



# Te Kawa Mataaho

Public Service Commission

24 March 2023

Harris Lee

[fyi-request-21973-58ffebf3@requests.fyi.org.nz](mailto:fyi-request-21973-58ffebf3@requests.fyi.org.nz)

Dear Harris

## Official Information Request Our Ref: OIA 2023-0042

I refer to your official information request received on 2 March 2023 for:

*"Under the OIA I seek copies of any advice provided to ministers, including but not limited to the Minister for ACC and the Prime Minister, relating to the application of the Code of Conduct for Crown Entity Members*

*(<https://www.publicservice.govt.nz/guidance/code-of-conduct-for-crown-entity-board-members>) to the writings of the current Chair of the ACC.*

*I also seek any information held by the PSC, including internal emails, whatsapp messages, signal message, text messages or records of conversations relating to comments by the ACC Chair such as:*

*"The previous National government had to deal with an unanticipated event of their own in the form of the 2008 Global Financial Crisis. They got the books back in balance but at the cost of ignoring almost everything else. "*

*And "Labour is the battle-hardened team that can get the job done. "*

*<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.stuff.co.nz%2Fnational%2Fpolitics%2Fopinion%2F300788564%2Fwithout-covid-labour-would-have-made-more-progress&data=05%7C01%7Ccommission%40publicservice.govt.nz%7C013159ea195a4396e73208db1ac8b133%7C41e14a91587d4fbf8dead6aea7148019%7C0%7C0%7C638133222257569250%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=9zcxHgudeo5iktwT8nWot7EFUEbCmO4T%2BVof5D%2Foo4Y%3D&reserved=0>*

*"In other words, if it is change voters want, they need look no further than the current Government. "*

*<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.stuff.co.nz%2Fnational%2Fpolitics%2Fopinion%2F300711880%2Fthe-2023-general-election-will-be-about-who-can-fix-things&data=05%7C01%7Ccommission%40publicservice.govt.nz%7C013159ea195a4396e73208db1ac8b133%7C41e14a91587d4fbf8dead6aea7148019%7C0%7C0%7C638133222257569250%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=izJe4sMM%2FI3xgwj8TTLhtRQwGWtyo7m%2B7R24FGI02Mg%3D&reserved=0>*

*"This is where Trump, Johnson, Morrison, and other assorted clowns come into play"  
[referring to conservative leaders of the USA, UK and Australia]*

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.stuff.co.nz%2Fopinion%2F300641842%2Fextreme-politics-are-not-the-answer-even-if-theyre-tempting&data=05%7C01%7Ccommission%40publicservice.govt.nz%7C013159ea195a4396e73208db1ac8b133%7C41e14a91587d4fbf8dead6aea7148019%7C0%7C0%7C63813322257569250%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=zTib07UMtFCnJ0o8zUIH4r6AlesGZTYys%2Fe9FPI88%2FE%3D&reserved=0>

*I also seek any information you might hold on whether PSC believes the preponderance of political comments by a Crown Entity board member may create an impression of political partisanship even if any one comment is excusable”.*

## **Our Response**

At the time of your request, Te Kawa Mataaho Public Service Commission (Commission) did not hold any information regarding the application of the Code of Conduct for Mr Steve Maharey. Accordingly, I have refused your request under section 18(e) of the Official Information Act 1982 on the grounds that the information requested does not exist.

However, on 6 March 2023 the Minister for the Public Service requested the Public Service Commissioner’s (Commissioner) advice on the appropriateness of Mr Maharey’s opinion pieces and any other similar public commentary by him and asked what, if any, action might be taken.

Please find outlined in the table below the advice the Commissioner’s provided to the Minister for the Public Service on 7 March 2023, which is publicly available on Te Kawa Mataaho Public Service Commission’s website at the link also provided in the table.

<b>Date</b>	<b>Document Description</b>	<b>Website Address</b>
7 March 2023	Political Neutrality Advice	<a href="https://www.publicservice.govt.nz/assets/DirectoryFile/Political-Neutrality-Advice.pdf">https://www.publicservice.govt.nz/assets/DirectoryFile/Political-Neutrality-Advice.pdf</a>

If you wish to discuss this decision with us, please feel free to contact [Ministerial.Services@publicservice.govt.nz](mailto:Ministerial.Services@publicservice.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) the Te Kawa Mataaho Public Service Commission’s website.

Yours sincerely



Nicky Dirks  
**Manager – Ministerial and Executive Services**  
**Te Kawa Mataaho Public Service Commission**