**Ministry of Foreign Affairs & Trade Investigation**

**Statement by Sir Maarten Wevers**

**Introduction**:

1. I am providing this statement at the request of Counsel for Mr Derek Leask.
2. This statement relates to matters of fact and practice to the best of my recollection, in connection with certain aspects of development of the MFAT change programme, which was undertaken in 2012.
3. At the time I was Chief Executive of the Department of the Prime Minister and Cabinet, a position I had held from June 2004.
4. Previously, I had been an employee of MFAT, serving, for example, as High Commissioner to Papua New Guinea from 1993 to 1994, and Ambassador to Japan from 1994 to 1997.

1. Accordingly, I have a good understanding of the role of a New Zealand Head of Mission, both from my experience within MFAT itself (including as a formerHOM) and from the wider public service perspective (from my role as CEO of DPMC).

**Communications from Mr Leask**:

1. I recall that Derek Leask, whom I have known for many years, copied to DPMC an email he sent to the Senior Leadership Team of MFAT of 6 March 2012 in relation to the proposed change programme.  The message was directed to Ben King, Foreign Policy Advisor, Policy Advisory Group, DPMC.  Like his predecessors, Ben is employed by DPMC, on secondment from MFAT.  He is the contact point between the Ministry and its overseas posts, and the Department of the Prime Minister and Cabinet.
2. Mr King brought the email to my attention.  (During my time at DPMC  I used to receive almost no MFAT messages directly myself, and it was part of Mr King’s role to assess which messages, if any, that he received from posts were brought to my attention - or indeed to the Prime Minister’s).  I was also shown someemails received from a number of other Heads of Mission, which had similarly been copied to Mr King.
3. On 8 March 2012, the Prime Minister requested me to arrange for DPMC, the State Services Commission and the Treasury to become more closely engaged in the MFAT change programme, because of concerns he and Ministers had.
4. The fact that DPMC and the other central agencies were asked to become engaged like this became public knowledge, and the CEO, MFAT and his senior management team were made aware.   Indeed, John Allen welcomed  this engagement. In a brief acknowledgement of his message to Ben King, which had been brought to my attention, I also informed Derek Leask that DPMC was becoming more involved.
5. On 23 March 2012, Mr Leask also forwarded to Ben King a copy of a string of emails relating to a Heads of Mission letter, which had been passed to Ministers.  I recollect that this too was shown to me - as, no doubt, Ben King wished me to be apprised of the views of HOMs.  I need to make clear that I took no actions at all in relation to the material I saw.  It simply fed into the picture the central agencies were trying to form of the change process.
6. On 2 April 2012, I was requested - along with Iain Rennie, State Services Commissioner, and Gabriel Makhlouf, Secretary to the Treasury - to speak to MFAT HOMs who had been invited back to Wellington for meetings on the change proposals.  Just prior to that meeting, including on the Sunday, at the meeting itself, and subsequently, a number of individual HOMs approached me or offered comments on what was being discussed.

1. It was therefore common knowledge that DPMC was engaged in consideration of the  MFAT change management issues, and would be providing advice, with Treasury and SSC, to Ministers, and working through the proposals with the CEO and his SLT.

**Practice and convention**:

1. I was unsurprised at the communications that had been copied to DPMC from Heads of Mission, including Mr Leask.  I did not encourage or solicit them.  Neither did Mr King. They just arrived.  It is common practice for posts to copy to the Foreign Policy Advisor messages that the post judges may be of interest to the Prime Minister or his department.  Indeed, that has long been embedded in the MFAT cables and email systems, and practice, with a specific electronic address available for such messages.  Accordingly, I did not consider such communications to be inappropriate in the circumstance. Certainly, I was unaware that there had been any instruction from the CE of MFAT that staff should not communicate, as appropriate, with senior public servants or Ministers with an interest in the issues being considered.
2. In my judgement and experience, it is important  that a Head of Mission be able to communicate directly with relevant Departments, Chief Executives or, very occasionally, even a Minister on matters they judge to be of relevance and material.  A Head of Mission is appointed by the Minister of Foreign Affairs to represent not only the Ministry offshore, but also - more importantly perhaps - the entire Government.  As a Crown representative, there are routinely situations where a Head of Mission or his or her staff are required to communicate directly with another Department or perhaps CEO.  The discretion or judgement that needs to be shown is when to communicate with whom, about what, when.
3. Given that there are some countries with which New Zealand has particularly close or important relationships, or where the Prime Minister of the day might have a special interest, I had - as a matter of courtesy - offered to a small number of Heads of Mission the suggestion that, if circumstances warranted it, they should not refrain from contacting me directly if in their judgement it was necessary over a particular matter. This was not as an alternative to working with MFAT, but to make sure that the PM/DPMC was quite fully in the loop on whatever the matter might be. (I should note that only a very small number of departing HOMs, or HOMs already resident offshore, came to see me in my office in Wellington in relation to their postings).  Derek Leask was one such HOM - as were High Commissioner(s) to Canberra, and Ambassodor(s) to Washington.   There was only a very limited number of occasions where HOMs actually approached me in this manner.
4. In relation to the contentious MFAT change programme proposals, which had been made public early last year, It was clear there were a number of staff within MFAT onshore and offshore who were deeply troubled by the proposed changes.  Their disquiet seemed to reflect not only their personal perspectives, but also their anxiety about the potential impact on the reputation of the Ministry and its ability to carry out its functions appropriately in the national interest.  The Prime Minister had also expressed some misgivings publicly.
5. Ambassadors hold positions of trust, discretion and influence and must exercise professional judgment to a very high level.  They are accountable for that judgement, and the manner in which they engage with their host country or countries, and agencies and other stakeholders in New Zealand and offshore.
6. In my view, the relatively small number of messages that had been copied to DPMC by Mr Leask,and some other HOMs, in relation to the MFAT change proposals, fell well within the bounds of practice and convention at MFAT as I had understood it.  I would not characterise that sharing of messages to be a “leak”.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Sir Maarten Wevers**

Wellington, 12 February, 2013