

IN THE MATTER OF THE INQUIRIES ACT 2013**A Government Inquiry into:****Allegations regarding Hon Judith Collins and a former Director of the****Serious Fraud Office**

Interview commenced: 13 October at 10.23 am

Present: The Hon. L Chisholm

Ms V Casey

Mr Stefan Herrick

Interview concluded: 13 October 11.40 am

INTERVIEW WITH STEFAN HERRICK

STEFAN HERRICK (SWORN)**QUESTIONS FROM THE HON L CHISHOLM:**

- 5 Q. Mr Herrick, first thank you very much for coming down to talk to us today. Most of the questions will probably be asked by Victoria and I might ask questions as they crop up. Are you aware of the terms of reference for this inquiry, and of course we are only concerned about matters that arise from those terms of reference.
- 10 A. Yes.
- Q. At this stage I will just hand over to Victoria and she will take you through various matters. Thank you very much.
- A. I am happy to help the inquiry.

QUESTIONS FROM MS CASEY:

- Q. There are three areas that I am going to cover with you this morning. The first which we will start with in a minute is just who you are and the roles that you've had. The second is to help the inquiry with an explanation or a better understanding of the general practice of what press secretaries do for ministers, how ministers relate to the media, et cetera, and then in more detail about how Minister Collins operated generally when you were her press secretary and then the third area will be talking about the events and the coverage regarding Adam Feeley back in October 2011. So that is the broad structure. To start with can we have your full name and your current role please?
- 5
- A. Stefan Herrick, I am the senior manager, external communications at the ANZ Bank New Zealand.
- Q. Thank you and in 2011 you were Minister Collins's press secretary?
- 15
- A. Yes.
- Q. Could you outline your experience I think probably just very broadly leading up to the (inaudible 01:15:12) since there?
- A. My whole work career?
- Q. Pretty much.
- 20
- A. My background is in journalism. I started as a cadet reporter at the *Southland Times* in 1987. I worked at a succession of newspapers, the *Waikato Times*, the *Dominion Post* and the *Evening Post*. I moved into the world of public relations in 2002 when I moved to Singapore and worked for Baldwin Boyle Shand, which is a New Zealand public relations company in Singapore. On returning to New Zealand I worked at the *Dominion Post* in Wellington for two years as a magazine editor. My wife and I then did our Master's degrees so I took some time off and my next full time role after that was in Minister Collins' office.
- 25
- Q. You started there when?
- 30
- A. December 2008, I think.
- Q. That was your first role in the Beehive?
- A. Yes.
- Q. When did you leave that role?

A. It would be December 2011.

Q. That is as she moved portfolios?

A. It was after the General Election, from memory about two weeks after.

Q. You stayed in the state sector or back out to private?

5 A. No, my next role was at ANZ.

Q. Can you talk a bit about the general role of press secretary in a minister's office?

10 A. A press secretary's role is primarily to manage the Minister's relationships with media and also to prepare speeches, press releases and from time to time to provide input on policy decisions.

Q. On policy or how they are implemented or announced?

A. If a minister has before her a particular piece of policy she will ask the press secretary how is this likely to be received by the public in the year.

Q. So you might input on that?

15 A. Yes.

Q. Were you employed on the political side or on the ministerial side? Who was your line of reporting?

A. It was a political role. I reported to the Minister, but I was employed by the DIA.

20 Q. Just checking whether I have understood what I have heard previously correctly, was it also routine that you would be involved in weekly briefings with the Prime Minister's office?

A. No.

Q. So what would your liaison be with the Prime Minister's office?

25 A. It would be as issues arose. There was a meeting of all press secretaries on Monday or Tuesday mornings, I can't remember which, at which the activities of the week were discussed with everybody.

30 Q. That was what I was trying to understand. So your role of managing relationships with the media for the Minister, how did that work in practice? Did all media enquiries come through you? What was the sort of routine day-to-day?

- A. Most enquiries came through me. In politics there are always issues coming and going and it was my job to act as the liaison between the media and the Minister's office and how they respond to those issues.
- 5 Q. So the enquiries that did not come direct to you, where would they be going?
- A. There were as far as I am aware very few of those. I worked hard to make sure that there were very few of those. Occasionally reporters would call the Minister directly, but that did not happen very often.
- 10 Q. I can probably guess the answer but you said you worked hard to make sure that there were very few. Why was that?
- A. It is good practice in my role as the media management professional for media enquiries to come through me.
- Q. Does that also apply to the office contacting the media? So would you expect to be involved in all contacts from the office to the media?
- 15 A. Yes.
- Q. Were you aware if that was routine, that you were involved or were there routine contacts outside your involvement at the time?
- A. Most connections with the media happened through me, although I am aware that from time to time that is not possible and specifically I talk
- 20 about when a minister is out in her electorate, say on Fridays.
- Q. On those occasions would you expect the Minister to tell you about the enquiry or copy you in or let you know that she had had contact with the media routinely?
- A. Yes.
- 25 Q. Now in terms of your dealings with the media, were there recognised, understood protocols about what was "off the record" and what was "on the record" or what was to be attributed or what was not to be attributed?
- A. In my role there is really no such thing as "off the record". Off the record
- 30 can mean two things. It can mean don't report it at all or don't attribute that to somebody. I use it very, very sparingly.
- Q. So when we get in to that more detail about what happened in October 2011 the example that I am thinking of is media reports that the

Minister was "furious". So that was not attributed to anybody. Actually I probably should come back to that. I am asking out of order. By the time I have finished the explanation we will be right at the end of the process. I will come back to that.

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QUESTIONS FROM THE HON L CHISHOLM:

- Q. Could I clarify a couple of things? First who followed you as Minister Collins press secretary. do you know?
- A. Rachel Bowie.
- 10 Q. The other thing is when you were not available for one reason or other, was there a deputy or someone who would step into your shoes?
- A. No. Many offices had two press secretaries. We only had one.
- Q. If you were absent was there some other method of either receiving enquiries by the Minister's office or imparting information?
- 15 A. Anytime other than annual leave there is really no such thing as absent in this job it's a 24 hour a day sort of day. You're always available. When I was on leave, a press secretary would be seconded from the Prime Minister's office or another office to manage media enquiries whilst I was away.

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QUESTIONS FROM MS CASEY:

- Q. I was going to ask you whether the Minister texted media directly. So what were her means of direct communication that you were aware of?
- A. The Minister would usually tell me verbally if she had had any contact
- 25 with the media. In these situations it was usually face-to-face. She would be out doing something and there would be a reporter there.
- Q. So my next topic is the Minister's contact with Cameron Slater. From your memory of the time, did she talk to you about her contacts with Cameron Slater as media or otherwise, or at all?
- 30 A. My perception of the relationship between Minister Collins and Mr Slater was as friends. Any communications that she might have had with him were not discussed with me.

Q. And that is consistent with the understanding that it was not a relationship with media?

A. Sorry?

Q. That when she was speaking to him she wasn't speaking to the media?

5 A. It was more on the basis that Mr Slater was a friend rather than media.

Q. Did you have any issue that there might be an overlap?

A. My advice to Minister Collins was to exercise caution when dealing with anyone who might be regarded as media and that would include bloggers.

10 Q. Was that advice given to her specifically relating to Cameron Slater?

A. It was given generally.

Q. So not without mention of his name or with mention of his name?

A. I recall that it was general advice about talking to anyone, mainstream media, bloggers in general, or Cameron.

15 Q. I will take that as not mentioning him by name if you can recall.

A. I do not recall an incident where he was mentioned by name and I urged caution. There may well have been, but I urged caution generally about talking to bloggers and media without my involvement.

20 Q. It sounds like, if am hearing you correctly, that was not a one off piece of advice but something that you came back to a few times?

A. When the Minister had any involvement with media without me being present I gave her that advice.

QUESTIONS FROM THE HON L CHISHOLM:

25 Q. This sort of advice arose from your experience or because something had triggered it?

A. It is good practice for the Minister to involve the press secretary when she is talking to the media either traditional media, or new media. I have to give her that advice.

30 Q. You expressed the fact that you weren't involved in her communications with Mr Slater in fairly absolute terms. Looking back were there exceptions to the approach that generally her communications were direct with Mr Slater rather than through you?

A. The Minister's communications with Mr Slater were to the best of my recollection between her and Mr Slater and I was not involved.

Q. Would she mention that she had been chatting to Mr Slater on occasions?

5 A. Yes.

Q. Did he visit the office?

A. I recall him visiting the office once and I believe that is the only time I have met him.

10 Q. I want to understand more accurately the distinction, if there is one, between mainstream media and bloggers. Are you able to help me?

A. I don't see that there is a lot of difference. Both interpret, filter and disseminate information. There is some debate at the moment about whether bloggers do constitute the mainstream media or not. Functionally I think there are pretty much the same.

15 Q. In terms of a minister discussing matters with the mainstream media on the one hand and bloggers on the other, do you see any distinction in the approach that would be appropriate?

A. I think the same rules apply.

20 Q. You mentioned a while ago that in relation to "off the record" there were only a couple of instances, and I hope I have understood what you were saying, where that might have applied. I got the impression that generally off the record was not a very good approach?

A. No.

25 Q. So the first question is, why was it not an appropriate or good approach, and the second is the couple of incidences where in your experience it had occurred were what type of situations? Just to give me a bit of a feel or insight in to that.

A. Can you repeat the question?

30 Q. The first question is why, as you saw it, was it not a good approach for a minister to be providing information, or indeed for you to be providing information, off the record? Was it because it could eventually be a pretty leaky sort of a sieve, and you can be pretty blunt here in

explaining the situation to me, I think, because it is important that I understand this.

A. The rule that I go by is that anything you say to the journalists you have to be prepared for that washing up in print somewhere.

5 Q. In referring to a journalist you are including a blogger.

A. Yes. Although it is probably slightly different with bloggers because journalists tend to talk to each other quite a lot. Bloggers tend to operate by themselves. You described off record as a leaky sieve – if you for example, and I'm not referring to any specific case here tell a reporter something off the record, it is possible and in my experience has happened, that another journalist from the same organisation will come to you, or somebody else at another time, saying that they have come across this information from somewhere. So if you give them information that is a good story they will find a way of making a good story. So just in terms of good PR practice you do not use off the record unless you absolutely have to

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Q. That perhaps neatly brings it to this question of the couple of instances you've got in the back of your mind. Without naming people can you give me a bit of an idea as to the sorts of incidents that were involved? If you could endeavour to answer that?

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A. When I have used off the record?

Q. Yes.

A. In talking about off the record I am talking generally. I have been working in public relations for various years now. It will be an instance where a reporter asks a question, this is the most likely application, you don't want the information attributed to you or your employer. So you will say to the journalist "Here is some information that might help you in your enquiries, but I would appreciate that if it was not attributed to me."

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Q. Would it make any difference if the journalist was someone who you believed would be discreet, could keep their mouth shut, and was a personal friend, let's say?

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A. I do not want to malign journalists, but that does not apply to many of them. Journalists are there to get a story. In my experience you have

to be very specific about the information you give to journalists and you have to assume that everything you give them on record and off will end up in a story somewhere.

5 QUESTIONS FROM MS CASEY:

- Q. So thinking back to when you were with Minister Collins were you aware of the level of contact she had with Cameron Slater at that time and how frequent it was?
- A. No.
- 10 Q. From what you have said already it sounds like you would have preferred to know what her contact was with him given that he was a blogger?
- A. Yes I prefer to know about all ministers' contacts with bloggers or any other kind of media.
- 15 Q. What about lobbyists? Were they anything to do with your role?
- A. I am not quite sure what you mean by that.
- Q. Lobby groups that might be advocating for particular law reform for example that might want to contact the Minister directly to engage her support.
- 20 A. That normally wouldn't come through me, it would go through the Minister's senior private secretary.
- Q. Who was that?
- A. 9(2)(a) [REDACTED].
- Q. I am going to run through a list of people none of whom will be a surprise that you are being asked. Were you aware if the Minister had contact with Cathy Odgers?
- 25 A. The Minister was aware of who Cathy was. Cathy came to visit the office once, that I recall, but I do not recall if the Minister was there.
- Q. You say the Minister was aware who Cathy was. How did you know that?
- 30 A. Cathy had a blog and when there was commentary in the blogs, as with the media, I made the Minister aware of it.
- Q. Did you ever discussed Cathy Odgers with the Minister that you recall?

A. No.

Q. You said that Cathy came to the office once. What was that about?

A. I've known Cathy for a long time when I was at the *Dominion Post* she was a blogger and at the time we were looking for fresh writing talent
5 and she was very good so I got her a regular column at the *Dominion Post*.

Q. So the visit to the office was to see you?

A. As best I recall, yes. I am pretty sure the Minister wasn't there; it was probably a Friday.

10 Q. Were you in regular contact with Cathy Odgers over this period?

A. My contact with Cathy is always pretty sporadic.

Q. Were you having contact with her at all over this period other than that visit?

A. I would have been.

15 Q. Do you recall discussing issues that would be of interest to her as a blogger over that period?

A. No.

Q. More specifically the issues relating to Adam Feeley?

A. Absolutely not.

20 Q. Were you aware if the Minister had any contact with Carrick Graham?

A. No.

Q. No, you were not aware, or you were aware that she didn't?

A. I was not aware.

Q. Can I ask the same question relating to Mark Hotchin?

25 A. No, I was not aware of any contact.

QUESTIONS FROM THE HON L CHISHOLM:

Q. And Ms Anita Killeen?

A. I'm not aware of any contact with the Minister and Anita Killeen.

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QUESTIONS FROM MS CASEY:

Q. I suppose the follow up question to all those three names is, were you in contact with them while you were press secretary for the Minister?

A. No.

Q. Turning now to the initial contact from the media regarding the champagne incident with Adam Feeley.

A. Yes.

5 Q. We are dating that back to Friday, 30 September 2011 and what I have got here which I will show you and which may help spark your memory is you were in contact with Adam Feeley. It looks as if he contacted you directly.

A. He did.

10 Q. I just want to ask you some questions about that. So was Adam Feeley's call to you the first time you were aware of this incident or had it been raised earlier through journalist enquiry that you can recall?

A. I do not recall whether this was the first I heard of it or whether it had
15 been in the media before. I think from memory the reporter he is talking to was the one who wrote the story.

Q. Jared Savage.

A. So that may have been the first I heard of it.

Q. And Adam Feeley sent you his proposed response to Jared Savage?

20 A. Yes.

Q. Your reply at about 6.55 pm that evening was, "I think you need to get your own advice on this, I would also suggest that you refer to the States Services Commissioner". What did you mean by I think you need to get your own advice on this?

25 A. A letter such as this from someone in Mr Feeley's position was unusual and it was the advice he was asking, it was inappropriate for the Minister's office to be dispensing that advice.

Q. Just to expand, why was it inappropriate?

A. It is not the role of the Minister's office to be suggesting how someone of
30 Mr Feeley's position should be responding to these sorts of allegations.

Q. Is that because there needed to be a distance or because the interests weren't aligned?

A. I would say the main reason is political risk.

QUESTIONS FROM THE HON L CHISHOLM:

Q. As far as you can remember to what extent did the employment relationship have any bearing on that? In other words, the employment relationship between Mr Feeley and the State Services Commission?

5 A. Well as you can see from that Mr Rennie is Mr Feeley's employer. Why it was referred to Mr Rennie is because the Government at that time operated under a policy of "no surprises" and it was good process to do so.

10 Q. The "no surprises" policy was conveyed to people in your position by your Minister, Minister Collins or how did you know that there was a "no surprises" policy or had it been publicly announced by the Prime Minister? I am not suggesting for a moment that a "no surprises" policy would be a surprise in itself, because it is understandable, but was that unique to this Government?

15 A. I do not know I have not worked in other governments but the "no surprises" policy in practice meant keeping other ministers informed and other senior Government officials informed of issues that might impact on them.

20 **QUESTIONS FROM MS CASEY:**

Q. Just stepping back to you said political risk was probably the main reason. In blunt terms is that reflecting if Mr Feeley was in significant trouble you wanted to keep your minister clear of that or am missing the nuances there?

25 A. That's certainly part of it, but to provide advice to Mr Feeley on whether this was an appropriate response would of course been discoverable and regardless of what advice you gave it would be seen as inappropriate for the Minister's office to be giving him that advice.

30 Q. In terms of the "no surprises" policy, that only, from my memory, you have to have assess significance of an issue. You don't refer everything to everybody. So the fact that you immediately suggested a referral to the State Services Commission, what does that say about how you assess the significance of the issue as first contact point?

A. It was an issue that the media would take a lot of interest in.

Q. Why?

A. It had the elements of a good story.

Q. At this stage had you had any contact with the Minister on this?

5 A. I should probably clarify that the advice that I gave would have been after consultation with others in the office, as would be normal practice in a situation like this. Now I do not recall exactly who it was that gave me that advice, but the three people I would normally consult on something like this would be the Minister, her SPS or her Minister's political secretary.

10 Q. So you would normally consult the Minister, her senior private secretary and the political secretary on a call like this?

A. Yes.

15 Q. Do you recall which of them you managed to speak to on that Friday evening?

A. No.

Q. So do you recall discussing this with the Minister at all over this initial period. Not necessarily that night but –

20 A. If the Minister wasn't already aware of this I would have brought it to her attention.

Q. Do you recall her response?

A. I couldn't be specific about her response, no.

25 Q. We have spoken to Fran O'Sullivan who wrote an article referring to the Minister "being furious" and she said that she did not speak to the Minister directly but would have spoken to someone at the Minister's office. Do you recall if that was you?

A. I do not recall ever describing the Minister's response as furious to anybody.

30 Q. That is what I want to talk to you about because it seemed to be a very specific word. How would you normally respond to media if they said what is the Minister's view on this?

A. Hypothetically I would use language like "disappointed" or possibly "surprised".

Q. Just to expand that out again, why would you not use a phrase like "furious"?

A. Unnecessarily emotive. Furious is a fairly strong word.

Q. It is very strong. So if Ms O'Sullivan spoke to someone else in the office
5 would you routinely expect to be told about that contact?

A. Yes.

Q. Were you told of such a contact around this time?

A. I don't recall, no.

Q. So who of the media did you speak to around this time about this issue?

10 A. When an issue like this comes up you pretty much end up talking to everybody. Everybody wants the story.

Q. So the story first appeared the next morning on the Saturday morning *Herald* so you would have spent Saturday on the phone or –

A. That is pretty likely, yes.

15 Q. Did you have any particular contact with Jared Savage?

A. No.

Q. You are not recalling the detail.

A. There were probably lots of them and I do not recall specifically talking to Jared Savage, no.

20 Q. Can you recall what your routine line to the media would have been at the early stages of this?

A. I do not recall specifically, but if I were to do it now I would probably say this is an employment matter or not comment because it would be a matter between Mr Feeley and Mr Rennie.

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QUESTIONS FROM THE HON L CHISHOLM:

Q. You mentioned that you would have spoken to virtually everyone in the media. Can you explain to me how that would have happened, the process that you utilised or you think you would have utilised looking
30 back?

A. Events not the same as this, but events that generate a lot of media interest were fairly common in that role at that time. What would happen is that one reporter would get the story, all the others would

want to match it, so they would each call me to see if the Minister had a comment to make.

Q. And they would be telephoning into you probably or emailing you?

A. Phoning or email.

5 Q. The report that the Minister was known to be furious written by Fran O'Sullivan was on the 5th of October and then as I recall it on the 20th of October, Jock Anderson in the *National Business Review* said words to a similar effect that she was furious. Were you involved in any ongoing communications with the media over this Feeley matter or was
10 it you were approached, provided the information you could and then the matter as far as you were concerned moved on?

A. My recollection of this one was that it moved on pretty quickly. This is on the eve of a General Election there is a lot of other news around. I do not think this one was an issue for weeks, although I suspect that
15 given the nature of the story it was discussed in columns for some time afterwards.

QUESTIONS FROM MS CASEY:

20 Q. It went for about a week and then the following week there was a new article about Mr Feeley distributing the Hubbard biography at the Christmas party. Do you remember that?

A. Sorry what was that again?

25 Q. So this one was about the champagne bottle. A week later was a story that, the story was that he had given staff a copy of Mr Hubbard's biography as a joke present at a Christmas party. Do you recall?

A. Dimly.

Q. Dimly. So was this a big issue in the Minister's office as it played out that week? There was about eight to 10 media stories about it. How did it rank in terms of importance of what was happening in the media?

30 A. I recall it wasn't one of the biggest media stories we have dealt with or one of the most serious.

Q. In your role as press secretary did it cause you any concern for the Minister?

A. What do you mean by that?

Q. Was it a story that you were monitoring because of its potential adverse effect?

5 A. I would be monitoring the story. I wouldn't have thought this would have had the potential impact badly on the Minister.

Q. I have asked you questions before about did you have contact with the Minister at this early time. Do you recall any contact with the Minister about this story as it evolved around Adam Feeley right through to when the State Services Commission reported back on their investigation?

10 A. There definitely would have been discussion about it. Like I have said, it was not one of the biggest or most serious stories that we had dealt with.

Q. Do you recall anything of the Minister's attitude towards it?

15 A. My recollection of the Minister's attitude in general was disappointment which is why the furious comment puzzles me somewhat.

Q. Just to expand out why disappointment?

A. The way that it was reported would suggest lapse of judgement on Mr Feeley.

20 **QUESTIONS FROM THE HON L CHISHOLM:**

Q. Did the Minister ever discuss with you as her press secretary her view about some of Adam Feeley's earlier statements to the media which had attracted attention at the time?

A. I don't recall specifically.

25 Q. Perhaps to put it in a context for you, there is information that might suggest that Adam Feeley was quite keen on the media and that the Minister thought that there were dangers in that and had possibly warned him, "just be a bit more careful in what you are saying to the media". Now does that trigger any memory on your part?

30 A. If she advised him of that, I certainly wasn't there.

Q. And she did not consult you about it?

A. I think if the Minister felt strongly about Mr Feeley not talking to the media she would have asked me to tell him not to talk to the media.

Q. There is information that suggests that Minister Collins felt that Mr Feeley should "show some restraint" are the words that are used, and that having provided that advice it would not necessarily have been a very welcome thing to find out that this champagne incident was coming forward. Does that trigger memory on your part?

A. No, like I say, if the Minister felt strongly about Adam's statements to the media I would think it would be normal practice for her to ask me to have a chat to him and ask him to stop and I think that the champagne incident would be disappointing is the word that you used irrespective of what had appeared in the media previously.

Q. Getting back to trying to drill into her reaction a little bit further you have used the word disappointment. In a various spectrum of possible reactions to the furious, and without judging the appropriateness or otherwise, do you have some recollection that she was miffed or something a bit more than disappointed?

A. No, disappointment is about where I would put it.

Q. How did you gauge that from what she said, what you say or in some other fashion, from what you can now recollect, which I can understand is not all that easy.

A. As best I recall it would be from any conversations I had subsequently about this matter. None of them left an impression on me that she was anything other than disappointed.

Q. Was your impression that she was a reasonably black and white person?

A. That is a very hard question to answer and I do not want to sort of be pejorative by answering it one way or the other to be honest. It depends on the person, it depends on how she behaved politically, it depended on the circumstances.

Q. But you knew her well as a person. If she was disappointed she would say so I would presume. She was not the sort of person to skirt around, she would rather come out and say "I am disappointed"?

A. Yes. I think if she had been furious it would have left an impression on me that she was furious and it hasn't.

Q. The matter that we are struggling with is that we have got information at the moment that suggests the word furious was not a creation of the media, but rather was a word used by someone else. Victoria has asked you, if it was not something that you had said, then who else might it have been within the office. I think you have probably already answered that. The other thing is that so far the media have – well Fran O'Sullivan has indicated, "Well I didn't talk to the Minister".

A. The Minister had a very strong public persona. Given that, I think there would be an expectation from the media that she would be furious. In reality, as best I recall in my communications with her, it did not leave the impression on me that she was furious.

Q. Are you pretty confident that you did not use that word?

A. I didn't use that word.

Q. But would it have been likely that there would have been some question from the media "Well how has the Minister taken this?"

A. While I don't recall specifically her reaction, the word I would feel I most likely would use there would be disappointed.

Q. But it strikes me as being usual that the media would have probably said "Well how is the Minister, what is the Minister's reaction to this?" and that is the way you would expect that it probably evolved at the time.

A. Yes. It may well be that there is some licence between disappointed and furious, given the strength of the Minister's character and what the media would be expecting her to feel.

25 QUESTIONS FROM MS CASEY:

Q. It just occurred to me as a follow up on that because you would have been monitoring it you would have seen the reference to furious when Fran O'Sullivan wrote about it a few days later. Would you do anything about that?

30 A. I don't recall reading that, so it is very hard for me to say.

Q. The other one that we do need to ask you about is the email that brought this inquiry in to being refers to the Minister as "gunning for

Adam Feeley". Is that an impression that you got from talking to the Minister?

A. When the allegations came out that led to the inquiry my reaction was one of surprise. My recollection of relationships between the office and Adam were very good. This champagne issue notwithstanding, my impression was that the Minister thought Adam was doing a good job and when he left to go to his new job at Queenstown Lakes District Council my impression was very much that he left on good terms.

Q. What are you getting both of those impressions from?

A. I sat in on meetings, the regular fortnightly briefings with the SFO which is usually Mr Feeley with the Minister. I thought the Minister was happy with how he was doing.

Q. Could you describe the level of contact you had with the Minister day-to-day? So you sat in on briefings with all her chief executives, the regular briefings?

A. Yes.

Q. You tell me the reasons why it was structured that way and what other contact you had with her?

A. I worked very closely with the Minister. Her door was three doors down. She was always available to talk about things. I was in contact with her when I was on duty any time of the day. As part of the press secretary's role we sit in on the weekly briefings with her departmental heads.

QUESTIONS FROM THE HON L CHISHOLM:

Q. Who else would sit in – her private secretary?

A. Her senior private secretary and her political secretary.

Q. And her press secretary, you? We are still on that aspect. There were fortnightly meetings with the Minister, and before this champagne bottle incident and a week later the Hubbard matter came to light, there was a good relationship and rapport between the Minister and Adam Feeley.

A. As best I recall, yes.

Q. Now after this had come to the media's attention there had been public statements from Adam Feeley, as I recall it, that understandably there

was a period, and I will just see if I can find his words. "No one would believe me if I said it was not a little bit tense for a period. That was following the incident but overall no different to any other Minister". Do you have recollections of a little bit of a tension after these incidents came to the media attention?

A. I know after this happened as would be appropriate Mr Feeley was called in and there was a meeting between him and the Minister.

Q. You were present?

A. No, I think only My Feeley and the Minister were at that meeting and that might be what he referred to. Overall I did not detect a great deal of tension towards Mr Feeley.

Q. Rather disappointment.

A. There was disappointment, but as I think I mentioned earlier on this was as I best recall this blew over very quickly.

Q. Did the Minister happen to talk to you about the meeting she had had with Adam Feeley?

A. No, she did not discuss that.

Q. You mentioned your understanding that Adam Feeley had resigned of his own volition. Had you talked to the Minister about his resignation?

A. No.

Q. After he had resigned were there any discussions between you and the Minister about what had happened previously?

A. Not that I recall, no.

25 QUESTIONS FROM MS CASEY:

Q. Were there any discussions with the Minister or anybody else in the office about where this series of media events was coming from, why someone had raised the champagne issue at that point, what was going on? Was there any discussion of where it was coming from?

A. No.

Q. Not curiosity. Where is this coming from out of nowhere?

A. My assumption was that Adam had enemies in his office.

QUESTIONS FROM THE HON L CHISHOLM

Q. And that was an assumption on your part from what you had read or from what you had heard or a bit of both?

A. Mostly from what I read.

5 Q. And the source of what you had read. Was it media or public correspondence?

A. Looking at the stories you would draw the conclusion, how did the media get this information? Someone obviously had to give it to them and that was my assumption as to where it would have come from.

10

QUESTIONS FROM MS CASEY:

Q. Do you recall that Mr Feeley sent through an apology to the Minister very soon after the first articles appeared?

A. I do remember that.

15 Q. Do you have any knowledge of how that got to the media?

A. No.

Q. It wasn't through you or as far as you know the Minister's office?

A. No.

20 Q. Going right back to this initial email on the evening of the 30 September you then contacted Iain Rennie directly. Was that on your own initiative?

A. No, that would have been on the advice of others in the office as mentioned earlier.

25 Q. To refer it to the Commissioner would that have been the advice of the Minister directly or somebody else? That is a reasonably significant step I would think.

A. I can't say specifically who gave me that advice directly, whether it was the Minister, her SPS or her political secretary but I would expect that the Minister probably had a say in that.

30 Q. That was my next question. If it came from her SPS or political secretary would that be on behalf of the Minister?

A. Yes that would normally be the case. I can't say equivocally that it was but normally it would be.

QUESTIONS FROM THE HON L CHISHOLM:

Q. Mr Herrick, still on that day just to try and get the sequence of events a little clearer in my mind, we know that Adam Feeley came to you, judging from emails early evening and you had referred the matter to the State Services Commissioner. There are also indications that the *Herald* had extended its enquiries about Adam Feeley to the Minister's office that same day. Do you have any recollection about the media coming in and seeking information on this perhaps around the same time as you were getting this information from Adam Feeley or at a later point?

A. So you are saying that there were earlier enquiries from the *Herald* on this matter?

Q. Indications are that there were enquiries of the *Herald* to the Minister's office, and given the point that we have reached in our inquiry these are all bits of information; we haven't reached any views on at the moment. What I can say is that the Minister has said, and this might only be a recollection, that on Friday 30 September 2011 my office was contacted by Jared Savage and advised that Mr Feeley had celebrated the laying of criminal charges around Rod Petricevic with a drinks function, et cetera. So that led me to think that there might have been direct contact from the *Herald*, and other interviews we've conducted so far tend to indicate that that might have been the case.

A. It may well have been. Like I have said, I do not remember what my level of knowledge of this was before that particular email came in. I can't remember.

Q. As far as you can recall the trigger for referring it to the State Services Commissioner was Adam Feeley's contact with you.

A. Yes.

30 QUESTIONS FROM MS CASEY:

Q. Is there anything else that you think from your experience in the Minister's office that might be helpful for the inquiry to know about?

- A. No, like I say my reaction to the claims that were made that precipitated this inquiry were ones of surprise.

QUESTIONS FROM THE HON L CHISHOLM:

- 5 Q. And that relates to the suggested undermining of Mr Feeley by the Minister?

A. Yes.

- Q. What about the suggested disclosure of information to Mr Slater by the Minister about Mr Feeley and the SFO. Does that come as an equal
10 surprise?

- A. I am not aware of what information was disclosed. I was not privy to the Minister's communications or any communications the Minister might have had with Mr Slater. Looking at this just from the position, I would be – a campaign to undermine Mr Feeley on the eve of a
15 General Election would seem to be to be politically very risky and something that you would avoid. The other thought that comes to my mind is that if the Minister was wanting to undermine Mr Feeley, I would have thought she would have had somebody in mind that she wanted to replace him, but the role was babysitted by Simon McArley for some
20 time after that.

- Q. The terms of reference in relation to the provision of information require the inquiry to report on whether Ms Collins provided information about Mr Feeley during his tenure as Director of the Serious Fraud Office, to Cameron Slater or any other party who did not have a proper
25 entitlement to receive such information. So that was the aspect that I was asking whether you were surprised about, as well in terms of the allegation?

A. Yes.

- Q. Well, I think we have completed.
30

INTERVIEW CONCLUDES