



EXECUTIVE COUNCIL CHAMBERS

4 April 2024

s9(2)(a)

Ref: OIA OIA-2023/24-0585

Tēnā koe s9(2)(a)

Official Information Act request: Communications regarding James Wallace knighthood

Thank you for your Official Information Act request received on 27 February 2024. You requested:

“Any and all communications to and from the Department of the Prime Minister and Cabinet regarding the status of the knighthood of James Hay WALLACE, including any communications with representatives of His Majesty King Charles III.”

I have interpreted your request as being for all communications regarding the status of the knighthood of James Wallace after its conferral in 2011. Please advise if this is incorrect.

The time frame for responding to your request was extended under section 15A of the Act by 18 working days because consultations were needed before a decision could be made on the request. Following this extension, I am now in a position to respond.

Information being released

I have decided to release the relevant parts of the attached documents, subject to information being withheld as noted. The relevant grounds under which information has been withheld are:

1. section 9(2)(a), to protect the privacy of individuals
2. section 9(2)(ba)(ii), to protect information subject to obligation of confidence where release would likely damage the public interest
3. section 9(2)(f)(i), to protect the confidentiality of Sovereign communications
4. section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
5. section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

The Department of Prime Minister and Cabinet has also received, and replied to, two requests under the Official Information Act 1982. These communications partially fall within the scope of your query and are publicly available at the following addresses:

4859889

CABINET OFFICE, PARLIAMENT BUILDINGS, WELLINGTON 6011, NEW ZEALAND

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

www.dpmc.govt.nz

<https://www.dpmc.govt.nz/publications/responses-official-information-requests-september-2023>; and
<https://www.dpmc.govt.nz/publications/responses-official-information-requests-december-2023>.

Information being withheld

I have decided to withhold in full the following documents under sections of the Act identified.


Document	Withholding ground
Letter to James Wallace from Acting Clerk of Executive Council 6 July 2023	Section 9(2)(a) & (ba)(ii)
Letter from James Wallace's lawyer to Acting Clerk of Executive Council 4 August 2023	Section 9(2)(a) & (ba)(ii)
Letter to James Wallace from Clerk of Executive Council 18 August 2023	Section 9(2)(a) & (ba)(ii)
Communications with King Charles III and representatives	Section 9(2)(f)(i)
Communications with Governor-General	Section 9(2)(f)(i)
Appendix to released memo to PM dated 4 August 2023	Section 9(2)(a), (ba)(ii) & (f)(i)

In making my decision, in accordance with section 9(1) of the Act I have considered whether the public interest in disclosure outweighs the need to withhold the information, and I have concluded that it does 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

From: Honours [DPMC]
Sent: Thursday, 16 September 2021 3:08 pm
To: s9(2)(a)
Subject: James Wallace

[UNCLASSIFIED]

Dear s9(2)(a)

There was a recent case, as you may be aware, involving the forfeiture of a New Zealand Royal honour.

There is a process for such cases and you can find that information [here](#).

Kind regards,

David Williams
for Honours Unit

Honours Unit | Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

Phone: s9(2)(a)
Email: honours@dpmc.govt.nz

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From: s9(2)(a)
Sent: Wednesday, 15 September 2021 4:04 PM
To: Honours [DPMC] <Honours@dpmc.govt.nz>
Subject: Re: James Wallace

Hi David,

Thank you for your reply.

I understand the Honours Unit will not comment on the matter specifically.

In more general terms, if a person who is knighted is convicted of sexual offending would the Honours Unit typically seek to have this revoked? What course of action typically follows when these events come to light?

From my perspective as a New Zealand citizen, this is important to me because I want to see justice for those affected by sexual violence. Part of this involves what recourse will come from the government departments that enhanced the profile in which these predators leveraged to further their offending.

Regards,

s9(2)(a)

From: Honours [DPMC] <Honours@dpmc.govt.nz>
Sent: Wednesday, 15 September 2021 3:12 PM
To: s9(2)(a)
Subject: James Wallace

[UNCLASSIFIED]

Dear s9(2)(a)

I acknowledge receipt of your email dated 9 September 2021.

The Honours Unit has no comment.

Kind regards,

David Williams
for the Honours Unit

Honours Unit | Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

Phone: s9(2)(a)
Email: honours@dpmc.govt.nz

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From: s9(2)(a)
Sent: Thursday, 9 September 2021 10:56 PM
To: Honours [DPMC] <Honours@dpmc.govt.nz>
Subject: James Wallace

Hi there,

James Wallace is a convicted sex offender, why is he still afforded his knighthood? I would have expected this to have been stripped as he has preyed upon young artists sexually.

Thanks,

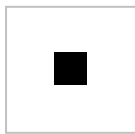
s9(2)(a)

From: Nicola Purvis [DPMC] <x@xx>
Sent: Wednesday, 28 June 2023 4:04 pm
To: ^Parliament: Morgan Evans <x@xx>
Cc: ^Parliament: Shayne Misselbrook <x@xx>; Gia Garr ck <x@xx>; Honours [DPMC] <x@xx>
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: x@xx

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From: Morgan Evans <x@xx>
Sent: Wednesday, 28 June 2023 3:57 pm
To: Nicola Purvis [DPMC] <x@xx>
Cc: ^Parliament: Shayne Misselbrook <x@xx>; Gia Garrick <x@xx>
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: [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 <xxx.xxxxxx@xxxxxxxxxx.xxx.xx>
Sent: Wednesday, 28 June 2023 3:55 pm
To: Nicola Purvis [DPMC] <xxxxxx.xxxxxx@xxxx.xxx.xx>
Cc: PMOmedia <xxxxxxxx@xxxxxxxxxx.xxx.xx>; DPMC Media [DPMC] <xxxxxx@xxxx.xxx.xx>
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] <xxxxxx.xxxxxx@xxxx.xxx.xx >
Sent: Wednesday, 28 June 2023 3:43 PM
To: Gia Garrick <G x.xxxxxxx@xxxxxxxxxx.xxx.xx >
Cc: PMOmedia [xxxxxx@xxxxxxxxxx.xxx.xx](#) >; DPMC Media [DPMC] <Media@dpmc.govt.nz>
Subject: RE: Statement request | James Wallace

[UNCLASSIFIED]

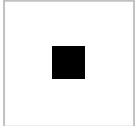
Hi Gia

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: [xxx@xxx](#)

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From: Gia Garrick <xxx.xxxxxxx@xxxxxxxxxx.xxxx.xx>
Sent: Wednesday, 28 June 2023 2:59 pm
To: Nicola Purvis [DPMC] <xxxxxx.xxxxxxx@xxxx.xxxx.xx>
Cc: PMOmedia <xxxxxxxx@xxxxxxxxxx.xxxx.xx>
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 xxxxxxxx@xxxxxxxxxx.xxxx.xx>
Sent: Wednesday, 28 June 2023 2:46 PM
To: Gia Garrick <xxx.xxxxxxx@xxxxxxxxxx.xxxx.xx>
Cc: Mark Sleeman <xxxx.xxxxxxx@xxxxxxxxxx.xxxx.xx>
Subject: FW: S tatement request | James Wallace

Hey Gia – see below? Have told ^{s9(2)(a)} 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 <xxxx.xxxxxxx@xxxxxxxxxx.xxxx.xx>; Kieran Meredith <xxxxxx.xxxxxxx@xxxxxxxxxx.xxxx.xx>
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)



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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: [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: s9(2)(a) - 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
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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?

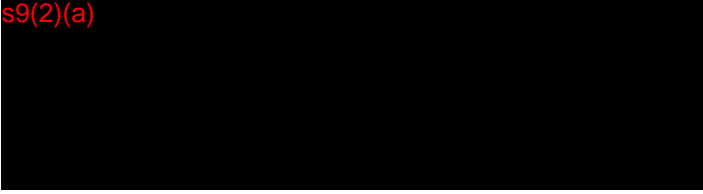
<https://www.1news.co.nz/2023/06/28/govt-starts-process-for-stripping-sir-james-wallace-of-knighthood/>

Many thanks,

s9(2)(a)

A large rectangular area of the document is redacted with a solid grey fill.

s9(2)(a)

A large rectangular area of the document is redacted with a solid black fill.

Released under the OIA

Out of scope

From: David PH Jones KC s9(2)(a)
Sent: Thursday, 21 December 2023 9:20 am
To: David Williams [DPMC]
Subject: Re: Mr James Wallace

David,

I confirm that your correspondence of 18 August 2023 and your email of 11 December 2023 have been forwarded to Mr Wallace. I will follow that up when I next speak with him.

Yours faithfully

David PH Jones KC

Lorne Street Chambers, Level 3, 26 Lorne Street, Auckland 1010
PO Box 1750, Shortland Street, Auckland 1140
T: +64 9 357 3566 | s9(2)(a) | s9(2)(a)

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From: "David Williams [DPMC]" <David.Williams@dpmc.govt.nz>
Date: Monday, 11 December 2023 at 11:16 AM
To: DAVID PH JONES QC s9(2)(a)
Subject: Mr James Wallace

[IN-CONFIDENCE]

Dear David

Following up from our email dated 18 August 2023, we would be grateful if you could please confirm that Mr Wallace has also received the letter dated 18 August 2023 from Rachel Hayward, Secretary and Registrar of the New Zealand Order of Merit.

Out of scope

Kind regards
David

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

Out of scope

From: David Williams [DPMC]
Sent: Monday, 21 August 2023 12:38 pm
To: David PH Jones KC
Subject: Mr James Wallace

[IN-CONFIDENCE]

Dear David

Following on from Rachel Hayward's letter of 18 August 2023, here is the link to the publication that the King has approved the cancellation of Mr Wallace's Knighthood in the *New Zealand Gazette*: <https://gazette.govt.nz/notice/id/2023-vr3853>

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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Duplicate

From: David Williams [DPMC]
Sent: Friday, 18 August 2023 11:44 am
To: David PH Jones KC s9(2)(a)
Subject: Mr James Wallace

[IN-CONFIDENCE]

Dear David

Please find attached a copy of a letter dated 18 August 2023 from the Rachel Hayward, Secretary and Registrar of the New Zealand Order of Merit to Mr James Wallace, with the original coming by post.

Could you please pass this onto Mr Wallace as soon as possible (today) because this matter will be notified in the *New Zealand Gazette* on Monday 21 August 2023.

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: David Williams [DPMC]
Sent: Friday, 4 August 2023 1:50 pm
To: David PH Jones KC s9(2)(a)
Cc: Diana Hawker [DPMC] <Diana.Hawker@dpmc.govt.nz>
Subject: Sir James Wallace

[UNCLASSIFIED]

Dear David

I acknowledge on behalf of Diana Hawker, recipient of this correspondence dated 4 August 2023 from yourself on behalf of Sir James Wallace.

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: David PH Jones KC s9(2)(a)
Sent: Friday, 4 August 2023 1:40 pm
To: Diana Hawker [DPMC] <Diana.Hawker@dpmc.govt.nz>
Cc: David Williams [DPMC] <David.Williams@dpmc.govt.nz>
Subject: Sir James Wallace

Diana,

Please find **attached** a response on behalf of Sir James Wallace to the correspondence dated 6 July 2023 from the Acting Clerk of the Executive Council.

If you have any enquiries in this regard, let me know

Yours faithfully

David PH Jones KC
Lorne Street Chambers, Level 3, 26 Lorne Street, Auckland 1010
PO Box 1750, Shortland Street, Auckland 1140
T: +64 9 357 3566 | s9(2)(a) | s9(2)(a)

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From: "David Williams [DPMC]" <David.Williams@dpmc.govt.nz>
Date: Friday, 4 August 2023 at 8:39 AM
To: DAVID PH JONES QC s9(2)(a)
Subject: correspondence for Sir James Wallace

[IN-CONFIDENCE]

Dear David

Could you please confirm that you passed to Sir James Wallace the attached letter dated 6 July 2023 from the Acting Clerk of the Executive Council?

The deadline for any submission that Sir James wishes to make is **5pm today**. Should we expect any submission from or on behalf of Sir James before that deadline?

I would appreciate it if you would provide any submission to diana.hawker@dpmc.govt.nz and copy it to me.

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: David Williams [DPMC]
Sent: Thursday, 6 July 2023 9:54 am
To: David PH Jones KC s9(2)(a)
Subject: correspondence for Sir James Wallace

[IN-CONFIDENCE]

Dear David

Thank you for this advice

A copy of the letter is attached, with the original coming by post. I'd be grateful if you could pass it on to Sir James

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: David PH Jones KC s9(2)(a)
Sent: Wednesday, 5 July 2023 10:25 am
To: David Williams [DPMC] <David.Williams@dpmc.govt.nz>
Subject: Re: correspondence for Sir James Wallace

David,

Thank you for your message. I continue to act for Sir James and could accept documents for him. I have no express authority in relation to the material you have but if you forward it to me, I will ensure he is apprised of it and will confirm (retrospective) authorisation to accept service. If that is unacceptable, I will have to obtain his authority over the next couple of days after I speak to him. The Rannoch address is correct but he is not there for obvious reasons.

Let me know what you want to do.

Yours faithfully

David PH Jones KC

Lorne Street Chambers, Level 3, 26 Lorne Street, Auckland 1010
PO Box 1750, Shortland Street, Auckland 1140
T: +64 9 357 3566 | s9(2)(a) | s9(2)(a)

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From: "David Williams [DPMC]" <David.Williams@dpmc.govt.nz>
Date: Monday, 3 July 2023 at 1:28 PM
To: DAVID PH JONES QC s9(2)(a)
Subject: correspondence for Sir James Wallace

[IN-CONFIDENCE]

Kia ora Mr Jones

I understand from various court judgements that you have been acting for Sir James. The Acting Clerk of the New Zealand Executive Council has some important personal correspondence for him. The address Sir James has previously supplied to us:

s9(2)(a)



I would be grateful if you could please advise whether you are authorised to accept correspondence on Sir James' behalf (both by email and post) and if not, whether you can provide me with the details of any person who is so authorised.

Hei konā mai,
David

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

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

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Released under the OIA

Out of scope

From: David Williams [DPMC]
Sent: Friday, 15 March 2024 3:07 pm
To: Grace Miles [DPMC]
Subject: FW: Letter from s9(2)(a)
Attachments: tebbsj_19-07-2023_9-01-13_1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

[IN-CONFIDENCE]

From: Jacqui Tebbs [GovtHouse] <Jacqui.Tebbs@govthouse.govt.nz>
Sent: Wednesday, July 19, 2023 9:07 AM
To: David Williams [DPMC] <David.Williams@dpmc.govt.nz>
Subject: Letter from s9(2)(a)

[IN-CONFIDENCE]

Hiya David

Attached is a letter from the above regarding opposition to the removal of the knighthood for James Wallace and our reply.

Out of scope

Cheers
jacqui



Jacqui Tebbs (she/her)
Executive Assistant
Government House

E jacqui.tebbs@govthouse.govt.nz | M s9(2)(a) | W www.gg.govt.nz



EXECUTIVE COUNCIL CHAMBERS

Memo

4 August 2023

To Prime Minister

From Nicola Purvis

Subject **Potential forfeiture of honours – Sir James Wallace – next steps**

Summary

1 On 2 July, you advised that you wished to initiate the process for the forfeiture of honours for Sir James Hay Wallace. This briefing sets out Sir James' response, and advises you as to next steps, if, having considered that response, you decide to continue the process.

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. Sir James had previously been appointed as an Officer of the New Zealand Order of Merit (ONZM) at NY2001, for services to the arts.
- 3 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.
- 4 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."
- 5 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. 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, which exhausted Sir James' legal appeal rights.
- 6 The Acting Clerk of the Executive Council wrote to Sir James to inform him that, as a result of these matters, you were considering recommending to the King that his appointment as a Knight Companion of the New Zealand Order of Merit be cancelled. He was invited to provide any information or submission in relation to the matter that he considered relevant, by Friday 4 August. A copy of that letter is attached as Appendix 1.

Sir James' response

7 Sir James replied by letter dated 4 August 2023. A copy of that letter is attached as Appendix 2.

s9(2)(a), 9(2)(ba)(ii)

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9

Comment

10 As you know, the Prime Minister may consider advising the Sovereign to cancel the appointment of a person to an Order where an individual's actions are such that, if they continue to hold that honour, the honours system would be brought into disrepute.

11 Examples include (but are not limited to) situations where the holder of an honour is sentenced to more than three months in prison, and:

11.1 the offence involved disloyalty to the state; or

11.2 the offence was committed by a civil servant and involved serious dereliction of duty; or

11.3 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).

12 In addition, there is a degree of discretion in the decision to initiate the process for the forfeiture of honours. For example, the Prime Minister may consider forfeiture in situations where, while there has been no conviction, an individual's actions are such that, if they continue to hold an honour, the honours system would be brought into disrepute.

s9(2)(a), 9(2)(ba)(ii), s9(2)(f)(iv), s9(2)(g)(i)

13

14


15

Next steps

- 16 If you decide to proceed with forfeiture of Sir James' honour, the next steps would be as follows:
- 16.1 You make a formal submission to the King recommending he direct the cancellation and annulment of Sir James' appointment;
 - 16.2 The King gives his formal approval;
 - 16.3 The Secretary and Registrar writes to Sir James to advise him of the decision and to ask him to return his insignia and warrant of appointment;
 - 16.4 The cancellation of Sir James' appointment is published in the *New Zealand Gazette*;
 - 16.5 If you wish, your office issues a media statement.
- 17 If you decide to make the formal submission to the King recommending he direct the cancellation and annulment of Sir James' appointment, we recommend you do not make any comment to the media until the process is complete and the cancellation is published. If asked, we recommend you say that there is a process underway and no comment will be made until it is completed.

Recommendations

- 18 I recommend that you:
- 18.1 **note** that on 2 July 2023, you agreed in principle that the threshold for forfeiture of Sir James Wallace's appointment as a Knight Companion of the New Zealand Order of Merit had been met;
 - 18.2 **note** the response provided by Sir James Wallace to a letter from the Acting Secretary of the Executive Council in relation to this matter;
 - 18.3 s9(2)(f)(iv), s9(2)(g)(i)
 - 18.4 **agree** to recommend to the King that he direct the cancellation and annulment of the appointment of Sir James Hay Wallace's appointment as a Knight Companion of the New Zealand Order of Merit;
- YES / NO / DISCUSS**
- 18.5 if you agree to recommend that cancellation and annulment, **sign** the attached submission to the King, and the covering letter to his Principal Private Secretary.


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

Rt Hon Chris Hipkins

Prime Minister 

Date: 5 / 8 / 2023

Distribution:
Andrew Kirton, Chief of Staff

[Not in Scope]

From: David Williams [DPMC]
Sent: Monday, 21 August 2023 12:24 pm
To: Charlotte Gendall <xxxxxxxxxxxx@xxxxxxxxxxxx.xxxx.xx>
Cc: Andrew Campbell <xxxxxx.xxxxxxxx@xxxxxxxxxxxx.xxxx.xx>; Nicola Purvis [DPMC]
<xxxxxx.xxxxxxxx@xxxx.xxxx.xx>
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) [REDACTED]
Email: xxxx@xxxx.xxxx.xx

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From: Charlotte Gendall <xxxxxxxxxxxx@xxxxxxxxxxxx.xxxx.xx >
Sent: Friday, 18 August 2023 4:46 pm
To: Nicola Purvis [DPMC] <xxxxxx.xxxxxxxx@xxxx.xxxx.xx >; Andrew Campbell
<xxxxxx.xxxxxxxx@xxxxxxxxxxxx.xxxx.xx >
Cc: David Williams [DPMC] <xxxxxx.xxxxxxxx@xxxx.xxxx.xx >
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] <xxxxxx.xxxxxx@xxxx.xxxx.xx>
Sent: Friday, 18 August 2023 4:38 PM
To: Andrew Campbell <xxxxxx.xxxxxxxx@xxxxxxxxxx.xxxx.xx>; Charlotte Gendall <xxxxxxxx.xxxxxx@xxxxxxxxxx.xxxx.xx>
Cc: David Williams <xxxxx.xxxxxxxx@xxxx.xxxx.xx>
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)

s9(2)(a) and out of scope

From: s9(2)(a)
Sent: Sunday, February 4, 2024 10:50 PM
To: David Williams [DPMC] <David.Williams@dpmc.govt.nz>
Subject: RE: Honours system

You don't often get email from s9(2)(a)

Dear Mr Williams,

Out of scope

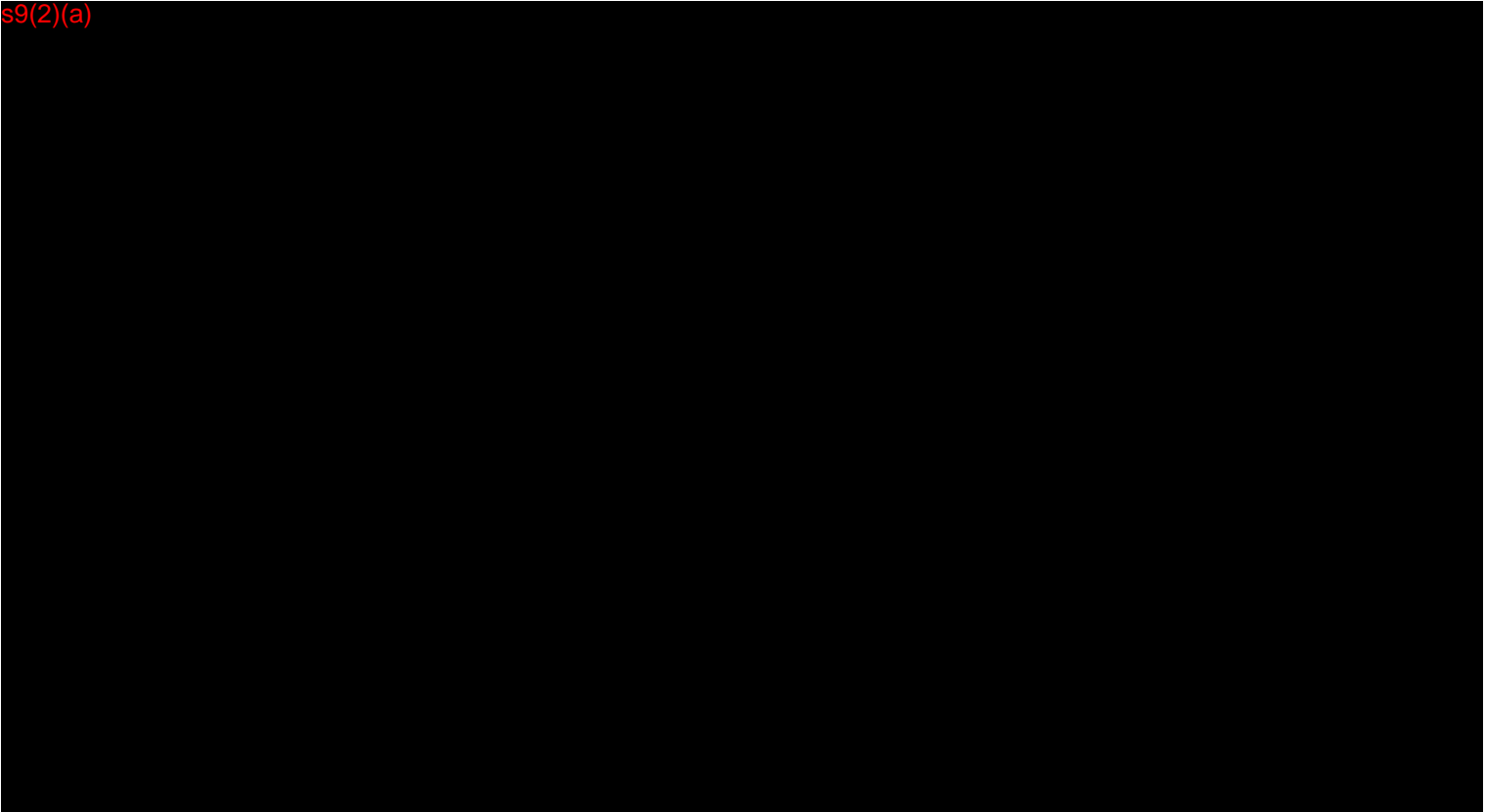
My initial questions are as follows:

Out of scope

- Last year, James Wallace was reportedly stripped of his knighthood. A *New Zealand Gazette* notice has appeared saying that his appointment as a KNZM has been cancelled but does not mention his status as a knight, which is separate from his membership of the New Zealand Order of Merit. The statutes of the Order authorise the Governor-General to “confer the Accolade of Knighthood on Knights Grand Companions and Knights Companions if such Knights have not previously received the Accolade” but knighthood (conferred by the accolade) is neither a prerequisite to investiture nor an intrinsic attribute of membership for men of the two top levels of the Order. Wallace was ‘dubbed’ at his KNZM investiture. His appointment as a KNZM has been validly cancelled; will any action be taken to rescind his knighthood?

Yours sincerely,

s9(2)(a)



Out of scope



