

From: [BDC Lgoima](#)
To: [REDACTED]
Subject: Official information request for information pertaining to Health Act 1956 re Smoke Pollution Ref: OIA 048/21
Date: Wednesday, 3 August 2022 4:02:00 pm
Attachments: [image003.png](#)

Dear [REDACTED]

We refer to your official information request dated 26 July 2022 relating to the use of the Health Act 1965 referenced in Stuff article dated 22 July 2022.

We have decided to refuse your request under Section 17 (e) of the Local Government Official Information and Meetings Act as the council does not hold the specific information requested.

However for context, when Council received earlier complaints regarding smoke it considered the provisions of the Health Act 1956. The researching staff member was unable to find any information or case law on this provision being used successfully and noted after calling multiple Council's;

- *Previous attempts to prosecute under section 29 have failed by Grey DC, Taupo DC and Waipa DC.*

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

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

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

Kind regards

Sean Judd | Group Manager Regulatory Services
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