Appendix E:

Facts relating to five allegations against DC Haumaha arising out of the Justice Sector Māori Outcomes project

First and second allegations of inappropriate conduct by DC Haumaha

1.1 The allegations involve Ms A, Ms B and Ms C.

1.2 The first two allegations can be summarised very briefly as follows:

(a) The first allegation – Ms C - February 2016: Comments made to Ms C and another member of the team, Dr D, a contractor with the Māori, Pacific and Ethnic Services (MPES) unit in New Zealand Police (Police) run by DC Haumaha, on the way back from the Beehive to Police National Headquarters (PNHQ) after a difficult meeting with Ministers and having put in much hard work.

Neither DC Haumaha nor Dr D recalled the comments alleged to have been made, nor the response ascribed to Dr D. The emails subsequently sent by DC Haumaha to the project team were very encouraging and grateful for the work done. Ms C’s manager does not recall this being brought to his attention. For these reasons I have not placed much weight on this alleged incident. Whether it occurred or not does not make much difference to my conclusions about information relevant to the appointments process.

(b) The second allegation – Ms B – April 2016 approximately: Ms B was working on a draft paper to the Ministers with another member of the team. DC Haumaha summonsed her and the other official there at the time into his office. She claims that he was upset and frustrated about the draft paper, which was not the way he wanted it. He wanted them to do it again, exactly the way he wanted it.

The only witness to this, Mr E, has since died. Ms B says she wasn’t too worried or scared while he was yelling because she wasn’t alone. Ms B’s manager does not recall Ms B raising this matter. She tells me she has only raised it because of the June incident (the fifth allegation). Again, for those reasons I have not placed much weight
on this alleged incident. Whether it occurred or not does not make much difference to my conclusions.

1.3 I did not consider these matters of sufficient moment, in the context of my inquiry, to put them to, or seek responses from, DC Haumaha.

Third allegation – 1 April 2016 – incident in the lift foyer – Ms A and Ms C

1.4 Ms A and Ms C were both present at this incident, which took place after a briefing to the Justice Sector Leadership Board at the Ministry of Justice. The Senior Leadership team had not been happy with the briefing – they were expecting to see a list of initiatives or a response more in line with what Ministers were looking for.

1.5 After the presentation at the meeting, the team left and moved to the elevators. Those present included Corrections, for the Department of Corrections (and Ms C’s manager for the purposes of the project) and Dr D from Police. Dr D does not recall the incident. Ms A and Ms C said DC Haumaha was unhappy about the “bad work” that had been done and made them stand in a circle outside the elevator. He told them that they hadn’t worked hard enough. Ms A described him as losing his temper and being aggressive. He was loud and angry. When Ms C expressed her disagreement, DC Haumaha allegedly put his hand in front of her face and told her to stop talking, that she had a bad attitude and if she didn’t like what was happening she could get off the project. She was offended by the gesture and felt belittled. Ms C recalls her manager, Corrections, stepping in at this point and indicating this was not the appropriate place for this discussion, and DC Haumaha should not talk to Ms C like that. According to Ms C, DC Haumaha appeared to “grudgingly agree” and everyone went down in the elevator. Ms C said she then waited for Corrections, who was speaking to Justice, then left to speak with Corrections for about a two-hour debrief.

1.6 Ms A and Ms C gave similar descriptions of this incident.

1.7 Corrections contests the descriptions from Ms A and Ms C. He recalls that they met after the meeting in the lift foyer to talk about what they had to do and what went wrong. He said the conversation was along the lines, look, we need to get things sharper. We need to have a lot more focus in these areas. He did not see it as a dressing down. Corrections says there was no hand in
the face and “you need to stop talking”. He doesn’t recall having to intervene or say it was inappropriate. He says he definitely would have if he witnessed anything like that. However, he does recall suggesting the location of the conversation was not ideal, because the group was blocking access to the lifts and people exiting from them. He recalls the conversation seeming to run its course and then going down in the lifts.

1.8 He does not recall any debrief. Ms C is clear that it occurred. He notes he did have a discussion over breakfast with Ms C after the next incident. Some of the matters she refers to were, he states, covered then.

1.9 There is a clear divergence of evidence from the witnesses. I have spoken to them all and I do not seek to determine what happened. However, I found Ms C’s manager’s evidence persuasive. I agree it is likely he would remember if he had had to intervene because of inappropriate behaviour by DC Haumaha. Further I am not persuaded that, if it did occur, it was information about DC Haumaha’s behaviour that should have been made available to the Deputy Commissioner appointment panel. Whether in the particular context it was inappropriate behaviour (and, if part of a pattern, bullying) is not a simple assessment, and it was not one made at the time.

Fourth allegation – about 5 May 2016 – Ms C – argument in the workspace

1.10 I understand this incident occurred on 5 May 2016. Ms C recollects that funds had been successfully secured from the justice sector fund for Māori initiatives, and she thinks she received an email from DC Haumaha to the team to say that he was now in charge of the programme. This was different, in her view, from the response from the Ministers, which said he was leading the project in collaboration with the justice sector partners. She recalls being quite irritated that this “leader” did not have the courtesy to acknowledge the team’s efforts and that this email was focused on him. She considered that the whole programme, with this money, was about growing the importance of DC Haumaha.

1.11 DC Haumaha has drawn my attention to an email sent by him, dated 4 May 2016 at 6:42pm, and addressed to all within the group, including Ms C. The email begins:
Kia Ora Koutou

Firstly can I say congratulations to all the team for a fantastic effort in getting the Māori Outcomes Sector paper across the line.

In the latter part of the email, he addresses members of the working group as follows:

“To our Strategy Team, [individuals including Ms C are named personally] great work and well done, thank you for the long hours and hard conversations. The results were well worth it in the end and as a result of a very healthy discussion this evening the Ministers have put aside $... for Māori offending over the next two years.”

1.12 The language employed is inconsistent with the meaning Ms C took from the communication.

1.13 Ms C described how DC Haumaha came through the door where she was working at PNHQ one evening, strolled up to Ms C and her male colleague Mr E, sat down and put his arms behind his head and referred to the money from the justice fund and that he was the one who had managed to convince Ministers to do this, it was his success. Ms C explained she was very perturbed that the first thing he would say was centred on him and not even an acknowledgement of the team and their effort.

1.14 She said she felt obligated to put the facts straight – that it would be good to get a thanks as he didn’t secure the funding by himself, that the team did, and that the ministerial directive stated that the project was still in collaboration with the other sector partners, so, therefore, she was still responsible for representing what her department needed.

1.15 DC Haumaha explained that, on that evening he was quite excited about seeing who was left in the office because they had just been given further funding to continue with their projects, and the report back from Ministers was very positive around the work that they were doing.

1.16 Ms C says her colleague Mr E left and then DC Haumaha stood up, pulled the chair over to her desk, putting one leg on the chair, leaning into her and pointing his finger at her, saying words to the effect that he got the money, he is the one who the Ministers have put in charge and that she would start listening to him. Ms C said she was “sick of his crotch and his finger in [her] face” so she stood up and told him she disagreed with him.
1.17 His recall is that Ms C took exception to him talking on behalf of the project – that it wasn’t about him and that he was not the leader. His description is that she stood up and started yelling at him, screaming and shaking uncontrollably. He says he was quite taken aback and focused on having her calm down. He accepts he would have raised his voice too, but insists he wasn’t angry, only taken aback by being confronted and spoken to like that. He rejects as wrong and deeply offensive the allegation that he had his crotch and his finger in her face.

1.18 In short, what followed was likely a shouting match. Some of the sentiments expressed by DC Haumaha, according to Ms C, included that she had no right to speak to him like that, that she was disrespectful and insubordinate, that she had no right to question his authority, that she was lucky to even be on the project and that he would talk to Corrections about getting rid of her.

1.19 Ms C agrees she did not “maintain a decorum” as she defended herself. She says there was swearing from both sides and she may have thrown in a “mana-muncher” for good measure.

1.20 I spoke to three Police employees who were in the office at the time, working in DC Haumaha’s MPES group. One recollected a heated discussion about who secured the money and how it would be accessed. He did not see any tension – he described it as strong korero. He can’t recall shouting.

1.21 A second recalls what he described as a stand-up argument between DC Haumaha and Ms C. He tried to distract them a couple of times given they were in a main work space. He phoned the manager of the Māori Outcomes Group, Dr D.

1.22 A third Police employee was also present. His recollection is that he was having a discussion with the second employee some 10 to 15 meters away from the exchange. He thought they noticed DC Haumaha and Ms C because their voices got louder and their discussion started to become an argument. His recall is that there were other people around and so one of them told them to take their discussion into another room.

1.23 Ms C’s recollection was the loud argument stopped when the second employee suggested the conversation might be better handled in a meeting room or for another day. She started packing up but DC Haumaha “insisted”
that they couldn’t leave matters like this, that it need to be sorted out. They went into a meeting room. Dr D arrived about this time. Ms C says she and DC Haumaha talked civilly but she was very tired. It finished with a handshake “or [a] forced awkward hug”.

1.24 DC Haumaha’s recollection was that the second employee came over and said he’d rung Dr D to come into the office, and by the time she arrived Ms C had calmed down. He doesn’t recall anyone suggesting they take the discussion into one of the breakout rooms. He thought Dr D and Ms C had a conversation in one of the breakout rooms, and then the three of them had a perfectly calm round-table about leadership and management issues. Ms C disputes this.

1.25 Dr D recalls getting a phone call. The message she took from it was that DC Haumaha and Ms C were having a shouting match on level 7 in the open floor-plan area, and that this wasn’t a good look. Dr D (who was at home) returned to PNHQ. When she got there, DC Haumaha and Ms C were in one of the break out rooms and were speaking civilly to each other. She joined them. She said it all seemed perfectly normal from then.

1.26 Dr D offered Ms C a ride home and Ms C explained during the ride what happened from her standpoint. Dr D’s perspective seemed sound. She surmised that DC Haumaha had tried to assert his authority over the project and the working group, and Ms C had stood her ground to make the point that, actually, while he had the nominal lead, it was still a sector-wide project and it was important that her boss and the Justice officials’ bosses should also be involved in the decision-making. Dr D expressed sympathy with her approach. She told me that if she wasn’t working for Police, she might not have liked it either. It would have felt very Police-driven and as though other agencies didn’t really have the same degree of influence over the project. But that is not unusual in any sort of joint policy-related kind of process. She said it’s often the case that agencies feel marginalised by whoever has got the pen and in this case the expectations of Ministers were clear.

1.27 DC Haumaha called, Ms C’s manager, a day or two afterwards and told him that Ms C had confronted him and he was quite taken aback by that. Told me that it was DC Haumaha who contacted him about this, not Ms C, which he found disappointing. Ms C is adamant she reported
the incident to Corrections 1. DC Haumaha said something to the effect that
Corrections 1 needed to talk to Ms C about understanding rank. Corrections 1
recalls replying to DC Haumaha that Ms C was not a police constable and
that he wouldn’t expect a civilian to observe his (military) rank. He
recommended DC Haumaha not go down that track with Ms C because it was
probably irrelevant to her what his rank is, but it is certainly inappropriate
for her to be having a stand up with a senior manager in front of his staff.
Corrections 1 was on board with that.

1.28 Corrections 1 arranged to have breakfast with Ms C the following morning to
hear her side of things.

1.29 Before meeting with Ms C, Corrections 1 remembers poking his head into
Ms Stevenson’s office to give her a heads up. Ms Stevenson was the Deputy
Chief Executive of the Department of Corrections. He told her about the
incident between DC Haumaha and Ms C at PNHQ the other day. His
recollection is that he explained to Ms Stevenson that Ms C thought that
DC Haumaha was getting a bit big for his boots, and Police had taken over
the project. She felt like the Corrections voice was not being heard.
Ms Stevenson responded along the lines that he should have a good talk to
her because as admirable as that was to be trying to protect Corrections and
him (Corrections 1), it’s not for her to get into an altercation or disagreement
with a Deputy Chief Executive out on the floor.

1.30 Ms C and Corrections 1 had breakfast and talked at length about the incident.
He told me he thought it was quite benign. It became increasingly apparent
to Corrections 1 that the problem was, at least as perceived by Ms C, that the
project was becoming too Police -driven and -centric. “My common message
back to her was, I attend all the sponsor’s meetings, so nothing is going up
to the DCE boards that I haven’t seen or agreed with. Don’t get into
confrontation or argument with the Superintendent about that, come and
talk to me about it.”

1.31 Ms C accepted that she had probably let her concerns get the better of her,
and that she would keep her head down. This was recorded in Corrections 1’s
email to DC Haumaha on 13 May 2016 following the incident and his
discussion with Ms C.

1.32 That email recorded that Ms C had acknowledged that her “frustrations had
boiled over”, she had been reminded of DC Haumaha’s responsibility to lead
the project, she had been told that any further incident would result in her being removed from the project, and she had given an assurance that she was committed to the work and there wouldn’t be further incidents. The email was copied to Ms C’s usual manager at Corrections.

With respect to allegation four, I put some weight on the fact that Ms C’s manager for the project, Corrections 1, treated this not as a complaint against DC Haumaha, but more as an issue around her behaviour. Indeed Ms C had assured him that an incident of this kind would not occur again, understanding that it would result in her being removed from the project.

I do not see this incident as demonstrating or contributing to the serious possibility of a pattern of behaviour on the part of DC Haumaha that should have been made known to the appointment panel.

Fifth allegation – multi-agency team meeting of 2 June 2016 at PNHQ – Ms A, Ms B and Ms C

Meeting on 2 June 2016

I heard from nine witnesses who were said to be present at this meeting, including DC Haumaha and Ms A, Ms B and Ms C.

The meeting on 2 June 2016 was diarised as a “check in” at 9am followed by morning tea for new MPES staff at 10am. It included all the project team that were available plus some other people from MPES. That included the sponsors. Descriptions of what happened in what order differ to an extent but there is a significant degree of consistency overall. DC Haumaha and Justice 2 (at the Ministry of Justice and sponsor from the Ministry of Justice) stepped outside the room for a short discussion. This was Justice 2’s first official meeting as co-sponsor and, while he was familiar with the work of the Justice Sector Māori Outcomes project, he did not yet understand the tensions that existed. He recalls DC Haumaha taking him aside and indicating there were problems with the team working together and basically he was going to seek their assurances that they were committed to this project and to this work. Justice 2 told me he didn’t think this was unusual at the time, but he wasn’t aware of the extent of the issues. On reflection he thinks if he’d known, he wouldn’t have done it that way. He told me that, contrary to the evidence of some witnesses, DC Haumaha did not appear to him to be angry at the time.
As a senior official at his first meeting, I found Justice 2’s recollection helpful and set it out in summary before outlining the three complaints. His recollection is that there were some additional members from Police that DC Haumaha had brought in to assist with the work and they introduced themselves. I was told that their involvement did not meet universal approval. DC Haumaha then opened the meeting. Justice 2’s recollection is that he basically said that this work was really important, it was an opportunity that hadn’t presented itself for Māori before and they needed to all be on board with it and drive it through, there were expectations from Ministers to be met, and severe timeframes and time pressures, and he wanted to ensure that everybody was committed to the work and committed to the project. So he said he was going to go around the table and get everybody to state their commitment to the kaupapa and to what they were doing. He then went around the room asking everyone, including Justice 2, to do that. Justice 2 thought he was one of the first to speak, and he gave a little spiel about the important opportunity that presented.

Justice 2 said there were a couple of other things that DC Haumaha said. His memory is not clear, but he remembers he was sitting opposite Ms A and Ms B and recalls them “kind of smarting” when DC Haumaha mentioned a couple of things – as if “what’s going on here?” When the round reached Ms A and Ms B, he believes one said that they needed to go away and think about this, because there were a number of things put on the table that they weren’t aware of, and this might have been around bringing the extra people in, he couldn’t recall. But they said they would need time to reflect on what was happening. And that was supported by the other. He could see they were clearly upset by some of the news that they had learnt around decisions that DC Haumaha had made, and about this process. Then his recollection is that the session finished, and DC Haumaha went off somewhere. On reflection, he thought it was a strange way of approaching an issue around team dynamics when the issues were that serious.

According to Ms Sonerson, Acting Chief Executive and Justice, Justice 2 subsequently described the meeting to her as “a shocker”. He told me that what he meant was that it wasn’t a constructive way to deal with the concerns particularly in front of the newcomers to the project.

Justice 2 could not clearly recall how DC Haumaha responded to what Ms A and Ms B had to say. He said DC Haumaha appeared taken aback and made
some comments like why were they finding it so difficult, that it was a simple question, and so clearly he wasn’t expecting that kind of response. As Justice 2 said to me, DC Haumaha shouldn’t have been surprised because that’s what policy analysts do; they question the questions. Justice 2 could not relate to the descriptions given by Ms A, Ms B and Ms C of DC Haumaha being upset, yelling, fists balled, eyes bulging and bloodshot. He said he would remember if that sort of behaviour was exhibited. He saw DC Haumaha as he is typically when speaking to groups – very direct. He accepted some people could be intimidated by him, especially more junior people. However, he was definite that he did not observe any behaviour of the kind described.

1.41 He recalls speaking to Ms A and Ms B about the meeting later that day or the next, and they were clearly upset. He thinks their manager, Justice 4, and the General Manager, Justice 3, also spoke to him. Ms A and Ms B did not want to go back to PNHQ – they were really concerned about going back.

1.42 He recalls being asked some time later by Colin Lynch, Deputy Chief Executive, for his take on the meeting and whether DC Haumaha did or said anything threatening or inappropriate. He said no. Justice 2 qualified that answer with me, responding to the proposition that saying to people that if they’re not committed to this work there’s no place for them, isn’t that a threat? He agreed it could be, but on the other hand if you’re not committed to the work it’s no good being there either. It could be a reasonable statement. Everyone was working on a specific project and could return to their primary roles if the project did not suit them.

1.43 So what were the specific complaints?

1.44 Ms A believed DC Haumaha was visibly angry from the outset. He communicated in a way she would describe as aggressive and unprofessional. He had a raised voice, an aggressive tone and body language she described as frustrated, tense and angry. His eyes were red and bulging. She recalls he spent 10 minutes speaking aggressively to the group. A lot of the information he was conveying was new and related to significant changes to the project. He said he was willing to remove any one if they couldn’t tell him they were committed to this new directive on how the project would run.
He then said he was going to go around the meeting and ask each of them individually for their support.

1.45 Ms A was sitting next to Ms B. Ms A’s recollection is that Ms B was the first to be asked. She was uncomfortable being put on the spot. She asked for more time to absorb what he had told them, and to talk with Justice about them but DC Haumaha was not happy with that response. He challenged her as not being committed and, because no one intervened, Ms A considered he forced Ms B into responding substantively. Ms B told him what the issues were that she could see with this approach from a Justice perspective. DC Haumaha did not appear to like this and he started arguing with her about how she was wrong. Ms A was shaking and feeling really stressed as she was next and saw that it was not possible to ask for more time to respond.

1.46 She said she was too scared to answer directly so instead she said that it felt as though there was a clear difference in agency cultures between Justice and Police. For example, she would never be in this type of meeting situation at Justice. Justice is more inclined to take time to consider policy matters, whereas Police operations have a delivery focus that did create a natural tension for the work. DC Haumaha seemed to like what Ms A said and focused on Police being delivery focused.

1.47 When Ms C was questioned, Ms A recalls her also raising potential issues with DC Haumaha’s approach from a Department of Corrections perspective. She said she would need to discuss them with her manager, Corrections 1.

1.48 Ms A said she felt she was in was an unsafe work environment. She acknowledges managers were there, including her own, but they were apparently not going to stand up to DC Haumaha. She believes she witnessed him bullying Ms B at that meeting. He put her on the spot and made her commit to him in that way – brooking no dissent, no chance to ask questions. Ms A did not believe he bullied her directly, but she was part of the group where he behaved like a bully and bullied people in front of her.

1.49 Ms B had been off work when the meeting with the Ministers took place and had heard that it went well, only not as she perceived things. She also thought DC Haumaha was agitated right from the start of the meeting. Her recollection was that DC Haumaha made it clear that he was the one who had managed to convince Ministers to do this, that it was his success. He
started talking about next steps that he’d taken following the Ministers meeting, which included talking to some stakeholders they’d been engaging with as the project team. She says that at this point she said something along the lines, “Oh Wally, if you’d been talking to those people I wish you’d told us and we could have done the usual thing we do when people go out for meetings, we just give them some background material”. Such material would have included information about the project to share and things they’d have liked him to discuss with the particular iwi leader.

1.50 She says he “lost it” at that point. He asked who she was that he must tell her where he is going to and who he is talking to? She said he “went on this rant really”, and she felt belittled and scared. She described his arms were on the table and his fists were balled. His eyes were red and there was spit coming out his mouth. He was yelling, and she found it shocking. She agrees she had been annoyed that he had gone off and done all these things on the strategy without telling them, but she didn’t think he would respond in this way especially in front of her manager and another senior official from the Ministry. This was the primary issue for Ms B.

1.51 I note that in forming judgements as to the nature of such actions it is critical to take into account the wider context of power dynamics informed by gender, age and status. There was a clear power imbalance in this situation.

1.52 Ms B’s recollection of the loyalty circle was that Ms A spoke before her. She thought Ms A gave a bit of a non-answer – along those lines that the way Justice does things is different from Police. Then DC Haumaha asked her and she said she didn’t have an answer right then, which she thought DC Haumaha took as a no. He then went on to Justice 4 and then Justice 2. She said Ms C said she was loyal to the work (as opposed to him).

1.53 Ms C came to this meeting about three weeks after her “argument” with DC Haumaha. She thinks it was at the beginning of the meeting where DC Haumaha “went into this whole rant” about what he expected and what everybody was there to do. Then he said he wanted everyone to commit to him and tell him what our commitment was going forward. She said it started with commitment to the project but then it became commitment to DC Haumaha personally. She found it confrontational.

1.54 She could see Ms B getting quite upset. She tried to explain what she found concerning about his actions, including bringing iwi panels into the project,
which she saw as inappropriate because it already had its own set of funding, its own project group and working group, so to her mind should not be included. Ms C thought the whole commitment exercise was targeted at the three of them.

The three of them left as soon as the meeting finished. Ms B was crying in the lifts. They went to a café. Ms B said she had a phone call from her manager asking why they’d not stayed for the morning tea and noting it was a bit rude to have left. Ms B was really shocked by that, wondering if her manager had been in the same room.

Ms F was a contractor working on the project at the time. She recalls the meeting, and in particular DC Haumaha going around the room and challenging people as to whether they were committed to the project. She recalls him making some mention of meeting with iwi leaders and Ms B challenging his ability to meet with an iwi leader outside of the justice sector approval process. She thought Ms B’s challenge was inappropriate and unwise. DC Haumaha’s reaction was to rant at her. But in the end he wound himself down and, she thought, showed genuine contrition for his reaction to that issue.

A worked in the MPES team. He was at the meeting. He recalls DC Haumaha telling the team this is the work we need to do, we’ve got the money, now we all needed to pull our sleeves up and do the work that was ahead of us. He did not seem angry at all. A did not observe any outbursts or shouting or notice anyone upset.

was the at the Ministry of Justice at the time. She was the manager of all the Justice Ministry staff involved in the programme, including Ms A and Ms B, from February 2016. Before then, was a non-sworn member of New Zealand Police. She worked for the Police Executive from 2015 to 2016 as advisor to the two deputies. She did not work for DC Haumaha directly but had quite a few interactions with him and they got on well.

As best as she could remember these events, recalls a meeting of the working group before the 2 June 2016 meeting to discuss how the sectors viewed each of their work programmes. The invitation referred to discussing clarification of roles, what meetings each needed to be involved in and so on. understood there was real frustration at that time.
that the strategy was too ‘Police -centric’ and other agency ideas were not getting through. Her recall was that the subsequent meeting with DC Haumaha and the full team was scheduled because they could not resolve this on their own and needed to involve senior leaders. She thought she raised it with either Justice 2 or DC Haumaha, and the meeting on 2 June 2016 followed from that.

1.60

Justice 4 recalls DC Haumaha and Justice 2 having a catch-up ahead of the meeting. She thought she started the meeting by saying they were here to discuss the work programme and to get collectively together on where we’re going. Then DC Haumaha interrupted, along the lines of “I think you’re getting ahead of yourself”. Her memory of the general themes were that there were more fundamental issues apart from the work programme, that DC Haumaha was quite frustrated, possibly because they were having all these conversations when he might have felt he could clearly see where they needed to go.

1.61

Justice 4 felt it was a tense meeting. DC Haumaha asked everyone for their commitment to the project. She kept it pretty high level, along the lines “Of course I’m committed. I wouldn’t be here otherwise”. She remembers Ms B questioning why she was being challenged, which got them into “a bit of back and forward”. She believed she intervened at some stage “to move it along”. She noted that Ms C was clearly unimpressed. She recalled it took quite a long time to get around the room, and thinks that at the end, DC Haumaha said something like he had great hope for the programme, and he had organised kai for everyone to come and join in. The intention was they’d all come together over food and they would move forward.

1.62

Justice 4 recalls him asking her at the morning tea where her staff were, meaning Ms A and Ms B? That’s when she learned they had left with Ms C. She recalled that DC Haumaha was quite shocked that they’d left so she said she would call and see if they would come and join them, which was when she learned they were feeling quite belittled and upset and wouldn’t come back.

1.63

Justice 4 was also surprised they had left and were feeling this way. She thought it was a bit of a silly meeting in that DC Haumaha might have identified his concerns more clearly and addressed them in a different way. She found it tense, and not what she was hoping to get out of the meeting,
which was a good discussion of the work programme, next steps, let’s get some progress, which was starting to frustrate her too.

1.64 Questioned about some other descriptions of the meeting, she disagreed that DC Haumaha was “visibly angry”. But he wasn’t in a good mood. She would describe his opening comments as forthright, not aggressive. She doesn’t recall him talking about new things in the work programme as she doesn’t think the work programme content was discussed. She agreed he may have said something like he would remove anyone from the team if they couldn’t commit to the programme, but she couldn’t recall.

1.65 When asked again about the interaction between DC Haumaha and Ms B she described it as “very tense”. She recalled Ms B “challenging back” and sensing it wasn’t going too well, which is why she tried to intervene. She does not recall Ms B raising anything earlier, although says she could well have, and doesn’t recall the content of the discussion.

1.66 At the time, she did not feel the meeting was an unsafe work environment. She was quite surprised by the response of her staff. However, after the fact, once she had listened to how they were feeling, she could see that if you are not used to being challenged in that particular way, or you don’t think you are being heard, it might be difficult. She drew a distinction between the way Police will just call it straight and can be quite blunt, whereas Justice will probably challenge you in a nicer, more considered way. In this case, the women had put in very many hours and much effort. They found it very hurtful and insensitive to be asked if they were committed. Of course, I acknowledge that is not the women’s position. They do not object to insensitivity, they object to what they perceive as bullying.

1.67 DC Haumaha recalled the meeting as being in response to poor morale issues in the team. This was the first time that a project team across the criminal justice sector had come together to work under one banner. He spoke to first about the tensions in the group and that he was going to ask everyone for their commitment to the project. He recalls a sense of frustration because of the feedback he was getting, and thinking the group wasn’t working as well as he wished.

1.68 He talked to everyone for 5 to 10 minutes about the direction, and then he asked each individual for their commitment to the project. He thought he would have emphasised that they had a mandate, responsibility for the
project and so on, so he wanted to know what their individual commitment was to this project. He accepts he might have asked for a commitment “to me”, that would have been as project lead, to finish the project. He did not believe the tone was overbearing.

1.69 He recalls the three women, Ms A, Ms B and Ms C, looking very surprised at the question – generally, a sense of how could he be asking that question around commitment, and that they felt they couldn’t answer, and had been put on the spot. He felt he needed to know if they were going to be able to complete the project in this way and if it was no longer tenable for them to continue this work he would have to look at alternative options.

1.70 He recalls he said he would be going to meet with Ngāi Tahu about the strategy the next day. He thinks that Ms B came back at him about that, asking why he was going down there. He recalls saying he didn’t think he needed her permission and told them the reason for the trip. Ms B then commented that, if he had told them, they could have given him some paperwork to take down. He replied that it wasn’t about the paperwork at this stage, it was about him going down to have a discussion about the strategy from a Ngāi Tahu perspective – not about producing a document and asking for comments. DC Haumaha saw this as an example of the type of approach that had alienated iwi in the past. Iwi don’t want to have something dumped in their lap. They want to know how they are a part of shaping it from the beginning.

1.71 DC Haumaha was very distressed by any categorisation of his actions as bullying. He does not accept his actions were inappropriate. He did not believe he shouted, but agreed he has a very loud voice.

1.72 I do not think there is sufficient evidence to view the actions of DC Haumaha at this meeting as demonstrating or contributing to the serious possibility of a pattern of behaviour of bullying of a kind that should have been made known to the appointment panel. However, there was a consensus among several witnesses that the meeting, in the particular context, was not managed well by DC Haumaha. The relevance of this is discussed in the body of this Report.