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Te Whare Māngai o Aotearoa

Privileges Committee

Komiti Whiriwhiri Take Mōtika o te Whare

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Question of privilege concerning evidence given by the Ministry of Business, Innovation and Employment to the Education and Workforce Committee

Presented to the House of Representatives
by Hon Chris Bishop, Chairperson

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Question of privilege concerning evidence given by the Ministry of Business, Innovation and Employment to the Education and Workforce Committee

Recommendation

The Privileges Committee has considered this question of privilege and recommends that the House take note of its report.

Referral of the question of privilege

On 24 June 2026, the Speaker ruled that evidence given by the Ministry of Business, Innovation and Employment to the Education and Workforce Committee on 4 March 2026 gave rise to a question of privilege. The Speaker's ruling responded to concerns raised by Hon Phil Twyford and the Education and Workforce Committee. The ruling is appended to this report as Appendix B.

The issue identified by the Speaker for determination by the Privileges Committee was whether the Ministry of Business, Innovation and Employment had attempted to deliberately mislead the committee.

Description of events

On 4 March 2026, the Education and Workforce Committee held a hearing of evidence with the Ministry of Business, Innovation and Employment (the **ministry**) as part of the committee's "de facto"¹ annual review of Immigration New Zealand, a business unit within the ministry.

During the hearing of evidence, Hon Phil Twyford asked the ministry about "delivery risks" identified in independent reviews of the ministry's Biometric Capability Upgrade project (**BCU project**). Alison McDonald, then-deputy secretary, immigration, said that there "were risks around delivery", and that the ministry was exploring whether there might be a better all-of-government solution for the identity programme. Hon Phil Twyford subsequently asked why the independent review reports had not been released publicly. Nic Blakeley, the ministry's chief executive, replied by offering to "look into that", and explained that "we're in the process of working out what the programme looks like going forward". The relevant section of the Hansard transcript from this hearing is appended to this report.

¹ It is established practice that the Education and Workforce Committee conducts a "de facto" annual review of Immigration New Zealand because, although immigration is within the select committee's subject area, the annual review of the Ministry of Business, Innovation and Employment is formally conducted by another select committee.

Following the hearing of evidence on 4 March, the Education and Workforce Committee sent written questions for response. The committee asked:

What work has Immigration New Zealand done in response to the findings of reviews into delivery risks for a major biometric and identity technology upgrade?

On 9 April 2026, the ministry responded:

Extensive work has been undertaken in response to reviews that have identified risks. This work has positively guided a change in the approach to upgrading MBIE's identity management technology as part of a wider programme of work.

On 16 June 2026, the Education and Workforce Committee held a hearing of evidence with the Minister of Immigration, Hon Erica Stanford, as part of its Estimates examination of the immigration appropriations within Vote Labour Market. At that hearing of evidence, the Minister of Immigration tabled a review of the BCU project which found that there had been poor project governance, significant delays, rushed decision-making, and unclear project requirements. The Minister told the Education and Workforce Committee that she had been misled about the project's viability and that "creative accounting practices" had been used to keep costs below the mandated threshold for requiring approval from Cabinet. The Education and Workforce Committee was informed that the BCU project had ended in December 2025 and that \$31.2 million of funding in Budget 2026 would be used to write off the BCU project.

About the Biometric Capability Upgrade project

The BCU project was intended to deliver a significant upgrade to Immigration New Zealand's Identity Management Engine system (IDme), including upgrading its biometric capture capability technology. The IDme system manages identity information for Immigration New Zealand, including the capture, searching, matching, resolution, and linking of biographic and biometric (face and fingerprint) information, as well as integration with other systems.

We understand that Michael Heron KC is currently conducting a review into the conduct of officials linked to the BCU project. The scope of our inquiry does not cover this, nor the BCU project's failures as a whole. However, we will be interested in the outcome of that review.

Timeline of relevant events

For reference, we set out a timeline of events below:

- 9 December 2025** The ministry's acting chief executive, Suzanne Stew, ends the BCU project.
- 21 January 2026** Nic Blakeley is appointed chief executive of the ministry.
- 4 March 2026** The Education and Workforce Committee holds a hearing of evidence with the Ministry of Business, Innovation and Employment as part of the committee's de facto annual review of Immigration New Zealand.

- 10 April 2026** The ministry provides written responses to questions asked by the Education and Workforce Committee following the 4 March hearing.
- 15 June 2026** The ministry concludes negotiations regarding final payments under the contract with the vendor for the BCU project.
- 16 June 2026** The Minister of Immigration tables the review of the BCU project with the Education and Workforce Committee and informs the Education and Workforce Committee, and the public, that the BCU project ended in December 2025.
- 24 June 2026** The Speaker refers a question of privilege to the Privileges Committee, concerning evidence given by the ministry to the Education and Workforce Committee.

Committee process

The question we have been tasked with considering is whether the ministry deliberately misled the Education and Workforce Committee by not providing accurate information about the BCU project's status at the time of the hearing on 4 March. To examine this, we sought and received written and oral evidence from Nic Blakeley and Alison McDonald, as the witnesses who provided the statements under examination.

We also sought oral evidence from Hon Phil Twyford. We decided to hear from him to seek his opinion on the situation, as the person who raised this matter of privilege with the Speaker.

Comments from Nic Blakeley

In the ministry's written evidence to this committee, Mr Blakeley stated that ministry officials did not deliberately attempt to mislead the Education and Workforce Committee. The ministry accepts that the evidence provided in response to the Education and Workforce Committee was incomplete. Mr Blakeley apologised for the inadequacy of both the response from the ministry to questions during the 4 March hearing and the written response to questions that followed.

Mr Blakeley and Ms McDonald knew that elements of the BCU project were commercially and budget sensitive, with negotiations still ongoing at the time relating to the termination of and final payments to be made under the contract between the ministry and the provider. Because of this, the responses he gave to the Education and Workforce Committee were an attempt to respond as fully as he could without providing confidential or sensitive information in a public forum. He acknowledged that, in hindsight, this was not the correct approach and that he should have sought further advice about how this could have been better managed at the hearing. We agree. Mr Blakeley told us that there was no active or deliberate decision not to share information about the status of the project. He acknowledged that the ministry was underprepared to consider how to provide responses to the committee at the time, and that he should have been more knowledgeable about how to approach this.

The ministry had already received several Official Information Act requests (including from Hon Phil Twyford) seeking information about the BCU project. A review of the project had also been commissioned, and the matter was being pursued by media outlets. One of the documents provided to us by the ministry contained a list of questions that the ministry was preparing to be asked about, including a question about why the BCU project had been delayed. Given all of this, we asked Mr Blakeley whether the BCU project had been discussed at any of the three preparatory sessions we heard the ministry had conducted before its appearance before the Education and Workforce Committee. He told us that, as best as participants can remember, it did not come up. He explained that the sessions covered a large amount of material, but that it was an “oversight” that the BCU project was not included. He told us that the ministry was “clearly not adequately prepared”. We find it extremely surprising that the ministry had not prepared itself to answer questions about the status of the BCU project.

Comments from Alison McDonald

Ms McDonald told us that she understood the questions in the Education and Workforce Committee’s hearing to be referring to the ministry’s immigration identity and biometric systems work generally, rather than specifically to the contract for the IT component of the BCU project. She explained that she was just attempting to help the committee understand that the ministry was moving in a different direction, which, on reflection, “was the wrong thing to do”. She also said that she had prepared to speak about everything that was her responsibility as deputy secretary for Immigration New Zealand, which only included making sure that whatever IT project was developed for the immigration identity programme worked well.

She explained that she did not directly refer to the BCU project’s termination because she understood that this information was commercially and budget sensitive. During our hearing with Ms McDonald, she told us that there were a number of times during the negotiations related to the BCU project where the commercial sensitivity was stressed. She was told she could not talk to anyone about it other than the Minister of Immigration and those within the ministry who were already aware. She acknowledged that a complete response to the question around project milestones should have required more information to be supplied, perhaps through a confidential channel.

Comments from Hon Phil Twyford

Hon Phil Twyford told us that he had sought and received information about the BCU project through three separate OIA requests between 2024 and 2026. This should have meant that the ministry would have been well aware that this could be a potential topic of discussion.

He described Ms McDonald’s responses during the Education and Workforce Committee’s hearing as “obfuscation and omission”, as her answer implied that while there was a lot of uncertainty about the project it was still ongoing. According to him, the clear implication of Mr Blakeley’s and Ms McDonald’s comments was that the project was still live. He concluded that this situation is “not terribly complicated”: he asked specific questions about a named project, which the ministry did not answer.

Relevant rules

Standing Order 417 sets out that the House may treat as a contempt any act or omission that obstructs or impedes the House in the performance of its functions, or which obstructs or impedes any of its members or officers in the discharge of their duties, or which has a tendency, directly or indirectly, to produce such a result. Standing Order 418 then sets out a non-exhaustive list of examples of acts and omissions that may be treated as contempts. This list includes “deliberately attempting to mislead the House or a committee (by way of statement, evidence, or petition).”² We discuss this further below. In the Speaker’s referral of this question of privilege, he noted that the conduct complained of could amount to deliberately attempting to mislead the House.

The Standing Orders do not require that all acts or omissions that meet the criteria above be treated as contempts. Following the referral of a question of privilege concerning a possible contempt, it is for the Privileges Committee, in the first instance, and the House, ultimately, to judge whether a particular act or omission should be considered a contempt.

The Privileges Committee must consider each case on its own merits, taking into account the seriousness, impact, and level of culpability involved. In doing so, it is guided by the precedents established by previous Privileges Committee findings on questions of privilege, Speakers’ rulings on matters of privilege, and, where appropriate, examples from recent overseas jurisdictions.

Questions before the committee in this case

The primary question before the committee in this case is: did the ministry, in providing incomplete answers to the questions asked by the Education and Workforce Committee, obstruct or impede that committee in the performance of its functions?

It is obvious that the answer to that question is yes. Providing incomplete information to the questions asked by the Education and Workforce Committee about the BCU project is inherently likely to impede that committee’s ability to carry out its essential task of financial scrutiny.

In addition, deliberately attempting to mislead the House or a committee (by way of statement, evidence, or petition) is a specific example of a contempt in the Standing Orders, and in previous questions of privilege. We have also considered whether this specific example of contempt has occurred in this case. To be considered a contempt in this example, there is a requirement that the attempt to mislead be deliberate. This requires a level of intent.

Summary of findings

We find that the incompleteness of the ministry’s responses to the Education and Workforce Committee did cause the Education and Workforce Committee to be misled.

The evidence received by this committee shows that the ministry knew that the information it provided to the Education and Workforce Committee was incomplete, and that the limited

² Standing Order 418(b).

manner in which the ministry answered questions about the BCU project was intentional. The ministry would have been aware that in choosing to answer as it did it was *certain* that the committee would have been misled as to the status of the BCU project. On this basis, we find that the ministry deliberately misled the Education and Workforce Committee and, in doing so, committed a contempt.

The ministry's answers were misleading

Officials frequently appear before select committees as both witnesses and advisers. It is not uncommon for limits to be placed on the information officials can provide a committee. These limits may be imposed because a matter is subject to Cabinet decision or is best addressed by a Minister. It is the responsibility of officials to bring the committee's attention to any constraints on the provision of information, and committees generally accept these constraints. The ministry did not, either orally on 4 March 2026 or in writing on 10 April 2026, bring to the attention of the Education and Workforce Committee that commercial or budget sensitivities limited the ministry in its answers about the BCU project.

We find it more likely than not that the ministry would have been certain that the answers it provided to the Education and Workforce Committee would give the false impression that the BCU project was ongoing. This was demonstrated to us by the ministry's admission that it was trying to convey to the Education and Workforce Committee that a new approach was being taken without divulging that the BCU project had ended.

Select committees rely on truthfulness of evidence

Financial scrutiny is one of the few mechanisms available to select committees to hold the executive accountable for the public money it administers. Accountability requires the provision of truthful information. Inaccurate, incomplete, or misleading information impedes select committees in their ability to carry out their essential task of scrutiny of the executive.

We wish to be very clear: officials appearing before select committees have an absolute obligation to tell the truth. Being truthful, responsible, and acting in good faith is the very essence of public service. To fail to meet these obligations is an insult to the entire public service.

It is alarming that neither of the officials, both of whom are senior public servants, was aware of the ability to provide evidence to a select committee in private or in secret. There is extensive guidance available to officials appearing before select committees from the Public Service Commission, the Department of the Prime Minister and Cabinet, and the Office of the Clerk. Committee staff can also advise any witness on their rights and responsibilities when appearing before a committee. Senior public servants failing to familiarise themselves with the guidance available is negligent.

At the time of the 4 March hearing, Mr Blakeley had only recently been appointed to the role of chief executive of the ministry, and two deputy secretaries who had been responsible for the BCU project had left the ministry. This led us to question why Mr Blakeley and Ms McDonald were answering questions about a project for which they had no direct responsibility. Accountability to Parliament is best achieved when those responsible for the matter at hand are the ones to answer to select committees. We urge public service chief

executives to think carefully about when that responsibility is theirs and when it should be yielded to someone more appropriate.

The ministry has already apologised to this committee and to the Education and Workforce Committee. While it has committed a contempt, on the basis of the apologies we do not recommend any further sanction than that which would be provided by way of our finding that a contempt has been committed. We intend that our findings will be of sufficient consequence on their own.

Appendix A—Committee procedure

Committee procedure

This question of privilege was referred to us on 24 June 2026. We met between 30 June and 25 August 2026 to consider it. We heard evidence from Nic Blakeley, Alison McDonald, and Hon Phil Twyford. We received advice from the Office of the Clerk.

We provided Nic Blakeley and Alison McDonald with an opportunity to respond to our findings under Standing Order 250 (Adverse findings).

Committee members

Hon Chris Bishop (Chairperson)
Glen Bennett
Mariameno Kapa-Kingi
Ricardo Menéndez March
Dr Parmjeet Parmar
Rt Hon Winston Peters
Hon Scott Simpson
Hon Louise Upston
Hon Dr Duncan Webb

Suze Redmayne participated in some of our consideration of this question of privilege.

Related resources

The documents we received as evidence are available on the [Parliament website](#), along with the [Hansard transcripts of our hearings](#). Recordings of our hearings with [Nic Blakeley and Alison McDonald on 28 July 2026](#) and [Hon Phil Twyford on 4 August 2026](#) are available on Vimeo.

Appendix B—Speaker’s ruling

24 June 2026

I have received a letter from Hon Phil Twyford, raising as a matter of privilege, concerning evidence given to the Education and Workforce Committee by the Ministry of Business, Innovation and Employment on 4 March 2026. I have also received a letter from the Education and Workforce Committee on the same matter.

The conduct complained of could amount to deliberately attempting to mislead a committee, which is given as an example of a contempt of Parliament in Standing Order 418(b).

The Speaker does not inquire into the veracity of the evidence presented or conduct an inquiry into the allegations. That is the role of the Privileges Committee. The Speaker’s role in such matters is to determine whether the facts alleged could amount to a breach of privilege or a contempt of the House.

I find that a question of privilege does arise and that question stands referred to the Privileges Committee.

Appendix C—Hansard transcript of hearing of evidence held on 4 March 2026 (*Extract*)

Briefing on the 2024/25 performance, current operations, and strategic intentions of Immigration New Zealand

Education and Workforce Committee

4 March 2026

Witnesses

Nic Blakeley, Chief Executive and Secretary for Economic Growth

Alison McDonald, Deputy Secretary Immigration

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- Twyford Yeah, I just want to go back to the biometric and identity system upgrade. There's been a number of reports, we understand, independent reviews that have warned about delivery risks. I wonder if you could tell us what the key risks are that were identified and whether any milestones have slipped in implementation so far?
- McDonald Yes, so the original identity programme has been going for some time, as you know, and I think I mentioned earlier—and this is our risk with ADEPT, as well. Technology moves really quickly. And so the system that we were building, there were risks around delivery, and it's such an important part of the immigration system and the integrity of our system, so we need to be—well, you can never be 100 percent sure with an IT programme, but you need to be as sure as we can be that it's not just fit for identity measures now but fit for the future.
- So the original programme, we still have an identity programme, but we're—"morphing" is the wrong word, but, actually, we're working with DIA and others about what does New Zealand need for identity going forward? We think that there may be a better all-of-Government solution. So we're kind of exploring that as well. So that's why it's taking so long, because it's such an important part of the system.
- Twyford Why haven't the full review reports been released publicly?
- McDonald I don't know, actually, why they haven't been—because the reviews have just kind of been of the programme as we've gone along, to help and guide us, so we haven't actually needed to have a public review as such.
- Blakeley Why don't we look into that?
- McDonald Yeah.
- Blakeley And, as Alison says, we're in the process of working out what the programme looks like going forward. So it may be that once some of those decisions are made, we can release a number of estimations.
- Twyford If you could come back to us on that, yeah. Thank you.