

Terms of Reference for the Defence Policy Review

Ministerial Advisory Panel

Formation of the Ministerial Advisory Panel to provide advice to the Minister of Defence on the Defence Policy Review.

Background

1. *Defence Assessment 2021* concluded that Aotearoa New Zealand's strategic environment is becoming more challenging, and proposed that our defence policy settings be reviewed.
2. On 13 June 2022, Cabinet approved the Terms of Reference for a Defence Policy Review [CAB-22-MIN-0218 refers], which noted that in line with the recommendations in *Defence Assessment 2021*, the Defence Policy Review will produce a Defence Policy and Strategy Statement, and a set of future force design principles, in response to the change in New Zealand's strategic environment.
3. Upon delivery of the Defence Policy and Strategy Statement, Cabinet decisions will then be sought for the development of a Defence Capability Plan, and the consolidation of the overall review in the form of a public-facing Defence White Paper.
4. Within the Terms of Reference for the Defence Policy Review, it was noted that the Minister of Defence intended to engage the support of a Ministerial Advisory Panel, to provide him with advice throughout the Defence Policy Review period.

Purpose

5. The Ministerial Advisory Panel (the Panel) will provide the Minister of Defence with advice, separate from Defence officials, on any matter related to the Defence Policy Review and its policy products.
6. It is expected that the Panel will provide perspectives from a range of different backgrounds, with the intention of challenging, critiquing and reviewing the Defence Policy Review products. This will ensure that the policy products are sound, viable and well-considered.
7. In order to achieve this, the Panel will be provided with updates on the Defence Policy Review process, content development, drafting of products, and project status. This could be facilitated through briefings and workshops, and access to appropriate and relevant defence information.

Scope of the Ministerial Advisory Panel

8. The Ministerial Advisory Panel will provide the Minister of Defence with advice, separate from Defence officials, on any matter related to the Defence Policy Review, and its policy products.

9. It is expected that the delivery of the full Defence Policy Review will take until mid-2024. The Panel will be involved in the entirety of the process, providing advice in the following areas:

Part One

- 9.1. *The Defence Policy and Strategy Statement*: an expression of Government's defence policy interests, objectives, priorities, and high level strategy, including indications of prioritisation. The statement will assess the strategic environment and contingencies that Aotearoa New Zealand might face based on current and predicted trends, defines desired policy outcomes and includes elements of strategic planning guidance for employment of the current force over the near term.
- 9.2. *Set of future force design principles*: an expression of Government's intentions for future force structure. It defines the activities and scenarios the New Zealand Defence Force may be required to undertake in the future based on current and predicted trends. It signals the kind of future capability and structural choices which may be required to realise these. This can form an interim step in the production of a Defence White Paper to refine future force structure options.

Part Two (subject to Cabinet approval)

- 9.3. *Defence White Paper* (pending commissioning): a public statement of Government's long-term position on, and intentions for, defence policy, strategy, capability, and resourcing. It considers workforce and infrastructure requirements and develops a future force matched to policy objectives.
- 9.4. *Defence Capability Plan* (pending commissioning): Government's intentions for future force structure development, consisting of a costed force, including capital and operating expenditure. Provides capability roadmaps, indicative funding, and proposed time horizons.
10. The Panel will provide advice on public consultation activities.
11. The Panel will also provide views and advice, and consider any issues, on any other matters relating to the Defence Policy Review process at the request of the Minister of Defence.
12. The advice provided to the Minister of Defence will be non-binding. The Ministerial Advisory Panel is not obliged to put forward one singular view, in the event that differences of opinion may arise.
13. The Minister of Defence may take into account any advice provided, but will retain responsibility for defence policy and capability recommendations to Government.

Term of Appointment

14. A term of appointment will commence from the date of appointment, and will run until the completion of the Defence Policy Review, which is expected to be by mid-2024.

Meeting Frequency

15. The Panel will meet at a frequency agreed to by the Chair and the Minister of Defence.
16. It is expected that as key project milestones are due to be considered by Cabinet, the Panel will have had the opportunity to meet and review policy products and content.

17. This will provide an additional level of assurance, prior to submission to the Office of the Minister of Defence.

Regular Reporting

18. The Panel will report to the Minister of Defence at an agreed frequency, to be determined by the Chair and the Minister of Defence.

19. The Minister of Defence may choose to share subsequent updates with ministerial colleagues and/or Cabinet.

Membership

20. The Panel is appointed by the Minister of Defence. It is expected that the Panel will consist of up to six members, who will collectively bring a wide range of expertise and experience, in order to support the quality of advice to the Minister of Defence. While a wide range of areas of expertise has been sought, a particular emphasis has been placed on public sector, military, and government experience.

Resourcing Requirements

15. The Ministerial Advisory Panel is classified as a Group 4, Level 1 body under the Cabinet Fees Framework. The fee for the Chair is NZD1,150 per day, and the fee for the external independent members is NZD865 per day.

Handling of Classified Information

16. The Chair, after receiving advice from the Ministry of Defence and the New Zealand Defence Force, will seek agreement from the Minister of Defence on an appropriate process and settings for the handling of classified information that may be required to be accessed, distributed and discussed by the Panel.

Conflicts of Interest

17. Appropriate enquiries concerning conflicts of interest will be carried out, in accordance with Te Kawa Mataaho appointment guidelines, to identify any conflicts of interest that could reasonably be identified.

18. If any conflicts of interest should arise during the term of the Ministerial Advisory Panel, mitigations will be put in place to address these.

Official Information Act 1982

19. All information held and generated by the Panel will be official information for the purpose of the Official Information Act 1982 (the Act) unless the Act stipulates otherwise.