

15 June 2023

Section (9)(2)(a)

Section (9)(2)(a)

Section (9)(2)(a)

Our ref: OIA 104680

Tēnā koe Section (9)(2)(a)

Official Information Act request: Race Relations Commissioner

Thank you for your email of 17 May 2023 requesting, under the Official Information Act 1982 (the Act), information regarding the Race Relations Commissioner. Specifically, you requested:

A copy of all communication between the Human Rights Commission and the Ministry regarding the Race Relations Commissioner and the matter of his political donations.

A copy of all communication between the Justice Minister Kiri Allan and the Ministry regarding the Race Relations Commissioner and the matter of his political donations.

A copy of all communication between the Ministry and Deborah Russell regarding the Race Relations Commissioner and the matter of his political donations.

A copy of all internal emails, details of meetings and reports or other information held by the Ministry regarding the Race Relations Commissioner and the matter of his political donations.

Please see the document table attached, which details the information within scope of your request. As decisions are yet to be made on this matter, much of the information has been withheld under section 9(2)(f)(iv) to maintain the constitutional conventions that protect confidentiality of advice tendered by Ministers and officials. In addition, some information has been withheld under section 9(2)(h) to maintain legal professional privilege.

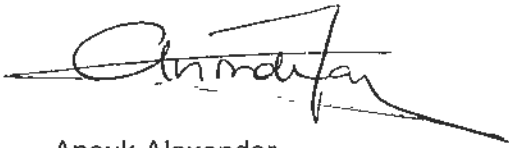
In withholding information under section 9, the Ministry has considered the public interest and does not consider it outweighs withholding the information at this time.

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Anouk Alexander', with a long horizontal stroke extending to the left.

Anouk Alexander
Deputy Secretary, Strategy, Governance and Finance

Documents in scope

Document number	Document date	Document title	Decision on release
1	21 April 2023	Email - Re: Query regarding Meng Foon's appointment	Out-of-scope information removed
2	21 April 2023	Email – HRC Appointments – Race Relations Commissioner	Withheld in full under section 9(2)(f)(iv)
3	21 April 2023	Email – Re: HRC Appointments – Race Relations Commissioner	Withheld in full under section 9(2)(f)(iv)
4	21 April 2023	Email – Re: HRC Appointments – Race Relations Commissioner	Some information withheld under section 9(2)(f)(iv)
5	22 April 2023	Email – Re: HRC Appointments – Race Relations Commissioner	Some information withheld under section 9(2)(f)(iv)
6	24 April 2023	Email – Morning media round up	Out-of-scope information removed Some information withheld under s9(2)(a)
7	24 April 2023	Email - Re: RE Race Relations Commissioner	Some information withheld under s9(2)(a)
8	26 April 2023	Email – Morning media round up	Out-of-scope information removed Some information withheld under s9(2)(a)
9	27 April 2023	Email - RE: Race Relations Commissioner - draft briefing	Some information withheld under s9(2)(a)
		Attachment: Briefing - Race Relations Commissioner	Some information withheld under s9(2)(a)
10	28 April 2023	Email – Morning media round up Friday 28 April 2023	Out-of-scope information removed Some information withheld under s9(2)(a)
11	28 April 2023	Email: FW: Race Relations Commissioner	Some information withheld under section 9(2)(a)
		Attachment: Briefing – Race Relations Commissioner	Some information withheld under s9(2)(a)
		Attachment: Letter to PM re Race Relations Commissioner	Released in full
12	1 May 2023	Email - SLT topics of interest 010523	Some information withheld under section 9(2)(a)
		Attachment: SLT topics of interest 010523	Out-of-scope information removed

13	2 May 2023	Email - RE: Transfer of responsibility - Hon Russell	Some information withheld under sections 9(2)(a) & 9(2)(f)(iv)
		Attachment: Letter - Transfer of responsibility in relation to the Race Relations Commissioner	Released in full
14	2 May 2023	Email - FW: WQ - 1 question(s) released to Minister	Released in full
15	2 May 2023	Email - FW: CONFIDENTIAL FW: Paul Hunt interview?	Some information withheld under section 9(2)(a)
16	2 May 2023	Email - MOJ Media summary May 2 2023	Out-of-scope information removed
17	2 May 2023	Email - FW: Meng Foon	Some information withheld under section 9(2)(a)
18	3 May 2023	Email - Re: Human Rights Commission - Conflict of interest issues	Withheld in full under section 9(2)(f)(iv)
19	4 May 2023	Email - Daily Media Summary - Wednesday 3 May 2023	Out-of-scope information removed and information withheld under section 9(2)(a)
20	8 May 2023	Email - RE: Briefing to Min Russell - Race Relations Commissioner	Released in full
		Attachment: Min Russell to Meng Foon	Withheld in full under section 9(2)(f)(iv)
21	8 May 2023	Email - RE: Min Russell to Meng Foon	Some information withheld under sections 9(2)(a) and 9(2)(f)(iv)
		Attachment: Min Russell to Meng Foon – JL edits	Withheld in full under 9(2)(f)(iv)
22	10 May 2023	Email: FW: Minister no surprises from Meng	Withheld in full under section 9(2)(f)(iv)
23	11 May 2023	Email - F - Briefing to Minister Russell - Race Relations Commissioner May 2023	Withheld in full under section 9(2)(h)
		Attachment: Briefing – F - Briefing to Minister Russell - Race Relations Commissioner May 2023	Withheld in full under section 9(2)(h)
24	11 May 2023	Email– Meng Foon	Withheld in full under section 9(2)(h)

		Attachment: Appointment of Meng Foon as Race Relations Commissioner in 2019	Withheld in full under section 9(2)(h)
25	11 May 2023	Email - FW: Meng Foon's conduct	Some information withheld under sections 9(2)(a) and 9(2)(h)
		Attachment: Minister of Justice's perspectives as the monitoring department	Withheld in full under section 9(2)(h)
26	11 May 2023	Email – FW: Meng Foon	Withheld in full under section 9(2)(f)(iv)
		Attachment: No surprises from Meng	Withheld in full under section 9(2)(f)(iv)
27	11 May 2023	Email - FW: URGENT, PRIVATE FOR MENG	Withheld in full under section 9(2)(f)(iv)
28	12 May 2023	Email and attachment - Letter - for review	Attachment withheld in full under section 9(2)(f)(iv)
		Attachment: 20230512 Min Russell letter to Paul Hunt v1	Withheld in full under section 9(2)(f)(iv)
29	12 May 2023	Email - RE: F - Briefing to Minister Russell - Race Relations Commissioner_May 2023	Some information withheld under section 9(2)(a)
30	12 May 2023	Email - FW: Letter from Chief Commissioner Paul Hunt, Human Rights Commissioner	Some information withheld under sections 9(2)(a)
		Attachment: Letter to Hon Dr Deborah Russell 12 May 2023	Withheld in full under section 9(2)(f)(iv)
31	15 May 2023	Email - FW: Briefing for logging - Associate Minister of Justice	Withheld in full under section 9(2)(f)(iv)
		Attachments: 20230512 Min Russell letter to Chief Human Rights Commissioner DRAFT; 20230512 Briefing to Minister Russell - Race Relations Commissioner MAP-55 FINAL; 20230512 Briefingto Minister Russell - Race Relations Commissioner MAP-55 FINAL; Letter to Hon DrDeborah Russell 12 May 2023	Withheld in full under section 9(2)(f)(iv)
32	15 May 2023	Email RE: SENSITIVE Briefing on Race Relations Commissioner	Some information withheld under sections 9(2)(a)

		Attachment: Briefing – Race Relations Commissioner	Withheld in full under section 9(2)(h)
33	15 May 2023	Email - RE: Letter from Chief Commissioner Paul Hunt, Human Rights Commissioner	Some information withheld under sections 9(2)(a)
		Attachment: Letter – Meng Foon – Race Relations Commissioner	Withheld in full under section 9(2)(f)(iv)
34	17 May 2023	Email - RE: WPQ on Race Relations Commissioner	Some information withheld under section 9(2)(a)
35	10 – 22 May 2023	Text messages between Andrew Kibblewhite and Paul Hunt	Released in full

From: Reid, Daniel <Daniel.Reid@justice.govt.nz>
Sent: Friday, 21 April 2023 3:18 pm
To: Knight, Liam <Liam.Knight@justice.govt.nz>
Cc: Whalley, Emma <Emma.Whalley@justice.govt.nz>; Newall, Wayne <Wayne.Newall@justice.govt.nz>
Subject: Re: Query regarding Meng Foon's appointment

Given Meng's appointment was prior to the period in question I can't imagine there was any information available.

Sent from my iPhone

On 21/04/2023, at 3:03 PM, Knight, Liam <Liam.Knight@justice.govt.nz> wrote:

Kia ora Emma

I hope Wayne will know more about this matter than me or my team – given I am not aware that any such matters would have come to our monitoring team's attention prior to Meng's appointment (not that I am aware we have been advised of since appointment either)

Ngā mihi, Liam

From: Whalley, Emma <Emma.Whalley@justice.govt.nz>
Sent: Friday, 21 April 2023 2:54 pm
To: Knight, Liam <Liam.Knight@justice.govt.nz>; Newall, Wayne <Wayne.Newall@justice.govt.nz>
Cc: Reid, Daniel <Daniel.Reid@justice.govt.nz>
Subject: Query regarding Meng Foon's appointment

Kia ora Liam and Wayne,

We are just doing a bit of digging into the issues raised this morning with Meng Foon providing funding to Minister Allan. Are you able to find out whether this is something we knew about during the appointment process for Meng Foon into his current role in the HRC?

Thanks
Emma

Out of scope

From: Newall, Wayne
Sent: Friday, 21 April 2023 9:08 pm
To: Lynn, Sarah
Cc: Kibblewhite, Andrew; Child, Edrick; Whalley, Emma; Gini, Phil; Graham, Anna; Reid, Daniel; Knight, Liam; Alexander, Anouk
Subject: Re: HRC Appointments - Race Relations Commissioner

Excellent!

Sent from my iPhone

On 21/04/2023, at 8:46 PM, Lynn, Sarah <Sarah.Lynn@justice.govt.nz> wrote:

Phil advised earlier today that his 5 year appointment commenced 26 August 2019.

Sent from my iPhone

On 21/04/2023, at 6:33 PM, Newall, Wayne <Wayne.Newall@justice.govt.nz> wrote:

Hi - the appointment was made circa July 2019. I'll confirm the exact date tomorrow.

W

Sent from my iPhone

s9(2)(f)(iv)

Out of scope

From: Kibblewhite, Andrew
Sent: Saturday, 22 April 2023 11:42 am
To: Alexander, Anouk
Cc: Knight, Liam; Newall, Wayne; Lynn, Sarah; Child, Edrick; Whalley, Emma; Gini, Phil; Graham, Anna; Reid, Daniel
Subject: Re: HRC Appointments - Race Relations Commissioner

Many thanks all. I appreciate the efforts.
 Ngā mihi
 Andrew

Sent from my iPhone

On 22/04/2023, at 10:00 AM, Alexander, Anouk <Anouk.Alexander@justice.govt.nz> wrote:

Thanks Liam, that's good to know.

Ngā mihi

Anouk Alexander

On 22/04/2023, at 09:45, Knight, Liam <Liam.Knight@justice.govt.nz> wrote:

Kia ora koutou

I have searched through our Crown entity folders and there is no documentation that would indicate we were either asked to send the code out or that we did at the time. It would usually be the case that the Public Service Commissioner would send such guidance directly to Crown entity chairs.

Noho ora mai, Liam

Sent from my iPhone

s9(2)(f)(iv)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Out of scope

From: Media
Sent: Monday, 24 April 2023 9:01 am
To: DL-NO-SENIOR MANAGEMENT TEAM
Subject: Morning media roundup - Monday, April 24

Kia ora to this short working week (for most),

Here is your morning media roundup for Monday.

Q&A – [Justice Minister Kiri Allan full interview from Sunday.](#)

Out of scope

1News - [Allan defends decision not to declare Meng Foon conflict of interest](#): Kiri Allan has defended the decision not to declare a conflict of interest with Race Relations Commissioner Meng Foon when she became Justice Minister, after it emerged Foon donated thousands of dollars to the Labour MP in the run up to the 2020 general election. Foon, who previously spent six terms as mayor of Gisborne, was appointed by the Labour Government to the role of Race Relations Commissioner in July 2019 by the former Justice Minister Andrew Little. The following year Allan won the East Coast seat for Labour and donations declared by the MP show Meng Foon and his wife Ying Foon gave \$1500.

ACT Party - [Meng Foon's true colours revealed – Labour red](#): "ACT has said right from the start that Meng Foon isn't fit for his role because he is unable to remain politically neutral, today's revelations bring new weight to our claims and he needs to go immediately," says ACT Leader David Seymour. "After being appointed to the 'politically neutral' role of Race Relations Commissioner, 1News reports that Foon donated \$1,500 to Labour MP and now Labour Cabinet Minister Kiri Allan's 2020 election campaign, his company has also provided Allan with a rent subsidy worth \$9,185. How's that for neutrality. "Foon can't be independent if he's a Labour donor, not that he ever called out racism from the left anyway. "Kiri Allan is now the Minister of Justice responsible for appointing the Commissioner. She didn't appoint Foon but would be responsible for his re-appointment. Judging by her reaction to a reporter's questions she hoped Foon's contributions to her campaigns would remain secret. When a reporter asked her about the donation she said, "I didn't take any monetary donations from Meng Foon."

Out of scope

Out of scope

Ngā mihi,

Katarina

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Katarina Fauvel (nee Williams) (she/her)
Senior Advisor, Media | Communication Services
Ministry of Justice | Tāhū o te Ture
M s9(2)(a)
E: Katarina.Fauvel@justice.govt.nz | justice.govt.nz

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Out of scope

From: Meg de Ronde <MegD@tikatangata.org.nz>
Sent: Monday, 24 April 2023 11:55 am
To: Kibblewhite, Andrew
Cc: s9(2)(a)
Subject: Re: RE Race Relations Commissioner

Mōrena Andrew,

Thank you for your response and for the congratulations.

It would be great to meet properly, and s9(2)(a) will be in touch soon to arrange something once I'm settled in.

Ngā mihi,

Meg



Meg de Ronde

Pronouns: [she/her](#) | See: www.mypronouns.org
Tatau-Uruora | Chief Executive Kāwanatanga Le
Te Kāhui Tika Tangata | New Zealand Human Ri

t: [093942962](tel:093942962) | [s9\(2\)\(a\)](#)

e: MegD@tikatangata.org.nz | w: www.tikatangata.org.nz
a: PO Box 6751, Victoria Street West, Auckland



This message may contain information that is confidential or legally privileged. If you have received this email in error, you do not have permission to use or disclose this information if the email is not addressed to you.

Please consider the environment before printing this email

From: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Sent: Friday, April 21, 2023 2:58 PM
To: Meg de Ronde <MegD@tikatangata.org.nz>
Cc: s9(2)(a) s9(2)(a)
Subject: RE: RE Race Relations Commissioner

[CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.]

Tēnā koe Meg. Thanks for reaching out. At this stage we have not been approached for comment but will stay in touch if we do. I am copying Joe Locke our media manager into this email, as well as Daniel Reid and Liam Knight who I imagine you have met or at least know of!

And more generally, congratulations on taking up the role. Will be good to catch up at some point soon.

Kia ora
Andrew

From: Meg de Ronde <MegD@tikatangata.org.nz>
Sent: Friday, 21 April 2023 2:36 pm
To: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Cc: s9(2)(a) s9(2)(a)
Subject: RE Race Relations Commissioner

Tēnā koe Andrew,

We haven't been introduced but I have recently joined Te Kāhui Tika Tangata.

I'm reaching out re the current news on the Race Relations Commissioner. We will be putting out a statement this afternoon but were wondering if you or your office had been approached for comment? We'd appreciate staying connected around comments and will send ours through in due course.

Nāku noa nā,

Meg



Meg de Ronde

Pronouns: she/her | See: www.mypronouns.org
Tatau-Uruora | Chief Executive Kāwanatanga Leader
Te Kāhui Tika Tangata | New Zealand Human Rights Commi
t: 09 3942962 | s9(2)(a)
e: MegD@tikatangata.org.nz | w: www.tikatangata.org.nz
a: PO Box 6751, Victoria Street West, Auckland 1142



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Out of scope

From: Media
Sent: Wednesday, 26 April 2023 9:03 am
To: DL-NO-SENIOR MANAGEMENT TEAM
Subject: Morning media roundup - Wednesday, April 26

Kia ora all,

Here is your morning media roundup for Wednesday.

Out of scope

Chris Lynch Christchurch's Newsroom - [Latest scandal erodes public trust in government entity](#): *Dr Bryce Edwards is the Political Analyst in Residence at Victoria University of Wellington. He is the director of the Democracy Project.* Minister of Justice Kiri Allan is currently pushing through a programme of reform to the rules around political fundraising by politicians. And yet it turns out Allan herself has received large donations that raise questions about the integrity of the politician, the donor, and the Beehive systems that are meant to protect the democratic process. On Friday 1News' Benedict Collins revealed that in 2020 Kiri Allan received donations from Race Relations Conciliator Meng Foon to assist with her campaign to win the East Coast electorate. The donations were made up of \$9185.04 in rent subsidies and \$1500 in cash. Foon also donated the lesser amount of \$1000 to unsuccessful National Party candidate Tania Tapsell. Prime Minister Chris Hipkins is defending Foon's donations, describing them as a "balanced approach" because he donated to both major parties. But a senior public servant giving money to politicians brings everyone into disrepute.

Out of scope

Ngā mihi,

Katarina

Katarina Fauvel (nee Williams) (she/her)

Senior Advisor, Media | Communication Services

Ministry of Justice | Tāhū o te Ture

M [s9\(2\)\(a\)](#)

E: Katarina.Fauvel@justice.govt.nz | justice.govt.nz

From: Reid, Daniel

Sent: Thursday, 27 April 2023 8:22 am

To: Lynn, Sarah <Sarah.Lynn@justice.govt.nz>; Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>; Knight, Liam <Liam.Knight@justice.govt.nz>

Cc: Whalley, Emma <Emma.Whalley@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>; Alexander, Anouk <Anouk.Alexander@justice.govt.nz>

Subject: RE: Race Relations Commissioner - draft briefing

Hi Sarah,

Thanks for sending through the briefing. I'm comfortable with it. Reads well and seeks what is needed. I agree that the sooner it is sent over the better.

Cheers

Dan

From: Lynn, Sarah <Sarah.Lynn@justice.govt.nz>

Sent: Thursday, 27 April 2023 7:37 am

To: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>; Knight, Liam <Liam.Knight@justice.govt.nz>

Cc: Whalley, Emma <Emma.Whalley@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>

Subject: Race Relations Commissioner - draft briefing

Importance: High

Kia ora koutou

Here's the very short draft briefing to the Minister re the HRC process issue.

Not an easy briefing to write, so would be great to get your thoughts – I think we'd ideally get this over ASAP today.

I have an offsite appointment first up followed by several meetings, so I might not be back at my desk until about 10.30.

Emma was out of the office when this issue picked up yesterday, but it sits in her area and she'll be taking over today (once I've had a chance to talk her through what happened yesterday).

Sarah

Sarah Lynn | Chief Advisor – Office of the Chief Executive

DDI: +64 4 49 49 948 | Ext 50948 | [s9\(2\)\(a\)](mailto:s9(2)(a)@justice.govt.nz)

www.justice.govt.nz

From: Orr, Jeff <Jeff.Orr@justice.govt.nz>
Sent: Thursday, 27 April 2023 7:16 am
To: Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Subject: Race Relations Commissioner

As usual, Sarah, I am completely content with your edits!

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Out of scope

From: Media
Sent: Friday, 28 April 2023 9:23 am
To: DL-NO-SENIOR MANAGEMENT TEAM
Subject: Morning media roundup - Friday, April 28

Kia ora all,

Here is your morning media roundup for Friday.

Out of scope

The Platform - [Why donations from public servants to politicians stink](#): The Human Rights Commission, for which Meng Foon works as the Race Relations Conciliator, is already under considerable scrutiny for being perceived as increasingly political and biased. Minister of Justice Kiri Allan is currently pushing through a programme of reform to the rules around political fundraising by politicians. And yet it turns out Allan herself has received large donations that raise questions about the integrity of the politician, the donor, and the Beehive systems that are meant to protect the democratic process. On Friday 1News' Benedict Collins revealed that in 2020 Kiri Allan received donations from Race Relations Conciliator Meng Foon to assist with her campaign to win the East Coast electorate. The donations were made up of \$9185.04 in rent subsidies and \$1500 in cash. Foon also donated the lesser amount of \$1000 to unsuccessful National Party candidate Tania Tapsell. Prime Minister Chris Hipkins is defending Foon's donations, describing them as a "balanced approach" because he donated to both major parties. But a senior public servant giving money to politicians brings everyone into disrepute.

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Ngā mihi,

Katarina

Katarina Fauvel (nee Williams) (she/her)

Senior Advisor, Media | Communication Services

Ministry of Justice | Tāhū o te Ture

s9(2)(a)

E: Katarina.Fauvel@justice.govt.nz | justice.govt.nz

From: Reid, Daniel
Sent: Friday, 28 April 2023 10:20 am
To: Knight, Liam <Liam.Knight@justice.govt.nz>
Subject: FW: Race Relations Commissioner

FYI

From: Ellie Argyle <Ellie.Argyle@parliament.govt.nz>
Sent: Friday, 28 April 2023 10:14 am
To: Orr, Jeff <Jeff.Orr@justice.govt.nz>; Wong, LaiYin <LaiYin.Wong@justice.govt.nz>; Hannah Cobb <Hannah.Cobb@parliament.govt.nz>
Cc: Rachael Gillatt <Rachael.Gillatt@parliament.govt.nz>; OCE@justice.govt.nz; correspondence, official <official.correspondence@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>
Subject: RE: Race Relations Commissioner

Hello

Confirming the attached letter will be sent by Cabinet office to the PM this weekend.

Once that agreement is secured, Minister Allan will send the letter to the Minister that responsibility will be transferred to, cc'ing the Secretary for Justice, and the transfer will be operational from that point.

Ellie

Ellie Argyle

Private Secretary – Justice | Office of Hon Kiri Allan
s9(2)(a) | Email ellie.argyle@parliament.govt.nz
Parliament Buildings | Wellington 6160 | New Zealand

Authorised by Hon Kiri Allan MP, Parliament Buildings, Wellington 6011

From: Orr, Jeff [<mailto:Jeff.Orr@justice.govt.nz>]
Sent: Thursday, 27 April 2023 2:38 PM
To: Ellie Argyle <Ellie.Argyle@parliament.govt.nz>; Wong, LaiYin <LaiYin.Wong@justice.govt.nz>; Hannah Cobb <Hannah.Cobb@parliament.govt.nz>
Cc: Rachael Gillatt <Rachael.Gillatt@parliament.govt.nz>; OCE@justice.govt.nz; correspondence, official <official.correspondence@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>
Subject: RE: Race Relations Commissioner

Thanks Ellie.

From: Ellie Argyle <Ellie.Argyle@parliament.govt.nz>
Sent: Thursday, 27 April 2023 2:34 pm
To: Wong, LaiYin <LaiYin.Wong@justice.govt.nz>; Hannah Cobb <Hannah.Cobb@parliament.govt.nz>
Cc: Rachael Gillatt <Rachael.Gillatt@parliament.govt.nz>; OCE@justice.govt.nz; correspondence, official <official.correspondence@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>
Subject: RE: Race Relations Commissioner

Hi LaiYin

Approved in record time ☺

The letter has just been sent to the Cabinet Office to ensure the wording is OK in terms of process for the transfer.

Thanks
Ellie

Ellie Argyle

Private Secretary – Justice | Office of Hon Kiri Allan

s9(2)(a) | Email ellie.argyle@parliament.govt.nz

Parliament Buildings | Wellington 6160 | New Zealand

Authorised by Hon Kiri Allan MP, Parliament Buildings, Wellington 6011

From: Wong, LaiYin [<mailto:LaiYin.Wong@justice.govt.nz>]
Sent: Thursday, 27 April 2023 1:19 PM
To: Hannah Cobb <Hannah.Cobb@parliament.govt.nz>
Cc: Ellie Argyle <Ellie.Argyle@parliament.govt.nz>; Rachael Gillatt <Rachael.Gillatt@parliament.govt.nz>; OCE@justice.govt.nz; correspondence, official <official.correspondence@justice.govt.nz>; Jeff Orr <jeff.orr@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>
Subject: Race Relations Commissioner

Hi Hannah

Please find attached a briefing regarding the Race Relations Commissioner together with a draft letter to the Prime Minister.

If you require further information, please contact Jeff Orr on s9(2)(a).

Kind regards

Lai Yin

Lai Yin Wong

Executive Support | Office of Legal Counsel

Ministry of Justice | Tāhū o te Ture

P +64 4 498 4280 | Ext 65260

L3 Justice Centre | 19 Aitken Street

DX Box SX10088 | Wellington

LaiYin.Wong@justice.govt.nz | justice.govt.nz

For Official Correspondence Records	
Document type:	Briefing
Drafter:	Jeff Orr
Title:	Race Relations Commissioner
Team:	Office of Legal Counsel
Minister:	Allan
Date sent:	27 April 2023
WPQ Release	To check with Jeff Orr

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



Hon Kiri Allan, Minister of Justice

Race Relations Commissioner

Date	27 April 2023	File reference	MAP-55
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Action Sought	Timeframe/Deadline
Note that, following recent reports of political donations made by the Race Relations Commissioner, Meng Foon, to candidates including you, the Ministry of Justice, as monitoring agency, expects it will need to provide advice on whether Mr Foon has acted in a manner consistent with his role.	ASAP
Request that the Prime Minister appoints another Minister to act in your place in relation to these matters to avoid any actual or perceived conflict of interest.	

Contacts for telephone discussion (if required)

Name	Position	Telephone		1st contact
		(work)	(a/h)	
Jeff Orr	Chief Legal Counsel, Office of Legal Counsel	04 494 9755	s9(2)(a)	✓

Minister's office to complete

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Referred to: _____		
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Not seen by Minister
Minister's office comments		

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Purpose

1. This paper recommends that you seek the Prime Minister's agreement to appoint another Minister to act in your place in the likely event that the Ministry of Justice, as monitoring agency, is required to investigate and report on recent allegations made about Race Relations Commissioner Meng Foon.

Background

2. Meng Foon was appointed as Race Relations Commissioner on 26 August 2019 by then Minister of Justice, Hon Andrew Little.
3. It has recently been reported that Mr Foon made donations to candidates in the 2020 General Election, including donations to your own campaign. The 2020 election was held on 17 October 2020.
4. Under the Human Rights Act 1993 (s19), Commissioners have a duty to act independently in carrying out their statutory functions, duties and powers. As Race Relations Commissioner, Mr Foon has responsibility for leading discussions at Commission meetings and for contributing to the public debate on race relations matters.
5. Under the Crown Entities Act 2004 (s54), a member of a statutory entity has the duty to act with honesty and integrity.
6. The media have questioned Mr Foon's ability to carry out his functions impartially and in a politically neutral manner.
7. The Human Rights Commission advised in a statement issued on 21 April that it is looking into these matters.
8. The Minister of Justice has responsibility for the Human Rights Commission and its members, including their appointment. As monitoring department, the Ministry of Justice is responsible for advising the Minister of Justice on the exercise of these functions.
9. Given the nature of the issues raised, the review currently underway within the Human Rights Commission, and the Ministry's role as monitoring agency, we expect that we will need to provide advice on whether Mr Foon's conduct has been consistent with his position as Race Relations Commissioner.
10. We understand you have registered a potential perceived conflict of interest with the Cabinet Office in relation to Mr Foon's donation to your 2020 election campaign.
11. In those circumstances, we would recommend that you write to the Prime Minister and request that he appoint another Minister to act in your place on these matters. A draft letter is attached.

Recommendations

12. I recommend that you:

- 1. **Note** that, following recent reports of political donations made by the Race Relations Commissioner, Meng Foon, to candidates in the 2020 General Election, including you, the Ministry of Justice, as monitoring agency, expects it will need to provide advice on whether Mr Foon has acted in a manner consistent with his role

- 2. **Request** that the Prime Minister appoints another Minister to act in your place in relation to these matters to avoid any actual or perceived conflict of interest. A draft letter to the Prime Minister is attached. **YES / NO**



Jeff Orr
Chief Legal Counsel

APPROVED SEEN NOT AGREED



Hon Kiri Allan
Minister of Justice

Date 27/4 /23

Attachment: A draft letter to the Prime Minister

Hon Kiri Allan

MP for East Coast
Minister of Justice
Minister for Regional Development
Associate Minister of Transport



27 April 2023

Rt Hon Chris Hipkins
Prime Minister
Parliament Buildings

Dear Prime Minister

Race Relations Commissioner

You will be aware of the recent concerns raised in relation to donations made by the Race Relations Commissioner, Meng Foon, to candidates – including me – in the 2020 General Election. The Human Rights Commission advised in a statement issued on 21 April that it is looking into these matters.

The Minister of Justice has responsibility for the Human Rights Commission and its members, including their appointment. As monitoring department, the Ministry of Justice is responsible for advising the Minister of Justice on the exercise of these functions.

Given the nature of the issues raised, the review currently underway within the Human Rights Commission, and the Ministry's role as monitoring agency, the Ministry expects that it will need to provide advice on whether Mr Foon's conduct has been consistent with his position as Race Relations Commissioner.

As a recipient of some of those donations (prior to my appointment as the Minister of Justice), I consider it would be inappropriate to exercise my functions as Minister of Justice in relation to these matters. I have asked the Cabinet Office to put in place appropriate arrangements to transfer these functions to another Minister and I understand that they will seek your agreement to those arrangements shortly.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kiri Allan'.

Hon Kiri Allan
Minister of Justice

Out of scope

From: Collins, Sarah
Sent: Monday, 1 May 2023 8:30 am
To: DL-NO-OFFICE OF THE CHIEF EXECUTIVE; DL-NO-STRATEGIC LEADERSHIP TEAM; Graham, Anna; Matheson, Georgina; Padgett, Eve; Reid, Daniel; Sila, Sylvia; Smith, Sheridan; Weir, Jono
Subject: SLT topics of interest 010523
Attachments: SLT topics of interest 010523.docx

Kia ora tima

Please find attached this week's report on topics of interest.

Ngā mihi
Sarah

Sarah Collins (she/her)
 Senior Advisor | Ministerial Relations and Services | Strategy,
 Governance and Finance
 DDI: +64 4 918 8821 | Ext 58821 | s9(2)(a)
www.justice.govt.nz

My employer supports flexible working. If I've sent this email outside standard business hours, please know that I have no expectation of receiving a reply from you other than within your convenience.

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Official correspondence summary for SLT

WEEK BEGINNING 01 MAY 2023

Out of scope

WPQS RECEIVED:

Out of scope

- Did the current Race Relations Commissioner have any referees or people who vouched for his suitability to be appointed to the role; if so, was Kiri Allan one of these referees; if not, what connection or part, if any, did Kiri Allan have regarding the appointment of the current Race Relations Commissioner?

Out of scope

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Out of scope

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Out of scope

s9(2)(f)(iv)

From: Reid, Daniel <Daniel.Reid@justice.govt.nz>
Sent: Tuesday, 2 May 2023 9:16 am
To: OCE@justice.govt.nz; Knight, Liam <Liam.Knight@justice.govt.nz>; Locke, Joe <Joe.Locke@justice.govt.nz>
Cc: Whalley, Emma <Emma.Whalley@justice.govt.nz>; Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>
Subject: RE: Transfer of responsibility - Hon Russell

Excellent – thank you Sarah.

From: OCE@justice.govt.nz <OCE@justice.govt.nz>
Sent: Monday, 1 May 2023 5:21 pm
To: Reid, Daniel <Daniel.Reid@justice.govt.nz>; Knight, Liam <Liam.Knight@justice.govt.nz>; Locke, Joe <Joe.Locke@justice.govt.nz>
Cc: Whalley, Emma <Emma.Whalley@justice.govt.nz>; Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>
Subject: FW: Transfer of responsibility - Hon Russell

See attached FYI – Minister Russell will deal with any matters relating to Meng Foon.

Sarah Lynn | Chief Advisor – Office of the Chief Executive
 DDI: +64 4 49 49 948 | Ext 50948 | [s9\(2\)\(a\)](mailto:s9(2)(a)@justice.govt.nz)
www.justice.govt.nz



From: Ellie Argyle <Ellie.Argyle@parliament.govt.nz>
Sent: Monday, 1 May 2023 4:48 pm
To: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Cc: OCE@justice.govt.nz; Hannah Cobb <Hannah.Cobb@parliament.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>
Subject: FW: Transfer of responsibility - Hon Russell

Hello

Please see attached letter regarding transfer of responsibility to Minister Russell.

Ellie

Ellie Argyle

Private Secretary – Justice | Office of Hon Kiri Allan

s9(2)(a) | Email ellie.argyle@parliament.govt.nz

Parliament Buildings | Wellington 6160 | New Zealand

Authorised by Hon Kiri Allan MP, Parliament Buildings, Wellington 6011

From: Ben McLachlan
Sent: Monday, 1 May 2023 4:47 PM
To: Ellie Argyle <Ellie.Argyle@parliament.govt.nz>
Cc: Hannah Cobb <Hannah.Cobb@parliament.govt.nz>; Marie Davis <marie.davis@parliament.govt.nz>
Subject: Transfer of responsibility - Hon Russell

Hi Ellie,

For Andrew Kibblewhite – see attached signed transfer letter, which is now active with Minister Russell.

Thanks,

Ben McLachlan | Senior Ministerial Advisor

Office of Hon Kiri Allan

Minister of Justice | Minister for Regional Development | Associate Minister of Transport

s9(2)(a)

Hon Kiri Allan

MP for East Coast
Minister of Justice
Minister for Regional Development
Associate Minister of Transport



1 May 2023

Hon Dr Deborah Russell
Associate Minister of Justice
Parliament Buildings

Dear Minister

Transfer of responsibility in relation to the Race Relations Commissioner

- 1 As Minister of Justice, I have responsibility for the Human Rights Commission and its members, including their appointment. The Human Rights Commission has advised that it is looking into the issue of donations made by the Race Relations Commissioner, Meng Foon, to candidates (including myself) in the 2020 General Election.
- 2 The Ministry of Justice anticipates that it will provide advice on whether Mr Foon's conduct has been consistent with his position as Race Relations Commissioner.
- 3 I wish to avoid a conflict of interest between my personal interest as a recipient of donations from Mr Foon, and my responsibilities for the Human Rights Commission and its members.
- 4 Accordingly, I am transferring to you under section 7 of the Constitution Act 1986 and with the Prime Minister's agreement, my responsibilities as Minister of Justice relating to Mr Foon's position as Race Relations Commissioner.
- 5 As a consequence of this:
 - 5.1 officials will report directly to you on matters concerning Mr Foon's position as Race Relations Commissioner;
 - 5.2 any information relating to Mr Foon's position as Race Relations Commissioner will be referred to you;
 - 5.3 I will not receive Cabinet papers or other official papers or reports relating to Mr Foon's position as Race Relations Commissioner; and
 - 5.4 if Mr Foon's position as Race Relations Commissioner is discussed at Cabinet committee or Cabinet meetings, I will declare my interest and withdraw from the relevant meeting.

Yours sincerely

Hon Kiri Allan
Minister of Justice

Out of scope

From: Lynn, Sarah
Sent: Tuesday, 2 May 2023 1:09 pm
To: Kibblewhite, Andrew; Media
Cc: Whalley, Emma; Reid, Daniel; Knight, Liam; Orr, Jeff
Subject: FW: WQ - 1 question(s) released to Minister

FYI below – Hon Paul Goldsmith has asked whether there have been any changes to Minister Russell’s delegations between 16 March and 2 April. The answer is ‘no’, but would have been different if he’d said between 16 March and 2 April.

Separately, we’ve had a media inquiry today about whether we’re doing anything on the Meng Foon issue and who we’re reporting to on that. Joe and Paul are working on a response and will liaise with Minister Russell’s office.

From: Written Questions <writtenquestions@parliament.govt.nz>
Sent: Tuesday, 2 May 2023 12:36 PM
To: Jessica Godwin <Jessica.Godwin@parliament.govt.nz>
Subject: WQ - 1 question(s) released to Minister

Reply 13095 (2023) has been released

Portfolio: Justice (Associate - Hon Dr Deborah Russell)

Due: 10 May 2023

Question: What changes, if any, have been made to her delegations between 16 March 2023 and 2 April 2023?

[13095 \(2023\)](#)

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Out of scope

From: Lynn, Sarah
Sent: Tuesday, 2 May 2023 4:15 pm
To: Whalley, Emma
Subject: FW: CONFIDENTIAL FW: Paul Hunt interview?

Sarah Lynn | Chief Advisor – Office of the Chief Executive
DDI: +64 4 49 49 948 | Ext 50948 | **s9(2)(a)**
www.justice.govt.nz

From: Locke, Joe <Joe.Locke@justice.govt.nz>
Sent: Tuesday, 2 May 2023 3:46 pm
To: Reid, Daniel <Daniel.Reid@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>; Child, Edrick <Edrick.Child@justice.govt.nz>; Lynn, Sarah <Sarah.Lynn@justice.govt.nz>; Easton, Paul <Paul.Easton@justice.govt.nz>
Cc: Media <Media@justice.govt.nz>
Subject: FW: CONFIDENTIAL FW: Paul Hunt interview?

FYI below – update from the HRC following a media query.

Ngā mihi,
Joe Locke

Joe Locke (he/him)
Media and Social Media Manager | Communication Services
Ministry of Justice | Tāhū o te Ture
M **s9(2)(a)**
E: joe.locke@justice.govt.nz | justice.govt.nz

From: **s9(2)(a)**
Sent: Tuesday, 2 May 2023 3:00 pm
To: Locke, Joe <Joe.Locke@justice.govt.nz>
Subject: CONFIDENTIAL FW: Paul Hunt interview?

Kia ora Joe,
Our response to TVNZ today – as below.

Thx,

s9(2)(a)

From: Media <media@hrc.co.nz>
Sent: Tuesday, 2 May 2023 12:51 pm
To: Benedict Collins <Benedict.Collins@tvnz.co.nz>; Media <media@hrc.co.nz>

Cc: Connor Stirling <Connor.Stirling@tvnz.co.nz>

Subject: RE: Paul Hunt interview?

Kia ora Benedict,

Thanks for your email.

To update you, Te Kāhui Tika Tangata Human Right Commission's Board has put in place a rigorous process to assess media reports on this matter - as indicated in our statement ten days ago here:

<https://tikatangata.org.nz/news/statement-regarding-commissioner-meng-foon>

As part of this process the Board has sought additional information from Race Relations Commissioner Meng Foon. The Commission is expecting to have received that information and finalised the assessment for the Board's consideration at some point next week.

As you will appreciate, the Commission is not in a position to comment further until after that time.

We ask that you attribute these comments to 'A spokesperson from Te Kāhui Tika Tangata Human Rights Commission'.

Ngā mihi nui,

Te Kāhui Tika Tangata Human Rights Commission.

From: Benedict Collins <Benedict.Collins@tvnz.co.nz>

Sent: Tuesday, 2 May 2023 10:54 am

To: Media <media@hrc.co.nz>

Cc: Connor Stirling <Connor.Stirling@tvnz.co.nz>

Subject: Paul Hunt interview?

[CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.]

Good morning, I've just spoken to Commissioner Hunt who said someone from the media team would be in touch with me this morning.

I'd like to know what is happening regarding the political donations made by Meng Foon and what if anything the Human Rights Commission is doing about this matter.

I appreciate Commissioner Hunt needed time to get his head around the matter, but it's nearly two weeks now since the donations were made public and we haven't heard anything from him.

Ideally, I would like to interview Commissioner Hunt about this on camera today.

Cheers,

Benedict

Benedict Collins
Senior Political Reporter
1 News
021 137 2075

Out of scope

From: Easton, Paul
Sent: Tuesday, 2 May 2023 4:57 pm
To: DL-NO-SENIOR MANAGEMENT TEAM
Subject: MOJ Media summary May 2 2023

Kia ora koutou,

Here is today's media summary:

Ministry of Justice | Te Tāhū o te Ture

TVNZ (Benedict Collins) asked if MOJ was doing any work around Meng Foon and political donations. Our response is below. The change in responsibility was also mentioned in the House.

The Human Rights Commission is currently looking into this issue, and we await any update in due course. Any future advice from the Ministry of Justice regarding the issue, if required, will be provided to Hon Dr Deborah Russell, the Associate Minister of Justice, as responsibility for the matter has been transferred to her.

Out of scope

Ngā mihi,

Communications Services
Ministry of Justice | Tāhū o te Ture
www.justice.govt.nz

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From: Reid, Daniel
Sent: Tuesday, 2 May 2023 3:11 pm
To: Locke, Joe <Joe.Locke@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>; Media <Media@justice.govt.nz>
Cc: Child, Edrick <Edrick.Child@justice.govt.nz>; Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Subject: RE: Meng Foon

Awesome – thanks Joe

From: Locke, Joe <Joe.Locke@justice.govt.nz>
Sent: Tuesday, 2 May 2023 2:26 pm
To: Reid, Daniel <Daniel.Reid@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>; Media <Media@justice.govt.nz>
Cc: Child, Edrick <Edrick.Child@justice.govt.nz>; Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Subject: RE: Meng Foon

UPDATE all ...

Change of delegation has just been announced in the House by Acting PM Sepuloni.

Minister Allan's Office happy for us to revert back to initial statement.

"The Human Rights Commission is currently looking into this issue and we await any update in due course.

"Any future advice from the Ministry of Justice regarding the issue, if required, will be provided to the Hon Dr Deborah Russell, Associate Minister of Justice, who has been given delegation for this matter."

Ngā mihi,
Joe Locke

Joe Locke (he/him)

Media and Social Media Manager | Communication Services
Ministry of Justice | Tāhū o te Ture

M s9(2)(a)

E: joe.locke@justice.govt.nz | justice.govt.nz

From: Reid, Daniel <Daniel.Reid@justice.govt.nz>
Sen : Tuesday, 2 May 2023 2:13 pm
To: Locke, Joe <Joe.Locke@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>; Media <Media@justice.govt.nz>

Cc: Child, Edrick <Edrick.Child@justice.govt.nz>; Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Subject: RE: Meng Foon

I'm happy with the proposed response. Thanks Joe.

From: Locke, Joe <Joe.Locke@justice.govt.nz>
Sent: Tuesday, 2 May 2023 2:04 pm
To: Orr, Jeff <Jeff.Orr@justice.govt.nz>; Media <Media@justice.govt.nz>
Cc: Child, Edrick <Edrick.Child@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>; Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Subject: RE: Meng Foon

Hi all –

Update on this ... having spoken to both Ministers' offices, our new recommended response is now just the first line:

"The Human Rights Commission is currently looking into this issue and we await any update in due course."

Ministers Allan and Russell's offices feel delegation question should be answered by them - so Minister Allan's office is happy for us to refer question on that to them.

Please come back to me if anyone has any adverse reaction to this plan and statement.

Will let HRC know as a courtesy and Sarah, happy to update AK or can leave with you?

Ngā mihi,
Joe Locke

Joe Locke (he/him)
Media and Social Media Manager | Communication Services
Ministry of Justice | Tāhū o te Ture
M s9(2)(a)
E: joe.locke@justice.govt.nz | justice.govt.nz

From: Locke, Joe
Sent: Tuesday, 2 May 2023 1:26 pm
To: Orr, Jeff <Jeff.Orr@justice.govt.nz>; Media <Media@justice.govt.nz>
Cc: Child, Edrick <Edrick.Child@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>; Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Subject: RE: Meng Foon

Hi Jeff,

Have caught up with Daniel and his suggestion is more along the lines of:

"The Human Rights Commission is currently looking into this issue and we await any update in due course."

"Any future advice from the Ministry of Justice regarding the issue, if required, will be provided to the Hon Dr Deborah Russell, Associate Minister of Justice, who has been given delegation for this matter."

Recommendation is that it comes from a Ministry of Justice spokesperson.

Minister Russell's office is just discussing how they will make the change in delegation public. It may come from them as opposed to a statement from us.

Will also give the HRC a heads up as a courtesy.

Ngā mihi,
Joe Locke

Joe Locke (he/him)

Media and Social Media Manager | Communication Services
Ministry of Justice | Tāhū o te Ture

M s9(2)(a)

E: joe.locke@justice.govt.nz | justice.govt.nz

From: Orr, Jeff <Jeff.Orr@justice.govt.nz>

Sent: Tuesday, 2 May 2023 12:56 pm

To: Media <Media@justice.govt.nz>

Cc: Child, Edrick <Edrick.Child@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>; Locke, Joe <Joe.Locke@justice.govt.nz>

Subject: Re: Meng Foon

Hi Paul

I think you could say that responsibility for this matter has been transferred to Hon Dr Deborah Russell, Associate Minister of Justice.

Ministry officials will be seeking directions from the Minister shortly.

How does that sound Daniel?

Jeff

Sent from my iPad

On 2/05/2023, at 12:37 PM, Media <Media@justice.govt.nz> wrote:

Hi

Can you please take a look at this request and let me know what we can say here?

<image001.jpg>

Ngā mihi,

Paul Easton

Principal Media Advisor | Communications Services
Ministry of Justice | Tāhū o te Ture

s9(2)(a)

paul.easton@justice.govt.nz | justice.govt.nz

Out of scope

From: Media
Sent: Thursday, 4 May 2023 5:25 pm
To: DL-NO-SENIOR MANAGEMENT TEAM
Subject: Daily Media Summary - Wednesday 3 May 2023

Kia ora koutou,

Here is today's media summary:

Out of scope

Minister's Office

Oral PQs

- **Question No. 5—Justice**

5. Hon PAUL GOLDSMITH (National) to the Minister of Justice: Does she agree with the Prime Minister's statement on electoral law that "There's absolutely no change to the principle of one person, one vote. Our elections are still going to be one person, one vote for the councils, for general elections", and does she stand by all her statements on electoral law?

Hon KIRITAPU ALLAN (Minister of Justice): Yes and yes, in the context in which they were made.

Hon Paul Goldsmith: How can she agree with the Prime Minister's statement, when this Parliament passed the Canterbury Regional Council (Ngāi Tahu Representation) Act last year, which gives Ngāi Tahu the right to appoint two councillors in addition to its members enjoying

one person, one vote for all the other councillors—a clear move away from one person, one vote?

Hon KIRITAPU ALLAN: Very much in a similar way that members of the previous National Government reconciled those similar statements when they cast their vote for the Environment Canterbury (Transitional Governance Arrangements) Bill. That bill, if this House will recall, did exactly one of two things. First, it ensured that there were democratic representatives elected to Environment Canterbury, and, secondly, it ensured that Ngāi Tahu retained the right and the obligation to appoint two members to that entity.

Hon Paul Goldsmith: Can she not understand the difference between an appointment made by a democratically elected Government, which is accountable to the voters, on a transitional basis, and a permanent shift away from the principle of equal voting rights in this country, as is brought about by the Canterbury Regional Council bill?

Hon KIRITAPU ALLAN: Yes, I fully do understand, and I understand that the previous National Government voted for a model that enabled direct voting and direct appointments by Ngāi Tahu in that circumstance.

Hon Paul Goldsmith: Does she stand by her statement during the second reading of the Electoral Amendment Bill, "In simple terms, voters want to know, and have a right to know, how we as politicians butter our bread.", and, if so, why did she expect Kiwis to go down to the Companies Office to do research to figure out just how much of her bread the Race Relations Commissioner had buttered?

Hon KIRITAPU ALLAN: To the first part of the question, yes.

Hon Paul Goldsmith: Does it set—*[Interruption]*

SPEAKER: Order! The question.

Hon Paul Goldsmith: Does it set a good example that the Minister responsible for electoral law only declares a conflict of interest with a political donor after she has been caught red-handed?

Hon KIRITAPU ALLAN: Probably just to the latter part of that question first, if the member means caught red-handed by publicly disclosing and making declarations in accordance with the Electoral Act, then I stand here guilty.

Hon Grant Robertson: Point of order. Mr Speaker, I let my colleague finish answering that question; I'm really struggling with how that fits with the primary question that was put down.

SPEAKER: Yeah, I probably should have stood up and ruled that out of order, and I apologise to the member for not, actually. It is a term that is unparliamentary and shouldn't happen.

Hon Paul Goldsmith: Did she recuse herself from Cabinet when the decision was made to award the Human Rights Commission an additional \$10 million in Budget 2022; if not, why not?

Hon Grant Robertson: Point of order, Mr Speaker. A supplementary question must follow on from the primary question that was asked. I do not believe that that question fulfils that.

Hon Paul Goldsmith: Speaking to the point of order, my previous question canvassed the issue of voters wanting to know how we as politicians butter our bread, which is perfectly on the question of transparency around donations, and this follows perfectly from that in terms of transparency and conflicts of interest.

SPEAKER: Can you read that question again.

Hon Paul Goldsmith: Which one?

SPEAKER: The one that is being challenged right now.

Hon Paul Goldsmith: Sorry, the current one? The current one is: did she recuse herself from Cabinet when the decision was made to award the Human Rights Commission an additional \$10 million in Budget 2022; if not, why not?

Hon Grant Robertson: Two points: the first is the substantive point I made, which is that that question does not follow on from the primary question, which is what a supplementary question must do. Secondly, I believe that after the exchange we just heard, you indicated that the question that Mr Goldsmith is trying to hang that supplementary off you would and should have ruled out of order. So, on both counts, both the fact that it doesn't follow from the primary question and from the fact that it shouldn't have been allowed as the previous supplementary question, that question is out of order.

SPEAKER: Yeah, I'll rule on—I agree with the Hon Grant Robertson. That is neither about electoral law reform nor one person, one vote.

Hon Michael Woodhouse: Speaking to that point.

SPEAKER: Are you speaking to my ruling or a new point of order?

Hon Michael Woodhouse: Well, I would just point out, Mr Speaker, that it is not unusual in the course of oral questions for supplementaries to go slightly wide of the primary. The question—that was answered by the Minister—had an element at the end of it that you had ruled unparliamentary, but, having answered the supplementary question, it must be in order for the member asking the question to be able to further explore the answer that the Minister gave.

SPEAKER: Yeah, but it's not about her statements at all. So have you got another supplementary?

Hon Paul Goldsmith: Yes, yes it was. The primary question was: does she stand by her statements on electoral law? The third supplementary, which you did not rule out—

SPEAKER: No, I'm not arguing—have you got another supplementary or not?

Hon Paul Goldsmith: Well, I can't remember how many I've had. No, I haven't, but—

SPEAKER: Well then, it's a no. [*Interruption*] Order!

Out of scope

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Barnaby Manktelow

Media Advisor | Communications Services

Ministry of Justice | Tāhū o te Ture

P +64 4 978 7033 | Ext 45033 | **s9(2)(a)**

Barnaby.Manktelow@justice.govt.nz | justice.govt.nz



Please consider the environment before printing this e-mail

Out of scope

From: Knight, Liam
Sent: Monday, 8 May 2023 4:21 pm
To: Kibblewhite, Andrew
Cc: Orr, Jeff; Reid, Daniel; Whalley, Emma
Subject: RE: Briefing to Min Russell - Race Relations Commissioner
Attachments: Min Russell to Meng Foon .docx

Kia ora Andrew

Following on from the draft briefing, please find attached a draft letter from Min Russell to Meng – should that be the course of action proposed. I have run this past Jeff, Joe Locke and Daniel.

Ngā mihi, Liam

From: Orr, Jeff <Jeff.Orr@justice.govt.nz>
Sent: Sunday, 7 May 2023 6:49 pm
To: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Cc: Knight, Liam <Liam.Knight@justice.govt.nz>
Subject: FW: Briefing to Min Russell - Race Relations Commissioner

Hi Andrew

Here's a rough draft of a briefing on the RRC that Liam and I pulled together, before we know anything!

Cheers

Jeff

From: Orr, Jeff
Sent: Sunday, 7 May 2023 11:39 am
To: Knight, Liam <Liam.Knight@justice.govt.nz>
Subject: Briefing to Min Russell - Race Relations Commissioner

Hi Liam

This is where I have gotten to. Our assessment section will no doubt be able to be improved when we find more details from the Commission. I thought you did a great job with what you wrote. Feel free to edit what I've added and make comments.

Happy to talk with you today if would like, but otherwise we'll catch up tomorrow.

Cheers

Jeff

Out of scope

From: Locke, Joe
Sent: Monday, 8 May 2023 4:08 pm
To: Knight, Liam
Subject: RE: Min Russell to Meng Foon
Attachments: Min Russell to Meng Foon - JL edits.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Liam –

Thanks for this.

My marked up changes are in the attached.

Ngā mihi,
Joe Locke

Joe Locke (he/him)

Media and Social Media Manager | Communication Services
Ministry of Justice | Tāhū o te Ture

M s9(2)(a)

E: joe.locke@justice.govt.nz | justice.govt.nz

From: Knight, Liam <Liam.Knight@justice.govt.nz>
Sent: Monday, 8 May 2023 3:29 pm
To: Locke, Joe <Joe.Locke@justice.govt.nz>
Subject: FW: Min Russell to Meng Foon

Kia ora Joe

Further to this issue I have drafted the attached letter, which we would attach to the briefing I sent through earlier.

Jeff Orr has reviewed, but thought you might also have some thoughts. And it might also help with any media lines.

Liam

From: Orr, Jeff <Jeff.Orr@justice.govt.nz>
Sent: Monday, 8 May 2023 3:07 pm
To: Knight, Liam <Liam.Knight@justice.govt.nz>
Subject: Min Russell to Meng Foon

Looks fine to me – a couple of minor edits

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Out of scope

From: Lynn, Sarah
Sent: Thursday, 11 May 2023 4:24 pm
To: Whalley, Emma
Subject: FW: Meng Foon's conduct

Sarah Lynn | Chief Advisor – Office of the Chief Executive
DDI: +64 4 49 49 948 | Ext 50948 | Mob **s9(2)(a)**
www.justice.govt.nz

From: Orr, Jeff <Jeff.Orr@justice.govt.nz>
Sent: Thursday, 11 May 2023 3:14 pm
To: Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Subject: FW: Meng Foon's conduct

From: Orr, Jeff
Sent: Wednesday, 10 May 2023 7:56 pm
To: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Cc: Knight, Liam <Liam.Knight@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>
Subject: Meng Foon's conduct

s9(2)(h)

Cheers

Jeff

Out of scope

s9(2)(f)(iv)

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From: Whalley, Emma
Sent: Friday, 12 May 2023 3:38 pm
To: Lynn, Sarah
Subject: Letter - for review
Attachments: 20230512 Min Russell letter to Paul Hunt draft v1.docx

Quick draft of the letter for you to review 😊

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Out of scope

From: Lynn, Sarah
Sent: Friday, 12 May 2023 5:23 pm
To: Orr, Jeff; Kibblewhite, Andrew; Whalley, Emma
Cc: Reid, Daniel; Knight, Liam
Subject: RE: F - Briefing to Minister Russell - Race Relations Commissioner_May 2023

Doing a proof read to finalise it now. Will add that in.

Sarah Lynn | Chief Advisor – Office of the Chief Executive
 DDI: +64 4 49 49 948 | Ext 50948 | Mob s9(2)(a)
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From: Orr, Jeff <Jeff.Orr@justice.govt.nz>
Sent: Friday, 12 May 2023 5:02 pm
To: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>; Whalley, Emma <Emma.Whalley@justice.govt.nz>; Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Cc: Reid, Daniel <Daniel.Reid@justice.govt.nz>; Knight, Liam <Liam.Knight@justice.govt.nz>
Subject: RE: F - Briefing to Minister Russell - Race Relations Commissioner_May 2023

Sorry, the attachments should refer to the letter from the Chief Commissioner and letter to the Chief Commissioner

From: Orr, Jeff
Sent: Friday, 12 May 2023 4:57 pm
To: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>; Whalley, Emma <Emma.Whalley@justice.govt.nz>; Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Cc: Reid, Daniel <Daniel.Reid@justice.govt.nz>; Knight, Liam <Liam.Knight@justice.govt.nz>
Subject: F - Briefing to Minister Russell - Race Relations Commissioner_May 2023

Hi guys

My best efforts at the moment are in the attached briefing. I am sure you can cut it down further. Any edits required are over to you to make – I am signing off for the weekend – we are off to Akaroa now!

Cheers

Jeff

From: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Sent: Friday, 12 May 2023 2:39 pm
To: Lynn, Sarah <Sarah.Lynn@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>; Whalley, Emma <Emma.Whalley@justice.govt.nz>
Subject: FW: Letter from Chief Commissioner Paul Hunt, Human Rights Commissioner
Importance: High

From: s9(2)(a)
Sent: Friday, 12 May 2023 2:31 pm
To: d.russell@ministers.govt.nz
Cc: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>; Paul Hunt <paulh@tikatangata.org.nz>; Meg de Ronde <MegD@tikatangata.org.nz>
Subject: Letter from Chief Commissioner Paul Hunt, Human Rights Commissioner
Importance: High

Tēnā koe Minister

On behalf of Chief Commissioner Paul Hunt, please find attached letter for your attention.

Ngā mihi nui
s9(2)(a)



s9(2)(a)

Senior Governance and Programmes Advisor | Kaitohu Matua
Te Kāhui Tika Tangata | New Zealand Human Rights Commission

s9(2)(a)

| s9(2)(a)

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a: PO Box 10424, Wellington 6140



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From: Jessica Godwin <Jessica.Godwin@parliament.govt.nz>
Sent: Monday, 15 May 2023 1:40 pm
To: Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Cc: Whalley, Emma <Emma.Whalley@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>; Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Subject: RE: SENSITIVE Briefing on Race Relations Commissioner

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Kia ora Sarah,

Signed briefing and letter in response to the Chief Commissioner attached, for your records.

Ngā mihi
 Jess

From: Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Sent: Friday, 12 May 2023 6:05 PM
To: Jessica Godwin <Jessica.Godwin@parliament.govt.nz>
Cc: Whalley, Emma <Emma.Whalley@justice.govt.nz>; Jeff Orr <jeff.orr@justice.govt.nz>; Reid, Daniel <Daniel.Reid@justice.govt.nz>; Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Subject: SENSITIVE Briefing on Race Relations Commissioner

Kia ora Jess

Apologies for the delay – here is the briefing following the correspondence today from the Human Rights Commissioner.

I've also attached a copy of the letter from the Human Rights Commissioner and a draft acknowledgement from the Minister.

Sarah

Sarah Lynn | Chief Advisor – Office of the Chief Executive
 DDI: +64 4 49 49 948 | Ext 50948 | Mob s9(2)(a)
www.justice.govt.nz

From: [D Russell \(MIN\)](#)
To: [s9\(2\)\(a\)](#)
Cc: [Kibblewhite, Andrew](#); [Paul Hunt](#); [Meg de Ronde](#)
Subject: RE: Letter from Chief Commissioner Paul Hunt, Human Rights Commissioner
Date: Monday, 15 May 2023 1:38:03 pm
Attachments: [image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[TR23.054 Chief Commissioner - New Zealand Human Rights Commission.pdf](#)

Tēnā koe [s9\(2\)\(a\)](#)

Thank you for the Chief Commissioner’s letter to Minister Russell. Please see attached a letter in response from the Minister.

Ngā mihi



Office of Hon Dr. Deborah Russell

Minister of Statistics | Minister Responsible for EQC

Associate Minister of Justice | Associate Minister of Revenue

MP for New Lynn

Private Bag 18 888, Parliament Buildings, Wellington | Ph +64 4 817 8738

d.russell@ministers.govt.nz

Authorised by Dr. Deborah Russell MP, Parliament Buildings, Wellington

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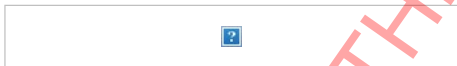
Please note information about meetings related to the Ministers portfolios will be proactively released (this does not include personal or constituency matters). For each meeting in scope, the summary would list date, time (start and finish), brief description, location, who the meeting was with, and the portfolio. If you attend a meeting with the Minister on behalf of an organisation, the name of the organisation will be released. If you are a senior staff member at an organisation or meet with the Minister in your personal capacity, your name may also be released. The location of the meeting will be released, unless it is a private residence. The proactive release will be consistent with the provisions in the Official Information Act, including privacy consideration. Under the Privacy Act 1993 you have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information or to have it corrected or are concerned about the release of your information in the meeting disclosure, please contact the sender. You can read more about the proactive release policy at <https://www.dia.govt.nz/Proactive-Releases#MS>

From: [s9\(2\)\(a\)](#)
Sent: Friday, 12 May 2023 2:31 PM
To: D Russell (MIN) <d.russell@ministers.govt.nz>
Cc: Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>; Paul Hunt <pa.h@tikatangata.org.nz>; Meg de Ronde <MegD@tikatangata.org.nz>
Subject: Letter from Chief Commissioner Paul Hunt, Human Rights Commissioner
Importance: High

Tēnā koe Minister

On behalf of Chief Commissioner Paul Hunt, please find attached letter for your attention.

Ngā mihi nui
[s9\(2\)\(a\)](#)



[s9\(2\)\(a\)](#)
 Senior Governance and Programmes Advisor | Kaitohu Matua Hōtaka me te Mana Whakahaere
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From: [Reid, Daniel](#)
To: [Lynn, Sarah](#); [Orr, Jeff](#); [Whalley, Emma](#); [Kibblewhite, Andrew](#)
Subject: RE: WPQ on Race Relations Commissioner
Date: Wednesday, 17 May 2023 8:33:29 am

I don't believe we did have any input into this one but that's not surprising given the question.

From: Lynn, Sarah <Sarah.Lynn@justice.govt.nz>
Sent: Tuesday, 16 May 2023 12:41 pm
To: Reid, Daniel <Daniel.Reid@justice.govt.nz>; Orr, Jeff <Jeff.Orr@justice.govt.nz>; Whalley, Emma <Emma.Whalley@justice.govt.nz>; Kibblewhite, Andrew <Andrew.Kibblewhite@justice.govt.nz>
Subject: WPQ on Race Relations Commissioner

FYI – not sure whether we saw this one. Might have been dealt with in the office.

[13098 \(2023\). Hon Paul Goldsmith to the Minister of Justice - New Zealand Parliament \(www.parliament.nz\)](#)

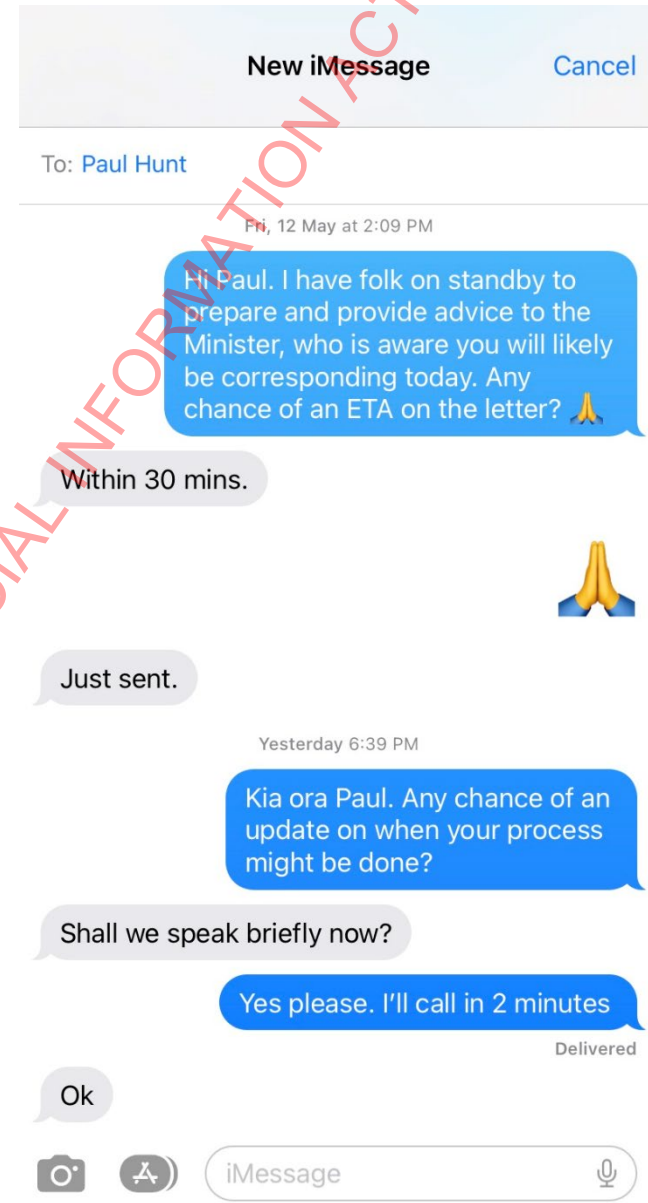
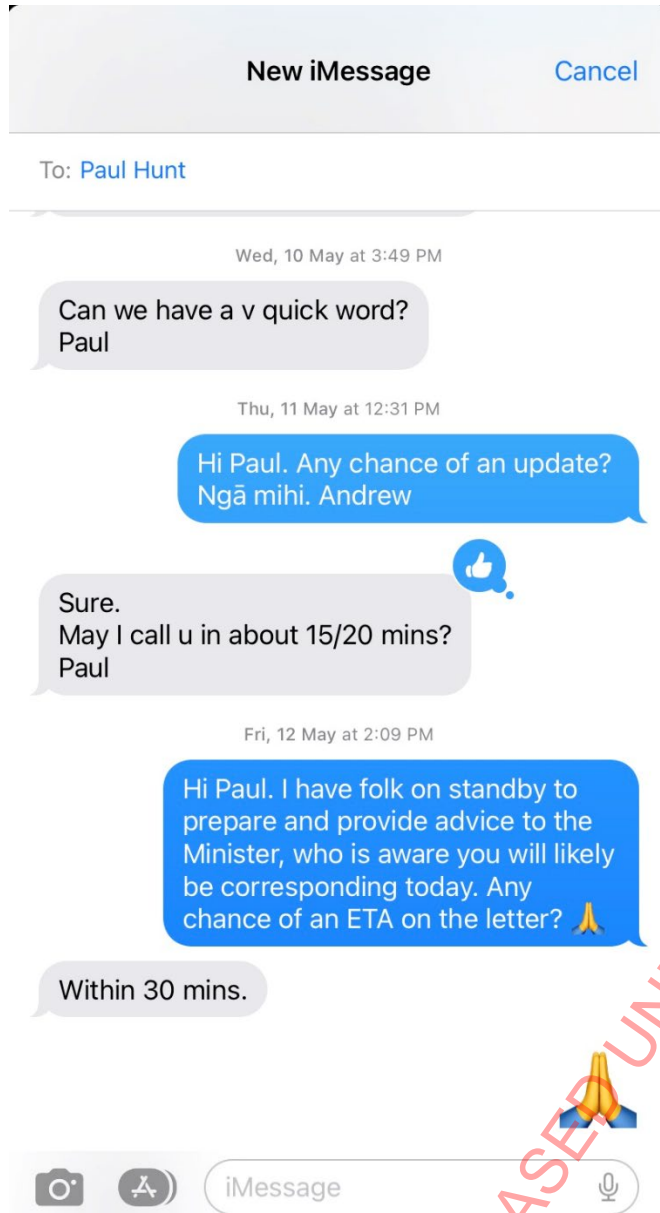
13098 (2023). Hon Paul Goldsmith to the Minister of Justice (02 May 2023): *Has the Minister omitted any meetings attended by the Race Relations Commissioners from her proactively released Ministerial diary; and if so, on what dates did these meetings, if any, occur?*

Hon Kiritapu Allan (Minister of Justice) *replied: Not to my knowledge.*



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