



16 March 2021

Hon Judith Collins
LL.M.(Hons), M.Tax S., GradDipOHS
Leader of the Opposition

Rt Hon Jacinda Ardern
Prime Minister / Leader of the NZ Labour Party
Executive Wing
Parliament
WELLINGTON

Dear Prime Minister

Trevor Mallard – Speaker of the House

I write to you in your dual capacities as Prime Minister and as Leader of the New Zealand Labour Party.

Enclosed, for your information, is a Statement of Claim dated 13 December 2019, that was filed in the High Court of New Zealand by the former staff member of Parliamentary Service, in a claim of defamation against the Speaker, Mr Trevor Mallard. The Statement of Claim (“SC”) has been redacted to protect the name of the former staff member of Parliamentary Service, in accordance with the instructions from the High Court. As you will be aware, the former staff member of Parliamentary Service was the Plaintiff in the proceedings. For the purpose of this letter, I will refer to the Plaintiff as PQW, being the same reference provided in the enclosed SC. I have no reason to doubt the accuracy of the SC and I note that in December 2020, Mr Mallard apologised for his actions.

In summary, **the SC provides that:**

1. In the morning of 22 May 2019, Mr Mallard undertook media interviews and during those interviews made comments relating to *The Francis Report*, where he made a statement relating to what he said were three sexual assaults, and then stated that, “...but three appeared to be in the rape category”. (para 6)
2. Following those media interviews, Mr Mallard was advised of the nature of a complaint against PQW and, from then on, Mr Mallard was aware that the allegation was not, and did not concern an allegation of rape. (para 7 & 8)
3. At around 3.30pm on 22 May 2019, Mr Mallard stated in a media ‘stand-up’ on the foyer of Parliament that rape had occurred at Parliament and made such other comments that led some people to believe that PQW was a rapist. Mr Mallard did this when, it is alleged in the SC, he knew that there was no such allegation of rape. When asked by media whether Mr Mallard stood by his statement that morning, Mr

Mallard replied, “Yes, and anyone who’s been involved in looking at the rape law would be aware of the definition of rape in New Zealand”. (paras 8, 9 & 10)

4. When PQW, through his lawyer, on 10 June 2019, wrote to Mr Mallard seeking, inter alia, an apology and compensation for the defamatory statements, Mr Mallard, through his lawyers, refused to comply with the request, and further threatened PQW with a statement that if PQW pursued litigation, “the question of his [PQW] reputation and his [PQW] conduct will be very much the centrepiece of any public proceeding.” (para 14)
5. Mr Mallard, through his lawyer, stated that he would defend any claim ‘vigorously’, and that he intended to plead truth as a defence to the defamation action. In other words, Mr Mallard, through his lawyer, advised the Plaintiff he intended to prove the allegation of rape. (paras 14.1(d) & 14.2)
6. Again, it seems clear that Mr Mallard knew, at this time, that the allegation against PQW did not amount or refer to rape.

Further actions:

7. Mr Mallard continued to defend the defamation proceedings for another 18 months after the threat to PQW.
8. On 16 December 2020, following the settlement of the defamation proceedings, at the expense of the New Zealand taxpayer, Mr Mallard attended the Government Administration Committee and in reply to a question by Chris Bishop,
“When did you realise you’d made a mistake?”
Mr Mallard replied,
“ Probably within 24 hours.”
9. The Statement of Claim alleges that Mr Mallard knew in the morning before he made the statements on the foyer of Parliament that there was no allegation of rape or relating to rape (para.21.4). Yet, Mr Mallard continued to defend the claim of defamation, and, through his lawyers, to threaten PQW, a former Parliamentary Service staff member.

Imbalance of Power:

10. As Speaker, Mr Mallard, is in a position of power. Power over Members of Parliament, and power over Parliamentary Service. He is, as Speaker, effectively, the Minister for Parliamentary Service. It is further inconceivable, that following a report, *The Francis Report*, which considered the culture in Parliament, including the imbalance in power between MPs and staff, and a seeming tolerance of bullying, that Mr Mallard found it appropriate that he should use his position in the way he did.




11. Mr Mallard, has since referred to his action as 'a mistake', thereby minimising the effect it has had on PQW, on New Zealand taxpayers, and on the integrity of Parliament.
12. Mr Mallard, has, in my honest opinion, and that of the National Party caucus, acted as a bully, in contradiction of the standards that he, as Speaker, has set for Members of Parliament. Mr Mallard's actions, in this matter, render him unsuitable to fulfil the role of Speaker.

Action required:

13. I call on you, as both Prime Minister, and as Leader of the New Zealand Labour Party, to support a vote of No Confidence in Mr Mallard as Speaker.
14. Media have previously reported you as stating that you would 'leave the matter to Parliament'. That is simply not good enough. You, as the Leader of the Labour Party, have 65 MPs. Parliament has 120 MPs. If you were to advise Mr Mallard that he no longer has your confidence in the role of Speaker, then he would either have to resign or be unseated.
15. On numerous occasions, one or more of your MPs have blocked attempts from National MPs to even debate Mr Mallard's appropriateness for the role of Speaker. Even if such a debate was allowed, there is no guarantee that your MPs would vote no confidence in Mr Mallard.
16. To allow the situation to continue, by claiming that this is a matter for Parliament, is, I believe, intolerable. In my years in Parliament, I have never witnessed a Speaker behave in the way that Mr Mallard has towards Parliament, PQW, and New Zealand taxpayers.
17. I have included the redacted SC to enable you to read what I have read. I cannot see a way forward for Mr Mallard to remain in the role of Speaker and I ask you to please take the action that is required.

If you want to discuss any of the matters contained in this letter, please call me.

Yours faithfully



Hon Judith Collins
Leader of the Opposition