



## **Consolidated Terms of Reference for Inquiry into the use of external security consultants 29 October 2018**

This document consolidates the Terms of Reference previously issued on 27 March 2018 and 19 June 2018, in light of the request by the Minister of Research, Science and Innovation under s 11(4) of the State Sector Act 1988 dated 3 October 2018.

For the avoidance of doubt, the State Services Commissioner has delegated his statutory powers of investigation (including the powers in ss 8, 9, 10, 11, 25 and 57-57C of the State Sector Act) to Doug Martin and Simon Mount QC for the purposes of this Inquiry.

### Definition

“Crown Agencies” means the agencies listed in Appendix One.

### Terms of Reference

The Inquiry will identify and report on:

1. the circumstances of, and reasons for, any engagement by Crown Agencies of external security consultants including but not limited to Thompson & Clark Investigations Limited (TCIL) and its associated companies and entities;
2. the nature and outcomes of any such engagement; and
3. the nature of the relationship between current and former employees of Crown Agencies and TCIL and its associated companies and entities.

Without limiting its scope, the Inquiry will specifically report on:

4. whether external security consultants have carried out surveillance activities directly or indirectly on behalf of any Crown Agencies and, if so:
  - a. the nature of any such surveillance, either generally or relating to specific individuals;
  - b. the extent to which Crown agencies requested that surveillance, and/or received information relating to that surveillance;
  - c. any actions undertaken as a result of information received;
5. any internal or external advice to Crown Agencies relating to or produced as a result of engaging external security consultants and/or any monitoring undertaken, including but not limited to advice relating to potential disclosure of the existence, nature or circumstances of any surveillance undertaken;
6. governance and reporting mechanisms (or lack thereof) relating to the engagement of security consultants; and
7. whether or not, and the extent to which, any matters identified by the Inquiry amounted to a breach of the State Services’ Standards of Integrity and Conduct (Standards) or would have amounted to a breach if the Standards had applied.

The Inquiry may also make recommendations in relation to any matter contained in its report.

The Inquiry will not consider, report on, or make recommendations relating to:

- any individual entitlement or complaint, such as those relating to a specific insurance claimant;
  - actions taken to resolve specific insurance claims, except insofar as those actions related to the use of external security consultants;
  - general operational performance or governance arrangements.
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## Appendix 1: List of Crown Agencies within scope

### Public Service Departments

Ministry of Business, Innovation, and Employment
Department of Conservation
Department of Corrections
Crown Law Office
Ministry for Culture and Heritage
New Zealand Customs Service
Ministry of Defence
Ministry of Education
Education Review Office
Ministry for the Environment
Ministry of Foreign Affairs and Trade
Government Communications Security Bureau
Ministry of Health
Inland Revenue Department
Department of Internal Affairs
Ministry of Justice
Land Information New Zealand
Te Puni Kōkiri, Ministry of Maori Development
Ministry for Pacific Peoples
Ministry for Primary Industries
Department of the Prime Minister and Cabinet
Serious Fraud Office

Ministry of Social Development
Statistics New Zealand
Ministry of Transport
The Treasury
Ministry for Women
Ministry for Vulnerable Children, Oranga Tamariki
New Zealand Security Intelligence Service
State Services Commission
Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency

### **Departmental Agency**

Social Investment Agency

### **Non-Public Service Department**

Parliamentary Counsel Office

### **Crown Agents**

Accident Compensation Corporation
Industrial Research Limited / Callaghan Innovation
Civil Aviation Authority
Auckland District Health Board
Bay of Plenty District Health Board
Canterbury District Health Board
Capital and Coast District Health Board
Counties Manukau District Health Board
Hawke's Bay District Health Board
Health Promotion Agency

Hutt Valley District Health Board
Lakes District Health Board
MidCentral District Health Board
Nelson Marlborough District Health Board
Northland District Health Board
South Canterbury District Health Board
Southern District Health Board
Tairāwhiti District Health Board
Taranaki District Health Board
Waikato District Health Board
Wairarapa District Health Board
Waitemata District Health Board
West Coast District Health Board
Whanganui District Health Board
Earthquake Commission
Education New Zealand
Energy Efficiency and Conservation Authority
Environmental Protection Authority
Health Quality and Safety Commission
Health Research Council of New Zealand
Housing New Zealand Corporation
Maritime New Zealand
New Zealand Antarctic Institute
New Zealand Blood Service

Fire and Emergency New Zealand
New Zealand Qualifications Authority
New Zealand Tourism Board
New Zealand Trade and Enterprise
New Zealand Transport Agency
New Zealand Walking Access Commission
Pharmaceutical Management Agency
Real Estate Authority
Social Workers Registration Board
Sport New Zealand
WorkSafe New Zealand
Tertiary Education Commission

### **Autonomous Crown Entities**

Arts Council of New Zealand Toi Aotearoa
NZ on Air (Broadcasting Commission)
Government Superannuation Fund Authority
Guardians of New Zealand Superannuation
Museum of New Zealand Te Papa Tongarewa Board
New Zealand Artificial Limb Service
New Zealand Film Commission
Heritage New Zealand (Pouhere Taonga)
New Zealand Lotteries Commission
New Zealand Symphony Orchestra
Public Trust

Commission for Financial Literacy and Retirement Income
Te Taura Whiri I Te Reo Maori (Maori Language Commission)
Te Māngai Pāho
Testing Laboratory Registration Council (IANZ)

### **Independent Crown Entities**

Broadcasting Standards Authority
Children's Commission
Commerce Commission
Drug Free Sport New Zealand
Electoral Commission
Electricity Authority
External Reporting Board
Financial Markets Authority
Health and Disability Commission
Human Rights Commission
Law Commission
New Zealand Productivity Commission
Office of Film and Literature Classification
Privacy Commission
Takeovers Panel
Transport Accident Investigation Commission

### **Crown Entity Companies**

New Zealand Venture Investment Fund Limited
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Crown Irrigation Investment Limited
Radio New Zealand Limited
Television New Zealand Limited

**Public Finance Act Schedule 4A Companies**

Crown Asset Management Limited
Crown Infrastructure Partners
Education Payroll Limited
Learning State Limited (N4L)
Ōtākaro Limited
Predator Free 2050 Limited
Research and Education Advanced Network New Zealand Limited
Southern Response Earthquake Services Limited
Tamaki Redevelopment Company Limited

**Reserve Bank**

Reserve Bank of New Zealand

**Crown Research Institutes**

AgResearch Limited
Institute of Environmental Science and Research Limited
Institute of Geological and Nuclear Sciences Limited
Landcare Research New Zealand Limited
National Institute of Water and Atmospheric Research Limited
New Zealand Forest Research Institute Limited (Scion)
New Zealand Institute for Plant and Food Research Limited