



CABINET OFFICE

7 November 2023



Ref: OIA-2023/24-0250

Dear [REDACTED]

Official Information Act request relating to Hon David Parker's conflict of interest

Thank you for your Official Information Act 1982 (the Act) request received on 10 October 2023. You requested:

"I would like to bring the matter of the appointment of John Hardie to the role of Crown appointee in late 2022 to your attention, in breach of the Cabinet rulebook to your attention.

I believe that this matter brings the government's role in the council's decision to notify PC14 into disrepute and open to judicial review. The evidence suggests that:

- Minister Parker appointed a close associate and friend John Hardie to this role.*
- That this compromised the appearance that Hardie was acting independently of the Crown.*
- That this relationship was also not declared early enough with connection to work Hardie did for the RME Working Group and was not revealed to Judge Newhook.*

I have included the background story, and would like to request from you:

- 1. All correspondence regarding Jacinda Adern's and the cabinet office's involvement in the conflict of interest. MfE employee Lesley Baddon informed me that the matter of the conflict of interest was referred to her.*
- 2. Comment regarding the ethics related to Hardie's appointment in light of his long-term relationship with Parker."*

I refer to the letter dated 25 October 2023 from the Department of the Prime Minister and Cabinet (DPMC) advising that part one of your request was partially transferred to the Department of Internal Affairs (DIA) and the Ministry for the Environment (MfE) for response for information held by these agencies. The request relating to the Cabinet Office remains with DPMC, and our response is set out below. Part two of your request was transferred to the Prime Minister, Rt Hon Chris Hipkins for response.

Our response in respect of the part of the request remaining with DPMC is as follows:

The Cabinet Office, on behalf of the Prime Minister, supports Ministers in identifying and managing conflicts of interest that may arise in relation to their portfolios or other ministerial responsibilities.

As we understand Hon Parker has informed you, he transferred responsibility for an investigation under section 24A of the Resource Management Act 1991 into Christchurch City Council's non-notification of an intensification planning instrument to the Associate Minister for the Environment, Hon Phil Twyford. That transfer was agreed to by the Prime Minister and implemented on 7 November 2022.

The Cabinet Office holds a number of documents and emails relating to this issue, including communications with Hon Parker's office, MfE, and the Prime Minister's Office (in the period 2 November to 7 November 2022).

Successive Ombudsmen have taken the view that Cabinet Office advice to Ministers is inherently confidential. It is in the public interest that the Cabinet Office can obtain and assess information about conflicts of interest and provide advice to Ministers on how to resolve them. Ministers are encouraged to seek advice about conflicts from the Secretary of Cabinet on a confidential basis. Details regarding conflicts of interest are not generally disclosed, in order to ensure the confidentiality of Cabinet proceedings, to maintain the effective conduct of public affairs, and in some cases to protect personal privacy.

As noted, the Cabinet Office holds information that falls within scope of your request. I am however withholding this information under the following sections of the Act:

- Section 9(2)(a), to protect the privacy of natural persons;
- Section 9(2)(f)(iv), to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
- Section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers or officials in the course of their duty.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Rachel Hayward
Secretary of Cabinet