



OIA 1155-23

Harris Leigh
fyi-request-21971-1b52f7c3@requests.fyi.org.nz

Dear Harris Leigh

Thank you for your email of 2 March 2023 requesting the following under the Official Information Act 1982 (OIA):

On 2 March 2023 you exercised your power under section 36 of the Crown Entities Act 2004 to remove a member of the board of the Environmental Protection Authority.

As you will be aware s36(2) requires

"The removal must be made by written notice to the member (with a copy to the entity)."

The letter that you have publicly released providing this written notice is addressed to the member being removed and copied to his fellow board members, the Chief Executive of the crown monitor and the Public Service Commissioner.

There is nothing to indicate the written notice to indicate how you have complied with the requirement to provide a copy of the notice to the entity.

Under the OIA I seek:

- 1) a copy of your written notice to the Chief Executive of the Environmental Protection Authority as required under s36(1) including time and date it was sent;*
- 2) a copy of any advice you received from the CE of the EPA on how to ensure EPA staff were aware of your decision before it became public;*
- 3) the communications strategy prepared by your office to ensure appropriate advice to EPA staff;*
- 4) copies of any correspondence with the Public Service Association to ensure the wellbeing of EPA staff through this transition;*
- 5) copy of the advice you received from the Public Service Commissioner on the requirement under the legislation to advise the EPA at the same time as member being removed;*
- 6) copies of any advice from the PSC on how to manage the impact of your decision on EPA staff;*
- 7) any advice provided by the CE of MFE on the importance of complying with your statutory duty to advise the entity concerned.*

On 16 March 2023, the Environmental Protection Authority (EPA) transferred the following request to my office for response:

a copy of the notice and correspondence from the Minister for the Environment to the Chief Executive of the Environmental Protection Authority (EPA) advising the Board Chair was being removed under section 36(2) of the Crown Entities Act 2004.

On 2 March 2023, I wrote to Rob Campbell to notify him of his dismissal as a member and chair of the EPA Board as required under section 36(2) of the Crown Entities Act 2004. At the same time, I notified the Board of the EPA as it is the entity I am required to notify under section 36 of the Crown Entities Act 2004. I am releasing this correspondence to you with personal contact details withheld under section 9(2)(a) of the OIA.

In terms of section 9(1) of the OIA, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

The advice from the Public Service Commissioner that I received regarding Mr Campbell is publicly available at the following link:
<https://www.publicservice.govt.nz/assets/DirectoryFile/Political-Neutrality-in-the-Public-Service.pdf>

I am refusing the remainder of your request under section 18(e) of the OIA as the information requested does not exist.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the OIA. The relevant details can be found on their website at:
www.ombudsman.parliament.nz.

Please contact my office if you have any queries about this response.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker', with a stylized flourish at the end.

Hon David Parker
Minister for the Environment

From: 9(2)(a) On Behalf Of D Parker (MIN)

Sent: Thursday, 2 March 2023 12:42 PM

To: 9(2)(a)

Cc: 'james.palmer9(2)(a)

'@..' <

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'@..' <

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Subject: Letter from Hon David Parker

Kia ora Rob,

Please see attached a letter from Hon David Parker.

Nga mihi

Office of Hon David Parker MP | Attorney-General | Minister for the Environment | Minister of Revenue | Associate Minister of Finance

Authorised by Hon David Parker MP, Parliament Buildings, Wellington

Email disclaimer:

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 considerations. 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>

RELEASED UNDER THE OFFICIAL INFORMATION ACT



2 March 2023

Mr Rob Campbell
Chair
Environmental Protection Authority
9(2)(a)

Dear Rob

Thank you for your response to my letter of 1 March 2023, which I have considered.

We are clearly in disagreement about the meaning of the Code of Conduct for Crown Entity Board Members, its impact on you as a Crown Entity Board member and what the public service principle of political neutrality in the Public Service Act requires of you.

While I accept that you retain some freedom to express personal opinions in areas of endeavour outside your core governance responsibilities, your public service governance roles come with legal obligations of neutrality and the code of conduct, which limit that. Clearly, you should not have attacked the Leader of the Opposition as you did.

I have also considered whether it is disproportionate to remove you from the Board of the EPA in light of the Minister of Health's dismissal decision earlier this week.

Your response (which in your public comments suggested there may be an ulterior motive for your dismissal) does not allow me to conclude that you understand the significance and importance of political neutrality in terms of the Act and the Code's requirements that you act politically impartially and retain your ability to work effectively under current and future governments.

It is apparent that we hold divergent views on the nature and extent of the Code of Conduct obligations you have as a Crown Entity board member and Chair.

That disagreement is a fundamental one. Having considered the matter, along with your response, I have accepted the Public Service Commissioner's advice that your LinkedIn post and subsequent public comments constitute a breach of the fundamental obligations on you. I no longer have confidence that you are able to effectively continue as member or Chair of the EPA.

You are a person of strong opinions and brave in your expression of them. It is clear that being able to express them unedited is important to you.

I note your request for a meeting so you can apologise in person and establish any protocols or procedures (around future public commentary by you) to avoid any future misunderstanding between us, and to ensure the public's trust in the EPA is maintained.

I accept your apology and there is no reason for you to deliver that in person. I do not see any need to meet to establish protocols or procedures, because I am satisfied that existing policies

adequately cover the issue and are widely understood and applied by other Crown entity members.

I now dismiss you as member of the EPA Board under s 36 Crown Entities Act, with effect from today. In accordance with Schedule 5 this has the effect of ending your term as Chair.

Despite this decision, I wish to acknowledge the good work you have done at the EPA. I have enjoyed working with you and wish you well for the future.

Yours sincerely



Hon David Parker
Minister for the Environment

cc: The Board, Environmental Protection Authority
James Palmer, Chief Executive, Ministry for the Environment
Peter Hughes, Public Service Commissioner, Te Kawa Mataaho Public Service Commission

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