



13 February 2020

Dear [REDACTED]

**Official Information Request  
Our Ref: SSCOIA 2020-0001**

I refer to your Official Information request received on 1 January 2020 where you have asked several questions. For ease of reference we have listed each of your questions and included our responses directly underneath. You also wrote to us on 20 January 2020, we will be responding to the questions raised in that correspondence separately.

**1. When did you become aware of allegations of the practice of faking HR records in the public sector? When did you first become aware that documentary evidence is available?**

**2. When did you become aware of the practice of removing, suppressing, destroying or otherwise concealing HR records beyond the statutory minimum once those records had been used to allow private individuals access to institutional money for their private purposes not in the interests of the institution?**

On the 27 January 2020 we wrote to you seeking clarification as to the specific case/s you are referring to, as based on the information you have provided in your request, we are unable to perform a search of our records. We did not receive a response from you.

**3. When did you become aware that MBIE officials in the Employment Relations Authority were making illegal suppression orders at the request of employers' lawyers, along with "costs" orders benefiting those lawyers.**

**4. When did you become aware that the MBIE officials were changing substantive law, including the ruling (which still stands) that perverting the course of justice is something they can order and that sexual assault is acceptable if it is "fun bum"? Did you make any representation to MBIE about that conduct by those public officials?**

**5. When did you become aware that the employers' lawyers and MBIE officials (who are to an extent interchangeable) had persuaded the Employment Court that their rulings were law and the function of the Employment Court on rehearing was an appeal? Did anyone give you any authority for that and if so what was it and when did they first claim it?**

**6. Did you take any action over public sector officials and those paid by them engineering the altering of the law so as to allow "fun bum", faking and similar illegal conduct by public sector officials? If so, when did you take that action and what was it? If not, when do you plan to do so?**

In response to questions three to six, we are not aware of the matters you have asked in these questions. If you have any concerns or complaints relating to members of the Employment Relations Authority, the appropriate avenue for these to be raised is with the Chief of the Employment Relations Authority. Further details outlining the complaints process can be found at the following link: <https://www.era.govt.nz/complaints/>

**7. When did you first become aware that the employment jurisdiction was imposing illegal secrecy orders about the offences of public officials which contravene domestic and international legal obligations? What action did you take in this respect and when? What action do you plan to take in future?**

I refer you to my response to questions one and two.

**8. When did you first become aware of the coverups relating to the serious wrongdoing by Joanne Harrison at the Ministry of Transport and the ensuing coverup of the coverup using the employment relations system? When did you first become aware of the closing of the court on 29 May 2019 at the request of the Commissioner of Police so he could apply for suppression of evidence?**

The State Services Commission is not aware of any coverups relating to the serious wrongdoing by Joanne Harrison at the Ministry of Transport. The SSC was first notified by the Ministry of Transport of matters relating to Joanne Harrison on 12 April 2016.

In response to your question about the closed court session, the State Services Commission was not aware in advance of the application being made by the Commissioner of Police and there is no requirement for the Commissioner of Police to inform the State Services Commission of such an application.

If you wish to discuss this decision with us, please feel free to contact [Ministerial.Services@ssc.govt.nz](mailto:Ministerial.Services@ssc.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 State Services Commission's website.

Yours sincerely



Nicky Dirks  
**Managing Principal – Ministerial Services**  
**State Services Commission**