



# Te Kawa Mataaho

Public Service Commission

3 October 2023

Harris Leigh  
[fyi-request-24035-4ff49d87@requests.fyi.org.nz](mailto:fyi-request-24035-4ff49d87@requests.fyi.org.nz)

Dear Harris

## Official Information Request Our Ref: OIA 2023-0200

I refer to your official information request received on 5 September 2023 for:

*Under the OIA I seek copies of any advice provided to ministers, including but not limited to the Minister of Finance 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 Chair of the Reserve Bank of New Zealand.*

*I also seek any information held by the PSC, including internal emails, whatsapp messages, signal message, text messages or records of conversations relating to the conduct of the Chair of the RBNZ as reported by Radio NZ*

*<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.rnz.co.nz%2Fnews%2Fnational%2F497281%2Funiversity-of-waikato-boss-referred-to-new-medical-school-as-a-present-for-future-national-government&data=05%7C01%7Ccommission%40publicservice.govt.nz%7Cb3a26c481be6474ec6ac08dbad7f35ba%7C41e14a91587d4fbf8dead6aea7148019%7C0%7C0%7C638294534123971360%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=AEwal%2BecQG3fnufgk%2BOzPe0PITPVMDRnTitKV5IJh0o%3D&reserved=0>*

*Without limitation, I am interested in any information relating to comments by the RBNZ Chair such as: "The first student intake would be 2027 - a present to you to start your second term in government!" as the Chair wrote, in a March 2023 email to National Party MP Shane Reti."*

## Our Response

Te Kawa Mataaho Public Service Commission (the Commission) did not provide any advice to the Minister of Finance or the Prime Minister relating to the application of the Code of Conduct for Crown Entity Members.

Below is the entry that was included in the Weekly Report to the Minister for the Public Service - Week ending 11 October 2019 relating to the Code of Conduct for Crown Entity Board Members:

### **Code of conduct for Crown entity board members**

*Following amendments to the State Sector Act in 2018, SSC engaged with Crown entity boards on a code of conduct for board members. A working group of chairs, board members and others has been part of the development of a draft code and there seems to be good support for such a code. Next week we will commence formal consultation, with Chairs receiving letters seeking*

*feedback on the draft code and its application to their entity. As well as the statutory Crown entities (Crown agents, ACEs and ICEs) we will also consult with the Crown entity companies (TVNZ, Radio NZ, NZVIF and Crown Irrigation) and the Public Finance Act Schedule 4A companies, which are within the mandate and subject to the employee code. This consultation will help inform next steps.*

Section 17(2) of the Public Service Act 2020 applies to board members of statutory entities (excluding corporations sole) and Crown Entity companies (excluding Crown Research Institutes and their subsidiaries).

Waikato University is a Tertiary Education Institution, and the Reserve Bank of New Zealand (RBNZ) has statutory independence, they are both outside of the jurisdiction of the Public Service Commissioner (the Commissioner) and not covered by the Code of Conduct for Crown Entity Board Members. The Commission noted the comments at the time they were made, but as the Commissioner has no jurisdiction, no action was taken.

As such, the Commissioner has not considered the conduct Mr Quigley in either of his Board roles with the RBNZ or Waikato University and therefore has no internal emails, messages or records of conversations that fall within scope of your request.

We are therefore refusing your request under 18(e) of the Official Information Act 1982 on the grounds that this information does not exist.

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) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks

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