

Public Forum at QLDC's full council meeting Thursday, December 15, 2022.

Kia ora, councillors.

Agenda item 1 states the draft CCO manual is to guide councillors and our community during the upcoming SOE and SOI cycle. Instead, it continues the consistent pattern of the last four years to disempower councillors in your QAC governance role.

QAC is your only CCO and this manual should be specific to it.

Because writing this as a generic CCO manual enables council's executive team and Wynn Williams to sidestep one of the QLDC's most critical governance tools.

Which is QLDC's supermajority shareholding of 75.01% of QAC.

Both QAC and QLDC legal counsel at the High Court hearing that overturned council's illegal Wānaka Airport lease confirmed that this supermajority gives council "total control" of QAC.

This draft manual omits two critical facts on this front:

- That this supermajority gives QLDC the exclusive power to define the strategic objectives of QAC to help meet your mandated responsibilities for our communities' four wellbeings.
- And that this critical governance tool could be lost through loopholes in the QAC Constitution, as I have outlined in a previous email to you.

The power and the vulnerability of this supermajority should be clearly spelt out. QAC's secret sale of 24.99% of QLDC's shareholding in 2010 shows that your and their values and objectives do not always align and the "high trust" model does not always work.

That your Wynn Williams advisor was council's in-house lawyer for most of the past term perhaps explains why this draft manual repeats many of the errors and omissions of four years of misleading council agenda items on this subject.

And likewise, it seems designed to limit your input and your capacity to fulfil your responsibilities as councillors.

Your primary responsibility of setting strategic objectives for QAC doesn't even rate a mention. This is your most fundamental QAC governance role.

The SOE, SOI and Long Term Plan are how you achieve this. Again, no mention in the manual of how to do so.

It ignores your power under schedule eight, clause 6, to require modifications of the SOI. And the fact that QAC must then comply.

This option has been omitted by QAC agenda items for the past four years. So, councillors have not used it – even when QAC has ignored their specific governance directions.

It does admit you can specify the nature and scope of QAC's activities in your SOE – but then twice stresses this is optional.

This draft manual also fails the test of independent objective advice in its treatment of QAC's purpose under the LGA.

It's third paragraph says CCTO's must be "conscious of community expectations and appropriately balanced commercial and public interests but as outlined, operate in a profit-making manner".

This repeated misinterpretation is contrary to the purpose contained in the Local Government Act, which is relegated to page four.

This states a CCO's first principal objective is "to achieve the objectives of its shareholders, both commercial and non-commercial, as specified in the statement of intent." Setting these objectives is crux to your governance role.

My email to you yesterday highlighted some of the other serious errors and gaping holes this draft manual contains.

Please do not agree to it.

Even if it is labelled a living document, it should start life fully formed and accurate. Otherwise, speaking from experience, it is unlikely ever to be.

Thank you.

Cath Gilmour
We Love Wakatipu