




EXECUTIVE COUNCIL CHAMBERS

19 September 2023



Ref: OIA-2023/24-0151

Tēnā koe 

Official Information Act request:  **Correspondence related to James Wallace's honours removal.**

Thank you for your Official Information Act request received on 22 August 2023. You requested:

“With respect, I request the following information under the terms of the Official Information Act 1982.

Under the Official Information Act, I request the following:

- 1. All correspondence to and from DPMC and PMO related to James Wallace's honours removal*
- 2. All correspondence from the Royal Family relating to the honours removal”.*

We have interpreted your request as being for all correspondence relating to Mr Wallace's forfeiture between DPMC and the Prime Minister's Office, and all correspondence relating to Mr Wallace's forfeiture between DPMC and Buckingham Palace. If this is not correct, please let us know.

Mr James Wallace was made an Officer of the New Zealand Order of Merit in the New Year 2001 Honours List for his services to the arts. Mr Wallace was promoted to Knight Companion of the New Zealand Order of Merit (KNZM) in the 2011 Queen's Birthday Honours List.

On 23 March 2021, Mr Wallace was found guilty on three charges of indecent assault and two charges of attempting to dissuade a witness. Mr Wallace had name suppression until 2pm on 28 June 2023, when name suppression lapsed, pursuant to court order.

The King approved the cancellation and annulment of Mr Wallace's honour on 15 August, on the advice of the Prime Minister. You can find the gazette notice of this here: <https://gazette.govt.nz/notice/id/2023-vr3853>

4786525

CABINET OFFICE, PARLIAMENT BUILDINGS, WELLINGTON 6011, NEW ZEALAND

Telephone: +64 (4) 830 5010. Email: CabinetOffice@dpmc.govt.nz

www.dpmc.govt.nz

In response to the first part of your request, please find attached the relevant correspondence and documents that fall within scope. I have decided to withhold some information under the following sections of the Act:

- section 9(2)(a), to protect the privacy of individuals,
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials,
- section 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 of any public service agency or organisation in the course of their duty.

Please note that duplicated email correspondence and attachments have been removed from my response.

I am withholding the information which falls within scope of the second part of your request regarding all correspondence from the Palace under:

- section 9(2)(f)(i) on the grounds that the withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the confidentiality of communications by or with the Sovereign or his representative.

In making my decision on both parts of your request, I have considered whether the withholding of the information is outweighed by other considerations which render it desirable, in the public interest, to make the information available, and have decided it is not.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Rachel Hayward
Clerk of the Executive Council

Forfeiture of an Honour

The King has directed that the appointment of James Hay Wallace to be a Knight Companion of the New Zealand Order of Merit, dated 6 June 2011, shall be cancelled and annulled, and that his name shall be erased from the Register of the said Order.

Dated at Wellington this 15th day of August 2023.

RACHEL HAYWARD, Secretary and Registrar, The New Zealand Order of Merit.

2023-vr3853

21-08-2023 11:38

From: David Williams [DPMC]
Sent: Monday, 21 August 2023 12:24 pm
To: Charlotte Gendall <Charlotte.Gendall@parliament.govt.nz>
Cc: Andrew Campbell <Andrew.Campbell@parliament.govt.nz>; Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>
Subject: Forfeiture of James Wallace's knighthood

[IN-CONFIDENCE]

Kia ora Charlotte

We have now published in the *New Zealand Gazette* a notice advising that the King has approved the cancellation of James Wallace's Knighthood.

Kind regards
David



David Williams
Senior Advisor (Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

DDI: s9(2)(a)
Email: david.williams@dpmc.govt.nz

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From: Charlotte Gendall <Charlotte.Gendall@parliament.govt.nz>
Sent: Friday, 18 August 2023 4:46 pm
To: Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>; Andrew Campbell <Andrew.Campbell@parliament.govt.nz>
Cc: David Williams [DPMC] <David.Williams@dpmc.govt.nz>
Subject: RE: Forfeiture of James Wallace's knighthood

Thank you Nicola, for this heads up.

Charlotte Gendall | Press Secretary
Office of the Prime Minister
s9(2)(a)

From: Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>
Sent: Friday, 18 August 2023 4:38 PM
To: Andrew Campbell <Andrew.Campbell@parliament.govt.nz>; Charlotte Gendall <Charlotte.Gendall@parliament.govt.nz>
Cc: David Williams <David.Williams@dpmc.govt.nz>
Subject: Forfeiture of James Wallace's knighthood

[IN-CONFIDENCE]

Kia ora Andrew and Charlotte,

We've now had formal notification from the Palace that the King has approved the cancellation of James Wallace's Knighthood and we have written to Mr Wallace to advise him. The next step is for the publication of a Gazette notice to that effect, which will be published in the NZ Gazette on Monday. The PM may be asked about it at his post Cabinet press conference.

Please keep this confidential until Monday to allow time for Mr Wallace's lawyer to inform him first.

Some key messages if the PM is asked:

- Notification in the Gazette is the final formal step in the forfeiture process.
- The PM formally advised The King to cancel and annul the appointment of James Wallace as a Knight Companion of the New Zealand Order of Merit.
- The date of 15 August set out in the Gazette notice is the date of the King's formal approval.
- As a result, Mr Wallace is no longer entitled to use the title "Sir" or the post-nominal "KNZM", and has been asked to return his Warrant of appointment and honours insignia to the Honours Unit.

Out of scope

- There is more information about the forfeiture process on DPMC's website: [Having honours taken away \(forfeiture\) | Department of the Prime Minister and Cabinet \(DPMC\)](#)

Hope that all makes sense, let me know if you need anything more from us.

Nga mihi
Nicola



Nicola Purvis (she/her)
Deputy Secretary of the Cabinet (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

Direct dial: s9(2)(a)



EXECUTIVE COUNCIL CHAMBERS

Memo

30 June 2023

To Prime Minister

From Nicola Purvis

Subject **Potential forfeiture (cancellation) of honour: Sir James Wallace**

Purpose and summary

- 1 This note provides you with advice in relation to the question of the potential forfeiture of an honour by Sir James Hay Wallace, and seeks your agreement to continue the process for consideration of forfeiture.

Background

- 2 Sir James Wallace was appointed as a Knight Companion of the New Zealand Order of Merit (KNZM) at QB2011, for services to the arts. His citation read:

“Mr Wallace, as founder and Director of the James Wallace Arts Trust, has made a significant contribution as a patron of the arts in New Zealand.

Last year he made the Pah Homestead - now the TSB Bank Wallace Arts Centre - the permanent home of the Trust Collection of more than 5,500 contemporary New Zealand artworks, said to be worth more than \$50 million, for display to the public in rotating exhibitions free of charge. Mr Wallace funds the Trust at \$1.5 million per year so that it can continue to add to the collection and support the arts in general in New Zealand. This gift is said to be the largest given to Auckland City since Sir John Logan Campbell gave Cornwall Park. Mr Wallace has also given Rannoch, a large arts and crafts house, to the Trust for use for fundraising events for artists and art organisations. The annual Wallace Arts Awards, established in 1992, are the longest surviving and largest awards of their kind in New Zealand, with prizes including overseas residencies. Mr Wallace is a patron, trustee and/or board member of more than 20 organisations, including the Auckland Philharmonia Orchestra and the NBR New Zealand Opera. He has spent more than 50 years doing voluntary work for a range of organisations including the New Zealand Ski Association.”

- 3 Sir James had previously been appointed as an Officer of the New Zealand Order of Merit (ONZM) at NY2001, for services to the arts.
- 4 On 23 March 2021 following a four-week jury trial in the High Court, Sir James was convicted of three charges of indecent assault, and two charges of attempting to dissuade

one of the complainants from giving evidence. He was later sentenced to two years and four months imprisonment.

- 5 The High Court Judge noted when sentencing Sir James that he had an “inability” to accept his offending, and considered himself to be “a victim of the tall poppy syndrome.” It has been publicly reported that the Judge also noted to Sir James that Sir James’ “sense of self-entitlement is repeated in the affidavit you provided for sentencing, it displays a lack of empathy for your victims and confirms your lack of insight into your offending.”
- 6 Between 2021 and June 2023 Sir James appealed to the Court of Appeal and subsequently the Supreme Court on both his conviction and sentence, and a decision by the High Court declining his application for permanent suppression of his name. In declining his appeal of his sentencing, the Court of Appeal noted “The attempts to dissuade H from giving evidence were plainly carried out at the behest of Sir James and constituted a persistent flagrant attempt to “buy off” a crucial witness in a criminal trial. That offending was audacious and justified a stern response from the Court.”
- 7 On 21 March 2023, the Supreme Court declined an application for leave to appeal his convictions and sentence, and on 26 June 2023 declined his application for leave to appeal an order for the continuing suppression of his name to lapse. Sir James’ legal appeal rights have now been exhausted.
- 8 On 28 June 2023 following the lapse of the suppression order relating to Sir James, the Acting Prime Minister, Hon Sepuloni, asked the Cabinet Office to initiate the forfeiture process in respect of Sir James’ honour.

Guidelines on forfeiture

- 9 An award of an honour may be cancelled by the Sovereign, on the advice of the Prime Minister. Appointments of any person to the New Zealand Order of Merit or the Queen’s Service Order may also be cancelled by the Sovereign, on the advice of the Prime Minister. The Prime Minister may consider advising the Sovereign to cancel the appointment of a person to an honour where an individual’s actions are such that, if they continue to hold that honour, the honours system would be brought into disrepute.
- 10 Examples include (but are not limited to) situations where the holder of an honour is sentenced to more than three months in prison, and:
- 10.1 the offence involved disloyalty to the state; or
 - 10.2 the offence was committed by a civil servant and involved serious dereliction of duty; or
 - 10.3 the offence involved other disgraceful conduct such that public opinion would consider it wrong for the offender to hold a Royal honour (bringing the honours system into disrepute).

11 s9(2)(f)(iv), s9(2)(g)(i)

- 12 There have not been many cases of honours being cancelled in New Zealand. Recorded cases include:

- 12.1 In 2021, Sir Ron Brierley forfeited his knighthood (awarded NY1988, for services to business management and the community), following him entering a plea of guilty to three charges of possessing child sex abuse material (he was subsequently sentenced to 10 months jail with a four month non-parole period);
- 12.2 In 2018, Mr Hugh Hamilton, a former Mayor of the Central Hawkes Bay District forfeited his MNZM (awarded QB1997 for services to local body and community affairs), after being sentenced to four years and nine months imprisonment on charges of theft by a person in a special relationship;
- 12.3 In 2000, Dr Morgan Fahey, a former deputy mayor of Christchurch, forfeited his OBE (awarded QB1977 for services to the community) after being sentenced to six years' imprisonment for rape, sexual violation, and sexual assault;
- 12.4 In 1987, traffic officer David Seath forfeited his QSM (awarded NY1985 in recognition of services to traffic enforcement and road safety) after he was convicted of falsely endorsing summons notices for traffic prosecutions. He was fined \$13,000 plus \$770 costs;
- 12.5 In 1980, the former Premier of the Cook Islands, Sir Albert Henry forfeited his KBE after he was convicted on three charges of conspiracy to defraud the Crown (fraud relating to the 1978 Cook Islands' general election). (In that case, the recommendation for cancellation came from the New Zealand government, but was discussed with the Cook Islands' Premier.)

In-principle decision on threshold

- 13 The next step in the forfeiture process is for you to make an in-principle decision as to whether the threshold for forfeiture has been met, which would be then subject to Sir James' views before a final decision is made as to whether to recommend cancellation of the honour.

s9(2)(f)(iv), s9(2)(g)(i)



Next steps

- 17 If you make an in-principle decision that the threshold for forfeiture of the honour has been met in this case, the Clerk of the Executive Council will write to Sir James advising of that

in-principle decision and giving him 30 days to either resign from his honour or make representations on the prospect of cancellation.

- 18 You would then make a final decision as to whether to recommend the cancellation of Sir James' honour to the King, after taking into account any representation he makes. If no response is received, you can proceed to make a final decision.

Public comment on the process

- 19 It is important from a natural justice perspective that no comment is made before the 30 days has elapsed that suggests a decision as to forfeiture has already been made.

Recommendations

- 20 I recommend that you:

20.1 **note** that on 23 March 2021 Sir James Wallace was convicted of three charges of indecent assault, and two charges of attempting to dissuade one of the complainants from giving evidence. He was sentenced to two years and four months imprisonment;

20.2 **note** that Sir James Wallace holds the following New Zealand Royal honour:

20.2.1 appointment as a Knight Companion of the New Zealand Order of Merit (KNZM) at QB2011, for services to the arts;

20.3 **note** that on 28 June 2023 the Acting Prime Minister, Hon Sepuloni, initiated the forfeiture process in respect of Sir James Wallace's honour;

s9(2)(f)(iv), s9(2)(g)(i)

20.5 **agree in principle** that the threshold for forfeiture of the honour has been met; and

AGREE / DISAGREE

20.6 **direct** the Clerk of the Executive Council to write to Sir James Hay Wallace to seek his views on the forfeiture of his honour.

AGREE / DISAGREE



Nicola Purvis
Deputy Secretary of the Cabinet (Constitutional and Honours)

Rt Hon Chris Hipkins
Prime Minister



Date: 2 / 7 / 2023

Distribution:
Andrew Kirton, Chief of Staff

From: [Honours \[DPMC\]](#)
To: [David Williams \[DPMC\]](#); [Preity Chand \[DPMC\]](#); [Griffen Ritchie \[DPMC\]](#)
Subject: FW: Honours forfeiture
Date: Wednesday, 28 June 2023 4:10:48 pm
Attachments: [image001.png](#)

For action.

From: Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>
Sent: Wednesday, 28 June 2023 4:04 pm
To: ^Parliament: Morgan Evans <Morgan.Evans@parliament.govt.nz>
Cc: ^Parliament: Shayne Misselbrook <Shayne.Misselbrook@parliament.govt.nz>; Gia Garrick <Gia.Garrick@parliament.govt.nz>; Honours [DPMC] <Honours@dpmc.govt.nz>
Subject: RE: Honours forfeiture

[IN-CONFIDENCE]

Thanks for your instruction Morgan, we will prepare advice for the Prime Minister.

Nga mihi
Nicola



Nicola Purvis (she/her)
Deputy Secretary of the Cabinet (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

Direct dial: [s9\(2\)\(a\)](#)
Email: Nicola.purvis@dpmc.govt.nz

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From: Morgan Evans <Morgan.Evans@parliament.govt.nz>
Sent: Wednesday, 28 June 2023 3:57 pm
To: Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>
Cc: ^Parliament: Shayne Misselbrook <Shayne.Misselbrook@parliament.govt.nz>; Gia Garrick <Gia.Garrick@parliament.govt.nz>
Subject: Honours forfeiture

Kia ora Nicola

On behalf of the Acting Prime Minister, would you please initiate the forfeiture procedure in respect of Sir James Wallace's honours?

Nga mihi nui
Morgan

Morgan Evans (he/him) | Advisor

[s9\(2\)\(a\)](#)

Office of Hon Carmel Sepuloni MP, Deputy Prime Minister, Minister for Social Development and Employment, Minister for Arts, Culture and Heritage and Associate Minister for Foreign Affairs (Pacific Region)

From: [DPMC Media \[DPMC\]](#)
To: [Charlotte Gendall](#)
Cc: [DPMC Media \[DPMC\]](#)
Subject: FW: s9(2)(a) Sir James Wallace
Date: Monday, 17 July 2023 9:24:00 am
Attachments: [image001.png](#)
[image002.png](#)

[UNCLASSIFIED]

Ata marie Charlotte,

Hope you had a good Matariki.

We had the below enquiry through last week, and have prepared the below response. The Cabinet Office approves that response, but thought it might be best to come from PMO, rather than DPMC and suggested checking with you – would you be able to give me a steer?

STARTS

In June, the Acting Prime Minister initiated the process for honours forfeiture. There will be no further comment until that process has reached its conclusion.

There is more information about the forfeiture process on the DPMC website: [Having honours taken away \(forfeiture\) | Department of the Prime Minister and Cabinet \(DPMC\)](#).

Nga mihi,
Vic

From: s9(2)(a)
Sent: Thursday, 13 July 2023 3:28 pm
To: DPMC Media [DPMC] <Media@dpmc.govt.nz>
Cc: s9(2)(a)
Subject: TVNZ Breakfast - Sir James Wallace

Some people who received this message don't often get email from s9(2)(a) [Learn why this is important](#)

Kia ora team,

Can you please give me an update on the process of stripping Sir James Wallace of his knighthood?

<https://www.1news.co.nz/2023/06/28/govt-starts-process-for-stripping-sir-james-wallace-of-knighthood/>

Many thanks,

s9(2)(a)

From: [Nicola Purvis \[DPMC\]](#)
To: [DPMC Media \[DPMC\]](#)
Subject: RE: **s9(2)(a)** - Sir James Wallace
Date: Thursday, 13 July 2023 4:55:00 pm
Attachments: [image001.png](#)
[image002.png](#)

This content is fine with us Vic but wonder whether it should come from PMO rather than us?
Would you check that with Charlotte Gendall?

Thanks
Nicola

From: DPMC Media [DPMC] <Media@dpmc.govt.nz>
Sent: Thursday, 13 July 2023 3:47 pm
To: Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>
Cc: DPMC Media [DPMC] <Media@dpmc.govt.nz>
Subject: FW: **s9(2)(a)** Sir James Wallace

[UNCLASSIFIED]

Kia ora Nicola,

We have received the below media query. I was wondering if you had any thoughts on what response we could provide – I have updated one which we sent through in June.

STARTS

In June, the Acting Prime Minister initiated the process for honours forfeiture. There will be no further comment until that process has reached its conclusion.

There is more information about the forfeiture process on the DPMC website: [Having honours taken away \(forfeiture\) | Department of the Prime Minister and Cabinet \(DPMC\)](#).

Nga mihi,
Vic

From: **s9(2)(a)**
Sent: Thursday, 13 July 2023 3:28 pm
To: DPMC Media [DPMC] <Media@dpmc.govt.nz>
Cc: **s9(2)(a)**
Subject: **s9(2)(a)** Sir James Wallace

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Kia ora team,

Can you please give me an update on the process of stripping Sir James Wallace of his knighthood?

<https://www.1news.co.nz/2023/06/28/govt-starts-process-for-stripping-sir-james-wallace-of-knighthood/>

Many thanks,

s9(2)(a)

s9(2)(a)



From: [Catherine Delore \[DPMC\]](#)
To: ["Gia Garrick"; Nicola Purvis \[DPMC\]](#)
Cc: [PMOmedia](#); [DPMC Media \[DPMC\]](#)
Subject: RE: Statement request | James Wallace
Date: Wednesday, 28 June 2023 4:11:36 pm
Attachments: [image001.png](#)

Thanks Gia

From: Gia Garrick <Gia.Garrick@parliament.govt.nz>
Sent: Wednesday, 28 June 2023 3:55 pm
To: Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>
Cc: PMOmedia <PMOmedia@parliament.govt.nz>; DPMC Media [DPMC] <Media@dpmc.govt.nz>
Subject: RE: Statement request | James Wallace

Thank you. The statement will come from the Acting Prime Minister and her office is working through that process now.

Draft statement, to go this afternoon.

The Acting Prime Minister has initiated the process for honours forfeiture. That process includes affording Sir James Wallace an opportunity to respond with any comments that he considers should be taken into account. There will be no further comment until that process has reached its conclusion.

There is more information about the forfeiture process on the DPMC website: [Having honours taken away \(forfeiture\) | Department of the Prime Minister and Cabinet \(DPMC\)](#)

Cheers
Gia

From: Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>
Sent: Wednesday, 28 June 2023 3:43 PM
To: Gia Garrick <Gia.Garrick@parliament.govt.nz>
Cc: PMOmedia <PMOmedia@parliament.govt.nz>; DPMC Media [DPMC] <Media@dpmc.govt.nz>
Subject: RE: Statement request | James Wallace

[UNCLASSIFIED]

Hi Gia

How about something like this:

- the Prime Minister will be initiating the process for honours forfeiture; [PMO to confirm]
- that process includes affording Sir James an opportunity to respond with any comments that he considers should be taken into account;
- if after that time the Prime Minister decides to proceed with recommending forfeiture of

- the honour, he will write to The King advising him to cancel the honour;
- there will be no further updates provided until that process has reached a conclusion
 - there is more information about the forfeiture process on our website: [Having honours taken away \(forfeiture\) | Department of the Prime Minister and Cabinet \(DPMC\)](#)

Nga mihi
Nicola



Nicola Purvis (she/her)
Deputy Secretary of the Cabinet (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

Direct dial: s9(2)(a)
Email: Nicola.purvis@dpmc.govt.nz

The Cabinet Office is a business unit of the Department of the Prime Minister and Cabinet.

From: Gia Garrick <Gia.Garrick@parliament.govt.nz>
Sent: Wednesday, 28 June 2023 2:59 pm
To: Nicola Purvis [DPMC] <Nicola.Purvis@dpmc.govt.nz>
Cc: PMOmedia <PMOmedia@parliament.govt.nz>
Subject: FW: Statement request | James Wallace

Hey Nicola – could I please seek some advice on the below? Is there a usual process for situations like this which will now be triggered?

Cheers
Gia

From: Kieran Meredith <Kieran.Meredith@parliament.govt.nz>
Sent: Wednesday, 28 June 2023 2:46 PM
To: Gia Garrick <Gia.Garrick@parliament.govt.nz>
Cc: Mark Sleeman <Mark.Sleeman@parliament.govt.nz>
Subject: FW: Statement request | James Wallace

Hey Gia – see below? Have told Lilian we won't do an on-camera (which she asked for) but will send a written statement..

From: s9(2)(a)
Sent: Wednesday, 28 June 2023 2:43 PM
To: Mark Sleeman <Mark.Sleeman@parliament.govt.nz>; Kieran Meredith <Kieran.Meredith@parliament.govt.nz>
Subject: Statement request | James Wallace

Hi!
Can we get some lines on this issue, or get the Acting PM on camera if she's free.

James Wallace has lost name suppression, and charged with sexual assault. **What considerations will be made regarding his Knighthood?**

Cheers

s9(2)(a)
[Redacted]

[Redacted]



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