

**HON DAVID PARKER, ATTORNEY-GENERAL and
HON PEENI HENARE, MINISTER OF DEFENCE**

**ESTABLISHMENT OF THE INDEPENDENT INSPECTOR-GENERAL OF
DEFENCE: SENIOR OFFICIALS STEERING GROUP – TERMS OF REFERENCE**

November 2021

This publication provides terms of reference for the Senior Officials Steering Group established to provide independent perspectives and cross-agency input into the policy development process, led by the Ministry of Defence, to establish the Inspector-General of Defence.

This pack has been released on the Ministry of Defence website, available at:
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ESTABLISHMENT OF THE INDEPENDENT INSPECTOR-GENERAL OF DEFENCE

SENIOR OFFICIALS STEERING GROUP TERMS OF REFERENCE

Purpose

1. The purpose of the Senior Officials Steering Group (Steering Group) is to provide independent perspectives and cross-agency input into the policy development process, led by the Ministry of Defence, to establish the Inspector-General of Defence (IGD).

Background

2. In September 2020, at the direction of the Cabinet External Relations and Security Committee (ERS), a Senior Officials Working Group was formed to develop a plan for the establishment of the IGD [ERS-20-MIN-0025 refers].¹ The Group consisted of officials from the Crown Law Office, Department of the Prime Minister and Cabinet, Te Kawa Mataaho, the Ministry of Defence, the Ministry of Justice, and the New Zealand Defence Force. The Group was chaired by the Solicitor-General.
3. On 2 February 2021, Cabinet considered the plan for the establishment of the IGD and:
 - a. agreed the Government's intended policy objectives and outcome for the establishment;
 - b. agreed that the Ministry of Defence would lead the establishment in consultation with the Crown Law Office, Department of the Prime Minister and Cabinet, Te Kawa Mataaho, Ministry of Justice, and the New Zealand Defence Force; and
 - c. invited the Attorney-General and the Minister of Defence to report back to ERS by 30 September 2021 with detailed policy proposals on the scope, functions, powers and form of the IGD.
4. At the same time, Cabinet noted that the Senior Officials Working Group will continue to support the work but will transition from operating as a working group to a steering group. In response to the Cabinet direction, the Ministry of Defence has stood up a temporary team to establish the IGD (the Establishment Unit).

Role and Responsibilities

5. The Steering Group will:
 - a. be the point of strategic dialogue on substantive matters related to the establishment of the IGD;
 - b. test policy development to achieve the objectives and outcomes agreed by Cabinet;
 - c. work across agency boundaries and provide direction from a systems perspective and act as an escalation point to resolve strategic issues;
 - d. identify barriers and constraints to the establishment of the IGD and recommend mitigations; and
 - e. provide input into briefings/Cabinet papers that provide substantive advice to Ministers on the scope, functions, powers and form of the IGD.

¹ The Senior Officials Working Group's objectives were to: provide clear direction of work to the Crown Law Office's project team on the plan for establishment; commission, provide robust review and input into the development of advice on the nature, form and function of the IGD; provide free and frank advice from a collective systems perspective – challenges, risks, opportunities, priorities, value, trade-offs; and drive progress, manage risk and remove barriers and constraints to the establishment of the IGD.

6. Routine agency input into policy development is outside the scope of the Steering Group's roles and responsibilities. The Establishment Unit will undertake business-as-usual engagement with policy teams across central government agencies (including agencies represented by members of the Steering Group), during the policy development process.

Membership

7. The Steering Group membership comprises senior officials, nominated by their agencies at tier 2 or 3 levels:

AGENCY	NOMINEE
Ministry of Defence (Chair)	1. Carol Douglass: Deputy-Secretary, Governance, People and Executive Services
Crown Law Office	2. Aaron Martin: Deputy Solicitor-General
Ministry of Justice	3. Rajesh Chhana: Deputy Secretary, Policy
Department of the Prime Minister and Cabinet	4. Bryan Dunne: Policy Advisory Group
Te Kawa Mataaho	5. Erik Koed: Assistant Commissioner
New Zealand Defence Force	6. Brigadier Lisa Ferris: Director of Defence Legal Services 7. Lieutenant Colonel Nigel Cliffe: Director Concepts, Doctrine, Policy and Training
Ministry of Defence	8. Pratima Namasivayam: Director, Establishment of the Inspector-General of Defence Unit

Governance

8. The Steering Group is chaired by Carol Douglass (Deputy-Secretary, Governance, People and Executive Services, Ministry of Defence).
9. There are no other governance arrangements.
10. For completeness, note that:
 - a. monthly updates will be provided to the Defence Business Committee,² as part of a wider progress update on all recommendations from the Government Inquiry into Operation Burnham and related matters (the Inquiry);
 - b. updates may be provided to the Security and Intelligence Board, at its request; and
 - c. the Establishment Unit will set up a cross-agency stakeholder group to inform and consult with representatives across government during the policy development process.

Administrative arrangements

² A permanent Defence committee set up to ensure that the Ministry of Defence and the New Zealand Defence Force operate in alignment to achieve government priorities as they relate to Defence.

Timeframes

11. It is anticipated that the Steering Group will conclude on Cabinet agreement to final policy decisions.

Meeting Frequency

12. The Steering Group will determine a schedule of meetings. It is expected to meet approximately every four - six weeks. Where possible, meetings will be synchronised to align with the provision of advice to Ministers.
13. Some business may be conducted out of session where required.

Administrative arrangements

14. The Establishment Unit will co-ordinate meetings, agenda, minutes and papers for each Steering Group meeting.

Attendance

15. If members are unable to attend a meeting, then they may provide written feedback. Delegates are not permitted.

Handling of information

16. The Steering Group will handle material classified as In Confidence or Restricted.

Reporting

17. Each agency represented on the Steering Group will be responsible for reporting to their responsible Minister, in accordance with any messaging agreed during the Steering Group discussions.