

6. "A copy of all text messages sent or received by the Minister and/or her staff mentioning, or relating to, the meeting between the Minister and Carol Hirschfeld that led to her resignation."
 - *Only the text messages released in part one*

7. "A copy of any letters, memos, briefing notes, or meeting notes sent, received or prepared by the Minister's office mentioning, or relating to, the meeting between the Minister and Carol Hirschfeld that led to her resignation."

- *There are 9 documents identified within scope of the request which were used as draft answers for answers to oral Questions in the House. I have withheld these documents in full under section 9(2)(f)(iv) of the Act on the grounds that the advice is tendered in confidence.*

8. "A written and detailed statement of what was discussed at the meeting."
 - The attached information reflects the best of the Minister's recollection regarding the content of the meeting. It comprises of public statements and transcripts from media interviews.

Two days later did it comes up?

No

And did the board vacancy come up at all?

No

Did you discuss the management of RNZ at all?

No

So there was no discussion about her wanting to be ??? with the free to air channel?

No

So it was absolutely high level?

Absolutely – just an explanation of the policy and a discussion about the vulnerability of the media sector generally.

It was a catch up. Literally.

Did you discuss how much of the \$38m would be going to RNZ at that point?

No.

Was that premature?

Absolutely premature and that matter is actually a budget matter at the moment so I don't know how much money there will be.

You contacted her about a week after you'd become Minister, did you just feel like she was the right person to get in contact with?

Yeah. Absolutely wanted to have a catch up as my txts said.

Did you have a prior relationship with her before becoming a Minister?

We've known each other a little bit, I wouldn't describe her as friend – a friendly acquaintance and she's a high regarded and well respected person in the media.

When you contacted her for that catch-up no part of your brain was saying maybe I should contact RG or PT instead?

No.

You just thought carol was the person to go to?

I had already met with them.

28 March

28 March 2018, Oral Question 11, Hansard

Hon CLARE CURRAN: As has been said previously—very high-level discussions about the future of broadcasting in New Zealand, policy ideas that were already on record, and there was very high-level discussion that included potential funding.

https://www.parliament.nz/en/pb/hansard-debates/rhr/document/HansS_20180328_053550000/11-question-no-11-broadcasting-communications-and-digital

Transcript of House run 3/4/18

Did you suggest that the chair of RNZ stay away from the select committee on Thursday?

After receiving some advice from the office of the Leader of the House I made a phone call to him, suggesting that if he couldn't attend in person that the record could be correct by letter.

Did you suggest he not come?

No. Well he couldn't come as I understand it.

BS no this coming Thursday?

No what I said was that if he couldn't come today (March 29) that correcting the record as soon as possible would be advised and that that was the advice I'd received and that a letter would suffice.

So was it your position as Minister to be actually contacting Board chair with any recommendations? About how he deal with the select committee?

Sorry could you repeat that question.

Is it within your responsibilities as a Minister to be contacting a board chair about a select committee appearance?

Though it was really import that he... that given the state of affairs around this particular issue that the record be corrected as soon as possible if he was unable to attend in person last week then a letter could have been sent to the select committee and that was what my advice was.

So did you suggest or infer at any point that it would be better for him not to attend in person?

I don't recall saying that.

(Blah blah – I can't hear properly what is said)

What I did was told him what my advice was, I didn't issue an instruction.

What exactly did your advice say?

Either send a letter to the select committee or appear at a different time.

(Indistinguishable Q&A)

Just to clarify did you speak to him in person?

No I didn't.

Any txt messages?

Yes

Did he txt you back?

No.

Did you suggest he write a letter of apology?

No. No. Absolutely not, just to correct the record.

So what did the txt say?

(Indistinguishable.)

Just to clarify did you give him advice not to appear?

No. Not as far as I recall.

Did you advise him it would be better not to appear?

I don't recall saying that.

You would recall, you would have remembered something like that?

(Indistinguishable, people talking at once and bells.) ... correcting as quickly as possible because that was the advice that I had. It would have been something like that.

Why was it more important to do that sooner than later?

Just as in the House... correct record

Is it appropriate for the Minister of Broadcasting to be offering any advice to the chairman of the board of RNZ?

I was reporting to him the advice that I had received.

From where?

From the office of the Leader of the House.

So they can't give that advice to him directly?

I'm the Minister of Broadcasting. The advice was that he should correct the record as soon as possible.

But Jonathan Young had already indicated that they would be appearing?

That's a matter for Jonathon Young, I've had no discussion with Jonathan Young.

So they would have been under the impression that they would have had to appear in person?

That's a matter between the committee and RNZ. I was reporting the advice that I had received.

Have you talked to the PM about this major development?

Yes. Briefly.

What was her response?

She just wanted to know what had happened.

Do you think that the message you left could have been misconstrued as you encouraging him not to attend?

I would think not.

At no point did you say 'you shouldn't attend the meeting'?

I don't recall saying that Barry.

What if you did say it, where would you stand now?

If it meant that writing a letter was preferable that putting on the record at the earliest opportunity to set the record straight, then yes it is preferable.

The discussion with Richard Griffin as I understand it only took place at the weekend. The message that you left on his phone.

My message was sent to him on Thursday morning while the select committee was still in progress and it was asking him if possible to put in a letter by 1pm which is when the select committee finished. I got a voicemail message from him around 3pm that afternoon... saying that he has been in contact with the select committee and that he would appear there at 9am on Thursday. So by that stage it was too late.

And did you have any further contact with him after that?

No.

It's the committee though that makes the rules, Jonathon Young makes the rules because he's the chairman of the committee and if he wanted them to send a letter don't you think it's incumbent on Jonathon Young to contact Richard rather than you?

Well Barry I was actually relaying advice that I had received....

From who?

From the Leader of the House's office.

So you did make a suggestion...

I think I have given you the account of what happened...

But you have said you didn't make a suggestion but now you seem to be saying you did make a suggestion.

I'm sorry I think you are twisting my words. I've said it about three times and that's probably enough.

Minister can I ask – did you ask for that advice from the Leader of the House or was that unsolicited advice?

It was a discussion about the fact it was unlikely that rnz would be before the select committee in person and that advice was proffered to me.

So did you ask for that advice?

Well it was part of the discussion. I don't recall asking for that specific advice. It was advice that was given to me.

The advice that was given to you, Chris Hipkins or his office said to you that this could happen and you should pass it on?

Yes.

Thank you

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9. "The name of the person who arranged the meeting. And the title of the person that arranged the meeting."

- *Hon Clare Curran, Minister of Broadcasting, Communications and Digital Media*

10. "The date and time that the meeting was arranged."

- *The meeting was arranged through a series of text messages on 23 November, 2017 with the final confirmation of the meeting taking place at 8.48pm.*

11. "The date and time that the meeting commenced and concluded"

- *The meeting was scheduled in the diary from 8.15am to 9.15am on December 5, 2017.*

12. "A copy of any written communications regarding the meeting, including any agenda, minutes, notes, text messages, that occurred pre/during/post meeting"

- *All emails are attached under part 5*
- *Some redacted documents under part 7.*
- *Text messages are included in part 1.*

13. "The names of all persons that were at the meeting and/or participated by phone etc, and their employment title."

- *Hon Clare Curran, Minister of Broadcasting, Communications and Digital Media*
- *Carol Hirschfeld, Head of Content at Radio NZ*

14. "Is there any written procedures/policies/guidelines etc. regarding Government Ministers, in relation to ensuring that Ministers do not influence freedom of the media, and that media and government is independent of each other. Including under the Cabinet manual. If so please provide these procedures/policies/guidelines."

- *The Cabinet Manual is an authoritative guide to central government decision making for Ministers, their offices, and those working within government. It contains general information about the role of Ministers of the Crown, including guidance on ministerial conduct and the management of conflicts of interest, Cabinet decision-making, and the relationship between Ministers of the Crown and the State sector. While there is no specific guidance on the role of Ministers in their interactions with the media, these general principles will apply at all times.*
- *In particular, we note that the Cabinet Manual provides at paragraph 2.56 that at all times, "Ministers are expected to act lawfully and to behave in a way that upholds, and is seen to uphold, the highest ethical standards. This includes exercising a professional approach and good judgement in their interactions with the public and officials, and in all their communications, personal and professional. Ultimately, Ministers are accountable to the Prime Minister for their behaviour.*

15. "Is there any additional written procedures/policies/guidelines etc. over and above those in 7 above, in relation to the Minister of Broadcasting. And if so please provide these documents."

- *Advice provided in part 14 applies to all Ministerial portfolios and there is no specific advice for the Minister of Broadcasting.*

16. "Any correspondence including text messages, between Minister Curran's ministerial staff/parliamentary staff/seconded staff to and from any person at Radio New Zealand between the period 1 November 2017 to 31 March 2018 pertaining to the arrangement and records of meetings and discussions between Carol Hirschfeld and those staff in the Minister's office, Carol Hirschfeld and the Minister, Paul Thompson and those staff in the Minister's office, Paul Thompson and the Minister, Richard Griffin and those staff in the Minister's office, Richard Griffin and the Minister."

- *Text messages released in Part one.*
- *Part 26 covers all communications with Radio NZ since October 26 2017.*
- *Part 17 includes information about the content of calls between Richard Griffin and the Office.*

17. "I would also like, where possible, phone logs and diary entries for the same staff over the same period."

- *Attached are the diary entries for Hon Curran and the office.*
- *It is not possible to provide staff phone logs over this time period and this section of the request is partially declined under 18(e) as the information does not exist. Phone logs for staff office phones do not keep long term records of all calls made, received or missed. Therefore, I am unable to provide you with phone logs of staff.*
- *However, attached is a table showing the phone interactions between the office and RNZ, regarding Carol Hirschfeld and the Select Committee.*

Hon Clare Curran

Monday, 6 November 2017

4:00PM - 5:00PM

Richard Griffin, Chair RNZ EW 4.5

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s9(2)(a)

Hon Clare Curran

Wednesday, 15 November 2017

11:00AM - 12:30PM Richard Griffin, Chair, Paul Thompson CEO Radio NZ EW4.5

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OFFICIAL INFORMATION ACT

s9(2)(a)

Hon Clare Curran

Wednesday, 28 February 2018

3:30PM - 4:00PM

RNZ Paul Thompson and Richard Griffin EW4.5

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s9(2)(a)

Hon Clare Curran

Wednesday, 29 November 2017

12:30PM - 1:00PM RNZ Chair Richard Griffin and CEO Paul Thompson re:
briefing prior to Board Meeting on 7 December contact;
s9(2)(a) EW4.5
Note: meeting did not proceed

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s9(2)(a)

s9(2)(a)

Tuesday, 5 December 2017

14:30

Catch up with s9(2)(a) Rise Cafe, 90 The Terrace

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s9(2)(a)

Hon Clare Curran

Tuesday, 5 December 2017

8:15AM - 9:15AM

CH *Astoria*

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OFFICIAL INFORMATION ACT

s9(2)(a)

Hon Clare Curran

Thursday, 7 December 2017

9:30AM - 10:30AM

Radio NZ Board Meeting, RNZ House, 155 The Terrace
Contact: Richard Griffin s9(2)(a)

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OFFICIAL INFORMATION ACT

s9(2)(a)

18. "A copy of any documents relating to the content of your Wellington cafe meeting with RNZ employee Carol Hirshfield."

- *See parts 7 and 8.*

19. "Additionally I request your recollections of the content of this meeting. Such recollections have previously been determined by The Chief Ombudsman to be covered by the OIA in a finding relating to Helen Clark. Please note that my request is for the full recollections of the content of the meeting not just a broad summary. You will be familiar with the [guide on the OIA for Ministers and Agencies](#) which, at page 6, clarifies what is official information and that it includes knowledge of a particular matter held by an officer, employee or member of an agency in their official capacity."

- *Attached under part 8*

20. "Any text messages, voicemail messages or emails exchanged between Ms Curran and Radio NZ board chair Richard Griffin since Wednesday last week (28 March)?"

- *Attached is a copy of transcript of text to Richard and voicemail left by Richard. I do not hold texts, voice messages from Mr Griffin's phone.*

8.34am: Text from Hon Curran to Richard Griffin:

"Hi Richard I have left a voicemail message re a written correction to the select cttee that is needed today. Can you please advise you have received the message and it can be done. Thanks."

3.01pm: Voice message from Richard Griffin to Hon Curran:

"Good afternoon Minister I just picked up your call this morning, and your text. The fact is we agreed last...I agreed last Monday with the Chairman that we would appear...we have since requested such an action and on Tuesday amended the appearance date from 1 o'clock today to 9am next Thursday. I understand that's agreed with the members of the committee. I can only suggest you have a word with the Chair if necessary but, we've already got a signed deal with them to have it on 9 o'clock on Thursday and we're taking legal advice...we took legal advice yesterday with Hugh Rennie QC so that's where the situation is from my point of view. The same applies to the message I got from Paul James today. Call me back if you've got a problem. Cheers."

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OFFICIAL INFORMATION ACT

21. "All text messages between Clare Curran and RNZ Board Members and the Chair regarding their appearance at select committee to correct the record;"
- *Attached as part 20*

22. "All correspondence between Clare Curran's office and the RNZ Board Members and the Chair regarding their appearance at select committee to correct the record."

- *This is interpreted to mean Radio New Zealand's appearance at the select committee on 5 April and therefore, declined under 18(e) of the Official Information Act, as the information does not exist. There was no communication between the office (besides the Minister – attached under part 20) and the RNZ Board on this matter.*
- *However, see parts 17 and 26 for communications with RNZ prior to this.*

23. "Copies of all correspondence between Hon Clare Curran and her office and Chairman of Radio NZ Richard Griffin, including memos, emails, text messages, transcripts of voicemails, and summary notes of in person conversations, relating to Mr Griffin reappearing before the relevant Economic Development, Science and Innovation Select Committee to correct the record regarding Hon Curran's meeting with Carol Hirschfeld in December of 2017."

- *Attached as part 20.*

24. "A copy of the text message sent by Minister Curran to Richard Griffin that she referred to on the House Run. Could you also please provide a transcript of the voice messages sent and received on the topic of appearing before select committee vs sending a letter of correction."

- *Attached as part 20.*

25. "A copy of that text message Curran sent to Griffin last week."

- *Attached as part 20.*