

31 March 2023

James

[Fyi-request-21701-c20f4caf@requests.fyi.org.nz](mailto:Fyi-request-21701-c20f4caf@requests.fyi.org.nz)

Tēnā koe James

Thank you for your email of 2 February 2023 via the FYI site to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting information about overpayments to board members – Matthew Tukaki. Your request has been considered under the Official Information Act 1982 (the Act). I apologise for the delay in responding.

In late August 2021, we became aware that there may be issues with some of the Oranga Tamariki Ministerial Advisory Board (the Board) members' invoices and the application of the Cabinet Fees Framework (CFF), so we initiated a review of all fees paid to the Board Members.

We identified that we had provided incorrect advice to several Board Member's due to not fully understanding the application of the CFF at the time. Oranga Tamariki had requested that invoices from Board Members include GST and did not advise that the payments should have been subject to Withholding Tax (WHT).

In September 2021, and throughout October 2021, we sought advice regarding tax treatment to ensure we were aligned with the CFF, through independent advice from Price Waterhouse Coopers (PWC) as the recommended experts in applying the CFF.

During the review it was identified that there had been an overpayment to Mr Tukaki of \$59,998.50. Mr Tukaki has since repaid the amount in full.

New controls were put in place to ensure that invoicing is consistent with the Cabinet Fees Framework. Oranga Tamariki have also strengthened the induction approach and material for new Board members.

Please find attached **Appendix A** which outlines documents within the scope of your request.

I have addressed each of your questions below.

*Please provide all correspondence including but not limited to emails, texts and phone logs related to the overcharging of \$60,000 by Mr Tukaki inclusive of dates of discovery, internal emails and any Ministers that were copied into correspondence.*

Documents 1-8 of **Appendix A** provides information within the scope of this question above. Some information has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons and 9(2)(k) of the Act, to protect the privacy of natural persons and to prevent the disclosure or use of official information for improper gain or improper advantage.

*Please provide a copy of the invoices that were submitted and subsequently paid back and the dates these invoices covered.*

This part of your request has been withheld under section 9(2)(a) of the Act, withholding of the information is necessary to protect the privacy of natural persons.

In accordance with section 9(1) of the OIA, we have also considered countervailing public interest relating to the release of the information, including transparency and accountability. In this case we do not think that the public interest outweighs the withholding grounds.

*Please provide all correspondence relating to Mr Tukaki's resignation, including but not limited to emails, texts, records of phone calls etc.*

Document 9 of **Appendix A** contains information pertaining to this question that is withheld under section 18(d) of the Act as they will soon be publicly available. A text exchange is also released to you as document 10 of **Appendix A**. Some information has been withheld under section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions to Ministers some information is also outside the scope of your request.

*Please provide all correspondence between Oranga Tamariki and Minister Kelvin Davis concerning the over-charging by Mr Tukaki or any other board members.*

This part of your request is refused under section 18(e) of the Act, as the requested information does not exist or cannot be found.

I trust the information provided is useful. I encourage you to raise any concerns about the response with [OIA\\_Requests@ot.govt.nz](mailto:OIA_Requests@ot.govt.nz). Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman by contacting them on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink that reads "C Anderson". The signature is written in a cursive, flowing style.

Cassandra Anderson  
**DCE People Culture and Enabling Services**