



Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister Responsible for Ministerial Services

10 APR 2017

Sam Bond

Email: fyi-request-5597-cbae3b27@requests.fyi.org.nz

Ref: PMO 037-2017

Dear Sam Bond

Official Information Act request relating to a response to an attack on New Zealand

I refer to your Official Information Act request received on 22 March 2017 which asked: *“if New Zealand were to be attacked by a foreign nation or organisation would the response to such an attack come from the Prime Minister or our Governor-General, whom unfortunately hold the title of Commander in chief?”*

The information most relevant to your request can be found in the Defence Act 1990, which can be viewed on the New Zealand Legislation website at:

<http://www.legislation.govt.nz/act/public/1990/0028/latest/DLM204973.html?src=qs>.

The Defence Act 1990 sets out its purpose as:

An Act—

- (a) to continue to authorise the raising and maintaining of armed forces for certain purposes; and*
- (b) to constitute the New Zealand Defence Force, comprising—*
 - (i) the Armed Forces under the command of the Chief of Defence Force; and*
 - (ii) the Civil Staff under the control of the Chief of Defence Force; and*
- (c) to reaffirm that the Armed Forces are under Ministerial authority; and*
- (d) to define the respective roles and relationships of the Minister of Defence, the Secretary of Defence, and the Chief of Defence Force; and*
- (e) to redefine the relationship of the Chief of Defence Force to the Chiefs of Service; and*
- (f) to make provision generally in respect of the establishment, control, and activities of the New Zealand Defence Force, and related matters.*

Part 1 of the Defence Act 1990 sets out the constitutional position of the armed forces and the powers of each of the roles, including the Governor-General, the Minister of Defence, the Chief of Defence Force and the Prime Minister.

The Defence Act 1990 is administered by the Ministry of Defence. If you have further queries about this Act, may I suggest that you contact the Ministry of Defence directly. The Ministry's contact details can be found on their website: <http://www.defence.govt.nz/>.

As the only specific information identified relevant to your request is contained in this legislation, your request is declined under section 18(d) of the Official Information Act on the basis *“that the information requested is ... publicly available.”*

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Official Information Act. You can contact the Ombudsman online via the Ombudsman website, by email (info@ombudsman.parliament.nz) or by post to The Ombudsman, PO Box 10152, Wellington 6143. Further details can be found on the Ombudsman website at: www.ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in blue ink that reads "Wayne Eagleson". The signature is written in a cursive style with a large, prominent 'E'.

Wayne Eagleson
Chief of Staff