To: The Green Party co-convenors (by email)

5 December 2014

### Formal Complaint about David Hay in regard to the 2011 election campaign, from David Hay, on behalf of several anonymous people

Dear Pete and George,

I wish to make a complaint about myself. Various people within the party have been complaining about me, so I thought I should jump on the bandwagon.

I am sorry if this complaint appears, on first reading, to be a mockery. But please be assured that the underlying intent is perfectly serious.

Various allegations and comments have been made about how I campaigned in Epsom in 2011. I maintain, as I have for some months now, that the allegations and comments were either lies or gross exaggerations. None of them have been properly investigated. Today I am asking once again (and for the last time) that the Green Party look into these matters.

This is not just about clearing my own name. I am certain that somebody within the party has been spreading malicious gossip about me. That person (or persons) may hold a senior position within the party. They have certainly been trusted by other senior party members.

If there is a "rotten apple" operating at that level then, for the party's sake, you need to know who that is and expel them.

If my campaign over the last few days achieves nothing else, then it will have been worth it. But please be understand that I am very, deeply, sorry that it had to come to this.

#### **Background**

During the course of my first interview for the 2014 general election candidate pool I heard a number of comments about the way I had conducted myself during the 2011 election campaign.

Some of those comments amounted to allegations of serious misconduct on my part (e.g. that I campaigned for the electorate vote). Others were less serious, but stated or implied that I behaved improperly in various ways.

More than eighteen months elapsed between the last general election in November 2011, and my first candidate pool interview on 31 July 1014, when I discovered the nature and extent of these concerns.

I am doing now what the people who had those concerns failed to do during the intervening 18 months: I am asking for the issues they raise to be properly investigated. I am making a complaint against myself, on their behalf.

Regrettably, I do not know who made the comments, and I have no evidence to substantiate their concerns. I rely entirely on the comments themselves, as they were conveyed to me in the first few days of August this year in email conversation with the party's General Secretary.

I hope that, during the course of the party’s investigation of this complaint, the people who have made the following comments will be identified and required to either justify their own statements, or identify the true source of the misinformation they had heard.

Because I am repeating the comments and complaints made by others, for the remainder of this document I shall refer to myself in the third person.

Yours faithfully,

**David Hay**

BCom, BA, Master of Public Policy (merit)

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### Complaints of six anonymous commenters

#### **Our first complaint is that: David Hay did not tow (sic) the line and follow the directions of the Campaign Committee**

Our specific comments on this matter are:

#1 But essentially it came down to following, or not, the directions of the CC. So if he wants to be a candidate he needs to convince your Committee that he will follow the directions of CC.

#2 Yes David was how do we say "an issue" last time. I do have a genuine apprehension that he may do something publicly damaging to the party if given the platform as a candidate again. If David is allowed into the pool again he needs to sign up to towing the party line whether he likes it or not. Based on last time he is on thin ice and needs to know this up front. No warnings, no second chances - if he steps out of line he is removed as a candidate. How much power do we actually have to do this? i.e. can someone be removed once the list is submitted?

We make these comments without referring to any specific directions of the Campaign Committee, or elements of the party line, that he failed to tow (sic). We believe it sufficient that senior party members hold these views and agree on them. That's as good as cast iron proof, eh?

#### **Our second complaint is that: David Hay campaigned for the Electorate Vote in Epsom in 2011**

Our specific comments on this matter are:

#3 David was unable to follow the agreed strategy of the party vote campaign. He maintained directly and indirectly that he could and should campaign for the seat. He was in a very sensitive politically charged seat and so was given more responsibility than other candidates. He failed to exhibit such responsibility.

He made statements at meetings that confused the party vote strategy and when asked to stop and stick to the strategy he would agree but nonetheless continue with his mixed messages. He was repeatedly asked to modify his message by the Co leaders, co convenors and the campaign manager but did not stop.

The difficult now is that I can not trust his word if he says he will follow the agreed strategy as he said that repeatedly and still failed to do so.

You ought to ask him about this and what he intends to do different.

#4 …I’d like David to confirm that he will stick to the CC/party campaign messaging, in the case of 2011 it was a single tick campaign but he promoted the candidate vote. Also that his behaviour issues (my memory fails me here but I think there was more) are discussed, aired and he acknowledges where he stepped outside his role and against the party strategy and expectations of him as a candidate…

#6 I'm concerned with David's ability to hold to agreed party strategy, specifically around asking for electorate votes. My recollection from 2011 is that David considered he should aim to contest for electorate votes in Epsom; and undertook to campaign on this basis in the media. I would need to refer to people who were more closely involved last time to get specifics.

We refuse to reveal who commenters #3, #4 and #6 are, but Jon Field says they are senior party members who were close to the action, in the know, and share the same view as himself.

Now, we do acknowledge that the electorate vote actually went down in Epsom, between the 2008 and 2011 elections.

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| --- | --- | --- |
| **Electorate Votes - Epsom** | **Number** | **Percentage** |
| 2008: Keith Locke | 2,787 | 7.40% |
| 2011: David Hay | 2,160 | 6.01% |
| **Difference** | **-627** | **-1.39%** |

We also acknowledge that party vote went up by a creditable margin in Epsom. In fact more than for the Green Party nationally.

|  |  |  |  |
| --- | --- | --- | --- |
| **Green Party Votes** | Number - Epsom | Percent - Epsom | Percent - GP |
| 2008 PV Green | 2,662 | 6.93% | 6.90% |
| 2011 PV Green | 4,424 | 12.03% | 11.10% |
| **Difference** | **1,762** | **+ 5.10%** | **+4.20%** |

However because we, senior party members, say that David campaigned for the electorate vote, the facts do not matter.

The only logical conclusion you may safely draw is that David Hay is so completely useless that his strategy backfired, so the party vote went up *not because of his efforts, but in spite of them*.

#### **Our third complaint is that: The National Campaign Manager said something worrying about David Hay**

We refuse to reveal who commenter #5 is, but his/her insight is as profound as it is well researched:

#5 The national campaign manager's report from 2011 expressed an opinion that David Hay should not be able to stand as a GP candidate in future. I do not have access to the report at the moment to see the reasons given (from memory it was risk to the campaign) but I'm assuming you do.

To clarify this matter, we have (reluctantly) done some further digging. We copy the following comments from the campaign manager’s report:

“In David Hay's case he just refused to use the process for media signoff which put us at significant risk of some thing blowing out in the media.”

“Recommendation 1: That we do not accept the applications of either David Hay or (deleted) in the 2014 Election, on the grounds that their behaviour as candidates has shown significant risk to the campaign."

Of course we are aware that David did in fact use the media sign-off process for eleven press releases and media advisories, but he did neglect to get sign off in one instance. So to clarify what we mean, the report should have said “..he only used the process for 92% of his press releases.” But that’s no less damning for being more accurate, we think.

Now here is the content of the offending press release:

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From: Epsom Greens <epsomgreens@greens.org.nz>

Date: 11 November 2011 08:13

Subject: Dear John ­ song on YouTube

To: <media@greens.org.nz>

Cc: RNZ ­News, RNZ Morning Report, Scoop.co.nz, TVNZ ­ News

Dear John on You Tube:

<http://www.youtube.com/watch?feature=player_profilepage&v=aiCsV6ucjqc>

A "Radically Serious" Green party (June 2009):

[http://sophocrat.blogspot.com/2010/06/radically­serious­green­party.html](http://sophocrat.blogspot.com/2010/06/radically%C2%ADserious%C2%ADgreen%C2%ADparty.html)

(signature)

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You can see at a glance why this particular press release represented a massive risk to the campaign. David Hay had dared to sing a song at a candidate meeting which mocked the Prime Minister by suggesting that the media and the electorate might eventually fall out of love with him. He borrowed the tune from a 1980’s [audio tape advertisement](http://www.nzonscreen.com/title/dear-john-basf-commercial-1981).

Now, he did this a couple of weeks before the Tea Pot tapes scandal broke: his timing off, and his singing was off Key.

But the real problem is that *we can’t have Green Party candidates poking fun at the Prime Minister.*What might he do next? What if he got into parliament and started exposing the folly of the National ministers and the government’s policies? Good thing you kept him out of the candidate pool.

But the real problem is that *we can’t have Green Party candidates poking fun at the Prime Minister.*What might he do next? What if he got into parliament and started exposing the folly of the National ministers and the government’s policies? Good thing you kept him out of the candidate pool.

In resolving this complaint we suggest that the party urgently needs to develop a candidate song-singing policy and that before any songs are sung Green Party candidates (or anybody, for that matter) should be vetted by the parliamentary media team and caucus, who should carefully make consensus decision.

But, because that might take a bit of time, we think it a Very Good Thing that the party now requires its candidates to sign a pledge giving the party permission to censor their social media pages (see below).

#### **Our fourth complaint is that: David Hay’s attitude and tone are inappropriate**

Roland Sapsford, the Party’s previous male co-convenor, subsequently raised the following important issue:

David Hay very nearly went public with a complaint about TVNZ in the last couple of weeks. My direct experience was that David believed in relation to his complaint to TVNZ that he had the right to decide to go public with it; it related to the exclusion of the Greens from leaders debates. At this time we were very concerned that any disruption of this sort could derail our campaign, Megan, myself, Russel, Ken and Andrew Campbell all spoke to David and he relented. However he did not see that this was an issue for the campaign.

David Hay had the audacity to offer a different version of the same events:

During the last weeks of the campaign, David lodged a complaint with TVNZ about the exclusion of the Greens from a televised leader's debate. He did this under the provisions of the Broadcasting Act, which are available to any citizen, and advised the campaign team. I discussed with David the risks that might be involved and we agreed how those risks (if any) could be managed appropriately. He confirmed his undertakings to me, the co-leaders and the campaign manager by email. In the end nothing happened and there was no problem.

We think this really demonstrates the depths of David’s wilfulness. He thinks he knows more about media regulation than we do, just because he wrote his Master of Public Policy thesis on that subject, and has played a role in various activities like, for instance, helping the NZ Maori Council [establish independent Maori broadcasting in New Zealand](http://www.sophocrat.co.nz/broadcasting).

Whatever. Blah blah blah. The point is that we simply can’t have our Green Party candidates exercising their civil, political and human rights on the same basis as every other citizen. They really have to ask the Campaign Manager and get a consensus decision from the Campaign Committee first. It’s not as if they would completely lose their basic civil rights by doing that: more like pawning them, really.

Anyway, it’s a jolly good thing the party has amended the candidate pledge for the 2014 general election by making that much clearer:

I understand everything I do while a candidate represents the Green Party. This includes entries on social media sites and I understand that any public social media sites may need to be censored, and any existing inappropriate material removed.

Excellent stuff, well done. But you might ask the Policy Committee to amend that bit of the Green Party [Human Rights Policy](https://www.greens.org.nz/policy/summary/humanrights) where it says:

**Human Rights start at home**

Fundamental human rights are the framework for a fair and just society. It is important for New Zealanders to know their rights, acknowledge their responsibilities and respect the rights of others.

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#### **Summary of Issues: not fit to be a Green MP**

We are glad we did not submit this complaint until now.

David Hay has shown himself, over the past week, to be tough-minded, articulate, media-savvy, and resilient.

He does not meekly accept the opinion of others when is certain they are wrong. He does not defer to us because of the positions we hold. He questions our statements and demands to see actual evidence to support them. He would probably have questioned us about the evidence, if we had produced any.

He insists that nobody should surrender the possession of their human rights, even for the privilege of being a Green Party candidate. He constantly harps on about the Rule of Law and Natural Justice, and the need for our actions to be consistent with the party’s carefully agreed policies and processes.

None of those qualities are needed in a member of the Green Party caucus.

We maintain that the party and the public should continue to regard David, and everything he does, through poo-tinted spectacles - exactly as we have done. It’s a good thing the executive kept him out of the candidate pool.

Anon.