Internal Affairs briefing

Hon Tracey Martin
Minister of Internal Affairs

Title: Documentation to complete the establishment of the Government Inquiry into the Appointment Process of a Deputy Commissioner of Police and proactive release of establishment material

Date: 20 July 2018

Key issues

In order to formally establish the Government Inquiry into the Appointment Process of a Deputy Commissioner of Police, you are required to publish a notice in the New Zealand Gazette and send a letter of appointment to the member. These documents are attached for your signature.

We also seek your agreement to the proactive release of Cabinet material and documents associated with the establishment of the Inquiry, in the interests of transparency to the public.

Action sought

Sign the New Zealand Gazette notice, formally establishing the Government Inquiry into the Appointment Process of a Deputy Commissioner of Police;

Sign and send the letter of appointment to Dr Pauline Kingi, once the Gazette notice has been published; and

Agree to the publication of the Cabinet material and documents associated with the establishment of the Inquiry on the Inquiry’s website.

Timeframe

By 5pm, 23 July 2018

Contact for telephone discussions (if required)

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Direct phone line</th>
<th>After hours phone</th>
<th>Suggested 1st contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trina Tautau</td>
<td>Operational Policy Manager</td>
<td>027 565 6181</td>
<td>027 565 6181</td>
<td>✓</td>
</tr>
<tr>
<td>Dora Livas</td>
<td>Principal Advisor</td>
<td>04 494 0598</td>
<td></td>
<td>s9(2)(a)</td>
</tr>
</tbody>
</table>

Return to s9(2)(a) 10 Mulgrave Street


Ministerial database reference

IN-CONFIDENCE
Purpose

1. This briefing provides you with the documentation required to complete the establishment of the Government Inquiry into the Appointment Process of a Deputy Commissioner of Police (the Inquiry). It also seeks your agreement for the proactive release of Cabinet material and documents related to the establishment of the Inquiry.

Publication of the Gazette notice

2. Under the Inquiries Act 2013, a Gazette notice is required to formally establish a government inquiry. The Inquiry cannot begin considering evidence until the notice has been published. Signed notices must be submitted at least two days before the intended publication date.

3. The Department has prepared a Gazette notice for your signature, which is included as Appendix A. Once the notice has been signed, the Department will oversee its publication in the Gazette. The notice provides that the Inquiry may begin considering evidence on and from Monday 6 August 2018.

Letter of Appointment to Dr Pauline Kingi

4. The appointment instrument for a member to the Inquiry is a letter of appointment. A letter of appointment to Dr Pauline Kingi, setting out the terms and conditions of her appointment, is attached for your signature as Appendix B.

5. The Department will work with your office to facilitate the delivery of the letter, once the Gazette notice has been published, and the Inquiry formally established.

Proactive release of Cabinet material and establishment documentation

6. As you will be aware, Cabinet papers and minutes may be proactively released with the approval of the relevant portfolio Minister. It is generally expected that Cabinet material on significant policy decisions will be released proactively once decisions have been taken, most often through online publication. Where necessary and appropriate, redactions are made to released material, consistent with the withholding grounds of the Official Information Act 1982.

7. The material proposed for release is listed in the table below. In this instance, the Department recommends the release of the Cabinet paper and the Cabinet minute agreeing to the establishment of the Inquiry. This is to ensure transparency of the decisions Cabinet made, including decisions made from several either/or recommendations, and to show the decision for a change of budget from that in the Cabinet paper. There is no information proposed to be withheld.

<table>
<thead>
<tr>
<th>Documents proposed for proactive release</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terms of Reference of the Inquiry</td>
</tr>
<tr>
<td>Cabinet paper establishing the Inquiry</td>
</tr>
<tr>
<td>Cabinet minute agreeing to the establishment of the Inquiry</td>
</tr>
<tr>
<td>Letters of agreement to the appointment of member between Ministers with the Power to Act</td>
</tr>
<tr>
<td>Letters of agreement between Ministers with the Power to Act for the transfer of funding from Vote State Services to Vote Internal Affairs</td>
</tr>
<tr>
<td>Letters of agreement between the appointing Minister and the Minister of State Services to fees for the member.</td>
</tr>
</tbody>
</table>

8. Copies of these documents intended for proactive release are attached as Appendix C.

IN-CONFIDENCE
Recommendations

9. We recommend that you:

a) Sign the attached Gazette notice to formally establish the Government Inquiry into the Appointment Process of a Deputy Commissioner of Police;

b) Sign and send the attached letter to Dr Pauline Kingi, appointing her as member of the Government Inquiry into the Appointment Process of a Deputy Commissioner of Police, once the Gazette notice has been published; and

c) agree to the proactive release of the listed documents on the Government Inquiry into the Appointment Process of a Deputy Commissioner of Police’s website.

Trina Tautau
Operational Policy Manager

Hon Tracey Martin
Minister of Internal Affairs

23/7/18
Appendix A: Gazette Notice

Available online at gazette.govt.nz/notice/id/2018-go3641
Appendix B: Letter of appointment
Dear Dr Kingi

Appointment to the Government Inquiry into the Appointment Process for a Deputy Commissioner of Police

As the Appointing Minister for the Government Inquiry into the Appointment Process for a Deputy Commissioner of Police (the Inquiry), I am pleased to advise that you are appointed as member of the Inquiry. Your appointment is made under the authority of section 6(3) of the Inquiries Act 2013 (the Act). This letter serves as the formal instrument of appointment.

Your term of appointment commences on 6 August 2018, and expires when the Inquiry provides its final report to the Appointing Minister, within six weeks of the establishment date. You are the sole appointed member of the Inquiry.

In the event the Inquiry identifies issues which may affect its ability to deliver a final report within six weeks of its establishment, as the sole member of the Inquiry, you will notify me as soon as possible with a view to identifying an appropriate solution. This may include (but is not limited to) an extension of time. The terms of reference may also be amended, in accordance with section 7 of the Act, to reflect the extension of your term of appointment.

The Inquiry

As per section 7 of the Act, the Inquiry has been formally established by notice in the New Zealand Gazette. The Inquiry is to examine, identify, and report on the adequacy of the process that led to the appointment of a Deputy Commissioner of Police, including:

Purpose and objectives

- what information officials can reasonably be expected to be able to obtain about candidates; and
- what information Ministers can reasonably expect to receive about candidates, in order to make sound appointment decisions.

Scope

- whether all relevant information was properly provided to or gathered by the State Services Commission during the appointment process (and if not, why not?);
- whether the State Services Commission considered all relevant information gathered or received to reach its recommendation;
- whether the State Services Commission provided to Ministers all relevant information provided to, gathered by, or otherwise known by it (and, if not, why not?).

**Reporting date**

The Inquiry is to report its findings and opinions, together with recommendations, to the Appointing Minister in writing no later than six weeks after the establishment date.

The Gazette notice has been published and a copy is attached to this letter. Pursuant to the Act, it sets out the Inquiry’s focus, membership, the date on which the Inquiry can begin considering evidence and the terms of reference. The duties, powers, immunities and privileges of a government inquiry are set out in the Act.

**Fees**

As a member of the Inquiry you will receive a fee of $1,400 per day while working on the Inquiry. All reasonable costs incurred during the course of the Inquiry will be met by the Department of Internal Affairs.

Your appointment as member of the Inquiry is at the pleasure of the Government. You should note that if, for any reason, we decide to terminate the Inquiry prior to its reporting date, the Government is required to pay you fees only for the time up to termination. There is no obligation to compensate you for the early termination of the Inquiry.

**Resignation and removal**

You may, at any time, resign from office by writing to me as the appointing Minister. As appointing Minister I may, by notice in the Gazette, remove you from office due to misconduct, an inability to perform the functions of your role, or neglect of your duty.

**Conflicts of interest**

As part of the appointment process you have declared no actual or perceived conflicts of interest. If at any stage during your term of appointment you feel that your interests have changed or that further relevant interests have arisen or may arise, please bring them promptly to my attention.

The Department of Internal Affairs will provide administrative support to the Inquiry. If you require any specific information, please contact Trina Tautau by telephone on 027 565 6181, or by email trina.tautau@dia.govt.nz.

Thank you for agreeing to serve as member of the Inquiry. I wish you well for your term of appointment.

Yours sincerely

Hon Tracey Martin

Minister of Internal Affairs

Page 2 of 2
Appendix C: Documents proposed for proactive release

Terms of Reference: Government Inquiry into the Appointment Process for a Deputy Commissioner of Police

Cabinet paper: Government Inquiry into the Appointment Process for a Deputy Commissioner of Police

IN-CONFIDENCE