

## Submission template

### Proposals for establishing an independent Inspector-General of Defence in New Zealand

#### Instructions

This is the template for those wanting to submit feedback on the proposals within the targeted consultation document: *Proposals for establishing an independent Inspector-General of Defence in New Zealand*.

The Ministry of Defence (the Ministry) seeks written submissions on the proposals by **5pm on Monday 13 December 2021**. Please make your submission as follows:

- Fill out your name and organisation in the table, “Your name and organisation” on the next page.
- Fill out your responses to the discussion document questions in the table, “Responses to discussion document questions”. Your submission may respond to any or all of the questions in the discussion document. Where possible, please include evidence to support your views (e.g. references to independent research or relevant examples).
- If you would like to make any other comments that are not covered by any of the questions, please provide these in the “Other comments” section.
- When sending your submission, please:
  - a. Delete this first page of instructions.
  - b. Include your e-mail address and phone number in the e-mail accompanying your submission – we may contact submitters directly if we require clarification of any matters in submissions.
  - c. If your submission contains any confidential information:
    - i. Please state this in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 that you believe apply. The Ministry will take such objections into account and will consult with submitters when responding to requests under the Official Information Act 1982.
    - ii. Indicate this on the front of your submission (e.g. the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
- Note that submissions are subject to the Official Information Act 1982 and may, therefore, be released in part or full. The Privacy Act 1993 also applies.
- Send your submission as a Microsoft Word document to [IGDconsultation@defence.govt.nz](mailto:IGDconsultation@defence.govt.nz)
- Please direct any questions that you have in relation to the submissions process to [IGDconsultation@defence.govt.nz](mailto:IGDconsultation@defence.govt.nz)

# Submission template

## Proposals for establishing an independent Inspector-General of Defence in New Zealand

### Your name and organisation

Name	Julie Haggie
Email	<a href="mailto:Julie.haggie@tinz.org.nz">Julie.haggie@tinz.org.nz</a>
Organisation (if applicable)	Transparency International New Zealand

[Double click on check boxes, then select 'checked' if you wish to select any of the following]

☐ The Privacy Act 1993 applies to submissions. Please check the box if you do not wish your name or other personal information to be included in any information about submissions that the Ministry may publish.

☐ The Ministry intends to upload submissions received to its website at [www.defence.govt.nz](http://www.defence.govt.nz). If you do not want your submission to be placed on our website, please check the box and type an explanation below.

I do not want my submission placed on the Ministry's website because... [Insert text]

### Please check if your submission contains confidential information:

☐ I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act 1982 that I believe apply, for consideration by the Ministry.

I would like my submission (or identified parts of my submission) to be kept confidential because... [Insert text]

## **Responses to questions in the consultation document**

## Chapter 2: How we propose to calibrate the IGD

<b>Question 1</b>	<b>Do you have any feedback on the proposed purpose of the IGD or our expectations as to how it should operate?</b>
	The proposal is in line with the recommendations of the Burnham inquiry, and also with the reflections of the Expert Review Group (arising from that inquiry), on the accountability and transparency needed by Defence to maintain its social licence.
	Under point 31, dealing with the purpose of the IGD, is there a need for the IGD to be able to report on trends/risks outside of the Annual Report or on individual investigations?
	It seems appropriate to include legislative principles as outlined in 32.

## Chapter 3: Scope of oversight

<b>Question 2</b>	<b>Do you agree with the proposals on the scope of the IGD's oversight? Why/why not?</b>
	<p>It is appropriate that the IGD has independence to be able to undertake its own functions.</p> <p>We agree with the broadening of the definition of 'operational activities'. The definition in point 41 seems appropriate. We expect it will have been subjected to scenario testing to check its scope, eg events that might cause civilian harm or risks generated by information loss or environmental or damage or hazards.</p>

## Chapter 4: Functions and powers

<b>Question 3</b>	<b>Do you agree with the proposals on IGD investigations? Why/why not?</b>
	Yes. Under 43, we see from point 54 that reporting and recommending are implicit in the assessment. Should identifying risks be included (as well as gaps)?
	Whilst we agree with the consideration of 44 and 45, should the IGD have the ability to advise on risks and trends arising from a range of investigations?
	Re 57-59, will there be a reporting loop back to the Minister about why the Chief of Defence Force considers an investigation can be or can't be made.
	We expect that natural justice tests will be considered in relation to any legal offences.
	Points 68.69. The thinking behind this is sound. A requirement set out in the second sentence of 69 has the potential to slow down or block an investigation process.

<b>Question 4</b>	<p><b>Do you have any feedback on the IGD's proposed assurance functions and powers?</b></p> <p>We agree with the transparency and reporting provisions set out in 76-79, and the report back function on outcomes in 80. Other provisions seem reasonable in relation to the powers of an investigatory/enquiry body.</p>
-----------------------	--

#### Chapter 5: Form and structure

<b>Question 5</b>	<p><b>Do you have any feedback on how the IGD is proposed to be set up?</b></p> <p>Who manages the performance of the IGD and the Deputy IGD? To whom are they accountable? How can they be removed?</p>
-----------------------	--

#### Chapter 6: Administrative procedures

<b>Question 6</b>	<p><b>Do you have any feedback on the appropriateness and/or adequacy of the administrative procedures set out on pages 26-28?</b></p> <p>No comment</p>
-----------------------	--

#### Other comments/feedback

[Insert response here]