.nz)>, "Cr Gretchen Robertson (ORC)" <[Gretchen.Robertson@orc.govt.nz](mailto:Gretchen.Robertson@orc.govt.nz)>, "Cr Michael Laws (ORC)" <[Michael.Laws@orc.govt.nz](mailto:Michael.Laws@orc.govt.nz)>  
**Subject:** Fwd: Chronology - Clutha dumping issue & ORC

## CLUTHA RIVER DUMPING ISSUE

Dear Chair Andrew & Colleagues

A number of issues arise from the above issue, as well as the response of the ORC to both governance and media on this issue.

I've enclosed a bare chronology as best that I can glean from official communications to ourselves. I am now aware that Chair Andrew was no more informed than ourselves: that his first alert was from the CE on the eve of the *Otago Daily Times* publishing their story.

Consequently, a number of questions arise that go to the heart of the relationship between our chair and the CE.

In any organisation that I have ever been involved with, a CE would have briefed their chairperson long ago.

In addition, I believe that the ORC wilfully misled the *Otago Daily Times*, as the attached chronology illustrates.

We were also not fully informed at first blush. We still aren't.

There arises the unsettling suspicion that the ORC was not only prepared to mislead the media, but deliberately hide their true role in this matter from both governance and media scrutiny.

I believe that this matter - and its implications for our governance team - needs to be canvassed ASAP in a councillors-only forum.

In the meantime, the following questions require answer:

1. When did the ORC receive the EPA report?
2. At what level of the organisation are those ORC staff that apparently approved the dumping?
3. When did the ORC actually know that staff had provided Andrew Haulage with that advice?
4. Where is the actual EPA report, and given everything, why have we not been provided a copy?
5. Why wasn't our elected Chair informed of the issue, given its potential seriousness and political risk, at the very first instant, and then during, and at the conclusion of the EPA inquiry?

As I understand it, from the 14 July letter from the ORC manager of compliance, the ORC was at risk of a six figure monetary fine from its actions in this matter.

I'm also concerned at the procedural fairness of the ORC imposing a financial penalty upon an individual company that was poorly advised by ORC staff, prior to Andrew Haulage dumping its illegal material.

**Andrew: I will leave this matter (& the questions) to you to handle.**

Cheers  
Michael Laws

21 July 2021

## **CHRONOLOGY: Clutha River Dumping Issue**

Associated Party: Andrew Haulage (2011) Ltd – MD Colin Calteaux 027 430 7959

### **DAILY MEDIA WRAP** [as reported to Governance]

Wed 10 March - “No new active or closed queries”

Thu 11 March - ‘*Closed Queries – **Clutha rubble dumping**  
ODT, received 11 March*’

*7 detailed questions asked by ODT*

*ORC response: “ORC received a complaint to our pollution  
hotline about this on Wednesday. We are looking into the issue.”*

Fri 12 March - Other issues – nothing on Clutha River dumping

Mon 15 March - One issue – nothing on Clutha River dumping

Tue 16 March - Staff numbers in draft LTP/Water Consent application

**Fri 12 March - ‘Demolition material dumped in the Clutha River’**  
(Otago Daily Times news story)

*“ A Balclutha resident says that she was shocked to find demolition rubble  
had been dumped in the Clutha River this week.*

*Suzanne Schofield said initially she was incredulous when husband Richard  
Returned from one of his frequent walks alongside the river on Tuesday afternoon [9  
March], reporting he had seen a truck dumping waste building materials down the  
riverbank behind the Balclutha Aerodrome.*

*He said the truck, marked with Balclutha contractor Andrew Haulage’s logo,  
appeared to have dumped rubble in three adjoining locations in the river, forming  
small jetties ...*

*The material contained breeze blocks, rebar, plasterwork, metal components and  
plastic piping ...*

*Yesterday afternoon, the firm's director, Colin Calteaux, declined to comment on the allegations.*

*Mrs Schofield said she had contacted the Otago Regional Council when she returned from her walk on Wednesday [10 March] and spoken to its "pollution department."*

*An ORC spokesman said he could not comment in detail about the situation, as the council had only just been alerted.*

*However, the ODT understands the council does not believe the dumping is a permitted activity, and could be a breach of water plan regulations ..."*

Reporter: Richard Davison [Video accompanies story of dumped material]

**Sat 13 March – 'Fish & Game wants action over dumped material'**

(Otago Daily Times news story)

*" Reports of truckloads of demolition material dumped on the Clutha riverbank in Balclutha has Otago Fish & Game's back up ...*

*Otago Fish & Game officer Bruce Quirey called the alleged dumping irresponsible and a sad indictment of the way some fragile river systems are treated ...*

*The regional council previously noted it received a call to its pollution hotline, which it was "looking into".*

*Yesterday, a council spokesman said the council had nothing to add."*

Thu 18 March - Daily Wrap – Bus passenger counts/Russell Coutts water consent

Fri 19 March - Daily Wrap – other issues incl air quality monitoring

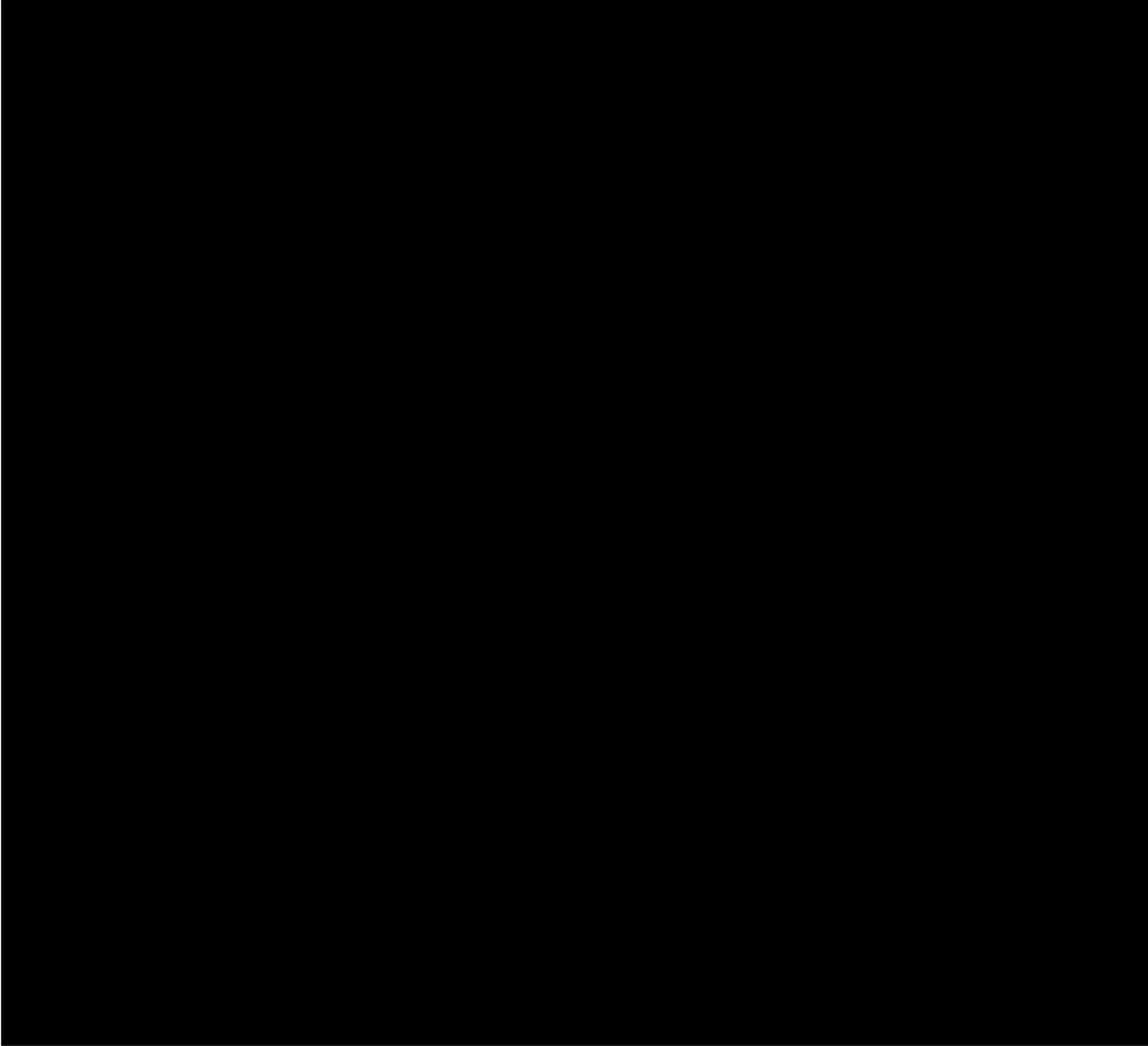
(No further media inquiries on Clutha River dumping until July 2021)

**AUDIT & RISK COMMITTEE (A&R 2103) – "matters disclosed to ORC's insurers"**

From period 1 April 2020 to 1 April 2021

Date of report: 30 April 2021

Author: [REDACTED]



\*\*\*\*\*

Wed 14 July **LETTER** (ORC Manager Compliance [redacted] to  
Chief Executive Sarah Gardiner – 3p)

*Subject: Andrew Haulage 2011 Limited – Demolition Waste Incident*

[Letter provided to Governance Tues 20 July]

Fri 16 July **DAILY MEDIA WRAP**

MRG Meeting/Bus disruptions

*(My understanding is that the following was supplied to the ODT after an enquiry from that newspaper ...)*

“OTHER.

Supplied the following statement to the ODT:

The [ORC] responded to pollution complaints about potential illegal Dumping of construction material into the Clutha River near Balclutha in March.

ORC requested support from the Environmental Protection Authority [EPA] to investigate the incident. The EPA has now completed their investigation. ORC has accepted EPA's recommendations, and we would like to thank them for their support with this matter.

We cannot comment on the resulting action during this period when appeals may be made.

The material placed in the river was removed a month ago, and we acknowledge the willingness of the offending party to rectify breaches when they became known.

We encourage anybody planning works in or near a river to check with the ORC consents or compliance team about the relevant rules prior to starting work.”

Mon 19 July **DAILY MEDIA WRAP**

CLOSED QUERIES

**Clutha Dumping**

ODT, received 19 July

Query:

Can we please find out any details of the investigation?

What were the EPA's recommendations to the ORC?

Following on from the email to both the EPA and ORC which would have just come through, a statement from Fish and Game says 'the ORC have let the river down.'

Why would they be saying that?

Is there a reason Fish and Game feel the ORC did not do enough to prevent or rectify the issue?



*Response:*

Initial investigations by staff at the time the complaint was received found that advice may have been provided to the offender by ORC staff. Given the potential conflict of interest a decision was made to request assistance from the EPA to undertake the investigation to ensure impartiality and transparency.

The findings of the EPA investigation included recommendations on Enforcement action. ORC has accepted these recommendations and Acted accordingly. We would like to thank the EPA for this Assistance with this case in completing a thorough and robust Investigation. The recommendations included the following:

*Infringement notices:*

A contravention of section 13 (1)(d) of the RMA ... deposition of material on the bed of the Clutha ...

A contravention of section 15 (1)(a) of the RMA ... discharge of contaminants into water, namely the Clutha ...

*We also issued a formal warning for:*

A contravention of sections 338(1)(a) and 13(1)(d) by permitting the deposition of material in the bed of the Clutha ...

An abatement notice was issued requiring the removal of the material. This notice has been complied with and the material removed from the river.

Further details of the action will not be provided as the process is still subject to appeal.”

**Mon 19 July 7.55pm CE Sarah Gardiner email to all councillors**

*Dear Councillors*

*Just a heads up that the media have been in touch today, see the usual update, re an investigation into material deposited in the Clutha River*

*The material has been removed however how it got there was recently investigated. Because there was a suggestion that the material was deposited on orc advice we asked the EPA to*

conduct an independent investigation. As a result I have received a warning letter from ORC compliance.

There is no enforcement action being taken on any staff member - only the organisation. The company that deposited the material has also had compliance action taken against it.

This will likely be reported in the media tomorrow.

Kind regards  
Sarah

From: Cr Michael Laws (ORC) <Michael.Laws@orc.govt.nz>  
Sent: Monday, 19 July 2021 8:15 p.m.  
To: Sarah Gardner <Sarah.Gardner@orc.govt.nz>  
Cc: Councillors <Councillors@orc.govt.nz>; Gavin Palmer <Gavin.Palmer@orc.govt.nz>;  
Richard Saunders <Richard.Saunders@orc.govt.nz>  
Subject: Re: Clutha Investigation

Sorry?

Did the ORC provide advice to the alleged offender that it was OK to dump materiel (right spelling) in the Clutha River, and that the EPA has now found that it was illegal/hazardous to deposit?

If there's an alternate observation, happy to read it.

More details would be good too.

Cheers  
M

From: Sarah Gardner <Sarah.Gardner@orc.govt.nz>  
Date: 20 July 2021 at 8:59:00 AM NZST  
To: "Cr Michael Laws (ORC)" <Michael.Laws@orc.govt.nz>  
Cc: Councillors <Councillors@orc.govt.nz>, Gavin Palmer <Gavin.Palmer@orc.govt.nz>, Richard Saunders <Richard.Saunders@orc.govt.nz>  
Subject: RE: Clutha Investigation

Dear Cr Laws, All

For further information please see the attached warning letter.

Kind regards  
Sarah

(Attachment: Sargeant letter – 14 July to CE Sarah Gardiner)

Tue 20 July – **DAILY MEDIA WRAP**

CLOSED QUERIES

**Clutha Dumping Investigation**

ODT, received 20 July

*Query:*

- What specific advice has been given by council staff to the company about dumping waste material in rivers, including the Clutha, and when?
- Did ORC staff tell the company it was okay to dump the material in the Clutha River? If yes, why?
- What exact communication, and when, has there been between council staff and the contracting company?
- Who (ie. was it the construction company and/or the ORC) were the two infringement notices issued to? By whom? (ie. was it ORC compliance?) And what specifically were the notices for?
- Regarding any infringement to the ORC, was it issued to an individual or individuals, and if so whom; or the organisation?
- How much were the fines for each notice?
- Was any enforcement action made against the council in relation to this?
- Who was the warning issued to? And what for?
- Can the council please provide a copy of the EPA's investigation report? Can it please provide the full list of recommendations made to the council from the EPA?
- What did the EPA investigation find in relation to the advice given by council staff?
- Did the ORC withhold information about this investigation or this incident to protect the organisation (the council)?

*Response:*

*Richard Saunders, General Manager Regulatory and Communications:*

We are not making any further comment on this matter until it is concluded. ORC will be happy to make further comment including providing details of the case at the appropriate time.

We have not withheld any information on this case. There are processes that are followed when investigations are undertaken, regardless of which parties may be involved. In this instance the EPA undertook the investigation to ensure independence.

*Sarah Gardner, Chief Executive:*

This matter is not concluded. The letter attached reflects the current point in the process.

The letter, including a formal warning to ORC, set out the findings of the EPA investigation.

### **Clutha Dumping Follow-up**

ODT, received 20 July

Query:

In the initial responses, it was not mentioned anywhere that ORC was being investigated and that part of the enforcement action was against the ORC.

What changed now that the council can sent this formal letter?

I understand that the process might not be concluded, but this was clearly information that the council could legally share, as it has now.

*Response:*

ORC is involved in two distinct capacities.

Mr Saunders' statement, on behalf of ORC, was made in its capacity as a regulator.

Mrs Gardner's statement was made on behalf of ORC in its capacity as a person who is the subject of a regulators enquiry.

Wed 21 July - **'ORC's role in Clutha waste dumping 'embarrassing'**  
(Otago Daily Times, Front Page news story)

Attachment 13

**From:** Sarah Gardner  
**Sent:** Friday, 23 July 2021 9:00 a.m.  
**To:** [REDACTED]  
**Subject:** FW: Survey: Manuherikia and ODT

Email train as discussed.

**From:** Cr Michael Laws (ORC) <Michael.Laws@orc.govt.nz>  
**Sent:** Thursday, 22 July 2021 7:44 p.m.  
**To:** Councillors <Councillors@orc.govt.nz>; Sarah Gardner <Sarah.Gardner@orc.govt.nz>  
**Subject:** Re: Survey: Manuherikia and ODT

OMG: that's exactly what happened.

[michael.laws@orc.govt.nz](mailto:michael.laws@orc.govt.nz)  
Dunstan Ward, ORC  
027 3060 600

On 22/07/2021, at 5:57 PM, Cr Michael Laws (ORC) <[Michael.Laws@orc.govt.nz](mailto:Michael.Laws@orc.govt.nz)> wrote:

OMG!

This is moronic.

WHO decided anonymous submissions counted?

Does the ORC have any credibility left after this??

This is beyond incompetence ... this is something else.

This is next level - I've read the DAILY MEDIA to get the info.

Tell me, please, that the process didn't allow Anonymous submissions and then count them and then report them to the media!

[michael.laws@orc.govt.nz](mailto:michael.laws@orc.govt.nz)  
Dunstan Ward, ORC  
027 3060 600

On 22/07/2021, at 5:23 PM, Cr Michael Laws (ORC) <[Michael.Laws@orc.govt.nz](mailto:Michael.Laws@orc.govt.nz)> wrote:

WHY (yes, that's capital letters) am I reading this in the ODT before, as an elected Dunstan Ward councillor, I've received the full report and had the opportunity to a)read it B) ask Qs before it's made public?

<https://www.odt.co.nz/regions/central-otago/clear-support-manuherikia-river-flow>

Struggling ...

[michael.laws@orc.govt.nz](mailto:michael.laws@orc.govt.nz)  
Dunstan Ward, ORC

# Manuherikia River flow

By Jared Morgan

558 0

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## 1. Regions

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## 2. Central Otago

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1 Comment



The Manuherikia River. Photo: ODT files

Submissions made to the Otago Regional Council consultation on five flow scenarios for the Manuherikia River clearly support a flow of 2500 litres per second or below. The ORC has released a summary report following consultation on five flow scenarios for the Manuherikia River.

The five flow options tabled ranged from 1200 litres per second up to 3000 litres per second.

A total of 1089 submissions were made.

The submissions were presented in a graph form in the release and showed more than 400 submissions supported a minimum flow of 3000 litres per second or above, almost 300 submitted for 1100 or less with the remainder of submissions spread between 1200 and 2500 litres per second.

An ORC spokesman said the consultation would inform the provisions that are part of the development of the council's new land and water regional plan.

The scenarios for consultation were developed with input from the Manuhereikia Reference Group (MRG).

The consultation summary also reported on scenario preference by location and analyses additional comments made in the submissions.

Comments were grouped into categories of values, issues, suggested actions, and the consultation process, and will inform staff's recommendations to the ORC.

Cr Kevin Malcolm, who represents ORC on the MRG, thanked the community for their input.

“We are grateful to everyone who took the time to attend the meetings, consider the consultation material and make a submission.

"The high number of submissions reflects the significant public interest in how the Manuherikia River is managed, and the submissions reflect the wide variety of community perspectives on this topic."

After a public workshop on August 12, ORC councillors would consider a full report from staff on August 25, which will include a summary of the submissions, a preferred flow from iwi, a report from the MRG, and a staff recommendation.

The ORC's decision on a management scenario for the Manuherikia River would be made when it notified the land and water regional plan at the end of 2023, at which point the public would be able to have their say through submissions and hearings.

Consultation on the Manuherikia management scenarios ran between May 17 and June 18, and included often heated community drop-in sessions at Alexandra and Omakau on May 27 and 28.

## Attachment 15

Friday, 23 July 2021

# River flow submissions report findings 'bogus'

By Jared Morgan (/author/jared.morgan%40alliedpress.co.nz)

3000

0

Region (regions) &gt; Central Otago (/regions/central-otago) &gt; News - E2%80%98bogus%E2%80%99#comments



The Otago Regional Council deputy chairman has described the findings of a report released yesterday on submissions made on five flow scenarios for the Manuherikia River as “bogus”.

Michael Laws, who is also a Dunstan constituency councillor, did not hold back last night when he alleged the report, which supposedly shows support for a flow of more than 3000 litres per second for the river, had no validity and had been made public before any ORC elected member had seen it.

“I would have to state this report is crap.”

His concerns centred on the fact the fact the submissions could be made anonymously, Cr Laws said.

“There’s literally hundreds of anonymous people whose views were counted, which means it could be easily manipulated.

“It is no more valid than any anonymous survey and I know this survey has been manipulated.”

He was stunned anyone could think online surveys could have “any validity in the real world”.

His ire was directed at the process undertaken by ORC staff in releasing the data.

“I’m really annoyed ORC staff decided to release today the results of a survey that if you had any inkling you would know it was bogus.”

He only became aware of the report when it was published on the ODT’s website late yesterday.

The summary report released by the ORC to the ODT detailed results of consultation on five flow scenarios for the Manuherikia River.

**Michael Laws**

The five flow options tabled ranged from 1200 litres per second up to 3000 litres per second.

A total of 1089 submissions were made.



The submissions were presented in a graph form in the release, which the Otago Daily Times then requested be presented in concrete figures.

A total of 410 submissions supported a minimum flow of 3000 litres per second, 109 supported 2500, 76 wanted 2000, 36 supported 1500, 147 were for 1200, 172 wanted 1100 and 103 supported 900 litres per second.

Twenty-one submissions supported less than 900 litres per second (categorised as “none — less”), while in the “none — more” category eight submitters wanted more than 3000 litres per second.

Earlier, Central Otago Mayor Tim Cadogan was the first to question the figures, saying he had taken more interest in the breakdown of the local submissions, which could be found in the body of the consultation report, than the graph the ORC released.

A second graph called “scenario preference by location” showed, by his “rough calculations”, about twice as many submitters from “Manuherehia”, which he understood to include Alexandra and Clyde, favoured a 1500 litres per second flow or less as opposed to 2000 litres per second or above, he said.

“Once the broader Central Otago column is added, approximately 70% of submitters favoured a 1500 litres per second or less flow as opposed to 2000 litres per second or above.”

An ORC spokesman said the consultation would be used in the development of the council’s new land and water plan.

The scenarios for consultation were developed with input from the Manuherehia Reference Group (MRG).

The consultation summary also reported on scenario preference by location and analyses additional comments made in the submissions.

Comments were grouped into the categories of values, issues, suggested actions and the consultation process, and will inform staff’s advice to the ORC.

The release also stated that after a public workshop on August 12, ORC councillors would consider a full report from staff on August 25, which would include a summary of the submissions, a preferred flow from iwi, a report from the MRG and a staff recommendation.

The ORC’s decision on a management scenario for the Manuherehia River would be made when it notified the land and water regional plan at the end of 2023, at which point the public would be able to have their say through submissions and hearings.

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## COMMENTS

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**Pinkney** Fri, 23/07/2021 - 6:59am # (/comment/41040#comment-41040)

The policy planner and their manager should be fired for presenting such misinformation to the public and enabling the green interests groups to hijack the narrative. 100% incompetent

**Pat.** Fri, 23/07/2021 - 9:45am # (/comment/41047#comment-41047)

There is no proof of your allegation. If Laws had made his statement before the results were released he might of had a point, however I get the feeling he is only complaining because he doesn't like the result. I have no respect for the councillor.

**Pinkney** Fri, 23/07/2021 - 10:36am # (/comment/41053#comment-41053)

Everyone in council knows the likes of forest and bird roll out emails to their members to submit on mass. They often include pro forma submissions with thier emails pre-written. You and i both know that too (given you do get these emails) so lets not be cute about what is both fact and common knowledge.

**Pat.** Fri, 23/07/2021 - 2:03pm # (/comment/41064#comment-41064)

Pinkney, how dare you make assumptions about me. I made my submission independently and in good faith that it would be treated equally with everybody else's. I received no emails but followed a link in an advert on this very ODT website. If you, Laws or anybody else were unhappy the way the survey was conducted you should of spoken up earlier.

**Notmyrealname** Fri, 23/07/2021 - 2:29pm # (/comment/41065#comment-41065)

makes a change from farmer type self interest groups hijacking the process as per usual

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## Attachment 16

**From:** [REDACTED]  
**Sent:** Thursday, 5 August 2021 9:15 a.m.  
**To:** Amanda Vercoe <[Amanda.Vercoe@orc.govt.nz](mailto:Amanda.Vercoe@orc.govt.nz)>; Gavin Palmer <[Gavin.Palmer@orc.govt.nz](mailto:Gavin.Palmer@orc.govt.nz)>; Gwyneth Elsum <[Gwyneth.Elsum@orc.govt.nz](mailto:Gwyneth.Elsum@orc.govt.nz)>; Nick Donnelly <[Nick.Donnelly@orc.govt.nz](mailto:Nick.Donnelly@orc.govt.nz)>; Richard Saunders <[Richard.Saunders@orc.govt.nz](mailto:Richard.Saunders@orc.govt.nz)>; Sarah Gardner <[Sarah.Gardner@orc.govt.nz](mailto:Sarah.Gardner@orc.govt.nz)>  
**Cc:** Janice Coldicott <[Janice.Coldicott@orc.govt.nz](mailto:Janice.Coldicott@orc.govt.nz)>  
**Subject:** FW: HSR - concerns around Manuherekia sessions and staff safety  
**Importance:** High

Mōrena,

For information, the H&S reps group has raised additional concerns on behalf of staff regarding community feelings about the Manuherekia process potentially putting staff at risk.

[REDACTED] could we please put on the email below on the agenda for ELT on Monday, with a view to discussing whether we need additional precautions, or messaging for central/all staff in advance of the council workshop/council meeting over the next couple of weeks. If you could potentially touch base with your managers beforehand to check how the actions that have already been set up following ELT's last conversation on this are going as well, that would be great.

I'll speak with [REDACTED] about the H&S issues raised with respect to the Alex office, and bring that to the meeting as well.

Thanks,  
Amanda

**From:** [REDACTED]  
**Sent:** Wednesday, 4 August 2021 4:25 p.m.  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** HSR - concerns around Manuherekia sessions and staff safety  
**Importance:** High

Hi [REDACTED] –

I'm just touching base with you now after today's Health and Safety Reps quarterly meeting to discuss the upcoming Manuherekia sessions in the Council Chamber and a couple of other concerns raised. As Chair of the Health and Safety Reps group, Shelby suggested raising the concerns of the group with you as you had mentioned organising security the Manuherekia meeting. I've copied [REDACTED] in, in case she wants to add further context/comments.

Below are the points that were raised by the group. There could be some indirect consequences to the upcoming CODC closure that haven't previously been considered or perhaps weren't considered as higher risk.

Please see below comments from the HSRs:

- Previously when there have been contentious meetings in the Chamber, and security has been considered; that there has been communication to the staff at PLH on the floor. The information provided to those staff let them know what the meeting is about, what the ORC expectation is (protestors etc.) and if there is going to be security; and reminds staff that if

they feel unsafe then they can work from home. You may already have got comms to send out on this, but thought it worth a reminder in any case.

- A concern was raised about notification also to staff working in the other offices, and that they should also be encouraged or offered to work from home where there is a potential they can be exposed to unfavourable situations (especially those in Central and in the Manuherehia community).
- As for the CODC closure issue – some teams have been advised that they can't go out into the Manuherehia area unless they are 2 up, out of safety concerns. The environmental monitoring team are having updates on field work in the Manuherehia – and dealing with internally as a team, they are revising their visits into the Manuherehia on a weekly basis.
- Another rep mentioned that the office there is like a 'fishbowl' that people can see into when they come in, despite being a closed office. A rep mentioned that; as staff in this environment it is very hard to say no to members of the public who turn up to the office and can see in – this staff member has been personally approached outside of work to discuss the Manuherehia. They mentioned that the closure of the CODC office is likely to increase the foot traffic more than anticipated if you take into consideration the office location and accessibility and the added issue of the Manuherehia catchment and a large community engagement about it. Concerns around this also stem from previous incidents where there have been people outside banging on the windows, and there are worries this may re-occur.

In summary there is a general feeling of unease regarding staff safety and wellbeing due to the Manuherehia work/consultation and meetings. Suggestion from the HSR's is to have some comms to adequately inform staff of upcoming contentious sessions and look at risk mitigation for Central Otago office locations (particularly Alex, but also consideration for other depots).

I'm not sure what you've already got in the pipeline for any of the above, and it may well address a number of the issues, but we take the comments raised as the views of the wider Team ORC (with the reps each representing a sect of the organisation). Please let me know if there is any further clarification on the above comments you'd like from myself or any of the reps, and I'd be happy to have a chat.

As an aside: the point was raised that the organisation could do more to further raise awareness about the ongoing impact on the wellbeing of staff in central Otago. The staff are working hard under tenuous circumstances in the communities and may continue to do so for some time. It was mentioned that the Council session next week might kick off a new round of tensions and that ORC may need to prepare for a longer time in the spotlight...

Thanks for taking the time to look into the above Amanda, really appreciate your support.

Kind regards,

[REDACTED]



[REDACTED]

ODT Facebook Page

Like Share Block Page ...



ODT.CO.NZ

### River flow submissions report findings 'bogus'

The Otago Regional Council deputy chairman has described the findings o...

49

41 comments 6 shares

Like

Comment

Share

All comments ▾



**Lance Hefford** Surprised some of you can find your own ,let alone anything important

3d



**Andrew Manson** Sad when a cockabilly and the memory of 70 year olds swimming in a river is more important that farming businesses that employ lots of people creating a vibrant and thriving rural community that in turn keeps the likes of Alexandra alive and growing

2d

3

--

↳ 8 replies



**Jake Berry** Michael Laws, unsavoury as they come! Not a guy I would want representing my community in any way!



4

2d



**Marc Bretherton** Can we pls see the science as opposed to the submissions



4

2d



**Adrian Thurston** Is this the same Michael laws that was in wanganui a few years back



1

2d

↳ 3 replies



**Christ Grose** The people who take water from the Manuherikia, or live in the catchment do not own the river. The people of Central Otago do not have more sway in their opinion than those from elsewhere. The river is for all people. The health of that catchment affects the health of all catchments downstream of it.



12

3d

↳ 2 replies



**Avis Owen** of course it is - welcome to the new New Zealand

2d



**Rowena Joan McDiarmid** Couldn't agree more. How can an online survey process be called a submission??



15

3d

↳ 2 replies



↳ 2 replies



**Anna Ben Gillespie** Thank you Michael laws and Timcadoganmayor

3d

15



**Chris Pemberton** Jaimee Pemberton

3d



**Michael Moran** Our Manuherikia

3d

1



**Michael Moran** Chris Pemberton

3d



**Pam Booth** Unbelievable! Anonymous submissions!

2d

2

↳ 1 reply



**Tony Wooldridge** The Deputy Chairman, farmer, has expressed his self interested opinion publicly. Truth is, without environment conserving controls enabling sustainability of nature forward into the forever of time, the voiced entitlement of farming and the chasing of self-justified economic more will ultimately take the last drop.

1d

1



**Alanna Barrett** Congratulations. An educated ratepayers funded staff fairy story. How to waste your 70% rates increased money.

3d

5



**Selwyn Steedman** Will the proposed 3 water company take over the control of River flows?

I'm nervous about the full intention of the 3 waters agenda.

I'm nervous about the full intention of the 3 waters agenda.

23h



**Anna Ben Gillespie** Matt Hickey

3d



**Norm Morgan** Who the hell listens to horis they just another settler like rest of use. Wake up people

2d



**Simon Taylor** Norm Morgan hi, not quite sure what you are trying to say? Your English grammar and spelling doesn't make any sense. Could you please have another try at writing your sentence. Thanks

2d



**Tony Wooldridge** Simon Taylor Thank you. 🌹

1d



Otago Daily Times

21 July at 16:56

The company that dumped construction material in the Clutha River following incorrect advice from the regional council has declined to say whether it will appeal its infringement notices.



ODT.CO.NZ

### Lessons likely learnt over illegal dumping stoush

The company that dumped construction material in the Clutha River...

1

Like

Comment

Share



Otago Daily Times ✓

20 July at 12:09 · 🌐

A revelation a construction company was told by an Otago Regional Council staff member it could dump material into the Clutha River has been labelled "extraordinarily embarrassing" by a councillor.



ODT.CO.NZ

### ORC's actions 'embarrassing'

A revelation a construction company was told by an Otago Regional Coun...

👍👎👤 141

79 comments 12 shares


👍 Like

💬 Comment

➦ Share

 Like

 Comment

 Share

All comments ▾



**Simone Budge** Another day, another muck up by local government authorities and all financed by you and I... the ratepayers lucky enough to employ these outstanding examples of bureaucracy. Lucky, lucky us... here, take some more money from us just in case you need a better office in which to work out ways to charge us more....

6d Edited

 8




 Top fan

**John Glyn Cavanagh** Good community person the owner of the company does a lot for people in the Milton district so don't judge him if you don't know him

6d

 9

 2 replies



**Kris Nicolau** i always wonder if we are hiring the right people in staff positions within the local authority structures...seems not/ i wonder if any people at ORC follow any kind of good environmental practices in their own lives?

6d

 8




 Top fan

**Brett Nicol** If council gave permission then backtracked because, whoa...what were we thinking. Then AH shouldn't really be fined persay, especially if the material has since been removed by AH?. Fair and reasonable?

6d

 16

 1 reply

6d

 16

↳ 1 reply



**David Kirkness** Surely the ORC should be prosecuted for this? When it is the Regulatory Authority that does something wrong there is a double responsibility, and an example needs to be set. Who prosecutes the prosecutor?

6d

 3



**Rachel J Page** ORC and the environmental protection agency could do better at protecting the environment. It may be embarrassing but it's not at all surprising.

6d

 1



**Jacque Ruston** "Council deputy chairman Michael Laws said it was "extraordinarily embarrassing" that the council had advised a company which it later took enforcement action against." OK do they even know which way is up? Perhaps it's time to reassess what benefit we gain from Regional councils. We need GENUINE LOCAL representation. The more local the better.

6d

 17



**Trevor Davey** Jacque Ruston true and also hypocritical.

6d



**Jacque Ruston** Trevor Davey how?

6d



**Trevor Davey** Jacque Ruston hypocritical of the ORC, not yourself. I.e: approving in one moment and prosecuting the next.

5d

 2

5d



**Helen Raverly** Our landlord on a farm when asked what we should do with the remains of a burned building said... "Throw it off the cliff" ( into the sea) of course we didn't, because that is stupid. Engaging brains is very useful or you get to be responsible for your actions.

6d · Edited



**Pieter Bloem** Helen Raverly We got fined 20g as a result of putting in a wetland after we were served with a notice to fix with attached conditions which exceeded the ORC s authority to do so.

6d



**Tracy Kennedy** Helen Raverly yep the construction company is just as culpable...who in their right mind would think it was ok to throw rubbish into the Clutha River 😬

5d



**Caroline Mills** are they leaving it there? rusting steel, asbestos too ( as was in the many old building there)? ?? 🤔 should have been dragged out.

6d · Edited



👑 Top fan

**Brett Nicol** Caroline Mills ..the last article reported the material has since been removed.

6d



**Caleb Holmes** Caroline Mills you do realise human effluent ends up in the river don't you?

6d



Top fan

**Donald Mckeown** Caleb Holmes Recycled through The whitebait, Contraceptive pills, heart meds, and slimming pills all end up going down the wee pipe to the big river. 😊😞😞

6d



1



**Barry Meikle** I think the waterways were in far better condition before the ORC and those that kept an eye on things were out and about not shuffling paperwork from one office to the next and when needed we did dump material into the river/creeks groins etc.

6d



3



**Shirene Li dela Concepcion** Does anyone know which entity oversees ORC that we can escalate our concerns to? We have been given advice that doesn't sit well with us and ORC has no interest in fixing the issues surrounding the waterway on our property.

5d



1



**George Robert** What a joke. So if the builder was told to go jump off a bridge he would do it? Anyone with any common sense knows dumping crap into any river is wrong.

6d



16

6d



16



**Mike Stanley** and yet they've just spent years dumping crap into the harbor?

6d



3



**Barry Gazeley** George Robert He just done what he was advised to do By Authorities

6d



3



**George Robert** Barry Gazeley like I said above, you say jump and jump I do! 🙄🙄🙄

6d



**Karyn Booker** George Robert if you ask and they say put it there you think you are helping stop erosion. If you don't do what govt officials tell then you are in trouble.

6d



**George Robert** Karyn Booker nah, sorry just don't buy it. What was dumped Clearly wouldn't have any benefit to help erosion, if that was the case you would have trucks dumping all their crap into every stream or river possible and the council's shouting out loud "come and dump your spoils here, help us maintain or clean green land".

6d



1





**Helen Raverly Micheal** Laws probably more embarrassed that we found out.

6d



**Pieter Bloem** Helen Raverly Michael works hard for his constituents and have no doubt he is very embarrassed about what has transpired

6d



**Pieter Bloem** Helen Raverly Michael works hard for his constituents and have no doubt he is very embarrassed about what has transpired

6d



**Helen Raverly** Pieter Bloem sure

6d



Lee Vandervis Dunedin has long needed a Unitary Council.

5d



Tony Newton Lee Vandervis I agree. There does not seem to be any justification for the continued existence of the ORC. Let's hope they are disbanded before they waste any more of OUR money on a new headquarters building!

4d



Ian Thorn Lee Vandervis They are a waist of Money Just want to build their own empire

1d



Dianne Lake OMG if this was a " Dairy farmer " imagine the headlines! But Council can get away with it! 🤔🤔

6d



Top fan

Tanya Didham Dianne Lake Is this your definition of 'getting away with it'?

6d



Top fan

Donald Mckeown Dianne Lake The materials may have come from Demolition of farming connection. 🤔🤔

6d



Richard Rowe Tanya Didham well yes I agree with her I saw this had been officially reported to the council month's ago on Facebook and now it is revealed the council told them they could dumb it

5d

5d




**Karyn Booker** how can he be fined if they told him where to do the dumping?

6d



Top fan

**Philip Rohtmets** Heads should roll over this. 

6d



**Andrew Bardsley** Embarrassing is an understatement!

6d



**Johnny Curin** Andrew Bardsley that's why they put extraordinarily before embarrassing

6d



**Poppa Keegz** Well done to both partys, well done.





6d



**Mike Graham** Bloody Farmers 🤔🤔

6d



**Ro'bina-Lee Rickard** Convenient.. staff unlikely to agree as they know it's a managers role Stinks of BS to me.

6d



**Lorraine Munro** Boy it's common sense not to dump by rivers etc that's why dumps are put in place to use

6d



**Holly Jones** Put the rates up to pay for it

5d



5d



Top fan

Jase Gillam Orc rates going to good use I see

6d



Paul Kinney Jase Gillam mate have you got a truck driver job yet

5d



Top fan

Jase Gillam Paul Kinney na mate still with burns

5d



Top fan

Jase Gillam Paul Kinney yea mate

5d



Kroonie Kroon Is this the start to the "Three water's policy?"

6d



Top fan

Harry Richardson About sums up the state of our ORC

6d · Edited



Barry Gazeley No surprises there ANOTHER mess created by Concils


6d



Brayden Wilson I hope your extraordinarily embarrassed George Rutter



5d






 **George Rutter** Brayden Wilson came from the top  
5d



 **Jackson Cook** Chase Owen the plot thickens  
5d  1


 **Awhina Hotene** Daniel Buchanan so it continues 🤔  
6d

 **Duane Trotter** ORC embarrassing full stop!!!!  
6d  2

 **Karen Smith** So it has been removed. where has it now been dumped?  
6d

 **Amanda Lee** Guess that's why the ORC is pushing for the highest water flows in the rivers, so that all the crap they allow to be dumped in our rivers gets washed away, bloody mongrels 😡  
6d  1

 **Jeremy van Riel** Remember when ORC fined QLDC for run off from construction. Remember that We rate payers are the only ones that pay that bill? Trusting our environment to ORCs. Lord of the ring them up. 🤔 lol  
6d  1

 **Gordon Weare** and there could be an Orca pod in there ? Ask a Podiatrist ?  
5d

5d



**Nataria Cuthers** Yikes, that's what happens when you ask stupid people stupid questions.

2d



**Carl Te Namu** Thought so

6d



**Warren Smith** more lies

6d



**Rikk Mokotuupu** Southlanders for you. No brain. Idiots.

5d



**Chris Axbey** The Council Representatives should be Investigated, Prosecuted and Dismissed.

In fact this should be instigated right around NZ. They, after all are the Regulatory Organisation's given responsibility for Authorizing and/or Implementing Works/ Installations.

This photo a classic example of something totally unacceptable



2d



**Zena McLay** Janice McLay Becki McLay clufa

6d