

## **HON PEENI HENARE, MINISTER OF DEFENCE**

### **Update on Expert Review Group (February 2021)**

April 2021

This publication provides documents relating to a submission to the Minister of Defence in February 2021. The submission updates the Minister on the progress of the Expert Review Group that was established to carry out a review of the New Zealand Defence Force's organisational structure and record-keeping and retrieval processes established in response to recommendation 1 of the Government Inquiry into Operation Burnham and related matters.

The pack comprises the following documents:

- the February 2021 submission to the Minister of Defence
- annex A: meeting brief for the Minister's meeting with the Expert Review Group and international advisers
- annex B: biographies of members of the Expert Review Group and international advisers. Details of the biographies have been removed to protect the personal information of the members
- annex C: meeting brief for the Minister's meeting with Expert Review Group chair

This pack has been released on the Ministry of Defence website, available at:

[www.defence.govt.nz/publications](http://www.defence.govt.nz/publications).

It has been necessary to withhold certain information in accordance with the following provisions of the Official Information Act 1982. Where information is withheld, the relevant sections of the Act are indicated in the body of the document.

Information is withheld in order to protect:

- national security information and information that would impact the international relations of the Government of New Zealand [s6(a)]
- the privacy of an individual [s9(2)(a)]
- information on the timing of future proposals to Cabinet [s9(2)(f)(iv)]

Where information is withheld pursuant to section 9(2), it is not considered that the public interest in the public interest in this information outweighs the need to protect it.



MoD ref: 10-2021

February 2021

Minister of Defence

## UPDATE ON EXPERT REVIEW GROUP

### Purpose

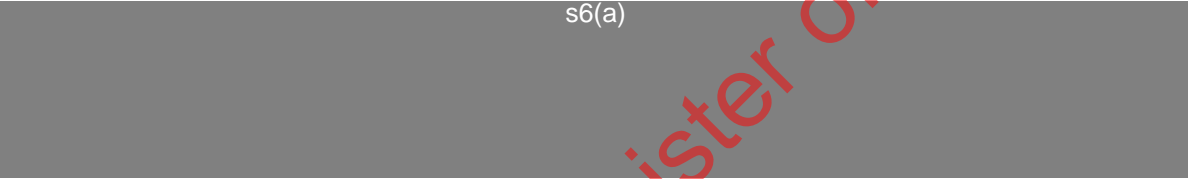

1. This briefing provides you with an update on the work of the Expert Review Group (ERG) that was established to carry out a review of the New Zealand Defence Force's (NZDF) organisational structure and record-keeping and retrieval processes.
2. You are scheduled to meet with the members of the ERG and the two international advisers at a meeting of the ERG at Defence House from 8:15 – 8:45am on 12 February. A meeting brief is attached as **Annex A**. Biographies for the Chair, Mrs Lyn Provost, and each of the ERG members and international advisers are attached as **Annex B**.
3. You are also scheduled to meet with Mrs Provost in your office from 3:30 – 4:00pm on 16 February. A meeting brief is attached as **Annex C** for a more detailed discussion on the progress of the ERG.

### Cabinet report back

4. On 26 January 2021, Cabinet Business Committee (CBC) considered a report back on the implementation of the *Government Inquiry into Operation Burnham and related matters* recommendations. Cabinet subsequently confirmed the report back on 1 February. CBC noted that this work stream is progressing in accordance with agreed timeframes, [REDACTED] s9(2)(f)(iv) [REDACTED] There are no further Cabinet mandated report backs ahead of the intended submission of the ERG's report by 30 June 2021.

### Progress so far

5. Meetings of the ERG to date have traversed the following topics drawn from the Terms of Reference for Phase 1 of the review (attached as **Annex D**):
  - 5.1 23 October 2020: briefing by the Inquiry authors Sir Terence Arnold and Sir Geoffrey Palmer;
  - 5.2 27 November 2020: consideration of the command and control arrangements of the New Zealand Special Air Service (NZSAS) and the NZDF's information management systems;

- 5.3 4 December 2020: consideration of the command and control arrangements of the NZSAS;
- 5.4 18 December 2020: consideration of Defence Public Affairs, Defence Legal Services and the compartmentalisation of operations; and
- 5.5 29 January 2021: consideration of the structure of the Office of Chief of Defence Force and information-sharing.
6. The 12 February meeting will consider the working relationship between Headquarters NZDF, Headquarters Joint Forces New Zealand, and the Ministry of Defence and the Defence Act 1990 (the Act) (reference 8.3 and 8.4 of the Terms of Reference).
7. Meetings have been informed by documents and presentations by NZDF and Ministry of Defence subject matter experts.
8. Since 20 November 2020 ERG members have completed 34 interviews, with a further nine scheduled to be completed by 5 March.
9. People who have been interviewed include those who were in a relevant role at the time of Operation Burnham; those who had their role or area specifically mentioned in the Inquiry's report or the ERG's Terms of Reference; or those who have a role or experience relevant to the work of the ERG.
10.  s6(a)
11. The next stage for the ERG will be to shape up the themes and recommendations of the report.
12.  s9(2)(f)(iv)

### Transparency

13. It is proposed that this submission also be proactively released on the Ministry's website at an appropriate time to be agreed with your office.

### Next steps

14. You are scheduled to meet with the ERG members and international advisers at their fortnightly meeting on 12 February.
15. You are scheduled to meet with Mrs Provost on 16 February where she will provide an overview of the ERG's work to date, including the intended approach to the overall preparation of the report.

### Consultation

16. The Chair of the ERG has been informed and the NZDF has been consulted on this submission.

### Recommendations

17. It is recommended that you:
- note** the attached meeting briefs to support your attendance at the 12 February ERG meeting and your 16 February meeting with Mrs Provost; and

- b. **agree** that this submission be proactively released on the Ministry's website at an appropriate time to be agreed with your office, as was done with the previous update.

Yes / No

**Andrew Bridgman**  
Secretary of Defence

**Annexes:**

- **A:** Meeting brief for meeting with ERG and international advisers on 12 February
- **B:** Biographies of members of the ERG and international advisers
- **C:** Meeting brief for meeting with Mrs Lyn Provost on 16 February
- **D:** Terms of Reference for the ERG's review of the NZDF's organisational structure and record-keeping and retrieval processes

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## **Annex A: Meeting brief for 12 February**

### **Meeting with members of the Expert Review Group and international advisers**

#### **Purpose of meeting**

You are attending a formal meeting of the ERG to meet the members of the Expert Review Group and international advisers.

#### **Run sheet**

0810 – Arrival at Defence House

0815 – Chair, Lyn Provost to introduce ERG members and international advisers

0820 - 0845 – Discussion with ERG members and international advisers

#### **Suggested talking points**

##### **Introduction**


- When I met with Lyn in November last year I was glad to hear how well everyone had settled into the Expert Review Group.
- It is a Government priority to successfully implement the Operation Burnham Inquiry's recommendations and I would like to reiterate that you have my full support.
- I appreciate the contribution you are all making, particularly the international advisers who are dialling in at breakfast and dinner time respectively.
- I understand that after today's meeting the ERG will have discussed all aspects of the Terms of Reference. How have you found the briefings and interviews?
- I would be interested to hear about the key high-level themes that have come through so far.

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**Annex B: Biographies**

**Lyn Provost, CNZM**

s9(2)(a)



**Simon Murdoch, CNZM**

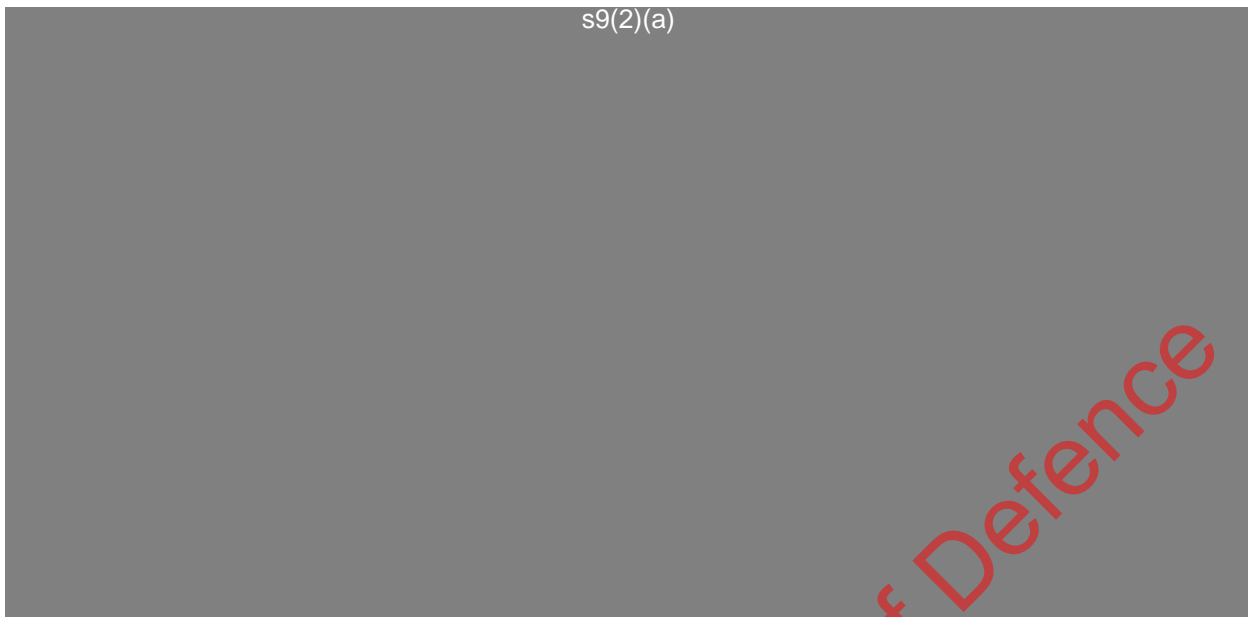
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**Tony Lynch – Department of the Prime Minister and Cabinet**

s9(2)(a)



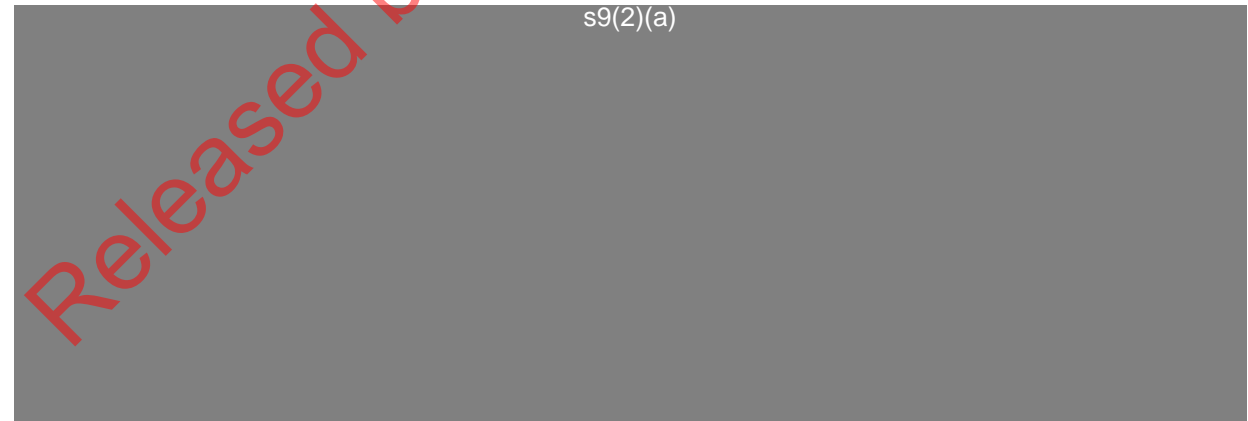
**Richard Foy – Department of Internal Affairs**

s9(2)(a)



**Carol Douglass – Ministry of Defence**

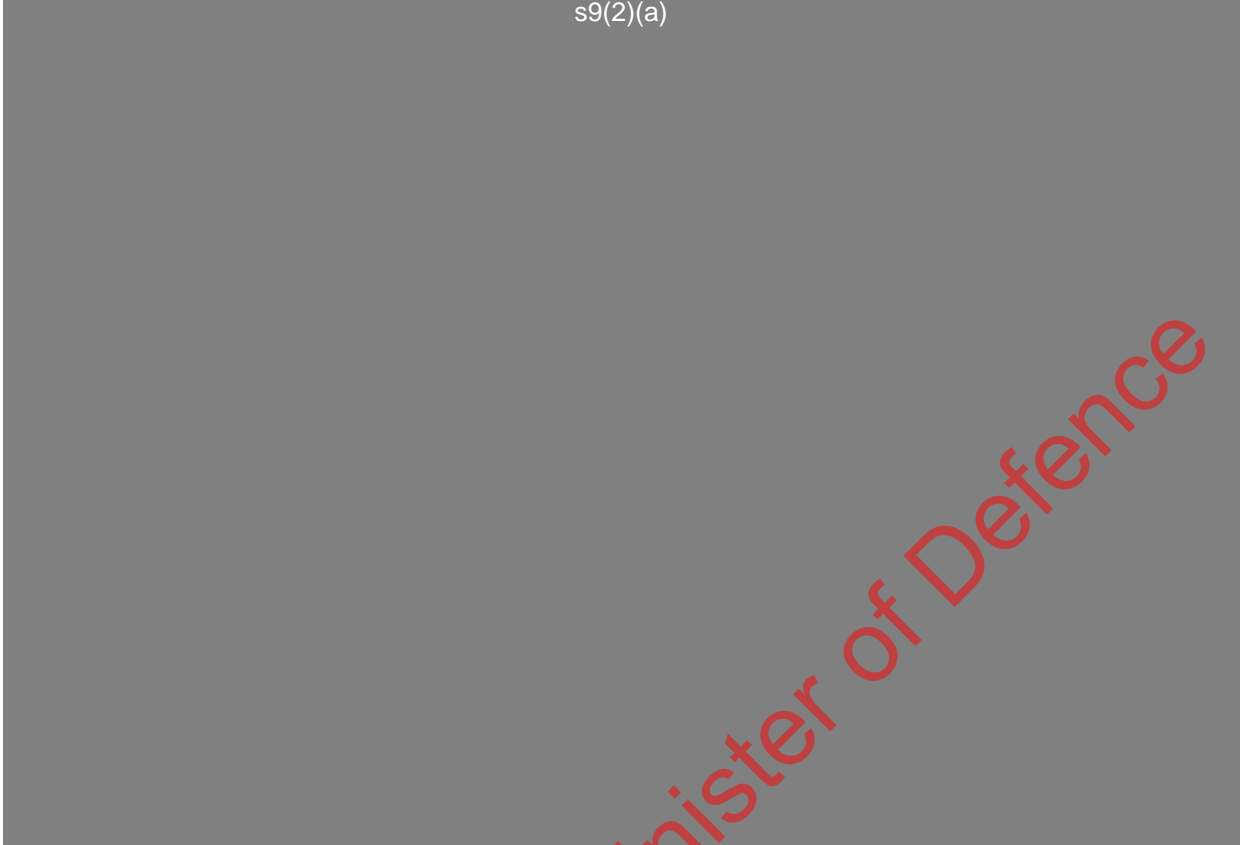
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**Brigadier Hugh McAslan, DSD – New Zealand Defence Force**

s9(2)(a)



**Dennis Richardson, AC – International civilian adviser (Australia)**

s9(2)(a)





**Air Marshal (retired) Philip Osborn, CBE – International military adviser  
(United Kingdom)**

s9(2)(a)

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## **Annex C: Meeting brief for 16 February**

### **Meeting with Mrs Lyn Provost – Chair, Expert Review Group**

#### **Purpose of meeting**

Lyn will brief you on the progress the Expert Review Group (ERG) has made so far, and the next steps in beginning to draft the ERG's report.

#### **Suggested talking points**

##### **Introduction**

- How have things progressed since we last talked in November? How have you found that people have engaged with the review?
- Is there any additional support that you need?

##### **Update on progress made by the ERG**

- It was great to have the opportunity to meet with the full group on 12 February.
- Now that things are shaping up, what do you expect the report of the ERG to look like? How many recommendations do you envisage there will be?
- When can I expect to be consulted on the draft report?
- [*Propose how and at what frequency you intend to receive updates from the Expert Review Group as to progress made post-February 2021*]

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