

**Statement to Inspector-General of Intelligence and Security  
Ms Cheryl Gwyn  
Freyberg House, 2 Aitken Street, Wellington**

My primary concern in relation to the release of NZSIS documents in 2011 is that the wider context in which this happened represents a deliberate politicisation of the NZSIS in a way which is unprecedented at least since the Muldoon years.

For nine years, first as Minister of Foreign Affairs and then as Minister of Defence, I maintained the total confidentiality of briefings from our security intelligence services.

It has long been the convention that the Minister in charge of the Security Intelligence Service not comment on matters relating to security intelligence.

That convention applied likewise to Ministers with access to SIS and GCSB briefings and to the Leader of the Opposition.

As Leader of the Opposition briefings to me were strictly confidential. I did not comment on them. I was asked that the briefings given to me were given without the presence of staff or colleagues. Documents were not to be retained by me nor was I to take notes. I was not to comment to the media on any information I might have received.

This convention was broken, first by the Prime Minister when he referred publicly to a briefing from the SIS in relation to Israeli backpackers who were suspected to have connections with Mossad, the Israeli Intelligence Service, that he says I was given.

My position then and now is that I never received a substantive briefing on this matter, notwithstanding what the Director of the SIS may have recorded.

The reason I can be confident of this is that having been Minister of Foreign Affairs and having dealt with the issue of Mossad agents criminally misappropriating New Zealand passports, I had a keen interest in the issue of Mossad agents operating in New Zealand. I would have recalled anything which might properly have been described as a briefing.

The only explanation I can guess at is the Director may have said that there was a suspicion around actions of Israeli hitch-hikers in Christchurch at the time of the earthquake but there was nothing to it.

No information of any substance was given to me or I would have recalled it.

That, however, is not the issue under investigation.

The issue is why John Key chose to raise the alleged briefing in a public and political context and how information held by the SIS was released into the public arena.

My suspicion at the time, confirmed by material disclosed in Nicky Hager's book *Dirty Politics*, is that material was disclosed to Cameron Slater who blogs under the name Whale Oil to facilitate his making a specific OIA request.

Evidence for this is the specificity of Mr Slater's request, even asking for any diary notation, his statement that he knew that the request was to be expedited expecting the documents to be released immediately, and his statement in a leaked email that he had been 'sworn to secrecy' about what he knew.

The obvious explanation was that he had a source for this information which in the nature of SIS briefings could only have been either within the SIS itself or the Prime Minister or his Office.

I would hope that the former is unlikely because it would represent improper conduct by the SIS.

The Prime Minister and his Office however have close links with Cameron Slater whose blogs are used to attack political opponents of the Government.

No one in the Prime Minister's office would provide inside knowledge of what the SIS was saying or doing without the implicit or explicit approval of Mr Key.

That is why I believe Mr Key should be asked to give sworn evidence on precisely who in his office had access to this information and the ground rules he set down for his staff as to how this information was to be treated.

When I spoke to the Director of the SIS who phoned me suggesting he intended to release the documents immediately, he was coy about whether he knew of the identity of the Mr Slater who had requested the documents sought under the OIA. He then acknowledged that he did know who Cameron Slater was. The documents were to be released immediately until I challenged why the SIS was acting in the way he proposed. He at that point suggested he would delay the release for a number of days.

It was unwise for the SIS to be drawn into a highly politicised debate. In my long experience of asking Government Departments for information under the OIA, it is unprecedented for a request to be turned around so quickly.

I believe your Inquiry should examine the full political context of this matter and how and why material which would normally be held confidential was brought into the public and political arena.

The use of SIS briefing material in this way undermines confidence in its role as an agency of state which has extraordinary powers.

It effectively politicises the work of the agency and undermines expectations of impartiality and confidentiality in the way in which information which it holds is used.

I appreciate the opportunity to appear before you and give sworn evidence on the issues under investigation.

Hon Phil Goff  
MP for Mt Roskill  
8 September 2014