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Hon Nicole McKee

Minister for Courts
Associate Minister of Justice



Meleane Burgess

s9(2)(a)

Dear Ms Burgess

I have pleasure in formally reappointing you as a member of the Public Trust Board for a period from 1 November 2025 up to 31 October 2028.

The appointment is made under sections 28-35 of the Crown Entities Act 2004 and is on the basis that you:

- have consented in writing to being a member
- have certified that you are not disqualified from being a member
- that you have disclosed the nature and extent (including monetary value, if quantifiable) of all interests that you have, or are likely to have, in matters relating to the Public Trust.

If at any time after your appointment you become disqualified from holding office as a member you must inform me immediately. A list of the persons who are disqualified from holding office as a member is set out in section 30 of the Crown Entities Act 2004.

On taking up this reappointment you will ensure that you are appropriately indemnified and insured by the entity. You could discuss this with the entity's management. You are welcome to take out additional insurance at your own cost if you wish.

You will be aware that responsibilities placed upon board members have increased in recent years and are still subject to significant change from time to time. If you have not already done so, I strongly recommend that you make yourself familiar with the legal rights and obligations of board members. A key element of your obligation is the need for confidentiality with regard to the board and board committee discussions.

Schedule 1 to this letter sets out the Minister's expectations in regard to the avoidance of conflict of interest situations by members of Crown entities.

It is also possible that you may be placed in a situation where, as a result of circumstances which are not related to your position as a member of Public Trust, your continuing to act as a member might nevertheless place Public Trust or Ministers in a difficult position.

Please ensure that you have familiarised yourself with the Code of Conduct for Crown Entity Board Members, available on the [Te Kawa Mataaho Public Service Commission website](#), which sets out minimum standards of integrity and conduct you are expected to follow. The Code reinforces the requirement of political neutrality which requires all Crown Entity Board members to act in a politically impartial manner, irrespective of their political

interests. Consistent adherence to this Code is critical to ensure that Crown boards and board members conduct themselves in a way that maintains public trust and confidence.

It is also possible that you may be placed in a situation where, as a result of circumstances which are not related to your position as a Member of Public Trust, your continuing to act as a Member might nevertheless place Public Trust or the Minister in a difficult position.

Consistent with your duty to act in the best interests of the Public Trust, if you find yourself in such a situation you must take the initiative and raise the matter with the Chair, and me, if appropriate. While there are no set criteria for such situations, examples include:

- where legal proceedings have been, or are likely to be, brought against the member
- where the member has been, or is likely to be, subject to negative media or public scrutiny
- where the member is placed in a situation of actual or perceived conflict of interest
- any issue affecting the member's ability to contribute to the board (for example, as a result of other time pressures, extended overseas travel (ie more than two months), illness, etc)
- where the member is appointed to any position as an employee of the Crown, or intends to undertake significant contract work for any Crown entity
- any other similar circumstance which may place Public Trust or Ministers in a difficult position.

I also expect you to familiarise yourself with the contents of the Owner's Expectations Document which outlines the Minister's expectations of entities owned by the Crown. The manual and related guides are at <https://www.treasury.govt.nz/publications/guide/owners-expectations#foreword>

I look forward to your ongoing contribution. I would be grateful if you could sign the enclosed form acknowledging this appointment and return via email as per the address on the Acknowledgement.

Yours sincerely

Hon Nicole McKee
Associate Minister of Justice

Cc

s9(2)(a)

appointments@treasury.govt.nz

Enc

*Crown Entity Members - Management of Conflicts of Interest Schedule 1
Acknowledgement of Appointment*

Crown Entity Members - Management of Conflicts of Interest Schedule 1

It is necessary that appointees to Crown entity boards be advised of the expectations of the Minister with regard to the management of conflicts of interest that may arise in the course of their term.

Members occupy a fiduciary position, which requires them to act bona fide in what the member considers is in the best interests of the entity. Accordingly, members are required not to place themselves in a position of a conflict of interest other than to the extent allowed under the Crown Entities Act 2004.

It is expected that all members make themselves familiar with their obligations under the Crown Entities Act 2004. Nothing in this statement obviates any member responsibility in this regard. However, it is important that appointees are aware of the additional expectations of the Minister with regards to conflicts of interests.

The Minister expects that no member on the Board of Public Trust will undertake work for Public Trust. This expectation is not intended to preclude a member from undertaking assignments for the Board which properly fall within the definition of a member's duties, but would preclude the member carrying out, say, a consulting assignment for the management of the Public Trust.

The Minister also expects that members of Public Trust should not be placed in a conflict of interest through the involvement of an organisation with which the member has an ongoing substantial commercial or professional interest or employment, with a Crown entity of which they are a member. Two situations that could create a conflict of interest where Crown entities engage organisations in which members have such an interest are:

1. Where the organisation has been engaged for a one-off, specific assignment
2. Where the organisation engaged has an on-going involvement with the Crown entity.

With regard to the first situation, the Minister considers that, provided the concerned member declares his/her interest in the organisation to be engaged for the assignment and takes the appropriate actions under the Crown Entities Act 2004 (eg refraining from voting), it is unlikely that the organisation need be excluded from undertaking the assignment. To exclude the organisation could unduly penalise organisations from competing for business, especially when they are in highly specialised areas.

However, the Board of Public Trust will also need to consider whether the affected member should be party to the service to be provided by his/her organisation to Public Trust. The Minister expects a member in this situation to distance themselves from the provision of service or advice although, in a highly specialised sector, this may not always be possible. The Public Trust Board should give careful consideration to a member's involvement in deliberations on the assignment.

The second situation referred to above causes the Minister greater concern, ie where the organisation engaged has an on-going involvement with Public Trust.

The situation can arise from the company engaging, say, legal, accounting or other professional advice or services. Many of these firms are sources for a large number of members and the potential for conflicts of interest is high.

In principle, the conflict of interest provisions in the Crown Entities Act 2004 should provide adequate direction against allegations of conflicts of interest, but the Minister has additional concerns that those provisions may not entirely remedy the situation. A member who frequently stands aside from board decision-making places a greater burden on the remainder of the board. This can also deny the board the skills and experience of a member, which is not (generally speaking) in the best interests of Public Trust. There is also potential for the Minister and boards to be significantly distracted by allegations of conflicts. The need to address each allegation can be time-consuming.

Accordingly, the Minister wishes to convey to all members an expectation that Public Trust should not engage in an on-going arrangement with an organisation in which a member has an interest of the nature outlined in this letter.

The Minister is of the view that Public Trust should be beyond reproach. Following the expectations of the Minister described in this statement should ensure that this is so. In the event that exceptions to these measures appear appropriate, they should be referred to the Minister.

Acknowledgement of Appointment

Hon Nicole McKee
Associate Minister of Justice
PARLIAMENT BUILDINGS
WELLINGTON 6160

Dear Minister

I acknowledge receipt of your letter reappointing me as a member of the Public Trust Board for a period from 1 November 2025 up to 31 October 2028.

I will ensure that I keep myself fully familiar with the obligations and responsibilities of the position. I undertake to advise the Minister, via the Treasury, of any change in my circumstances that may have an impact on my ability to continue to serve on the Public Trust Board.

Yours sincerely

Meleane Debra BURGESS

Date:

Please return via email to appointments@treasury.govt.nz

Cc

s9(2)(a)

Hon Nicole McKee

Minister for Courts
Associate Minister of Justice



Kevin Murphy

s9(2)(a)

Dear Mr Murphy

I have pleasure in formally reappointing you as a Member of the Public Trust Board for a period from 1 November 2025 up to 31 October 2028.

The appointment is made under sections 28-35 of the Crown Entities Act 2004 and is on the basis that you:

- have consented in writing to being a member
- have certified that you are not disqualified from being a member
- that you have disclosed the nature and extent (including monetary value, if quantifiable) of all interests that you have, or are likely to have, in matters relating to the Public Trust.

If at any time after your appointment you become disqualified from holding office as a member you must inform me immediately. A list of the persons who are disqualified from holding office as a member is set out in section 30 of the Crown Entities Act 2004.

Please note that you will hold office at the pleasure of the responsible Minister, and that you may be removed as a member at any time, and for any reason, by written notice by the Minister to the entity.

On taking up this reappointment you will ensure that you are appropriately indemnified and insured by the entity. You could discuss this with the entity's management. You are welcome to take out additional insurance at your own cost if you wish.

You will be aware that responsibilities placed upon board members have increased in recent years and are still subject to significant change from time to time. If you have not already done so, I strongly recommend that you make yourself familiar with the legal rights and obligations of board members. A key element of your obligation is the need for confidentiality with regard to the board and board committee discussions.

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Yours sincerely

Kevin James MURPHY

Date:

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Cc s9(2)(a)