



24 April 2017

Mr James Harris
fyi-request-5519-6c799396@requests.fyi.org.nz

Dear Mr Harris

Official information request for information about the remuneration of the Chief Executive of the Environmental Protection Authority

Our ref: 2017/0024

I refer to your official information request received on 11 March 2017 where you state "I understand that the Chief Executive (CE) of the Environmental Protection Authority (EPA) received a considerable increase in salary between 2015 and 2016 (\$350,000-\$359,000 increasing to \$390,000-\$399,000)", and request any advice or information that the State Services Commission (SSC) provided on this matter.

On 3 April 2017, we informed you of an extension of the time to make our decision on your request, to 24 April 2017.

The process for agreeing the terms and conditions of employment for Crown entity CEs is set out in the Crown Entities Act 2004. This process includes a requirement for the Crown entity board to consult the State Services Commissioner (and, in cases of disagreement with the Commissioner, with the responsible Minister). The Crown entity boards are, however, responsible for making all decisions on individual CEs' remuneration.

Your query refers to the total actual value of remuneration and other benefits paid or payable to the CE of the EPA for the years ended 30 June 2015 and 30 June 2016 respectively, as set out in the EPA's Annual Report 2015/16.

You may not be aware that the period that you refer to covers the remuneration of two different CEs, rather than one CE receiving a remuneration increase, as could be interpreted in the EPA's Annual Report. Mr Rob Forlong was the CE of the EPA until 19 June 2015. Dr Allan Freeth commenced as the CE of the EPA on 1 September 2015.

SSC's Senior Pay Report 2015/16 (<http://www.ssc.govt.nz/senior-pay-report>) indicates that:

- Mr Forlong's total remuneration received from 1 July 2014 to 19 June 2015 was in the \$350,000 to \$359,999 band (including payment of entitlements at the last day of duty of \$18,569).
- Dr Freeth's total remuneration received from 1 September 2015 to 30 June 2016 was in the \$300,000 to \$309,999 band.

SSC, through its Senior Pay Report, discloses the *total remuneration actually paid* to State sector chief executives in the 2015/16 financial year, running from 1 July 2015 to 30 June 2016, in \$10,000 bands.

Information being released

We have interpreted your request as any documents relating to the consultation process to set the 2015/16 remuneration of the CE of the EPA. Listed below are the documents relating to your request:

Item	Date	Document Description	Decision
1	15 April 2015	Re: Recruitment of a chief executive (email)	Release in part
2	11 May 2015	CEO job sizing (email and attachment – <i>note attachment withheld in full, see below</i>)	Release in part
3	11 May 2015	Confidential – Remuneration range for EPA CE role (email)	Release in part
4	17 June 2015	RE: EPA Chief Executive Update (email and two attachments – <i>note attachments withheld in full, see below</i>)	Release in part
5	19 June 2015	RE: [redacted – 9(2)(a)] (email)	Release in part
6	19 June 2015	RE: EPA Chief Executive Update (email and two attachments – <i>note one attachment withheld in full, see below</i>)	Release in part
7	25 June 2015	RE: CE Remuneration (email)	Release in part
8	26 June 2015	Environmental Protection Agency: Appointment of Chief Executive (memorandum)	Release in part
9	30 July 2015	RE: EPA Chief Executive Employment Offer (email and one attachment – <i>note attachment withheld in full, see below</i>)	Release in part

I have decided to release the relevant parts of the documents listed above, subject to information being withheld under one or more of the following sections of the Official Information Act 1982 (OIA):

- 9(2)(a), to protect the privacy of natural persons, including that of deceased persons
- 9(2)(b)(i), to protect information where the making available of the information would disclose a trade secret
- 9(2)(b)(ii), to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
- 9(2)(ba)(i), to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied

- 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees or any department or organisation in the course of their duty
- 9(2)(j), to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

There are also some redactions where the information is out of scope.

Information to be withheld

There are additional documents covered by your request, as outlined in the table above, that I have decided to withhold in full under one or more of sections 9(2)(a), 9(2)(b)(i), 9(2)(b)(ii), and 9(2)(ba)(i) of the OIA.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.

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 or freephone 0800 802 602.

Kind regards



Dallas Welch
Deputy Commissioner