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

Uiui Kāwanatanga mō te Tukanga Whakatū I tētaki Kaikōmihana Tuarua o Ngā Pirihimana

Mary Scholtens QC

2 November 2018
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PERSONAL NOTE

Louise Nicholas and Wallace Haumaha are two people who are on a mission for change. They are both children of small towns in the Rotorua district. They are both passionate, both effective. They have both made driving culture change within Police their life’s work. DC Haumaha to obtain better outcomes for Māori and Ms Nicholas to obtain better outcomes for women and survivors of sexual assault. It was a privilege to meet them both and disappointing that the circumstances were challenging to both them as individuals and to their passion. I sincerely hope they continue their work to the benefit of all New Zealanders.

I wish to thank all those who took the time to speak with me and to counsel involved who worked very hard to provide information and responses within very tight timeframes and dealt with the Inquiry with good humour and courtesy.

I acknowledge with much gratitude the tireless, patient and excellent work of my right-hand woman and counsel assisting, Fionnghuala Cuncannon.

Mary Scholtens QC
2 November 2018
1 OVERVIEW

1.1 Wallace Patrick Haumaha QSM, ONZM was appointed Deputy Commissioner of the New Zealand Police on 28 May 2018 by the Governor-General, on the recommendation of the Prime Minister and Minister of Police.

1.2 He was selected by the Prime Minister and Minister from two candidates proposed by an appointments panel at the end of a careful and reasonably typical process for the appointment of senior public servants managed by the State Services Commission.

1.3 Some weeks after his appointment reports appeared in media that Survivors Advocate Louise Nicholas held significant reservations about the appointment. She raised matters he was said to have said in statements given to Operation Austin, the investigation into allegations by her and others of sexual assault by police officers. Other questions then emerged around his treatment of policy analysts in 2016 on a project involving Police, Justice and Corrections working together to improve the outcomes for Māori in the criminal justice system.

1.4 This Inquiry was established to consider the process for the selection of the Deputy Commissioner and in particular whether all relevant information was obtained by the State Services Commission and provided to the Ministers in order for them to make sound decisions and recommendations.

1.5 I have found that the process was sound and that there was no available and relevant information omitted from the process. There was nothing of concern to the process in the statements alleged to have been made by DC Haumaha to Operation Austin. Allegations and rumours relating to DC Haumaha’s time working in Rotorua some 30 years ago and his relationship with Police officers subsequently prosecuted for sexual assault were carefully investigated. There were no substantiated concerns whether criminal, disciplinary, reputational or otherwise that should be treated as relevant to the appointment process. Unsubstantiated concerns and innuendo should not impede an appointment.
Neither was there any complaint made to Police about DC Haumaha’s conduct as part of the cross-sector project. Without a complaint there was nothing to take into account.

At worst, on the evidence I considered, there could be information about DC Haumaha’s management style in relation to this one-off project that might be relevant to the appointment process. However, I consider the Commissioner had the equivalent information as part of DC Haumaha’s promotion to Assistant Commissioner in 2017 and, if it remained relevant, he brought it to the table in the appointment process.

There were two important pieces of information that were not available to the process:

(a) the fact that Ms Nicholas continued to hold significant concerns about DC Haumaha; and

(b) the fact that there existed people who believed they had been bullied by DC Haumaha in 2016.

The significance of these facts is that they gave rise to a risk that Ms Nicholas and/or the people affected in 2016 might raise their concerns in public and, if they did, that this could have the effect of undermining the appointment. I refer to these as ‘unknown unknowns’. I do not know how the process could be improved to ensure such facts are known.

As neither of those facts were known to the appointment process, the risks were not known. In my view they were not relevant to the merits of the candidate but, because of the risk of undermining the process, it was in the public interest that the risks be identified if possible.

It is difficult to say whether, had the risks been identified, they might have been mitigated by, for example, speaking with Ms Nicholas ahead of the appointment. In this case Ms Nicholas made her concerns known to DC Clement on the day the appointment was made and announced. A meeting with the Commissioner and DC Haumaha followed very shortly thereafter and, as a consequence, the Commissioner understood that Ms Nicholas accepted the appointment. An exchange of emails followed that recorded the position agreed at that time. These are reproduced at
Appendix C1 and Appendix C2. I do not know what more might have been considered necessary at the time. But the risk still eventuated.
2 BACKGROUND

2.1 In this section, I outline the matters I am charged to investigate, the nature of the office of Deputy Commissioner of Police, and a summary of Operation Austin – the police inquiry that followed the publicity around Ms Louise Nicholas’s allegations of sexual assault by police officers in the 1980s.

Matters requiring investigation

2.2 The terms of reference are reproduced in Appendix A1. An outline of the process I followed is at Appendix A2.

2.3 The terms of reference require me to examine the process of appointing Deputy Commissioner (DC) Haumaha that was managed by the State Services Commission (SSC) and consider the adequacy of that process to ensure that Ministers were provided with all the relevant information to enable them to make sound decisions and recommendations.

2.4 In particular, I am tasked to consider what information officials can reasonably be expected to be able to obtain about candidates and what information Ministers can reasonably expect to receive to make sound decisions and recommendations.

2.5 I refer to DC Haumaha throughout this report by his current rank.

2.6 Before considering whether all relevant information was properly provided to, or gathered by, SSC during the process (and if not, why not) I first outline the process undertaken to appoint DC Haumaha. I then consider the concerns expressed by Ms Nicholas, a survivor advocate, relating to DC Haumaha’s background and suitability for senior office within the New Zealand Police (Police) based primarily on statements he allegedly made to Operation Austin investigators. I record my findings on this topic before considering the concerns expressed about DC Haumaha’s behaviour towards women. On both matters I have asked myself five particular questions:

(a) What information existed that might have been relevant to the process of appointing the Deputy Commissioner?
(b) Was that information known to the relevant people involved in the appointment process?

(c) If that information was not known, should it have been?

(d) Should that information have been provided to or gathered by the SSC?

(e) Should that information have been provided to Ministers?

**Office of Deputy Commissioner of Police**

2.7 Wallace Haumaha was appointed by the Governor-General, on the recommendation of the Prime Minister and Minister of Police, as a Deputy Commissioner of Police under section 13 of the Policing Act 2008 on 28 May 2018 for a term of five years from 3 June 2018 to 2 June 2023.

2.8 A Deputy Commissioner appointed under section 13 is an independent statutory office holder. Like the Commissioner of Police, he or she is not a Police employee for the purpose of the Employment Relations Act 2000 and holds office at the pleasure of the Governor-General. The role carries no express responsibilities other than what can be described as the “designated survivor” function. If the Commissioner becomes incapacitated, the statutory Deputy is deemed to be the Acting Commissioner until the Governor-General appoints an Acting Commissioner under section 15 of the Policing Act 2008.

2.9 Both the Commissioner and the (statutory) Deputy Commissioner are independent statutory office holders, said to be acting on original, and not ministerially delegated authority, in respect of law enforcement decisions in any particular case. The responsibilities and independence of the Commissioner are captured by section 16 of the Policing Act 2008. The Deputy Commissioner’s appointment and tenure are independent of the Commissioner. This helps to ensure transparency, accountability and public confidence in the Commissioner and the Police in general. It is an important component for ensuring and maintaining the operational independence of the Police.

2.10 Currently, in Police there are two ‘non-statutory’ Deputy Commissioners and DC Haumaha is the sole statutory Deputy Commissioner.
Operation Austin

2.11 Operation Austin was established in February 2004 in response to allegations made by Ms Nicholas that she had been sexually assaulted by police officers in Rotorua in the early 1980s. The allegations centred on three officers: Mr Brad Shipton, Mr Bob Schollum and Mr Clint Rickards. At the time that Operation Austin was initiated, Mr Shipton and Mr Schollum were no longer in the police, and Mr Rickards was the Assistant Commissioner responsible for Metropolitan Auckland policing districts.

2.12 At the same time, the Government of the day established the Commission of Inquiry into Police Conduct. The Commission was established to carry out an independent investigation into the way in which Police had dealt with allegations of sexual assault by members of Police and associates of the Police. The Commission of Inquiry and Operation Austin spanned similar periods and were the catalyst for significant reform of Police, leading to “colossal change”.¹

2.13 Operation Austin ran for several years, engaging 30 sworn and 18 non-sworn Police employees in the investigation. It identified 50 women who were involved at some time with the officers who were under investigation; allegations were made by more than half of them against Mr Shipton, Mr Schollum, Mr Rickards and/or Mr John Dewar.²

2.14 Operation Austin was a significant Police investigation. Over 600 individuals were interviewed, resulting in more than 800 witness statements. The investigation file comprises over 9,500 numbered documents. It resulted in charges against Mr Schollum, Mr Shipton and Mr Rickards in relation to complaints by Ms Nicholas, Complainant A and Complainant D; charges against Mr Kelvin Powell in relation to complaints by Complainant B; convictions for Mr Schollum and Mr Shipton for offending against


Complainant C; a conviction for Mr Shipton for possessing a pistol; and convictions against Mr Dewar for perverting the course of justice.³

³ Independent Police Conduct Authority, Review of Operation Austin (Wellington, December 2007) at [6.2].
3 PROCESS FOR APPOINTING DC HAUMAHA AS THE DEPUTY COMMISSIONER OF POLICE

3.1 On 2 June 2018, the former statutory Deputy Commissioner’s term ended. Deputy Commissioner Vivian (Viv) Rickard had served for approximately eight years as a statutory Deputy Commissioner. The position had, therefore, become vacant and a replacement was required to be appointed.

3.2 Section 14 of the Policing Act 2008 governs the appointment process:

The State Services Commissioner—

(a) is responsible for managing the process for the appointment of the Commissioner and any deputy Commissioners;

(b) must provide advice on nominations for Commissioner and any Deputy Commissioners to the Prime Minister and the Minister.

3.3 The Deputy Commissioner of Police (statutory Deputy) was advertised on Tuesday, 8 May 2018. The appointment panel was led by the State Services Commissioner, Mr Peter Hughes. The Deputy State Services Commissioner, Ms Debbie Power, and the Commissioner of Police, Mr Mike Bush, were also on the appointment panel.

3.4 Short-listing of applicants occurred after the vacancy closed. Interviews were carried out on Monday, 21 May 2018. The interview packs prepared by SSC were provided to panel members prior to the interviews and were retained by SSC at the conclusion of the interview process. The panel agreed that two applicants would fulfil the requirements of the role of Deputy Commissioner of Police and that both individuals would be recommended to the Minister. The decision on appointment was, in terms of section 13 of the Policing Act 2008, then a matter for the Governor-General, on the recommendation of the Prime Minister.

3.5 SSC’s process was based on the model for Chief Executive appointments in the public service generally, but with appropriate modifications. For example, recruitment consultants were not used, psychometric testing and media assessments were not required, and credit and criminal checks were not undertaken. Consideration was given as to whether each of these steps were necessary given both the role (second in command, rather than the lead role) and the organisation (that is, the Police).
3.6 The fact the decision to appoint is made by the Governor-General, on advice from the Prime Minister and Minister of Police, but the State Services Commissioner is responsible for managing the process and for providing advice to the Ministers, is intended to ‘balance the need to ensure Commissioners and Deputy Commissioners of Police have the confidence of Government, and the need for a sound and impartial process’.

3.7 As a consequence of the political role in the appointment itself, the process was also the subject of political consideration. SSC developed advice on the reappointment process in March and April of 2018 and sought the views of the Commissioner of Police. A paper was submitted to the Minister of Police and, on 30 April 2018, the Minister of Police and the Prime Minister agreed to the process proposed by SSC for appointing a Deputy Commissioner of Police.

3.8 The appointment process that followed the expiry of Deputy Commissioner Rickard’s term on 2 June 2018 was carried out under some time pressure. I was advised that this is not unusual in senior appointment processes and did not adversely affect the integrity of this process. On 2 May 2018, SSC provided a second report on the process to the Minister of State Services for him to refer to the Minister of Police. The reported noted the process to be followed and, in particular, sought feedback on the position description. It also asked the Minister of Police to nominate someone for the panel. The Minister put forward two possible nominees and, as a result, the Commissioner of Police was nominated as the Minister’s panel member. That nomination was consistent with previous Deputy Commissioner appointments and consistent with the approach to nominating panel members in appointments of Service Chiefs for heads of the army, air force and navy. It is considered sensible because the heads of service have knowledge of the role and, very often, the applicants.

3.9 Under the Cabinet Manual, Cabinet approval is also required for such appointments, and, on 7 May 2018, Cabinet noted the impending vacancy, noted that SSC was managing the appointment process on behalf of the

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Prime Minister and the Minister for Police, and agreed to the position description.

3.10 The process included inviting potentially eligible candidates to put their name forward to encourage a strong pool of candidates. Applicants were then assessed against three short-listing criteria (leadership and experience, operational, and relationship management) to produce a short-list of four candidates. The Minister was briefed on the short-listing process and accepted the recommendation to short-list the four named candidates.

3.11 SSC prepared an interview pack that included an agenda, interview questions, a copy of the position description, and each applicant’s cover letter, CV and application. Commissioner Bush, as the non-SSC panellist, received an information sheet advising on his role. Commissioner Bush was also tested by SSC on potential conflicts, bearing in mind that it was his position as Commissioner of Police and his close knowledge of the candidates that made him an appropriate and valuable member of the appointment panel.

3.12 SSC confirmed that each candidate held Top Secret clearance and that credit checks and police checks were unnecessary, but that qualifications checks would be carried out.

3.13 The background information for panellists listed seven interview questions. The final interview question (question 7) asked, ‘Is there anything that you need the panel to be aware of that would prevent you being appointed to this role, or bring the Agency into disrepute?’ All candidates were asked the same question and all answered in the negative.

3.14 At the end of each interview, the panel discussed how the applicants had presented and to what extent they met the requirements of the role. The statutory ‘fit and proper’ test was understood to encompass, first, whether the person was honest and trustworthy, and second, whether they had the necessary experience, qualifications and characteristics to perform the role. In addition, the panel needed to consider whether, in all the circumstances, the candidates were appointable to the role.

3.15 The panel agreed that all candidates generally met the fit and proper test. The panel agreed that two candidates would fulfil the requirements of the role. Its decision was unanimous. After the panel discussion, the Deputy
State Services Commissioner met with the Minister of Police to advise him of the interview process and the panel members’ views. The Minister was asked to consider what he wanted from Police and what the Commissioner of Police would want to do with his portfolio responsibilities. As the Deputy Commissioner has no express responsibilities, consideration needs to be given to what operational role a particular candidate will fulfil. In this case, the two possible appointees had different skills so would be likely to be given different portfolio responsibilities by the Commissioner.

3.16 The next day (22 May 2018) the Minister’s office advised SSC of the Minister’s recommendation to the Prime Minister that DC Haumaha be appointed for a five-year term. SSC contacted the Minister’s office to note that the appointment would be subject to referee and probity checks. The SSC confirmed dates in DC Haumaha’s CV with him and that he held Top Secret clearance. The University of Waikato confirmed the qualifications he held, and verbal reference checks were carried out with three of DC Haumaha’s six referees. All three provided strong endorsements of DC Haumaha’s character and integrity. Each was asked specifically, ‘Is there any other matter you can think of or you would want to say about the applicant that is important for us to be aware of?’ All replied in the negative. Their responses confirmed that they understood the intent of the question. Candidates had also consented to further probity checks being carried out, including authority to undertake security checking and the ability to approach people other than referees provided. SSC provided written advice to the Minister and Prime Minister the following day (23 May 2018), confirming its verbal advice provided on 21 May 2018.

3.17 SSC also carried out an internet search on 24 May 2018 and located historic information relating to a family member and the possibility of DC Haumaha standing as a candidate for the New Zealand First Party in a national election campaign. SSC considered these matters were not relevant to the role’s criteria and did not ask DC Haumaha for comment or take it to the appointment panel. However, the information was passed to the Office of the Minister of Police by telephone for his information and consideration. I asked what happens if the Minister takes a different view of the information’s relevance? I was advised that, if the Minister had concerns arising out of this information, it is expected that would be discussed in
some detail and then there would be some sort of process whereby SSC would talk to DC Haumaha about it.

3.18 Also, on 24 May 2018, SSC prepared a briefing paper and draft Cabinet paper, noting the Prime Minister’s intention to recommend DC Haumaha for appointment. The paper set out the process followed by SSC and provided advice to the Minister of Police on nominations for appointment to the role, and the basis upon which SSC considered DC Haumaha to be suitable for the role, including referee comments.

3.19 SSC also prepared the draft advice from the Prime Minister to the Governor-General, the draft warrant and advice sheet for the appointment to proceed. On 28 May 2018, Cabinet noted the recommendation, and on 29 May, the Governor-General made the appointment and the appointment was publicly announced.

3.20 I was provided with a timeline document that compared the standard public service Chief Executive appointment process with the Deputy Commissioner of Police appointment process. This demonstrated that the process was broadly aligned with the standard Chief Executive process and, where there were departures, they were justified by the different nature of the role of Deputy Commissioner. I am advised there are different approaches internationally to such appointments and that the processes in New Zealand (in contrast to other jurisdictions) seek to ensure the best person for the job is appointed and that appointments are based on merit rather than being political appointments, as occurs to varying degrees in other countries.

3.21 Mr Hughes explained the bottom line is an appointment that is safe, which is why they do probity checking and the like. The top line is finding someone who can do the job, do it really well and make a difference for New Zealand and New Zealanders.

3.22 Throughout the process SSC and the panel are gauging risk, so if there is any risk, for example the candidate not being able to conduct themselves appropriately, they aim to identify it and bore into it.

3.23 I have considered whether the appointment panel in this case had all the available information that was relevant to the assessment of risk and if not, whether this was a process failure. My findings are that it did have all the
information that was reasonably available, and that it is not easy to see how the process might be improved to increase the odds of identifying the unknown unknowns.
4 CONCERNS EXPRESSED BY A SURVIVOR ADVOCATE (MS LOUISE NICHOLAS) ABOUT DC HAUMAHA’S BACKGROUND AND SUITABILITY

Introduction

4.1 The terms of reference refer to concerns raised publicly by Ms Nicholas about statements DC Haumaha allegedly made to Operation Austin police investigators in 2004 to 2006 about three police officers who were facing sexual violation allegations and were subsequently charged with rape. Those statements are reproduced as Appendix B. Information from the statements has been redacted to take account of the privacy rights of other people.

4.2 Ms Nicholas is a survivor advocate. In the 2015 Queen’s Birthday Honours she was appointed an Officer of the New Zealand Order of Merit for services to the prevention of sexual violence. She works alongside police, including in the courts, supporting survivors going through the process. She also trains Adult Sexual Assault Managers at The Royal New Zealand Police College twice a year.

4.3 Ms Nicholas obtained copies of her police file over a decade ago under the Official Information Act 1982. That file included the statements that she refers to.

4.4 In summary, Ms Nicholas’s concerns were as follows. Ms Nicholas believed DC Haumaha’s (first) statement showed how great he thought the men the subject of investigation (Mr Shipton, Mr Schollum and Mr Rickards) were. She interpreted the statement of a former officer as evidence that DC Haumaha believed that everything Ms Nicholas had said was just absolute nonsense. She believed that when DC Haumaha told investigators he never saw or heard anything relevant to Operation Austin, he was lying to protect his mates – that was what “sticking together” meant in her view (a further reference to the former officer’s statement). She said she had always “gone on her gut” and she had always been extremely uncomfortable around him. He had done nothing to her personally, but she always stayed clear of him – and she believed he stayed clear of her too.
4.5 As DC Haumaha’s statements are central to Ms Nicholas’s concerns and my terms of reference, I summarise each of them below.

**Relevant statements by DC Haumaha to Operation Austin**

4.6 DC Haumaha made three statements to Operation Austin over the period 2004–2006. It is important to note that they were not a verbatim record of what was said. The usual practice was the interviewing officer asked questions of the witness and took down handwritten note of the answers. The witness was asked to read it and sign it. The handwritten note was then sent to headquarters, where it was transcribed and given a file reference number. The electronic or typed copy of the statement was not signed and it was not the practice to provide copies of statements to witnesses. Interviews were held with very many police officers and former police officers to piece together the make-up, culture and relationships of the police in the area some 20 years earlier. DC Haumaha did not have copies of the statements and did not see them until after his appointment to Deputy Commissioner earlier in 2018.

4.7 In 2004, DC Haumaha was a Senior Sergeant in Rotorua, in the role of Strategic Cultural Adviser, and the District Youth Services Coordinator at the Bay of Plenty Police District headquarters.

4.8 He was interviewed on 12 February 2004 by one of the Operation Austin team, the then Detective Sergeant [redacted]. This was the primary interview. See Appendix B1. It focused on his knowledge of the Rotorua police during the mid-1980s – noting he would be “providing a snapshot of the people and the culture of the Rotorua Police during the 1980s”.

4.9 It outlined his joining the Police after training in July 1984 at the Rotorua police station. He knew the area well – he had grown up nearby in Ngongotaha, where he still lived. He described different people he worked with and where he thought they were now. He noted he was 30 years old when he joined the Police but was the junior boy. He said his life experience was not relevant in the environment of the day, and the culture was such that you did as you were told by the next senior member. An exception to this was Mr Schollum, with whom he worked from 1984, after he first graduated from Police College, until 1987. He outlined how Mr Schollum had valued his contribution and, after helping him to deal with some
situations relating to death, became a good friend to him and would visit his marae on occasion to hear why he was sensitive about certain things.

4.10 He joined the Team Policing Unit in late 1985. He worked with Mr Rickards at this time. It was not suggested to him that he had, nor did he claim to have, a close or personal relationship with Mr Rickards at that time.

4.11 He referred to the period where he left Police in 1988. He said in his statement that he was disgruntled as he could not get into the Criminal Investigation Branch (CIB). This was an example of the institutional racism he encountered then within Police.

4.12 He returned to Police in October 1990 when the then District Commander and Regional Assistant Commissioner asked if he would come back. The District Commander visited him and told him they needed him in Police because Police had lost contact with the Māori community. This was the trigger to bring him back.

4.13 In 1991, Mr Shipton was his sectional sergeant, and then they were both asked to go on to the Crime Control Unit. Unit members worked closely together, and the four members developed friendships.

4.14 In the statement, DC Haumaha then appeared to answer questions about allegations about other police officers, what he had heard and from where. He referred to a “standard joke” around the station where everyone said ‘Are you number four?’ He observed that people were conscious of a suggestion of the existence of a fourth person allegedly involved in the assaults. There is a job sheet on the Operation Austin file dated 9 February 2004 noting information (in the nature of rumour) that DC Haumaha was the fourth person present in a house at one alleged incident. The job sheet notes that there was nothing to base the accusation on. However, it is a point that has been repeated to me. I interpolate to note there is no evidence to support it at all, and Ms Nicholas was very clear with me that DC Haumaha was not the “fourth man”. Indeed, she emphasised that he has done nothing to her personally and she doesn’t know if he ever did anything wrong. Her concern is that she believes his statements to investigators show he supported his friends and was trying to block the investigation into them. I also note that this was not an allegation made to DC Haumaha by any of the interviewing officers.
4.15 In his job sheet about the interview, then DS [redacted] noted that during a casual conversation over coffee, DC Haumaha told him that he had rung Rickards as soon as he heard the allegation in the news, and Rickards had adamantly denied them.

4.16 The police also took a statement on 15 February 2004 from a retired police officer who was a local Community Constable in the mid-80s. See Appendix B2. It referred to Mr Shipton, Mr Schollum and Mr Rickards and then to various other people who were “close” to that group or around at the time. It purported to record some comments that DC Haumaha had made to the retired officer when they met at a concert a few weeks earlier.

4.17 It referred to the former officer meeting DC Haumaha “in early February this year” at the “Lakeside 2004”, an annual concert. The statement records that DC Haumaha “raised the Nicholas matter and said how much of a nonsense it was and how could anyone come out and drag it all up”. The statement records that DC Haumaha allegedly said he was “really feeling for Clint [Rickards], especially at this time [in] his career” and said he had been talking to him, “the other day”. DC Haumaha “also said something along the lines you know nothing really happened and we have to stick together”. The former officer said that he thought DC Haumaha was referring to the people who were around at that time. As noted below, these assertions by the retired officer were not put to DC Haumaha in 2004 or any time subsequently. This is important because Ms Nicholas puts significant weight on them as she believes they accurately reflect DC Haumaha’s views then and now.

4.18 DC Haumaha was interviewed again on 30 August 2004 in relation to several matters, including, in the words of the job sheet of the interviewing officer, “rumours or innuendoes which have arisen, which need to be put to him”. By then he was a temporary Inspector in the position of National Strategic Cultural Advisor based at the Office of the Commissioner in Wellington.

4.19 Another statement was taken, this time just over five pages long. See Appendix B3. It asked questions about a party, the upshot being that DC Haumaha was not at the party, as it was held before his graduation from The Royal New Zealand Police College, where he was at the time. He was also asked about several people and possible relationships. He was
asked about a teenage girl who came out on a police shift with him and Mr Schollum on work experience. He was shown several photos including one of Mr Schollum fingerprinting a bin used in a dairy burglary complaint. The girl had alleged sexual assault by Mr Schollum (this was not disclosed to DC Haumaha) and I was told that the investigators were trying to narrow down the date, which was important as to whether she was 15 or 16 years old at the time. Mr Schollum said that intercourse was consensual. There was no suggestion by the young woman that DC Haumaha was involved in any way in the actions of Mr Schollum.

4.20 DC Haumaha was not able to remember the particular girl. He noted he worked on this section from July 1984 to late 1985. (The girl turned 16 on so before he joined the section.) He and Mr Schollum took several people out on work experience. The dairy the subject of the complaint was later bought and refurbished by his family, but he nevertheless did not recall the incident or recognise the dairy from the photo. When he left the police in 1988 he did not retain his notebooks.

4.21 DC Haumaha was also asked about vehicles driven by Mr Shipton, Mr Schollum and Mr Rickards at the time and where people were living. He was able to assist with some of those matters.

4.22 DC Haumaha was asked to, and did, make a further third statement two years later on 25 September 2006. See Appendix B4. By this time, he was relieving the position of Superintendent in charge of Māori, Pacific and Ethnic Services at Police National Headquarters in Wellington. He was asked about his knowledge of any friendship between Mr Shipton and Mr Rickards during the 1983 to 1984 period. Again, he emphasised he only commenced work after Police College in July 1984. He did not know either of them in any personal sense before then. He spoke about his working relationship with the two of them over 1986 to 1992 (noting he left Police in 1988 and re-joined in October 1990).

4.23 He was asked about different inquiries in the early 1990s, what he was doing and who else was involved. The interview was adjourned after less than an hour, the interviewer noting “complete at later time”. DC Haumaha recalls that it was resumed on 12 October 2006, but the interviewer had no further questions. DC Haumaha says the interview “seems to have run
out of oxygen”. The date of 12 October 2006 was added together with the words “Conclude statement”.

4.24 DC Haumaha’s statements to Operation Austin were the primary source of Ms Nicholas’s concerns. She obtained copies of all the documents relating to her case many years ago. As she explained it to me, DC Haumaha’s statements indicated he supported Mr Shipton, Mr Schollum and Mr Rickards – with references to how great these men were and that everything she, Louise Nicholas, was saying was just absolute nonsense. In considering the documents in their context, it is not my intention to minimise Ms Nicholas’s very real antipathy to DC Haumaha. I understand that her concerns are based on more than individual statements and that she trusts her gut feeling on this.

4.25 Ms Nicholas indicated the content of the former officer’s statement made her very angry. She was particularly concerned that DC Haumaha did not believe her – that he thought that “nothing happened”, that the allegations were “nonsense”, and that those involved at the time should “stick together”. It is understandable that Ms Nicholas would react in this way.

4.26 DC Haumaha first saw the former officer’s statement as part of this inquiry. The nature of the statement is important – it is second-hand – the retired officer said DC Haumaha said things to him (“along the lines of …”), then the interviewing officer turned that into a statement. It was never put back to DC Haumaha – presumably because it wasn’t seen as important and he wasn’t in the sights of the investigators. Therefore, one needs to be careful about relying on the accuracy of the reported statement.

4.27 DC Haumaha has no recollection of any conversation with the retired officer now and, as noted above, it was not put to him back in 2004. He does not think that he would have had a private conversation with the particular officer given their history. If he did have a conversation at that time, which was very early in the investigation, DC Haumaha does not believe he would have used the word “nonsense”. He thinks this would have been about the time that Mr Shipton, Mr Schollum and Mr Rickards appeared on the front page of the local newspaper, and his primary response at that time was
The disbelief that may have come with it was not that the allegations were not true, but that it was difficult to believe these men, including friends of his at the time, were involved in the criminal activities alleged against them. He identified with Mr John Tamihere’s colourful description recently quoted in a newspaper, “Wally didn’t know he was waking up next door to Jack the Ripper”.

4.28 He is adamant he would not have spoken of “sticking together”.

4.29 It seems that, based on this statement, Ms Nicholas has held the view for some years that DC Haumaha disbelieved her. This seems unfortunate when the statement was unknown to DC Haumaha and is, he says, inaccurate.

4.30 Other comments that concerned Ms Nicholas included DC Haumaha’s description of Mr Schollum in his first statement as a “legend” (a reference, he says, to him never being short of a girlfriend or female company). The statement records him as adding, “As to how true the legend was I do not know”, and he refers to the meal room myths and perceptions versus reality.

4.31 After referring to the women on his marae he observes, “My people who knew Bob [Schollum] were shocked by these allegations of rape as this was not the Bob they knew”. This reflected his own statements at the time. He found the allegations shocking and hard to believe. He observes that it wasn’t until he watched the documentary about Ms Nicholas’s story that he felt he saw her perspective. He said he felt very sad for what she had endured.

4.32 In this statement too is the reference to the culture of Police back in the mid-80s as “work hard and play hard in terms of enjoying ourself[es]”. I do not see that statement as warranting criticism, as it was applied to policing in the 80s, although it is certainly has pejorative connotations now.

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5 I note that the first charges arising from the Operation Austin investigation were laid on 19 July 2004 against Mr Shipton, Mr Schollum, and two men who were not police officers for offending against Complainant C. Charges were laid against Mr Shipton, Mr Schollum, and Mr Rickards for offending against Ms Nicholas and offending against Complainant D on 16 March 2005.
As DC Haumaha said, he was describing the culture of the day in response to a question he was asked.

4.33 I learned that some of those involved in Operation Austin had concerns about the level of DC Haumaha’s association with police officers charged with offences against Ms Nicholas. I was told that some thought DC Haumaha did not answer questions as fully as he could and that he ought to have been able to remember more. This led to a suspicion among some that he might have been impeding the investigation. It was not put to DC Haumaha during interviews or, it seems, subsequently, that he had not honestly and accurately answered questions put to him during Operation Austin. He denies any such suggestion. But for Ms Nicholas, this, when added to the comments attributed to him (but denied) of “sticking together”, may have built on her natural suspicion of someone who associated with her assailants and appeared to see them as such good people and friends.

4.34 One lead investigator at the time explained it to me as there being two groups within the Rotorua police – those who were suspicious of the alleged offenders and those whose only context of them was that they had worked with or for them, had been trained by them and their perspectives came forward to the investigation on that basis. DC Haumaha was in that latter group, where he knew nothing different. He was junior to but older than Mr Shipton and Mr Schollum, but they effectively trained him and supported him. Mr Schollum, in particular, had been supportive of his cultural values.

4.35 Another witness who was on the panel considering DC Haumaha’s promotion to Inspector in 2005 checked DC Haumaha’s links with the men. He was told of the suspicions around DC Haumaha’s friendship with the men and a view that he was "supporting" them. There was nothing specific to follow up. The witness was not aware of the statements DC Haumaha had made. He learned from the media that DC Haumaha might have made disparaging comments about a victim and urged others not to co-operate. If he had been aware of these allegations in 2005, that would have been a red flag to him and he would have had a conversation with DC Haumaha about those statements, and whether they were so prejudicial he should not be appointed. I note again that DC Haumaha was never asked about
these comments (having been attributed to him by a third person at a brief meeting at a concert) and denies that he made them.

4.36 I was told that the types of sentiment that came through DC Haumaha’s statements came through many others. They just haven’t risen to positions in Police that have warranted the same lens of public scrutiny as those of DC Haumaha. It is important to remember that a large number of police employees working in Rotorua at the relevant time were interviewed by the Operation Austin investigation team.

4.37 I was also told there was absolutely nothing of a criminal nature that could be asserted against DC Haumaha. While rumours were raised again in 2007 (relating to obstructing justice), these were investigated and there was found to be no thread to pursue. They were anonymous complaints raised through the media, removed from their original source, and led nowhere.

Assessment of concerns relating to Operation Austin

4.38 It is understandable that Ms Nicholas would feel uncomfortable around someone who had been, many years before, closely associated with people who repeatedly assaulted her. It is understandable that she, and some of those involved in Operation Austin who supported her, harboured suspicions that DC Haumaha may have sympathised with, or in some way supported, the officers who were eventually charged with multiple offences. It is also understandable that she would read the statements in the way she did. However, in short, there is no suggestion in his career history or background of any misconduct and no disciplinary matters arising out of Operation Austin related to him. Promotions for Rotorua officers, including him, were put on hold during Operation Austin, but in his case confirmed shortly afterwards.

4.39 The concerns about Operation Austin relate to investigations carried out 12–14 years ago about a period over 30 years ago. Ms Kaye Ryan, Deputy Chief Executive, People and Capability with Police, explained that even if there had been something on DC Haumaha’s disciplinary or performance file from 14 years ago, on which no action had been taken, it would be unlikely to be relevant to an appointment 14 years later. Even from a risk management perspective, if there had been a risk, it hadn’t manifested itself over 14 years. Even if there had been a disciplinary outcome, its life
would be only two years. If such matters had existed, they would have formed part of DC Haumaha’s employment history, but would not have been something that would necessarily be taken into account in terms of an appointment.

4.40 In fact, rather than disciplinary matters, DC Haumaha’s personnel file is replete with great reports and glowing references. He has been promoted many times since Rotorua and, indeed, since Operation Austin, he and his work have been acknowledged in several ways, including in:

(a) 1996 – New Year’s Honours – awarded the Queen’s Service Medal for Public Services;

(b) 2000 – Commissioner’s Commendation for negotiating a memorandum of understanding between iwi in Waiairiki and Police;

(c) 2004 – Commissioner’s Commendation for Operation Hikoi;

(d) 2012 – Institute of Public Administration New Zealand Award and State Services Award for Excellence in responding to the Canterbury Earthquake;

(e) 2017 – semi-finalist New Zealander of the Year Awards;

(f) 2017 – Queen’s Birthday Honours – appointed Officer of the New Zealand Order of Merit.

4.41 In addition, he had, prior to his promotion to Assistant Commissioner and Deputy Commissioner, received many expressions of gratitude and recognition, notably from within Māoridom and from members of Parliament and Cabinet Ministers.

4.42 The key piece of information for the appointments process is not the rumours and allegations around DC Haumaha’s time in Rotorua. The rumours and allegations around DC Haumaha were carefully examined and either lacked any foundation or were clearly wrong. There was never any basis for taking an investigation beyond the most preliminary of stages. The key piece of information relevant to the appointments process is the fact that Ms Nicholas, an important ally of Police in its work at changing its culture, and a significant public figure as both a survivor and a survivor’s advocate, holds the concerns she holds.
4.43 To the extent there was information that could be made available to the appointment panel in what I have considered above, that information was about the likely reaction to the appointment of an important person to Police who might wish to withdraw from her involvement with Police. A subsidiary concern might be the risk that she might be prepared to share her concerns with the media, thereby undermining the appointment.
5 DID THE COMMISSIONER OF POLICE KNOW ABOUT MS NICHOLAS’S CONCERNS?

5.1 When the Commissioner of Police, Mike Bush, together with other members of the panel, recommended two candidates for Deputy Commissioner to Ministers including DC Haumaha, the Commissioner knew that Ms Nicholas had had an issue with DC Haumaha in the past. He did not raise it with the panel; he thought it was resolved.

Basis for the Commissioner’s belief that Ms Nicholas’s concerns were resolved

5.2 The basis for the Commissioner’s belief that Ms Nicholas’s concerns were resolved goes back to events around DC Haumaha’s promotion to Assistant Commissioner in 2017. When he took on the position of Commissioner in 2014, Bush wished to bring more diversity into the Police leadership team. He brought several corporate positions into the Police Executive, including (then) Superintendent Haumaha. At that point, in 2014, DC Haumaha became Deputy Chief Executive, Māori, Pacific and Ethnic Services at second tier level in the organisation.

5.3 In 2015, the Commissioner and Police Executive reviewed the level of commitment of Police to Māori and whether the rank of Deputy Chief Executive, Māori, Pacific and Ethnic Services ought to be elevated to the rank of Assistant Commissioner. The elevation in rank was seen as an important signal of the significance of Māori both in the community and within Police. The Commissioner commenced a process in 2015, including consulting across the organisation to lift the rank of the position. People were mostly supportive of this, but not all, and he became aware that Ms Nicholas had an issue with DC Haumaha’s early association with the three police officers charged with sexual offending against Ms Nicholas in 2006.

5.4 The Commissioner explained that he did not want to jeopardise the relationship with Ms Nicholas and the work she was doing. He has huge respect for her and her work with Police in terms of supporting survivors and improving Police culture and processes. The Commissioner described the victim-focused approach as really important. The current operating model, which he designed, is a prevention first, victim-centric operating
model and is unique in the world, being about changing the culture in the organisation. He did not want to offend Ms Nicholas or put at risk the work she was doing for Police.

5.5 He asked Deputy Commissioner Mike Clement to talk to Ms Nicholas. DC Clement had played a lead role in Operation Austin, overseeing the work and identifying avenues to take the investigation in. He had a very good relationship with Ms Nicholas. The Commissioner asked him to speak with her about the proposal to turn the position held by then Superintendent Haumaha into an Assistant Commissioner position, to tell her that her views were important, but remembering they were her personal views. There were no concerns around DC Haumaha’s behaviour or conduct.

5.6 DC Clement explained he was in regular contact with Ms Nicholas. He arranged to meet with her at the Rydges Hotel on or about 15 May 2015. He described a long conversation, telling her of the thinking of the Commissioner at that time. He does not recall all of the discussion but made a note of his “take away” at the time:

Louise re W. She was never a victim of H but he was part of that culture. She saw him operating like they did. She knows it and he knows it. Others know it. He is demeaning to women. He treats them as second-class citizens. She has his statement that makes her sick. She sees him around, Waitangi Day, for instance. He knows she knows. Others ask her about him, she just tells them no, as in don’t trust him. She understands the Police position and won’t get in the way of it but she doesn’t support it.

5.7 DC Clement said that Ms Nicholas confirmed her respect for the work DC Haumaha did within Māoridom. He does not recall her expressing a concern about DC Haumaha moving further up the hierarchy; nor does he recall her specifically telling him that any promotion would “come back to bite him in the arse” – but she may have. He gathered that she understood what the Commissioner was trying to do, she didn’t support it and she’d be watching DC Haumaha carefully. She accepted it was not her job to appoint senior police officers, but as he had come to tell her of the Commissioner’s intention, then she was going to tell him what she thought. However, she acknowledged it was the Commissioner’s role and responsibility and she confirmed she was not going to get in the way of it.

5.8 DC Clement passed that message on to the Commissioner in 2015. The Commissioner understood that the proposal was not ideal from
Ms Nicholas’s point of view, but that she could live with it. He understood that, although she was “not thrilled”, she did, however, recognise that it reflected the organisation’s commitment to Māori and that it also reflected the sustained role that DC Haumaha had played to enhance criminal justice outcomes for Māori.

5.9 On that basis, the Commissioner eventually proceeded in 2017 with the Assistant Commissioner appointment process that included, as for all Police appointments, a professional conduct check. This check is an internal Police process that involves a review of any internal complaints that may have been made about an individual employee. No matters concerning DC Haumaha’s professional conduct were identified or raised in the appointment process. Referees were nominated and spoken to, and a panel was convened to interview DC Haumaha. On 7 April 2017, the provisional appointment was notified within Police, and, two weeks later on 21 April 2017, DC Haumaha’s promotion was confirmed and he commenced in the role of Deputy Chief Executive, Māori, Pacific and Ethnic Services at the rank of Assistant Commissioner. There was no response from Ms Nicholas, or any reaction from her, to the appointment as far as the Commissioner was aware.

5.10 There was one, earlier, relevant event in 2016. The Commissioner saw Ms Nicholas and DC Haumaha talking amicably and positively on at least one occasion at a Police College graduation. He recalled they were talking one on one and it left him with the impression that everything was okay – there were no issues.

5.11 That event at the Police College has been described differently to this Inquiry by different witnesses. DC Haumaha described an interaction with Ms Nicholas at one of the graduations at the Police College in 2016. He said he approached her at the graduation ceremony with a greeting like, “Hi Louise, I’m Wally”. He wanted to see if she had any issues with him because he had heard rumours over the years that she didn’t like him. He never got into any of the detail about why. He says he approached her again after the graduation ceremony down in the cafeteria, on his way out, saying something along the lines of, “It would be great if we could catch up. I’m working with a lot of women, victims of domestic violence, and particularly Māori women”. He suggested they might work together. He told me she
didn’t say anything to the contrary and she seemed really good. He thought the encounter went well and there were no issues between them.

5.12 Ms Nicholas described the encounter as DC Haumaha pulling her aside and saying that he wanted to buy her a cup of coffee and sit down and have a good old chat and a “let’s put the water under the bridge” conversation. She said an officer who knew she had concerns about DC Haumaha came over and interrupted them. That wasn’t something DC Haumaha recalled, and the officer concerned believed he had intervened before there was a chance for any discussion.

5.13 DC Haumaha thinks the Commissioner may have asked him how he got on with Ms Nicholas, and he said “really good”. He said he didn’t want people to think there was this issue between himself and Ms Nicholas or that he was avoiding her.

5.14 Ms Nicholas surmised that the only reason DC Haumaha was “becoming awful friendly” was because he was hoping to get the Assistant Commissioner’s job. She said she behaved politely but was uncomfortable.

5.15 In any event, when it came to the Deputy Commissioner position, the Commissioner did not consider Ms Nicholas’s earlier concerns to be relevant to that process. He thought they had been resolved to the extent that while she was not happy, she understood the operational needs of Police and would live with them. She accepted the very valuable work DC Haumaha was doing and would continue working with Police. The Commissioner had also seen them talking amicably together, and DC Haumaha had assured him at that time that everything was fine. The appointment of DC Haumaha to Assistant Commissioner in 2017 had passed without comment from Ms Nicholas, either publicly or privately, to him. The Commissioner also took some assurance from the fact DC Clement had been a referee for DC Haumaha’s promotion to Assistant Commissioner. He was very supportive of what DC Haumaha was doing, his effectiveness and the need for Police to be doing this. Given DC Clement’s involvement with Operation Austin and his close relationship with Ms Nicholas, his support for DC Haumaha also reinforced the Commissioner’s belief that the issues raised concerning Ms Nicholas’s views had been resolved.
5.16 Had the Commissioner thought the concerns about DC Haumaha were still an issue for Ms Nicholas, he said he would have raised them with her one way or another. He considered them to be personal issues for Ms Nicholas, but ones that he was respectful of. But he would not necessarily have raised them with the appointment panel. They were not matters he considered to be relevant to the merits of the appointment.

5.17 Nor, given his belief that the issue was resolved, was the potential risk of adverse media attention something that came to mind as relevant to the appointment process (in terms of either the appointment panel managing that potential risk or advising Ministers under the “no surprises” principle).  

5.18 The Commissioner assumed that the appointment of DC Haumaha as Deputy Commissioner would be received in the same way as his appointment as Assistant Commissioner – the issues had been resolved, there was no need to speak with Ms Nicholas ahead of the appointment and nothing to be raised in the appointment process itself.

5.19 In my view, in the circumstances this was reasonable.

5.20 It is important to emphasise there are no substantiated concerns, whether criminal, disciplinary, reputational or otherwise, arising out of Operation Austin that should be treated as relevant to DC Haumaha’s appointment. The fact that he worked with, and had friendships with, Mr Shipton, Mr Schollum and Mr Rickards 30 years ago cannot be a relevant matter. While there have been rumours and allegations over time, particularly about impeding Operation Austin investigations, these have not led to any credible information that could be pursued. This is not in any way to criticise the actions of the various members of the Operation Austin investigation team who have considered these matters and ensured they are able to be considered by senior leadership, including various Commissioners, over time. It is of vital importance to the integrity of Police that concerns are raised, matters are investigated and properly tested. Of course, the standard that Police look to when making senior appointments cannot be only evidence sufficient to warrant disciplinary action or criminal prosecution. There must nevertheless be a proper basis for treating

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6 Cabinet Office, Department of the Prime Minster and Cabinet Cabinet Manual 2017 (Wellington, 2017) at [3.22].
concerns as relevant. Unsubstantiated rumours and innuendo should not impede advancement. In this case, DC Haumaha has a record of excellent and effective performance in a critical area of policing.

5.21 I note that even the Minister had heard that there were rumours relating to DC Haumaha’s time in Rotorua. During the appointment process, the Minister specifically raised with the Commissioner of Police whether there was anything arising from DC Haumaha’s service in Rotorua that would make DC Haumaha unsuitable for the role of Deputy Commissioner. The Commissioner assured the Minister that he was not aware of any issues of concern. This is the position as I understand it. There are no issues of concern arising out of DC Haumaha’s service in Rotorua. Commissioner Bush was not aware of Ms Nicolas’s ongoing concerns. Even if he was, they may not have occurred to him as providing a relevant response to the question.

Meeting between the Commissioner, DC Haumaha and Ms Nicholas post-appointment

5.22 On 28 May 2018, the day that DC Haumaha was appointed as Deputy Commissioner, Ms Nicholas contacted DC Clement to express her significant disappointment and frustration. She was disappointed that she had been surprised by the announcement and she was angry that a person she does not trust had been appointed as the Deputy Commissioner.

5.23 DC Clement discussed Ms Nicholas’s concerns with her and passed them on to Commissioner Bush. Commissioner Bush then called Ms Nicholas to suggest a meeting with her and DC Haumaha to discuss her concerns.

5.24 That meeting was held on 31 May 2018, three days after the appointment was made. It was attended by Ms Nicholas, her friend and support person [REDACTED], Commissioner Bush, DC Haumaha, and, at Ms Nicholas’s request, DC Clement. Commissioner Bush, Ms Nicholas and [REDACTED] also met both before the meeting to discuss the process and after the meeting to debrief it.

5.25 At that meeting Ms Nicholas squarely put her concerns to DC Haumaha. She told him she didn’t trust him because of his support of Mr Shipton, Mr Schollum, and Mr Rickards, and explained her view that his statements to various Operation Austin investigators show that he did not believe her
and he had tried to block the investigation. Ms Nicholas also told him that she knew he disrespected and bullied women because of the complaints she had received from the women involved in the Māori Justice Outcomes Project.

5.26 DC (Haumaha) explained that he believed Mr Shipton, Mr Schollum, and Mr Rickards were good cops when he was working with them and he had been shocked by the allegations, but that he had never been unhelpful to the Operation Austin investigation. He explained that he was very supportive of the cultural changes that were needed in Police (both for women and Māori) and outlined some of his own difficulties as Māori during his time in the Police.

5.27 Ms Nicholas has told me that she was not satisfied with his answers, but she did say to him that she was willing to work with him. She told me she does not want him to lose his job because she knows he has done very good work for Māori and she is willing to work with anyone if it is in the best interests of survivors. She does, however, want to ensure that the changes to Police culture and operations that have been hard won are not lost and Police remain committed to further improving.

5.28 These sentiments are captured in the email she sent to the Commissioner on 1 June 2018 and his reply on 6 June 2018 confirming the position they had agreed. Copies are at Appendix C1 and Appendix C2. I consider it important to show the tenor of the agreement reached given the focus of this inquiry on management of risk. It appears from this exchange that, as was understood in 2015, Ms Nicolas’s concerns have been addressed as far as possible, and to the mutual satisfaction of both.

5.29 Sometime later the media reported Ms Nicholas’s concerns.
6 MY FINDINGS – MS NICHOLAS’S CONCERNS

Summary of the “[possible] relevant information” – Operation Austin involvement and Ms Nicholas’s concerns

6.1 I find that the following information existed about DC Haumaha (in summary). Ms Nicholas, a high-profile person who works with the police on matters important to the organisation, has very firm views about the suitability of DC Haumaha for this leadership role. These arise out of his involvement in the 1980s and 1990s with officers subsequently charged in Operation Austin, and his statements allegedly made during the investigation in 2004.

6.2 However, there is no verifiable basis for any of her concerns.

Was this information known to the appointment panel?

6.3 No. The Commissioner understood those concerns had been resolved, in the way described, well before DC Haumaha’s appointment to Assistant Commissioner in 2017. His understanding was that Ms Nicholas appreciated the importance and effectiveness of the work that DC Haumaha did and accepted that she did not have a role in senior police appointments. He did not consider it a matter that was relevant to the appointment process; indeed, given he believed it was resolved, it did not occur to him as an issue.

If the information was not known to the appointment panel, should it have been?

6.4 The referee checks and the questions in the interview are designed to elicit any information that might affect the candidate’s eligibility to be appointed to the role or might bring the office into disrepute. Matters that are aired through subsequent adverse media reports may undermine the appointment or bring the office into disrepute. Thus, there is an important public interest in ensuring that appointments are not undermined by subsequent adverse publicity. To what extent can this risk be mitigated?

6.5 It was suggested to me that the Commissioner could have raised the risk to the office of Deputy Commissioner of publicity relating to DC Haumaha’s service in Rotorua, notwithstanding there were no substantive concerns
about it. But DC Haumaha’s service in Rotorua was a long time ago, and I accept that the Commissioner genuinely believed Ms Nicholas’s earlier concerns had been resolved. That is what he sought to achieve in 2015, and thought had occurred.

6.6 It is not reasonable to expect DC Haumaha to raise the matter as he had no knowledge of Ms Nicholas’ ongoing concerns, and no reason to think the fact of his service in Rotorua some 30 years previously might affect his eligibility to be appointed or bring the Police into disrepute.

**If the information was not known to the appointment panel, should it have been provided to or gathered by SSC?**

6.7 There is no simple ‘yes’ or ‘no’ answer to this. Ideally all risks will be identified in the process, but sometimes this will not occur, and I do not know of any fail-safe system to do so. Both Mr Hughes, the State Services Commissioner, and Ms Power, Deputy State Services Commissioner, acknowledged that, because it was not directly relevant to the merits of the candidate for the position, whether the information was provided to the appointment panel by the Commissioner was a matter of judgement for the Commissioner. Had he known about Ms Nicholas’s ongoing concerns, I would have thought it would be prudent to do so. The Commissioner was clear that he would have done something had he known. However, as I have found, he did not know about them.

6.8 In terms of managing risk, both Mr Hughes and Ms Power thought it would have been prudent for the Commissioner to have advised the appointment panel, even if he understood Ms Nicolas’s concerns had been resolved. There was still a risk that Ms Nicholas might pursue her position publicly or elsewhere, and they considered it would have been better for this risk to be put on the table, thought through and dispensed with. This was the sort of risk that they had experience in dealing with. That is not to say it would derail an appointment – they would work through it properly.

6.9 I asked both Mr Hughes and Ms Power how they would deal with the risk of adverse publicity. I was told that if they had been aware of the concerns attributed to Ms Nicholas in the media, they would investigate the issues with Commissioner Bush and potentially with Ms Nicholas directly. If necessary, they would have paused the appointment process to ensure
they fully understood the concerns and the reputational risks arising. Depending on the results of that investigation, they might have (i) changed their recommendation; or (ii) maintained their recommendation but provided the relevant information to the Minister for consideration.

6.10 Looking through the lens of hindsight, I suggest that they would have learned what I have learned, which is that there is no evidence to give any substance to Ms Nicholas’s concerns. How they might have handled the risk that she might speak publicly about her concerns is something I can’t speculate on. Presumably a prepared response from the Police would be usual. But I do point to the steps taken by the Commissioner as soon as the concerns became known as steps that might be expected to mitigate any risk. The fact that they were not effective underscores the difficulties in dealing with this kind of risk.

**What information can Ministers expect to receive?**

6.11 My terms of reference refer to information Ministers can reasonably expect to receive about candidates in order to make sound decisions and recommendations. The purpose of the information in the Ministers’ hands is focused on the appropriateness of the candidate for the position.

6.12 However, there is an important public interest in ensuring appointments are not undermined because of subsequent, unanticipated, uninformed or inaccurate publicity. Here, one can see the value of providing information to the Minister that is not necessarily relevant to the merits of the candidate but may be relevant to responding to such publicity.

6.13 SSC provides information to the Minister that it does not consider to be relevant to the merits of the appointment for this purpose. It has the expectation the Minister will take the same view of the relevance of the information or else raise and discuss his or her concerns. In this case, with hindsight that information could usefully have included the information about Ms Nicholas’s concerns. However, the fact it didn’t was the result of it no longer featuring as a risk on the Commissioner’s radar, steps having been taken to resolve it. I consider the Commissioner’s approach was understandable given the three years that had passed without further word.

I have sought to focus my few recommendations on this question of identifying what are effectively unknown risks that may undermine an
appointment. They are minor in nature as I do not see any systemic concerns with the appointments process. This matter was peculiar to its facts. That said, it is not so rare these days, especially with ready access to an audience through social media, that unanticipated publicity, which may or may not have a firm foundation in fact, can undermine a public appointment. A focus on strategies to better identify possible risks would seem appropriate.
7 ALLEGATIONS OF BULLYING OR INAPPROPRIATE
CONDUCT BY DC HAUMAHA

The concerns initially raised by Ms Nicholas

7.1 Sometime after 29 July 2016, Ms Nicholas contacted DC Clement to advise concerns following a social media exchange with a friend. Those concerns related to the Justice Sector Māori Outcomes project.

7.2 In DC Clement’s note of his earlier discussion with Ms Nicholas in 2015, prior to the appointment of DC Haumaha to Assistant Commissioner in 2017, he recorded her concern that DC Haumaha “is demeaning to women. He treats them like second class citizens”. DC Clement does not recall any specific examples at that time. He referenced the point to the view she had formed from the time DC Haumaha associated with Mr Shipton, Mr Schollum and Mr Rickards in Rotorua.

7.3 In response to questions from me, Ms Nicholas gave an example of DC Haumaha speaking to a woman of the same rank when he was Superintendent as if she was well below him, even calling her “girl”. She was concerned that, at a time when Police were trying to build the numbers of women to come up the ranks, someone like him could undo the good work that had been done. Her key concerns went back to the comments she read in his statements – that they showed (in her opinion) he wasn’t of leadership quality.

7.4 By themselves those observations, unreported to Police, do not raise issues for the appointment process. Police can be expected to have substantial information and experience about how DC Haumaha interacts with women over his 32 years in Police. The question is whether a pattern of poor treatment of women or inappropriate behaviour towards women arises in the context of the Justice Sector Māori Outcomes project in 2016. My enquiries show that the only specific behaviours uncovered relate to DC Haumaha’s role as a sponsor of the Justice Sector Māori Outcomes project. They related to civilian employees of the Ministry of Justice (Justice) and Department of Corrections (Corrections) who were engaged in that project and from the time when they were hosted at Police National Headquarters (PNHQ).
Justice Sector Māori Outcomes project

7.5 The Justice Sector Māori Outcomes project involved a working group of officials from Justice, Corrections and Police. It had been commissioned by the Justice Sector Leadership Board in September and October 2015 to develop a justice sector strategy and action plan to improve Māori Outcomes. The working group was co-located at Police National Head Quarters in the same area as the officials from Police’s Māori, Pacific and Ethnic Services unit. Three members of the working group were from Justice, one from Corrections, and one from Police. The hierarchical structure of the Project is set out at Appendix D.

7.6 The working group was overseen by project sponsors from Justice, Corrections and Police. Corrections was the Corrections sponsor and DC Haumaha was the Police sponsor. was initially the Justice sponsor but due to her other responsibilities and assisted her as needed. In April 2016 joined Justice and became the Justice sponsor.

7.7 The working group, together with the project sponsors, reported on progress to the Justice Sector Deputy Chief Executives and the Justice Sector Leadership Board. They also assisted with briefings to the Justice Sector Ministers.

7.8 The working group started by scoping the strategy by examining where iwi/Māori and the sector had come from, the present situation, and how the justice sector – iwi/Māori relationship could develop in the future. It then sought to articulate the strategy, analyse available data to identify where the justice system currently exacerbates (or could potentially mitigate) poor outcomes for Māori, develop a shared outcomes and indicators framework so they could be aligned across the sector, and scope short- and medium-term actions to achieve the desired outcomes.

7.9 When initially presented to Ministers, frustration was expressed at the theoretical and historical focus of the work to date. Ministers made it clear that they expected a focus on tangible operational matters that would lead to change. This feedback was disappointing and highlighted some of the natural tensions within the working group. Those tensions have been described as arising from the different orientations of the participating agencies (for example, Police are most comfortable with action orientated
work, Justice with policy) and the different styles of working (for example, Police are generally considered to be very direct).

7.10 These natural tensions were exacerbated because the project had been established without clear terms of reference and some of the members of working group felt it was rapidly becoming too Police-centric. In particular they felt that some decisions (such as changes to the materials to be submitted to the Justice Sector Deputy Chief Executives) were being taken without proper consultation with all project sponsors. Rather, DC Haumaha was having too much influence by being the most vocal and directive member of the governance group.

7.11 Those involved in the Justice Sector Māori Outcomes project included three women from outside Police who I will refer to as Ms A, Ms B and Ms C. They were policy analysts from Justice and Corrections. Two of them have recently made complaints about the behaviour alleged to have occurred in 2016 to Police, which has referred them to the Independent Police Conduct Authority. The Authority is investigating those matters.

7.12 Everyone agreed that this was a very difficult project. As at 2016, it seems at least some of the Justice and Corrections policy analysts were concerned that, as a result of DC Haumaha’s interpretation of the Minister’s wishes, the project was becoming very police-centric. They felt that DC Haumaha was driving initiatives without any sensible policy and strategy framework. All three of the women were particularly concerned about the approach DC Haumaha was taking. One of the three analysts told me that during this period the things he was asking them to do were for Police, they weren’t good for this inter-agency work. He wasn’t interested in products she thought presented a balanced view. This was not the direction of work that she wanted. There was considerable frustration expressed.

7.13 Likewise, from DC Haumaha’s perspective tensions were building. The work had started very positively with the working group having a real sense of the significance of the opportunity the project presented. He was particularly excited to have a group of very smart and committed people coming together to address the issues he has been concerned about his whole life and wanted to ensure they had the support and resources they needed to make meaningful changes for Māori. In early 2016, he became aware of tensions within the working group that he believed arose from the
mix of strong personalities and strong views on approaches. In response to some of the matters that were raised with him, and that he’d observed for himself, he had raised concerns with his counterparts at Corrections as to how the project was developing.

7.14 The complaints of unsatisfactory conduct, described as allegations of bullying, relate to DC Haumaha’s role in the project. It seems that the collaboration between the agencies that the project required did not proceed smoothly and the participants in the project did not have a unified view on many matters. Those leading the project (DC Haumaha was not the only leader) had a responsibility (and the consequent pressure) to produce outcomes for Ministers. The level of disharmony grew, particularly through some holding the view that the project had become too “police-centric” and contesting that.

7.15 I received information about five interactions from three women alleging concerning behaviour on the part of DC Haumaha during 2016. These related to his interaction with project members, both women and men. It is not my role to determine their truth or otherwise, but rather whether the allegations raised something of sufficient concern (that is, a serious possibility) to be relevant to the appointment process. I wished to know:

(a) whether there was evidence of behaviours of a kind that should have been known to the appointment panel (I have adopted the test of “serious possibility” of such behaviours); and

(b) whether there had been a complaint to Police about the matters, and accordingly whether the behaviours were known to the Commissioner as a member of the appointment panel.

7.16 I have made extensive enquiries including interviewing 28 witnesses about these allegations and reviewing a significant number of documents. Given the tight time frames and the inquisitorial process, it was not possible to have all matters of fact known and tested with each witness as they appeared – I learned new things with each new witness. To give people the best prospect of responding to my understanding of the culmination of the evidence, I prepared a detailed draft summarising the evidence as I saw it.

7.17 I circulated it to those affected (subject to a permanent suppression order under section 15 of the Inquiries Act 2013) and received helpful detailed
responses within the limited time available. I have decided it is neither necessary nor fair to those involved to set out in such detail in this report the events, given it is not my task to investigate and determine each complaint, and that task is currently being undertaken by the Independent Police Conduct Authority. It will report on these matters separately, under its own terms of reference.

7.18 Nevertheless, I want to provide context to the views I have reached, set out below. Accordingly, I have summarised the evidence I considered and my approach to it in Appendix E.

7.19 First, I have concluded that Police did not receive a complaint about DC Haumaha in respect of his conduct during 2016. The Commissioner does not recall hearing anything about inappropriate behaviour on the part of DC Haumaha in relation to the Justice Sector Māori Outcomes project. There was no information to take to the appointment panel.

7.20 Secondly, I am satisfied that, even if ultimately substantiated by the Independent Police Conduct Authority, the incidents the subject of consideration were not matters requiring separate and particular consideration as part of the process that lead to DC Haumaha’s appointment. In summary, I have found the incidents reflected DC Haumaha’s adoption of a direct, police-style approach to a multi-agency project, where a more orthodox public sector approach may have been appropriate. While this specific example was not on the Commissioner’s radar, it is clear that DC Haumaha’s style of leadership and management (including his strengths and weaknesses) was known to the Commissioner and considered as part of the appointment process.

7.21 It is in this context, the five allegations arise.
8 HOW WERE THE WOMEN’S CONCERNS ABOUT DC HAUMAHA’S CONDUCT DEALT WITH?

8.1 Central to my inquiries in respect of these matters was whether they were reported to Police. In the part that follows I examine how the matters were dealt with within Justice and Corrections. This is relevant both to whether and how Police were advised, and how the incidents were recorded and dealt with by the employer. I consider this latter matter only because it lends some weight to an assessment of the seriousness of the incidents and so their relevance to an appointment process.

8.2 The most significant of the incidents complained of (the fifth allegation) relates to a meeting of the project team and some other police employees on 2 June 2016 at PNHQ. To summarise, Ms A, Ms B and Ms C felt bullied and belittled by DC Haumaha who they say was angry, advising initiatives they did not think their organisations had signed up to, and sought their commitment to the project/him personally by going around the room. Ms B was primarily upset because she raised an issue with DC Haumaha and felt she had been knocked back in an overbearing and belittling way.

Concerns reported to the Ministry of Justice

8.3 Immediately following the 2 June meeting, Ms A, Ms B and Ms C left PNHQ and went to “debrief” the experience together at a café. They were all very upset and determined they were not going back to work at PNHQ. They agreed to suggest to their managers that they work on the Justice and Corrections parts of the strategy from Justice.

8.4 They returned to the Ministry of Justice and spoke with Ms A and Ms B’s manager, Ms C from Corrections was also supported from Justice. Ms C said she had been quite surprised at their reaction initially, but when they talked to her she started to understand a bit from their perspectives. When they said they felt unsafe and didn’t want to go back to PNHQ she supported that.

8.5 spoke to her manager, Acting General Manager – Sector Strategy and Mr Colin Lynch, Deputy Chief Executive, about what was happening, how the staff were feeling and that they weren’t comfortable going back to PNHQ. The understanding was that the women
wanted an apology, so there was a discussion about securing an
acknowledgement from DC Haumaha that he had behaved inappropriately.

8.6 I asked Justice 4 if it was her view after talking with the women that
DC Haumaha had acted inappropriately at the meeting. She said from the
perspective of the women, yes. She would have liked to see him send out
an email saying, “I’m sorry it was a tense meeting” or something to that
effect. It wasn’t the best meeting for her, but she had been to many much
worse. For the women involved she understood there had been other
conversations that she wasn’t privy to in the lead-up to the meeting. That
was relevant to her thinking. She gathered this meeting was just the final
straw.

8.7 As their manager, I would expect Justice 4 would know of any earlier
incidents that caused concern. Ms A told me she complained after each, but
Justice 4 did not have recall or have a record of any earlier issues.

8.8 Justice 3 recorded actions following the meeting in a memorandum to
Mr Lynch, copied to Human Resources, dated 9 June 2016. This is the only
record of what occurred within Justice or Corrections after that meeting. By
the time I came to speak to the witnesses, their actions had been subject
to media attention and some focus internally as they attempted to recall
events. They readily acknowledged the difficulty in recalling matters after
two years, particularly when their focus may have been on other multiple
and pressing matters. Some of their recall does not stack up when set
against evidence that has later come to light. That is not surprising, and I
do not criticise anyone for that. The fact there is a limited record of what
occurred reflects, in my view, the limited significance of the matters from
the organisation’s perspective.

8.9 The memorandum records that Justice 3 was briefed on the matter by
Justice 4 and then informed Mr Lynch, who advised him to get advice
from Human Resources and to speak to the team members about the
Ministry’s plans to address the issue. Human Resources advised him to
support the team members and that the ideal solution would be for
DC Haumaha to come to Justice and apologise directly to the team
members. He noted he also spoke to Justice 1 to get his view on what
happened at the meeting. He noted, “Justice 4 was very surprised by the
behaviour and Wally’s tone at the meeting”. I questioned Justice 2 on this.
He said he was more concerned with the way DC Haumaha went about ensuring people were on board with the project going forward, rather than that he was shouting or angry – he did not observe that. He was certain he would not have said anything about DC Haumaha’s tone. I referred this to Justice 2 who responded that he accepted that would be right – that he didn’t doubt – he was the most independent person to speak to.

8.10 Justice 3 then met with the team that afternoon to discuss where the matter was at, that they weren’t expected to go back to PNHQ and should work from Sector Group in the Ministry of Justice at least in the short term. He noted he would contact DC Haumaha that evening to raise the matter with him.

8.11 He recorded that he did this at 5.15pm that evening. He noted that he told DC Haumaha that Justice team members were particularly upset, and that the way he spoke to operational police staff was not the way you could speak to policy development staff from other agencies. He noted DC Haumaha was comfortable with his actions, and considered he had nothing to apologise for. DC Haumaha has no recollection of the call, but agreed this is what he would have said. Justice 3 noted that they agreed to meet as soon as possible to discuss how best they could advance the work given the distress of the staff.

8.12 After the call, Justice 3 briefed the team members that were still at work, along the lines noted above.

8.13 The memorandum records that on Friday, 3 June 2016, DC Haumaha was in Christchurch and Monday was a public holiday, so it was agreed to use a pre-scheduled meeting on the following Tuesday, 7 June 2016 to discuss the issue.

8.14 He records that at 10am on 7 June 2016 he met with team members for them to brief him in more detail about the issues with co-ordination of the project work and to provide more context on the relationship issues with DC Haumaha. He noted that DC Haumaha was unlikely to change his behaviour, and that for them to succeed, they needed to work out the most effective way they could deal with him. In particular, he noted that the way that they behaved with him would be critical, and that they needed to be
conscious of things like body language and language used (both factors that had been raised with him by DC Haumaha). He spoke directly to Ms B about this, and she was upset by his comments and left the room.

8.15 [Justice 3] recorded that at 11.30am he met with DC Haumaha, [Justice 2] and Dr D, the police member of the working group, at PNHQ. At this meeting, he reiterated that the Justice staff were very upset at the way that DC Haumaha challenged them. He said DC Haumaha noted that, if [Justice 3] thought it necessary, he could apologise on DC Haumaha’s behalf. He also offered to meet individually with each member of the team so they could raise any issues directly with him. He asked that [Justice 3] first offer for the team to return to PNHQ to work. [Justice 3] said he would offer this, but it was very unlikely that they would want to return in the foreseeable future. They agreed that, in the short term at least (till 30 June 2016) the strategy work would be led out of Justice’s Sector Group. Other parts of the work (policy and operational initiatives) would be led out of PNHQ. They would use [Justice 4] and Dr D to ensure the work was joined up.

8.16 [Justice 2] recalls attending the meeting with DC Haumaha during which [Justice 3] raised the fact the staff were upset and DC Haumaha’s behaviour was considered to be inappropriate. His recollection is similar to [Justice 3] ‘s. I asked him whether he thought it was appropriate to ask DC Haumaha for an apology. He thought it might have been, given [Justice 3] had some clearly upset staff. He recognised the power imbalance and the appropriateness of the more powerful person being willing to try to build a bridge. In a situation like that, he would be minded to extend the olive branch to try and address the situation. But he was at an early stage of his experience with the project and clearly there were a lot of other things that had been building or going on in the team. [Justice 2] thought that DS Haumaha offering to have coffee with them might have qualified as an olive branch.

8.17 DC Haumaha recollection is that [Justice 3] came to see him and asked him about the meeting. He talked about the women being upset. He thought they were upset about being put on the spot around being asked for a commitment. He asked if DC Haumaha should apologise to them. DC Haumaha’s response was no – why should he apologise for asking a
straightforward question? But he said he was happy to catch up and have a cup of coffee with the women and discuss this matter further if they wanted. It was now his role to manage the project, the expectations on him were high and the prize was significant. He was passionate about what might be achieved if they could just work together. He says it was just a straight request to everybody: are you in the game or not?

8.18 Justice 3 noted that that night rang Ms A and Ms B to advise of the agreed approach to splitting the work across the two sites. He also noted he texted Ms B to apologise for upsetting her. He was trying to help her be as successful as she could be.

8.19 On Wednesday, 8 June 2016, Justice 3 noted he met at 9.30am with Ms B and Justice 4 to speak directly about the situation, and to reflect on the conversation at the meeting the previous day. He spoke of the solution of splitting the team and noted that they hadn’t ruled out escalating the issue higher within Police. He also apologised again to Ms B for upsetting her and noted he was attempting to support her by identifying how he had dealt with difficult stakeholders in the past.

8.20 Ms A communicated with a colleague overseas at the time – her messages are between 7 and 8 June 2016. She noted that no one appeared willing to hold DC Haumaha to account – that they were more focused on worrying about the work being unaffected. She noted that everyone at the meeting seemed to accept his behaviour as usual. And that within an hour of being back, they were hearing concern about delivering on the work to the Chief Executives and this not having to become their problem.

8.21 Ms A noted a briefing with Mr Lynch on 8 June 2016. She notes Mr Lynch said he was working with Ms Audrey Sonerson, Acting Chief Executive at the Ministry of Justice, to contact Police to find out how matters were being handled.

8.22 Ms A also spoke to Ms Sonerson on 8 June 2016 (see below). She can’t recall the details of that conversation, but her notes from an online discussion with a colleague put the date at 8 June 2016.

8.23 Ms A has a note of a further meeting with Mr Lynch, Ms B and Justice 4 on 15 June 2016. She recorded the meeting was “not good” and believes
this was probably when they were advised there was nothing more that could be done as Police was treating this as an employment matter.

8.24 Mr Lynch was and still is the Deputy Chief Executive, Sector Group, Ministry of Justice. He was also the Chair of the Justice Sector Deputy Chief Executive (DCE) group, which had some oversight for the project. The first substantive matters raised with him about DC Haumaha were, he believes, after this 2 June 2016 meeting. He referred to the memorandum of 9 June 2016 from (referred to in paragraph 8.8) and said it accurately reflected his recollection.

8.25 On 15 June 2016, he met with Ms A and Ms B to update them. He couldn’t recall the specifics save that he acknowledged the issues and that DC Haumaha worked for Police, not for Justice, so that required a different process. Mr Lynch saw this as bringing the matter to a close – that it was a matter for Police not for Justice.

8.26 I asked Mr Lynch if he knew whether or how the matter was communicated to Police. He did not. He did not contact Police himself. He had a number of conversations with Ms Sonerson about it and knew she had had a conversation with someone at Police but did not know the details. He agreed that the advice from Human Resources did not recommend the matter be taken up with DC Haumaha’s manager or senior. He accepted that Ms A’s understanding of the message from the meeting – that Police was saying it was a Police matter and Justice shouldn’t take any further steps – was a misunderstanding of the position.

8.27 Ms Sonerson’s memory, aided by brief notes she had made at the time, was that Ms A came to see her on Wednesday, 8 June 2016 (six days after the meeting). Ms Sonerson was about to leave to catch a plane, so rang her back from the Koru lounge. She was told that the meeting had been “quite different from what we had expected”. And that DC Haumaha had gone around the room and asked for “their loyalty to him”. Justice people had asked for more time. DC Haumaha assertively pushed them on this. They decided to come back to Justice and raise the matter with . They weren’t confident in his response so were now escalating it to senior managers (Mr Lynch and Ms Sonerson).
Ms Sonerson discussed the matter with Mr Lynch, agreeing he would meet with the women and talk to other Justice staff that had attended the meeting and they would meet on her return.

On her return, she recalls there were a number of meetings. She believes that they were strongly focused on getting an apology from DC Haumaha, as that appeared to be the outcome the women wanted. I asked Ms Sonerson if she thought an apology was warranted because of the behaviour, or necessary because of the upset and that it would likely remedy the relationship rift. She thought both – it was not okay to talk to women the way she understood they had been spoken to and he should apologise, and it would be the right thing to do to recognise the impact he had had, even if he had not intended it.

After a couple of weeks, she believes Justice concluded:

(a) Police was clearly aware of the incident and had its own people in the room, and it had other people in the room to whom Police could talk to if it wished;

(b) DC Haumaha appeared unwilling to apologise;

(c) Justice wasn’t likely to be told if action had been taken by Police as it would have been an employment matter;

(d) Justice and Corrections had withdrawn the three women project members from PNHQ in any event;

(e) the women were being supported and felt supported by their managers, although they were not happy that no apology was forthcoming;

(f) the women did not want to make a ‘formal’ complaint;

(g) there were no further actions for Justice.

It seems that no one in Justice raised the matter with Police beyond DC Haumaha.

The women say that none of them asked to make a formal complaint, and none was asked if she wished to formalise her complaint.
8.33 It appears the women thought told the Police Commissioner’s Chief Advisor of the incident and assumed it would be passed on to the Commissioner. That did not happen.

8.34 There is one discussion between Ms Sonerson and DC Clement, which is referred to below under the heading of “Police knowledge of the concerns”. When first raised with Ms Sonerson her recollection was that she was phoned by DC Clement when she spoke to Ms A and Mr Lynch and so she would have considered matters at an early stage in the process.

8.35 I can now place the discussion as occurring in early August 2016, when Ms Sonerson That conversation is outlined below. The key point is that DC Clement understood from the phone calls with both Ms Sonerson and Ms Christine Stevenson, the Deputy Chief Executive at Corrections that those agencies were dealing with matters and there was nothing they wanted Police to do. This discussion would have taken place after Justice had resolved the matter in the manner outlined above.

8.36 From DC Haumaha’s perspective, the project continued with the women working from Justice instead of at PNHQ.

Concerns reported to Department of Corrections

8.37 Ms C, although from Corrections, returned to Justice and joined the others in speaking with . She advised that she had informed her Manager, , but couldn’t recall a response from him. She said the Justice managers asked if they could speak on her behalf and she agreed.

8.38 told me he was never advised of this incident. He knew there was a movement of people to Justice, but he understood that was because the main resourcing in terms of personnel and person-hours was coming out of Justice. He recalled a conversation where it just made better logistic sense for them to go to Justice. He certainly was not made aware that it was because of any personal tension with DC Haumaha or anyone else. Then he understood the project moved back to Police after a while because there was a realisation that Justice were unable to connect the strategy to
activity. He thought matters were functioning well. He had another staff member join the project who was working with Ms A and Ms B, two days a week at Justice, two days at Police and one at Corrections.

**Were the concerns of Ms A, Ms B and Ms C brought to the attention of Police?**

8.39 At some time, in early August 2016, Ms Nicholas called DC Clement to say she had been contacted by a friend on Facebook who was sharing with Ms Nicholas the sentiment that she and her colleagues from Justice and Corrections didn’t like the way they had been treated by DC Haumaha. She said the behaviour of DC Haumaha in terms of his oversight of this group was a concern to those people and it was a concern to her and she wanted DC Clement to know about it.

8.40 Ms Nicholas did not tell DC Clement who was involved as the approach to her had been made on a confidential basis, but he knew of the Justice Sector Māori Outcomes project and gathered from what Ms Nicholas said that the behaviours included yelling, disagreement and frustration.

8.41 DC Clement had a conversation with DCE Kaye Ryan about what to do. DC Clement considered that if people were expressing that they were feeling vulnerable on social networks he should do something to follow it up. He did not mention Ms Nicholas’s name to DCE Ryan.

8.42 DCE Ryan advised him to phone Justice and Corrections and find out what happened so Police could do something about it. He phoned Ms Stevenson of Corrections from DCE Ryan’s office. His recollection is that he put to Ms Stevenson (and later her equivalent at Justice, Ms Sonerson) that he had received a call from someone raising concerns in relation to the Māori Outcomes project and asked a question along these lines:

> What I’ve had conveyed to me sounds like it could be bullying. Do you have disclosures within your organisation that you want to bring to our attention or to my attention? Do you want to formalise it?

8.43 DC Clement said that both acknowledged that they knew about the project. He didn’t think that it was a complete surprise to them that this was an issue, but they very clearly said there was nothing from their organisational perspectives that they were wanting to bring forward to Police.
Ms Stevenson appeared to know the person from Corrections involved as DC Clement was left with the impression that there would be no surprise if there was friction, but there was no complaint.

8.44 I note that I did not understand, when I spoke to Ms Stevenson, that Corrections did not know about the 2 June 2016 incident, so would not have mentioned it to her.

8.45 As noted earlier, during the interviews with witnesses, I was operating on the basis that the approach from Ms Nicholas to DC Clement was in early June 2016, not long after the 2 June meeting. In fact, we have learnt from the dates around the relevant communications to Ms Nicholas that it was in early August 2016. That makes a difference to the significant facts because, instead of DC Clement speaking to Ms Sonerson and Ms Stevenson near the beginning of their inquiries into the matter, he spoke to them when they were either over or there was plainly nothing to do. By that time, Ms Sonerson says all action by Justice was complete, and Ms Stevenson says as far as she was concerned there was never anything for Corrections to do, given Ms C had been moved to work at Justice.

8.46 Ms Stevenson thought that there may have been a telephone call of this nature. It was the sort of conversation they would have had – but she could not recall. She said she would not have necessarily known if a complaint had been made. She knows that at some stage she was made aware of behavioural concerns in relation to DC Haumaha, in particular that he had yelled at and belittled female staff, including Ms C, in front of others. She was also told that Ms C had shouted at DC Haumaha. She thought this may have been discussed at a DCEs governance meeting, most likely at a DCEs-only session. She believed there was a conversation with Police where the importance of the project was emphasised, and while DC Haumaha’s behaviour was acknowledged as not right, the staff had been moved and there was a desire not to impede progress. I checked her recollection with Police and other representatives at the two most likely meetings (on 9 and 30 June 2016). They had no recollection of such a discussion taking place.

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7 DCE meetings are held fortnightly to ensure justice sector DCEs are kept updated about matters than impact across the sector. In the course of these meetings, various reports are presented. Presenters attend only for the items they are required for. A DCEs-only session is part of these meetings to facilitate free and frank discussion.
Even if it did, I do not think anything turns on this, as even if senior Police representatives were involved in a discussion about DC Haumaha’s behaviour, it was still not a request that Police investigate the matter. In the context, the focus of any discussion would be on the project rather than DC Haumaha’s actions. It seems to acknowledge that steps have been taken to resolve the matter by moving the staff.

8.47 It is possible that, when she spoke to DC Clement, Ms Stevenson was thinking of an earlier incident (the ‘stand-up argument’ on 5 May – see Appendix D) that she had had a brief discussion with about.

8.48 Ms Sonerson remembers DC Clement’s call as she was . However, she cannot remember the terms of the call. She recalls him saying he’d been made aware that there had been an incident at PNHQ in a meeting involving DC Haumaha, and that Justice and Corrections staff had been in attendance. Ms Sonerson believes she told him she was aware of it, and that her staff were pretty unhappy about it, and that there were clearly organisational cultural differences operating.

8.49 I told Ms Sonerson that DC Clement came away from the discussion with the clear impression that there wasn’t anything she wanted Police to do.

8.50 As a result of these discussions, DC Clement understood that there was nothing that Justice or Corrections wished to raise with Police. He went back to DCE Ryan to advise he didn’t have anything further to go on. So from DCE Ryan’s perspective, there was nothing further that could be done. She had no complaint, no context around very general allegations, and no names (although the people could have been identified by reference to the project). She said if she knew the details of what had gone on, she might have had a discussion with DC Haumaha; but she did not. She heard nothing more about this until the publicity after DC Haumaha’s appointment.

8.51 DC Clement went back to Ms Nicholas advising he couldn’t take it further without more information. He thinks he advised her that they could at any time bring something more formal forward through her to him, or to Police directly, or raise it through their own organisations.

8.52 DC Clement also had a casual conversation with DC Haumaha about the project (he did not tell him about the contact from Ms Nicholas). He recalls
DC Haumaha’s perspective being that there was friction and disharmony in the group. From his perspective various members of the working group were focusing on the interests of their own agency rather than taking the broader justice sector view that was called for. This was very frustrating to him given the “size of the prize”; that is, the chance for meaningful cross-sector engagement that could lead to significant improvements for Māori. DC Haumaha felt that he just needed to get people in the room and focused on seeking a justice sector view.

8.53 Neither DC Clement nor Police generally was the recipient of any formal complaint about DC Haumaha’s behaviour until after this Inquiry was established. Subject to what is said below, there is no evidence that it was otherwise raised with Police.

8.54 The Commissioner did not hear about any concerns with DC Haumaha’s behaviour in relation to the Justice Sector Māori Outcomes project until after DC Haumaha’s appointment as Deputy Commissioner.

8.55 He was not aware that there were allegations of inappropriate behaviour around the Justice Sector Māori Outcomes project. He understood they were all passionate about it, about getting it right, that there were issues working across sectors, and he knew it wasn’t going well in terms of “traction” or working towards outcomes. He had the impression that the other sector staff had returned to their organisations because they didn’t see the project getting anywhere. He didn’t think people agreed about how to go about this or what the shared outcome should look like.

8.56 He believes that shortly after this, at a formal justice sector Ministers and Chief Executives meeting, Police was asked to “take over the pen” on this project.

8.57 Ms Sonerson joined Police in October 2016 as Deputy Commissioner, Resource Management. She advised that, at some point in a one-on-one meeting, she raised the 2 June 2016 incident with Commissioner Bush, and noted that from what she knew, DC Haumaha’s behaviour was not OK, especially towards young female staff from another agency. Part of her skill set was her knowledge of how agencies work together and how they build relationships across boundaries. In this context, she pointed out it was the kind of thing that damages Police’s reputation. She thought the
Commissioner understood what she was referring to. She did not relay her memory of the details of the incident, just that she thought he should be aware that it was “not Police’s best showing”.

8.58 The Commissioner does not recall a discussion along these lines. It is possible that they may have talked past each other given the generalities of the context. She may have thought he knew about the incident, when he had no information about it.

8.59 In any event, it was not a complaint or a matter raised in any formal sense. It might be seen as relating more to DC Haumaha’s management style, a matter that the Commissioner was familiar with.

8.60 Relevant in a general way to DC Haumaha’s management style and the Commissioner’s awareness of his strengths and weaknesses is a memorandum that went to Commissioner Bush as part of the Assistant Commissioner appointment process in 2017. I see it as relevant because it outlined in a very frank manner the strengths and weakness of DC Haumaha for that position. The Organisation Development Manager stated he had completed the required checks for the DCE, Māori. He had Police Professional Conduct run a check and reported that there were no concerns. He spoke to the two referees, one a Deputy Commissioner and the other a DCE. In that memo, the Organisation Development Manager outlined DC Haumaha’s strengths and weaknesses and how they might play out in the new position were he to get it.

8.61 In summary, so far as is relevant to his communication and management style in April 2017, DC Haumaha received a great deal of credit for his skill and achievements. By focusing here on the few weaknesses identified I do not want to give the impression they were significant in context. As the Commissioner said, the memorandum was overwhelmingly supportive of DC Haumaha’s appointment as Assistant Commissioner. He was considered to be passionate and extremely effective in addressing the disproportionate representation of Māori within the justice system. It was noted his approach could be forceful, and this was questioned, but it was said that sometimes a more forceful approach is required, otherwise no one will listen and nothing will change. He was persistent in getting his message across. He had matured over the years and had modified his approach through greater self-awareness. He could come across as demanding and would benefit
from working on his listening skills. It was said that he worked well with most people, although he sometimes had difficulty getting others to follow him. He could hold strong views that he sometimes struggled to moderate.

8.62 I note these mirror criticisms that I heard from some witnesses. If there were lessons to be taken from the events as I understand them, it seems to me they were taken. Commissioner Bush was aware of these issues in April 2017 (after the 2016 matters had been resolved) and, to the extent they might have remained issues in 2018, he brought them to the Deputy Commissioner appointment process.

8.63 In summary, given the lack of complaint about DC Haumaha’s behaviour, there was nothing for the Commissioner to consider relevant to the assessment process. His understanding was that the project was very difficult and frustrating, that there were tensions and that it was difficult to achieve outcomes, so at some stage the Justice and Corrections staff returned to their organisations. This was a ‘one-off’ project. DC Haumaha had to work with an interagency working group on the basis of ministerial expectations and requirements together with support from three departmental chief executives but with a less than clear formal mandate. It was not his usual context – the management task was, I was told, materially different from the normal police process and his usual role.

8.64 If the relevance of the concerns was in DC Haumaha’s management style, then this, in broad terms, was something known to the Commissioner when appointing DC Haumaha to the Assistant Commissioner role. He took his knowledge into the Deputy Commissioner appointments process, commenting as relevant on the respective strengths and weaknesses of the individual applicants, including those of DC Haumaha.

8.65 Accordingly, I find that the appointments process had available to it the relevant information. There were no complaints about DC Haumaha to specifically bring to the table, if they were relevant. But there was a knowledge of the strengths and weaknesses of his management style.
9 MY FINDINGS – ALLEGED INAPPROPRIATE CONDUCT

Summary of “[seriously possible] relevant information” – alleged inappropriate conduct

9.1 In response to my terms of reference, I find the information that might have been available to the appointment panel was related to some particular grievances two years ago about DC Haumaha’s management style in the context of a one-off project, involving civilian policy analysts from other organisations, where no complaint was made to Police at the time or since, until after DC Haumaha’s most recent appointment.

Was this information known to the appointment panel?

9.2 No. However, in terms of DC Haumaha’s general management style, the Commissioner had information and experience of working with DC Haumaha for a number of years, and had particular information about his strengths and weaknesses relevant to his appointment to Assistant Commissioner in 2017, which mirrored some of the concerns expressed in relation to the project incidents.

If the information was not known, should it have been?

9.3 No. There was no reason why the Commissioner, the referees, or DC Haumaha should have perceived this particular matter to be relevant to this appointment.

If the information was not known, should it have been provided to or gathered by SSC?

9.4 No. It was the responsibility of the organisation employing the people who were raising issues (Justice and Corrections) to deal with any matters as they saw fit. None saw these matters as warranting a complaint to Police. On my understanding of the facts of the various allegations, I consider their approach was reasonable.

9.5 Nor did the people involved choose to complain to Police until after the appointment and this Inquiry were announced, some two years after the events.
9.6 Had there been a complaint, the likely consequence (in terms of my terms of reference) would have been that these concerns would have formed part of Commissioner Bush’s assessment of the strengths and weaknesses of DC Haumaha’s management and leadership style. It may or may not have been something he then chose to refer explicitly to the appointment panel. That would have been a matter for his discretion.

**Did the Ministers receive all relevant information?**

9.7 The appointment panel’s deliberations, and their advice to the Minister, reflected the different strengths, skills and abilities of the final two candidates. DC Haumaha’s suitability was in the DCE Māori role that he has held for some time, and where he has proven highly successful. I see this as comprising all relevant information.

9.8 The same point arises about risk as for the concerns of Ms Nicholas. No-one was aware of the risk that people would speak up about matters that occurred over two years previously and that were not raised with Police at that time. This seems a risk that is difficult to capture.
CONCLUSION AND RECOMMENDATIONS

10.1 I have found that the process followed in this case was adequate and fit for purpose.

10.2 SSC submitted that, where the appointment power rests with a Minister or the Governor-General, SSC’s role is to identify candidates with both the skills, experience and judgement necessary to carry out the role and a character befitting the holder of public office. SSC submitted, and I agree, that it took reasonable steps to be satisfied that DC Haumaha met both those requirements. In particular, it took into account:

(a) DC Haumaha’s track record in Police, noting that he had risen to and maintained a position of responsibility within Police, as an Assistant Commissioner.

(b) The fact that DC Haumaha had been awarded a Queen’s Service Medal and had recently been recognised as an Officer of the New Zealand Order of Merit.

(c) The fact that DC Haumaha had a top secret security clearance and had declared that there were no areas of concern that might prevent him from maintaining the top secret clearance.

(d) The fact that DC Haumaha had declared that he had no criminal record, and that there were no matters that the appointment panel should be aware of that might bring Police into disrepute.

(e) The fact that DC Haumaha had provided consent to undertake credit checks, security checking, the ability to approach people other than the nominated referees, and criminal checks.

10.3 In addition, SSC referred to its further checks of citizenship and qualifications, and that it conducted an internet search for material that might be relevant to DC Haumaha’s conduct, character or integrity. No relevant material was identified, although two matters were drawn to the Minister’s attention. Such searches pick up relevant social media content which is then subsequently investigated. No such content was identified through this search. SSC considered that it conducted a process where,
any important information which bore on DC Haumaha’s conduct, character or integrity, should have been identified as part of the process.

10.4 I agree. What was not identified were essentially “perception risks” rather than facts relevant to the appointment process. They are only relevant because of the impact publicity might have on the appointment.

10.5 I have considered what more might be done to identify these types of risk.

10.6 My recommendations, which are really offered more in the nature of suggestions to SSC with the objective of increasing the likelihood of identifying these unknown risks, follow.

**Recommendation One**

10.7 That SSC takes care to be explicit when seeking information from candidates and referees that they should think widely, pointing out the risk of matters that might be seen as irrelevant gaining some traction if the candidate were to be appointed.

**Recommendation Two**

10.8 That SSC ensure that references are sought from a significant number and diverse mix of referees, appropriate to the role.

**Recommendation Three**

10.9 That SSC use the ability to approach people other than nominated referees, where appropriate, to seek anonymous, confidential views from employees and other persons whose perspectives may not otherwise be reached.

**Recommendation Four**

10.10 I understand the Commissioner is keen to undertake a review of international best practice to identify further improvements that might be made to the appointment process. I recommend that a focus of this review be on identifying and managing the risks around unexpected publicity.
TERM OF REFERENCE – Government Inquiry Into the Appointment Process for a Deputy Commissioner of Police

BACKGROUND

1. On 3 June 2018, a new Deputy Commissioner of Police was appointed for a term of five years, pursuant to the Policing Act 2008.

2. The Deputy Commissioner of Police is appointed by the Governor-General, on recommendation of the Prime Minister, following a recruitment process run by the State Services Commission. The State Services Commission makes its recommendation to the Minister of Police.

3. A victim advocate has publicly raised concerns about the appointment. Her concerns relate to statements the appointee allegedly made to Operation Austin police investigators about three police officers who were facing sexual violation allegations and were subsequently charged with rape.

4. In light of the concerns raised, Cabinet has agreed to the establishment of a Government Inquiry into the process that the State Services Commission undertook to appoint a Deputy Commissioner of Police. In particular, Cabinet want to determine if all relevant information was sought by the State Services Commission, and whether or not that information was provided to Ministers in order for them to make sound decisions and recommendations.

PURPOSE

5. The matter of public importance that is the subject of the Inquiry and that the Inquiry is directed to examine is the process managed by the State Services Commission in appointing a Deputy Commissioner of Police, to ensure Ministers are fully informed to make sound decisions and recommendations. In particular, the Inquiry is to examine:
   a) what information officials can reasonably be expected to be able to obtain about candidates; and
   b) what information Ministers can reasonably expect to receive about candidates, in order to make sound decisions and recommendations.

SCOPE

6. The Inquiry shall examine, identify, and report on the adequacy of the process that led to the appointment of a Deputy Commissioner of Police, including:
   a) whether all relevant information was properly provided to, or gathered by, the State Services Commission during the appointment process (and if not, why not?);
   b) whether the State Services Commission considered all relevant information gathered, or received, to reach its recommendation;
   c) 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?).

7. The Inquiry may consider other matters that come to its notice in the course of its inquiries and that it considers would assist it to deliver on the stated purpose, scope and deliverables.
8. The Inquiry will run for a maximum of six weeks.

*Out of scope*

9. The Inquiry will not consider whether the appointee is a suitable candidate for the role of Deputy Commissioner of Police.

**APPOINTMENTS**

10. The member of the Inquiry is: Mary Scholtens QC.

**FINDINGS AND RECOMMENDATIONS**

11. Without limiting the terms of reference set out above, the Inquiry shall deliver a final report with its findings on any recommendations about the process for appointing future Deputy Commissioners of Police. Such recommendations may concern legislative, administrative, policy, practice, or procedural changes.

**PRINCIPLES OF THE INQUIRY**

12. In all of its work, the Inquiry shall act independently, impartially, and fairly.

13. In accordance with the Inquiries Act 2013, the Inquiry may make findings of fault, but has no power to determine the civil, criminal, or disciplinary liability of any person. It may, however, make recommendations that further steps be taken to determine liability.

**COMMENCEMENT OF WORK AND REPORTING REQUIREMENTS**

14. The Inquiry will commence on 20 August 2018. The Inquiry may begin considering evidence from 20 August 2018. The Terms of Reference have been published in the New Zealand Gazette.

15. The Inquiry is to issue its final report, containing findings and recommendations, in writing no later than six weeks from its establishment date.

16. The Inquiry may issue an interim report or reports of findings and recommendations.

17. If the Inquiry identifies issues which may affect its ability to deliver a final report within six weeks of its establishment it shall notify the appointing Minister as soon as possible with a view to identifying an appropriate solution, which may include (but is not limited to) an extension of time.
Appendix A2

Process followed by Inquiry

1  The Inquiry commenced work on 20 August 2018.

2  It issued notices under s 20 of the Inquiries Act 2013 requiring relevant documents to be provided by Police, the State Services Commission, and Ministry of Justice.

3  It also received documents from the Minister of Police, DC Haumaha, Ms Nicholas, and complainants.

4  A significant number of documents were received including DC Haumaha’s personnel files, relevant Operation Austin records, correspondence and documents relating to the SSC appointment process, and correspondence and documents relating to the Justice Sector Māori Outcomes project.

5  35 people were interviewed. Interviewing commenced on 30 August 2018 and was completed on 12 October 2018. Interviews were conducted privately and in person, in accordance with Minute 2.

6  All interviewees were provided with a transcript of their evidence for checking.

7  A further 11 people assisted in the provision of written information for the Inquiry’s review and were available to be interviewed if required.

8  The Inquiry did not consider it necessary to designate any party a core participant under s 17 of the Act.

9  The Inquiry was originally to report within six weeks of establishment date of 20 August 2018. It received an extension to 2 November 2018.

10  Extracts of the draft report were shared with affected parties on 23 October 2018. All comments were received by 28 October 2018 and reviewed.

11  Information continued to be provided up to, and including on, 31 October 2018.

12  Given the subject matter and nature of the evidence, the Inquiry has made the confidentiality orders set out in Minute 2 and Minute 5.

13  The Inquiry has also engaged with the Independent Police Conduct Authority following advice that two of the complaints provided to the Inquiry had also been submitted to the Police, and from there to the Authority. The steps taken to ensure the smooth conduct of both matters are set out in Minute 4.
STATEMENT

Bay of Plenty District HQ Building
Conference Room
ROTORUA
Thursday 12th February 2004

Wallace Patrick HAUMAHA states:

My full name is Wallace Patrick HAUMAHA.

I am 51 years of age and my date of birth is

I am speaking with Detective Sergeant from the Operation Austin Team about my knowledge of the Rotorua Police and will be providing a snapshot of the people and the culture of the Rotorua Police during the mid 1980's. I have also been told that the Operation Austin is the police investigation looking at the allegations made by Louise NICOLAS about an incident involving her being sexually violated by three then police officers in Rotorua during the 1980's.

I am presently employed as a member of the New Zealand Police currently holding the rank of Senior Sergeant.

I have the role of Strategic Cultural Advisor and the District Youth Services Coordinator at the Bay of Plenty District Headquarters. My Manager is Supt who is the District Commander. I have informed him by phone of this interview and Detective Sergeant has also spoken to Supt who is happy with the interview occurring. I am currently the Acting Area Commander for the Whakatane Police Area.

I have been with the NZ Police for 20 years.

I joined the Police in the Recruit Wing 89. After training at the Porirua RNZPC I was transferred from the College to the Rotorua Station. I commence duty there in July 1984.

At the time I commenced in the Rotorua Police I knew Rotorua well as I was born there and have grown up there. In July 1984 when I joined the Rotorua Police station there were five sections operating at the time with a structure of a Senior Sergeant running the shift, with one Sergeant and about 8 - 10 Constables on section. The roles of the constables were two Incident Cars with two up in each car, one constable with the Sergeant in another car. That
constable was there to learn and be mentored by the Sergeant. You had two Constables on the beat. One Constable in the watch-house who was manning the control which involved the police radio and computer transactions, which was in the Watch house area.

From my recruit wing number 89, I was the only recruit posted to Rotorua.

Also on the section at this time were [redacted], Bob SCHOLLUM (His real name was Robert but everyone called him Bob), and [redacted]

Back then we provided as a station the full range of squads that covered the whole Bay of Plenty.
I was on Team Policing about this time. The Team Policing Group was made up of a Sergeant.

I joined this section around 1986.

This was a rotation where you went on for a year. Not everyone did the time on TAU but you were selected.

Clint RICKARDS was on TPU at this stage also. There was a female constable on TPU called [REDACTED] but I cannot recall her last name, there was lastly [REDACTED] who is a Detective Sergeant in Rotorua currently.

When I came out of the College I was 30 years of age but due to the police culture back in the mid 80's I was considered the junior boy. The life experience I offered the police was not judged on knowledge but on my collar number. What this meant in the environment of Rotorua was that you followed the leader and did as you were told by the next senior member.

This context also flowed into the social scene with in the Rotorua police. You had certain social schools depending on the years of police service. Section socials were often the Sunday Schools. These Sunday School sessions were on at 0500 hours on the Sunday morning at the end of night shift.

The Police Bar was the location and then sometimes we would also go to a member's house. We would have turns at different members houses or at the Sergeants where we would either have a breakfast, which was normally cooked, or just have the drinking session. Other times we would bring food to work and we would reheat it in the morning and have it with the beers in the Police Bar.

At these Sunday schools some people would wear part of their uniform, but the general practice would be to remove the police epauletts. And if we went to someone's house people would usually have a change of clothing.

Most of the section would turn up to Sunday Schools. There was no one that I can remember that wouldn't leave a shift without going to Sunday School.

I never had a Sunday School at my place because it was too small and I lived 10 kms out of town at a place called Ngongotaha. This is where I grew up and still live.

I can recall going to Sunday Schools, but I can't be positive about being there at [REDACTED] place for a Sunday school. I cannot remember going
there to Sunday School, but I did go there for his house warming at an
address in [redacted], Rotorua.

I must have been there maybe a couple of times for social do's. I can't recall
exactly what the occasions were but I did go to his address at [redacted] in
Rotorua.

There were references
during this period to people making general jokes about police batons as
humor e.g. the size of the baton in comparison to a man's penis and this was
often said in social settings as a joke but nothing specific to any sexual
violation or sexual incident.

We had a Sunday School at [redacted] house in [redacted]. We had
a Sunday School at Bob SCHOLLUM it was at an address in [redacted]
Rotorua.

These Sunday Schools involved a lot of singing, playing the guitar and having
a good party. We would have a few beers. This was the norm during this
period and for most sections. As for Jug Sessions we had in the Police Bar. I
can't recall too much detail but they were always a hard case.

Around 1986, and again in 1993 and 1996 when these allegation kept coming
up I never heard any reference to the use of a police baton in any rape
allegation and neither did we know any of the details, the first I became aware
of a compliant in relation to Bob, Clint and Brad was when the then Detective
Inspector John DEWAR took up the investigation.

Bob and Clint had left Rotorua by then and Brad SHIPTON was on section as
a Sergeant having returned from UN Peace Keeping Duties. He was under
the leadership of [redacted] during the UN Peace Keeping
Duties. [redacted]

On Section I worked with Bob SCHOLLUM he was one of the senior fellows
on Section, in my view I had the utmost respect for him as a senior person
who never made me feel like the junior guy and valued what you could
contribute rather than the position of your collar number.

Bob SCHOLLUM I remember was a dynamic leader and good teacher that
was passionate about policing. He would say where else could you get a job
with so much variety and always had this positive outlook.

Bob SCHOLLUM was a good friend to me and other cops on section. We all
socialized together as a section. It was no secret that Bob was attractive to a
lot of woman. I think this was because he had the charm that worked for him.
A lot of women were attracted to him.

The bar at the Rotorua Station was the centre of a lot of social activity. The
police wives would get together there in fact they had a police wives
committee that used to provide suppers and organize social do’s that were well attended by members of the community.

Bob was single at this time. I believe that Bob was a legend in his own right. As to how true the legend was I do not know. People both male and female found him good company. The legend was that he was never short of a girlfriend or female company.

I saw him approached by many women in social settings however I feel that how many he went with I could not say. The perception of the man versus the reality was added to by the meal room myths and legends. There was a lot of bullshit and many guy’s would build up their own self-image through creating stories about themselves and others.

I became friendly with Bob because on occasions when dealing with death on the job Bob helped me deal with the death situation, as he would make me feel secure about the way we handled death and view things better. On occasions I would take Bob back to my marae at Ngongotaha to give him an insight as to why I was sensitive about certain things or how we dealt with death on the marae.

At times I would put him on the spot and get him to talk to my people and he found these situations really good and a lot of my people got to know Bob and he got a lot of respect because he took the time to listen and talk.

One of the women on the marae I spoke to last night about Bob said she would often get her daughter to baby-sit for Bob during this period.

They are both part of my marae and of which I have been the chairman for over 25 years. My people who knew Bob were shocked by these allegations of rape as this was not the Bob they knew.

Bob would go to the following places to socialize, the Police Bar at Rotorua, the clubs namely the Tudor Towers, and The Cobb and Co. We would not drink in the pubs because they were the big barn type bars that were not the safest places for off duty police to go during this time in Rotorua. The other option was to go to your mate’s places for drinks.

Bob SCHOLLUM may have gone to St. Michael’s Rugby Club with Brad who played for St. Michael’s. They may have gone to Old Boy’s Rugby Club as played for that club. was another one of the group that was social at Rotorua. We also had our own police rugby team that was the bay of Plenty Police Rugby Team but again most of the after match functions were at the Police Club where we hosted and feed the opposition teams.

In a nutshell the culture of the police back in the mid 80’s was work hard and play hard in terms of enjoying ourself.
Bob back then was driving an old style type model car but I can't recall the colour, make or model. He didn't have a very flash one I know that much. I drove an old V8 Holden HQ at that time. I remember using it in covert operations around Rotorua. Because Bob SCHOLLUM I don't think he had much money at this time.

The last time I saw Bob was about three years ago when I went down to Napier on a school trip and called in to see him at the car dealers.

I left this section being section 4 in late 1985 as I went on to Team Policing Unit. TPU had drinking sessions. The difference between this TPU and the Section 4 was that it was not as socially orientated. So we would have a BBQ at member's houses on a Sunday afternoon. I remember especially that Clint who was on TPU was married to . He was a real family man. He did very little drinking with the other team members on TPU.

The TPU group dynamics were different from sectional dynamics. This was because a lot of the members were married or in relationships. I got together with in 1986. I was in a relationship and got married in 1986.

During this time the TPU was very well respected and we were dealing with mainly Maori gangs.

Just at this time when I worked with Clint there were no stories associated with him of any wrong doings that I saw, although he was part of the station culture he would laugh and joke with the rest of us. It was very rare if any that I saw him out on any social occasion. I cannot recall him ever being drunk or intoxicated in my presence. I cannot recall any vehicles that he drove.

There was a period when I left the police. This was in 1988 . I left of my own accord and I was also disgruntled, as I could not get into the CIB. I resigned but then returned to the police in 8th October 1990, after who was the District Commander at that time asked if I would come back to the police and this was approved by the Region Commander and I did.

I returned to Rotorua and commenced in GDB. Brad SHIPTON was my sectional sergeant in 1991, during that period he was strong as a leader his
experience as a detective added value to the section we were then both asked to go onto the CCU together with the now

During our time on CCU Brad and all of us worked very closely together, I socialized with Brad SHIPTON and his wife [redacted] and my wife [redacted]. We would socialize as couples and not alone. I never worked with Brad in the early 80's and therefore our relationship really developed in the 90's and we became really good friends he was an awesome cop and good friend. He is still a good friend who I last saw about a year ago.

Since he left Rotorua in about 1996 it was the end of our working and social relationship. Around this time I know that there were people who were jealous of him and the achievements of the CCU during this time. Again the perception that police staff had of Brad was that he was full of himself and actual fact for those that knew Brad and had worked with him he was totally dedicated to his job and had some of the best interviewing skills of offenders that I have seen in my time in the police. I feel that people got the wrong impression of Brad. He was a big softie at heart. He was one of the first supervisors to attend family

During the time I worked with Brad, he would share information with me, but at no time did he ever mention anything of a rape, or the use of a baton, group sex or anything to do with Louise NICHOLAS. He mentioned nothing to do with this what so ever.

Brad [redacted] since leaving the police.

I have heard rumors about where the information in respect of these allegations has come from. It seems to be that people have mentioned that it has been put together by ex cops from Gisborne [redacted] The reporter KITCHIN who investigated these allegations is said to have been working in Gisborne and was well known to the two former Policeman.

The "fourth man" rumors I have heard say that it is [redacted] who is now in Wanganui and works at [redacted] told me a couple of weeks ago that there had been some reference to him being number 4.

There is a standard joke around the station now where everyone says "are you number four" so people a very conscious of a fourth person.

Other staff that were around during this time in the mid 80's were:
This is the first time that I have made a statement or been spoken to formally by any police officer regarding this matter.

Wallace Patrick HAUMAHA
Senior Sergeant

Statement taken and signature witnessed by

Detective Sergeant C466
4.15 pm
I am making this statement per Detective Sergeant [redacted] regarding allegations made by Louise NICHOLAS against Bob SCHOLLUM, Brad SHIPTON, Clint RICKARDS and a fourth person dating back to the 1980’s.

I became of these allegations, which are of a sexual nature through the media.

SHIPTON, SCHOLLUM, RICKARDS were a tight group who worked together, played together and generally socialised together.

Those three and others attached to the CIB were regularly around at Dewar’s partying.

They also partied at a flat around the corner from the Police Station. I think it was in [redacted] Street. I’m not sure who flatted there but it was a policeman, for some reason I think it was SCHOLLUM’s place.

They also used to frequent the Tudor Towers Nightclub which was in the Government gardens behind the Police Station.

Armed Offenders Squad members were also part of that tight group which included a lot of CIB personnel.

The dog handlers were also part of the group.
I can't comment about group sex which Shipton, Schollum or Rickards may have been involved in.

All I can say is that Shipton and Schollum during the 1980's were sexually involved with numerous ladies both married and single.

I can't give you any names given the time that has passed.

I knew Shipton split up with his wife [REDACTED] a couple of times.

Wally HAUMAHA was also close to their guys, particularly Clint RICKARDS.

I met Wally in early February this year at the 'Lakeside 2004'.

He raised the NICHOLAS matter and said how much of a nonsense it was and how could anyone come out and drag it all up.

He said he was really feeling for Clint, especially at this time and his career and said he had been talking to him, to quote, "the other day".

He also said something along the lines you know nothing really happened and we have to stick together. I think he was referring to the people that were around at that time.
I have no knowledge who the fourth person is supposed to be with regard the baton incident at Rutland Street.
I have read the statement and as far as I can remember definitely it is true. I have read it and made alterations as reading.

[Signature]

Statement taken & signature witnessed by

D/Sgt 8307
15/2/04 6-00pm
Statement

Office of the Commissioner
Wellington
30th August 2004
4pm

Wallace Patrick HAUMAHA states:

That is my full name. I have previously given my personal details to Police in my first statement taken on 12th February 2004. I am currently a temporary Inspector in the position as National Strategic Cultural Advisor, based at OoC. My extension number is 44300.

I have been asked to make a further statement to clarify certain aspects of the enquiry, which have surfaced since the making of my first statement. I am happy to do so. I am speaking to Detective Sergeant [redacted] of the Operation AUSTIN enquiry team. I am aware that the enquiry centres on complaints made by [redacted] and [redacted], against both former and serving members of the NZ Police.

As I said in my first statement, I graduated to Rotorua in July 1984 and I was posted to the same section as [redacted]. I have been told that the allegation made against Kelvin POWELL centred on a 21st birthday party held in about February 2004. Obviously I did not attend that birthday party, I commenced at the RNZPC on 24th January 1984.

I have been asked if I can comment on my knowledge of [redacted], in terms of her relationships with [redacted]. I didn’t really know much about [redacted] private life in terms of her relationships. The only relationship I can probably recall, and this may only be rumour, was with [redacted]. She may have had relationships with other Policeman that I don’t know about. [redacted] did not mix in the same circles socially as I did, apart from perhaps our sectional functions such as Sunday schools or sectional BBQ’s.

[redacted] was an attractive girl, that was no secret. She had quite a strong character, she was determined to stand up to her male counterparts on section and not play second fiddle to anyone. She stood up for herself. When you think back to 1984 and the culture within the Police, there were still attitudes to women within the Police. [redacted] did not back down to anybody, I would describe her as a very strong woman at the time.
As a partner in the I-car she like to rule the roost. In those days your collar number played a huge part as to where you were positioned in the scheme of things. I was 33 years old in 1984 and she was years old. Age was of no relevance then, she was the senior person in the I-car.

I have been asked to comment on how behaved socially. Being the only women she would have known she was the centre of attention. I think she may have been the only female on section at that time. When I think of the times we socialised, I cannot think of any times when we had a drink together that she showed any sort of behaviour that would have led to any sexual behaviour on her part.

I do recall one occasion on a section training day that she went topless at one of the lakes, I think it was Lake Okataina. I remember it distinctly because our Sergeant, , was smoking on our run through the bush.

I remember on that occasion we were on the wharf there. I can’t remember what prompted to do what she did, but that was my only experience of doing anything which may have been remotely sexual. We’d been for a run, we went for a swim, and must have slipped her top off and jumped in topless. That was probably a reflection of her behaviour, if she wanted to do something then she would do it. Nobody seemed to have any control over , she was her own woman.

I can’t begin to say what her intentions were in doing this. I think it was probably more of being exhibitionist really. I have heard stories and rumours of her flashing her tits in the bar but I cannot say whether those rumours are true.

and I were quite good friends. I remember she had a passion for her dogs and her animals. In saying that we did not socialise together outside work. Our friendship did not extend to anything outside of a working relationship.

I have been asked if I can comment of any possible relationship between and . I knew nothing of any relationship between and . The first I became of any relationship was as a result of this enquiry. At the time that I worked with I saw nothing, I knew nothing, and I can’t recall anything that was said that lead me to believe that anything had gone on between them.
I saw nothing to indicate there was anything between them at all. There was nothing to indicate any animosity between them, or that there were any feelings towards each other. There was nothing that would have stood out as being out of the ordinary. There is not one iota that [redacted] mentioned to me about [redacted].

I would have worked with [redacted] from July 1984 for about a year until I moved sections in 1985. I think I was on Section four for about a year before I moved to Team Policing in late 1985.

The first I heard of anything in respect of [redacted] and [redacted] was when the story broke in the media earlier this year.

I have been asked if I can recall any talk or rumour that any Police Officer had gone around to [redacted] house and given or received a massage. I cannot recall that. It may have happened but I cannot recall ever hearing this. I cannot recall ever being aware that [redacted] had given or received a massage from [redacted]. If it happened it wasn’t significant enough for me to remember that detail. Outside of the Police I mixed mainly with my own people, and had my own circle of friends and family.

I have been asked if I can remember a young girl who came out with me on a Police shift called [redacted], and I have been shown a photograph [redacted] which I have been told that she took during one of her evenings out with myself and Bob SCHOLLUM.

I have also been shown photographs of me [redacted] which show me sitting in the passengers seat of a Police Patrol car, and [redacted] which show me in uniform in the Rotorua Police Station kitchen. I have been shown photographs [redacted] of Constable Bob SCHOLLUM driving a patrol car, and [redacted] of Bob SCHOLLUM standing outside the Patrol Car.

There is a further photo [redacted] of Bob SCHOLLUM fingerprinting a blue rubbish bin. I have been told that this was taken outside of the Hub Dairy in Ngongotaha.

I do not recognise the young girl in [redacted] I am told her name was [redacted] I cannot recall this name.

After seeing the photographs (listed above) I cannot recall the night where the photographs were taken. It is clear that it was myself and Bob working in the vehicle, but I cannot recall taking this girl out on a shift for work experience, although this was obviously the case. I have been told that her recollection is that she came out with Bob SCHOLLUM and I on about 3-4 occasions. I cannot recall this particular girl coming out with us. I have to
say that the reason that I do not recall this particular girl coming out with us is that at that time we took several people out on work experience.

What I can say that this particular night would have been during my time on section four, which was from July 1984 until late 1985. This was the only period that I worked with Bob SCHOLLUM on section. Later as I was coming off Team Policing Bob may have joined the TPU. This would have been probably late 1986. The car shown in [redacted] was not the sort of car that we would have driven on TPU, we would have had an old Bedford van and there would have been 6 of us in it.

I have been told that photo [redacted] is a photograph outside of the Hub Dairy. I cannot say that the photo is definitely outside of the Hub Dairy, I cannot recall it looking like that. Through our family trust, [redacted], we own the block of shops in which the Hub Dairy is situated. There are eight shops in the block. Our family trust purchased the block in 1989.

In 1988 I left the Police [redacted], and following the purchase of the grocery shop, we then purchased the Hub Dairy. The grocery shop was in the same block as the Hub Dairy. [redacted] until the 8/10/90 when I rejoined the Police as a result of the District Commander at that time, [redacted], recruiting me back into the job.

In about 1989 - 1990 we refurbished the Hub Dairy. Looking at the photo [redacted] I cannot immediately say that that was the Hub Dairy as it looked prior to our refurbishments. It may have been but I cannot definitely say that it was.

I cannot tell you from who we purchased the Hub Dairy from, although her name will be on all the lease documents. The previous owner both leased and operated the Hub Dairy. In 2001 [redacted]. The family trust still owns the buildings.

I have been asked if I still retain my Police notebooks from this time. I do not, when I left the Police in 1988 I did not retain anything like that.

D/Sgt [redacted] has read out some excerpts of [redacted] statement outlining how she recalls us, myself and Bob SCHOLLUM, picking her up from her [redacted] St home, meeting her father, and taking her out 3-4 times on work experience. D/Sgt [redacted] has read out some of the incidents that she recalls that we attended. Despite being told of her recollection, I cannot recall specifically taking this young girl out on a shift. As I said earlier there
would have been many incidents where I would have taken someone out on a shift. I cannot remember going to her address or to speaking to her father as she describes. It could well have happened, I just cannot recall it.

If you were to ask me about some of the young people that I organised to go out on shift through recruiting in the 1990’s then I could recall the names if you put the names in front of me now. If there was something of significance to me that had happened during this shift, then maybe I could recall more detail, but obviously there was nothing that happened out of the ordinary that would cause me to remember this girl.

I cannot recall even taking any young women out on work experience, although obviously the photographs show that in this case we did.

If something untoward happened to this young girl as you describe, then I have no knowledge of this happening. It comes as a complete surprise to me. Bob did not seem to me to be the person who would force himself on a person if it were not consensual. In fact it makes me angry to hear that anything may have happened between Bob and this young girl, if it was non-consensual, as a result of her being entrusted to our care.

I have been asked if I can recall where Brad SHIPTON moved to subsequent to him living at Rutland Street in the 1980’s. I do know the house in Rutland St, it is a Police house and I recall Brad and living at that house. I do not recall where he may have moved to following this. Although I played rugby with Brad in the Police Team, I never worked with Brad until around 1991 following his return from Namibia. Brad was a Sergeant on our section.

I think when he came back to Rotorua from Namibia he moved into another Police House, I think it was a small house in, on the corner of. I do not know what Brad’s movements were from when I left the Police in 1988. I cannot recall where he was living at the time I left the Police in 1988.

I have been asked if I can recall what vehicles that Brad SHIPTON, Bob SCHOLLUM, or Clint RICKARDS were driving around January 1986. I recall saying in my first statement the Bob was driving a small car, I can’t recall whether I described it as a viva or something similar. It was a small car similar to a viva. I cannot say exactly what period he owned this, I can recall him having it at some stage.

I cannot remember what car Clint was driving around January 1986. I recall when I was working with Clint on TPU when I first went onto TPU he would always get a 4L to and from work. I cannot recall him ever having a car. That would have been in about 1986.
I do not know what car Brad was driving.

I have read this statement and it is true and correct

Signed: ___________________________
Wallace Patrick HAUMAHA

Witnessed: ___________________________
Detective Sergeant [redacted]

30/8/04
6.47pm
Police National Headquarters
Wellington
25th September 2006
1.45pm

Wallace Patrick HAUMAHA states:

That is my full name. I have previously given my personal details to Police in two earlier statements, [redacted]. I am currently relieving the position of Superintendent in charge of Maori Pacific and Ethnic Services at Police National Headquarters in Wellington. [redacted]

I am making this statement to Detective Sergeant [redacted] of the Operation Austin investigation team to see if I am able to comment on any friendship that I was aware existed between Brad SHIPTON and Clint RICKARDS during the 1983-84 period.

I was posted to Rotorua from the Police College in July 1984. At that time I did not know of any relationship existing between Brad and Clint. I do not know in what capacity in 1984 they worked and cannot comment on their friendship.

I was a new boy on the block at that time and was trying to keep my head down and just learn how to do the job.

I knew Clint when we were both at high school together and we also both went to judo training. But prior to joining the police I didn't know him on a personal basis.

I did work on the Team Policing Unit with Clint in 1986. Clint was already on the unit when I started. [redacted]

I didn't know Brad before I joined the police.

Wally Haumaha statement continued:

Brad was in the police team when I played. I didn't play with Clint as I think he may have been injured, in fact I never saw him play rugby.

You will be aware I left the police in 1988 and rejoined in October 1990 and went straight onto a uniform section.

Brad transferred from Tauranga on promotion as Sergeant and became my sectional sergeant. You have advised me he transferred to Rotorua in November 1990 and I accept that as being the date.

It was from Brad being my sectional sergeant that I became good friends with him. I would put this occurring around 1991-92.

As far as my friendship with Clint if I worked with him on TPU in 1986 that would have been the extent of our relationship. We were a close unit in a working sense but never socialised outside of police hours.

From section Brad and I both went onto the Crime Control Unit or CCU as it was commonly referred to. Brad was the sergeant in charge of the unit and the other constables including myself were.

While on CCU our office was situated on the top floor, at the top of the stairs, of the main station and not far from the canteen.

I am not sure who Brad's supervisor was or who he reported to. It may have been the Detective Inspector or the Detective Senior Sergeant. However I cannot discount him reporting to a uniform Senior Sergeant.

I was on CCU for approximately 3 months with Brad then he left and I was the acting Sergeant for a little while, probably less than 3 months, before I went to the CIB as an enquiry cop. There was no Enquiry Office as such and I was assigned to one of the CIB Squads. I am unsure when the Enquiry Office was disbanded.

I am not sure where Brad went when he left CCU but it is possible he commenced working in the CIB.

The nature of our work on CCU was mainly to focus on burglaries and the investigation of reported burglaries to the police. Our work also involved cultivating and working informants as any aspiring detective would be expected to do. Our work also involved focusing on the gangs in Rotorua which at that time created quite a lot of work.
Wally Haumaha statement continued:

CCU was what you would call the stepping stone for those with aspirations of joining the CIB and becoming detectives.

I don’t recall working that closely with the CIB or becoming involved with them to any great degree. I’m sure there were times when the CCU would work in close with the CIB when they needed a hand with warrants and the like.

We worked in plain clothes 99 percent of the time while on CCU. In fact I do not recall working in uniform while there.

You have asked if I was involved in the investigation into a Mongrel Mob gang rape in Rotorua in January 1993 where there were multiple offenders.

I am unsure if CCU worked on the investigation as I was working as an enquiry cop in the CIB, but somewhere along the way I may have been involved in putting one of the victim’s, from the rape, in a motel for safety reasons until she was relocated elsewhere.

I remember there was an article, featuring the CCU, in The Daily Post newspaper in Rotorua when I was on the unit. There was a photograph of myself, Brad, [name redacted] and an article on the unit and what type of work we performed. I have been unable to locate the article.

The article will give you some idea when I was on CCU.

Sometime in 1992 I went from CCU to being an enquiry cop in the Rotorua CIB. I went onto one of the CIB squads under the supervision of [name redacted].

Enquiry cops at that time wore uniform and were assigned to work under a Detective Sergeant on a CIB squad. Other members making up the squads wore plain clothes and comprised qualified detectives and detectives at various stages of their detective training.

[Name redacted] who is now a Detective Sergeant in Rotorua may have also been an enquiry cop at the same time in the CIB.

I remember when working enquiries in October 1992, under the supervision of [name redacted] I investigated a bad assault where a woman was attacked in the hospital grounds in Rotorua. The offender was a [name redacted] He was subsequently convicted of the assault.
Wally Haumaha statement continued:

Following this I was appointed as a Constable on Trial in the Rotorua CIB. You have told me this was in February 1993 and I accept this as being correct.

I am unsure who my first supervisor was when I went on Trial in the CIB or what squad I worked on.

I had earlier completed my CIB Induction Course in 1987.

I never used to go swimming with Brad and as far as he or Bob Schollum having tattoos I have no idea, but I do not recall seeing tattoos on either of them. I know Clint certainly had tattoos. In fact people with tattoos were relatively uncommon at that time.

2.40pm - Stop statement. Complete at later time.

Police National Headquarters
Wellington
12th October 2006
1.10pm

Conclude statement.

I have read this statement it is true and correct.

(W P Haumaha)

Statement taken and signature witnessed by:

[Signature]

Detective Sergeant
Operation Austin

12 October 2006
Hi Mike, I wanted to personally thank you for responding so quickly and setting up the meeting yesterday with Deputy Commissioner Mike Clement and Assistant Commissioner Wally Haumaha to discuss my concerns about Wally’s recent appointment as Deputy Commissioner. As discussed, this meeting was not just about hearing my concerns about past behaviour but also about the way in which Assistant Commissioner Wally Haumaha carries his responsibility’s going forward. We talked about the work that has been achieved over the last ten years and the need for that change to continue and for the culture of NZ Police to carry on its journey around ensuring the safety of our survivors in our communities. We talked about what happens when your position as Commissioner ends and the potential risk without the mandate from the Commission of Inquiry into Police Conduct to inform and hold fast the values that you have lead over the last many years. Last but not least we talked about my bottom lines, and its these bottom lines that at the end of the day are what protects me, you and our many survivors out there. So, to be clear what we have agreed?

- You will inform the Police Minister of the concerns raised with regard to Assistant Commissioner Wally Haumaha appointment.
- That you will personally manage and ensure appropriate action if or when concerns are raised and that I can contact you directly.
- That Assistant Commissioner Wally Haumaha will do everything he can to reassure and change the relationship.
- That its my intention to move forward and be open to developing a working relationship with Assistant Commissioner Wally Haumaha.

I want to add that I respect the opportunity and process in having a free and frank discussion and attended the meeting with an openness and willingness to understand. I thank you for allowing me to feel safe, heard and reassured during this meeting.

As discussed, this conversation was never about having any expectations of NZ Police to end the appointment, but it is about putting the NZ Police “on notice” to say I am concerned, I have doubts and that I wish this not to be hidden from people who have the power to intervene or protect the most vulnerable. Going forward we all agree that the course of action taken by Assistant Commissioner Wally Haumaha over time will tell and assure us all of his commitment to changing perceptions and establishing a trusting relationship.

With much respect and thanks

Louise

Louise Nicholas ONZM
National Sexual Violence Survivor Advocate
From: [Mike Bush]
Date: Wed, 6 Jun 2018 at 11:09 AM
Subject: RE: Meeting with Commissioner Bush, Deputy Commissioner Clement, Assistant Commissioner Haumaha, [Redacted]
To: [Louise Nicholas]
Cc: [Redacted]

Hi Louise,

Thanks for your email following our meeting last Thursday.

I would like, if I may to comment on both your open minded approach, professionalism, and clear support for ensuring the safety of victims through continued improvement of the culture of NZ Police which resonated strongly with those in attendance.

I would like to confirm that following our meeting I have informed the Police Minister, Hon Stuart Nash of your concerns raised with regard to Assistant Commissioner Wally Haumaha’s appointment.

I would also like to assure you of my commitment to the outcomes agreed from the meeting as listed below.

Best regards,

Mike B

Mike Bush MNZM

NZ Police Commissioner
Appendix D

Hierarchical Structure of the Justice Sector Māori Outcomes Project

Justice Sector Ministers

- Hon Judith Collins (Police and Corrections)
- Hon Amy Adams (Justice)
- Hon Chris Finlayson (Attorney-General)
- Hon Simon Bridges (Associate Minister of Justice)

Justice Sector Leadership Board (Chief Executives)

- Andrew Bridgman (Justice)
- Ray Smith (Corrections)
- Mike Bush (Police)

Justice Sector Deputy Chief Executives

- Colin Lynch (Chair, Justice)
- Audrey Sonerson (Justice)
- Christine Stevenson (Corrections)
- Various Police Deputy Commissioners overtime including Allan Boreham (Acting), Andy Coster, Glen Dunbier, Mike Clement, and Mark Evans

Project Sponsors / Governance Group

- Justice 1 (Justice) replaced by Justice 2 (Justice) (Justice 3 and Justice 4 both stood in for Justice 1 from time to time)
- Corrections 1 (Corrections)
- Wally Hamaha (Police)

Project Team

- Justice (Justice) replaced by Ms A (Justice)
- Ms B (Justice)
- Mr E (Justice)
- Ms C (Corrections)
- Dr D (Police)