



## EXECUTIVE COUNCIL CHAMBERS

6 August 2024

Ref: OIA-2023/24-0967

Tēnā koe

### Official Information Act request: CDF's overseas medals

Thank you for your Official Information Act (Act) request on the above topic. Questions 3 and 8 were transferred to the Cabinet Office on 14 June 2024. You requested:

*“3. Has the Governor General approved him to wear those medals with his uniform? If not, has a request been made? Can I please see the paperwork that was done for this?*

*[...]*

*8. How long from the time that the CDF asked the GG for approval to wear to the time approval was granted?”*

We understand your request relates to the Chief of Defence Force's (CDF) appointment as an Honorary Officer of the Order of Australia and a Commander of the United States Legion of Merit.

The *Rules relating to the acceptance and wearing of Commonwealth, foreign and international Honours by New Zealand citizens* were approved by Queen Elizabeth II and took effect in August 2007. The rules are available to view on the website of the Department of the Prime Minister and Cabinet: <https://www.dPMC.govt.nz/our-programmes/new-zealand-royal-honours/new-zealand-royal-honours-system/rules-relating-to-acceptance-and-wearing>

The approvals process for honours and awards requests from Commonwealth countries such as Australia is different to that for other non-Commonwealth countries, such as the United States. For Commonwealth honours and awards, approval is given by the Prime Minister. The Sovereign has delegated authority to the Prime Minister to approve the acceptance and wearing of any Commonwealth honour by a New Zealand citizen.

For other foreign honours (including the United States Legion of Merit), the Sovereign has delegated authority to the Governor-General, on the advice of the Prime Minister, to approve the acceptance and wearing of any foreign honour by a New Zealand citizen.

### Honorary Officer of the Order of Australia

On 2 May 2022 the Honours Unit of the Cabinet Office received a request from the Australian government via the Ministry of Foreign Affairs and Trade (MFAT), seeking approval for the then Chief of Defence Force, Air Marshal Kevin Short, to be appointed as an Honorary Officer of the Order of Australia (Military Division). The Prime Minister Rt Hon Jacinda Ardern approved this request on 21 May 2022.

4893275

CABINET OFFICE, PARLIAMENT BUILDINGS, WELLINGTON 6011, NEW ZEALAND

Telephone: +64 (4) 830 5010. Email: [CabinetOffice@dPMC.govt.nz](mailto:CabinetOffice@dPMC.govt.nz)

[www.dPMC.govt.nz](http://www.dPMC.govt.nz)

I have decided to release the documents recording the Prime Minister's approval of this honour (see attached). I have withheld some information in those documents under the following grounds of the Act:

- s6(b)(i), release would likely prejudice the entrusting of information on a basis of confidence by a Government of another country;
- s9(2)(f)(iv), to maintain the confidentiality of advice tendered by Ministers of the Crown and officials;
- s9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

In making my decision, in accordance with section 9(1) of the Act I have considered whether the public interest in disclosure outweighs the need to withhold the redacted information, and I have concluded that it does not.

Rt Hon Jacinda Ardern approved the honour for Air Marshal Kevin Short on the condition that it not be worn until the conclusion of his term as Chief of the Defence Force. Dispensation was given to wear the insignia at the time of its awarding.

I have been advised by the New Zealand Defence Force (NZDF) that Air Marshall Kevin Short subsequently sought and obtained approval from the Minister of Defence to wear the insignia during a State Visit of the Governor-General of Australia and while hosting the Australian Chief of Defence Force on ANZAC Day 2024. I do not consider this approval to be within the scope of the current request to the Cabinet Office. If you wish to seek details of this approval, a new request should be made to the NZDF.

#### **Commander of the Legion of Merit, United States of America**

On 14 March 2024 the Honours Unit received a request from the United States' government via MFAT, seeking approval for Air Marshal Short to be appointed as Commander of the Legion of Merit. The Governor-General, acting on advice of the Prime Minister Rt Hon Christopher Luxon, approved this request on 5 April 2024.

There is one advice sheet from the Prime Minister to the Governor-General to which section 9(2)(f)(i) applies as it is a communication with the Sovereign's representative. I have decided to release this to you in the public interest as it records the approval of the award.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publishing cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Rachel Hayward  
**Clerk of the Executive Council**

4893275

CABINET OFFICE, PARLIAMENT BUILDINGS, WELLINGTON 6011, NEW ZEALAND

Telephone: +64 (4) 830 5010. Email: [CabinetOffice@dpmc.govt.nz](mailto:CabinetOffice@dpmc.govt.nz)

[www.dpmc.govt.nz](http://www.dpmc.govt.nz)



# EXECUTIVE COUNCIL CHAMBERS

Memo

9 May 2022

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**To** Prime Minister

**From** Rachel Hayward

**Subject** Australian honour for Chief of Defence Force

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## Purpose

- 1 This note seeks your agreement to approve the acceptance and wear by Air Marshall Kevin Short, Chief of Defence Force of an honorary appointment as an Officer of the Order of Australia Military Division.

## Deadline

- 2 We would like your decision on this proposal by **Tuesday 10 May** if possible.

## Background

- 2 Air Marshall Kevin Short, Chief of Defence Force (CDF) will be visiting Canberra, Australia from 11 to 12 May 2022 to undertake bilateral defence discussions with the retiring Australian Chief of Defence Force, General Angus Campbell. In conjunction with this visit the Australian government has approved his honorary appointment as an Officer of the Order of Australia (AO) Military Division.

- 3 The appointment is to recognise his distinguished service in fostering the military relationship between Australia and New Zealand through exceptional leadership, unwavering commitment, strategic foresight and uncompromising professionalism. s6(b)(1)

- 4 This is the first time this Australian honour has been proposed for award to a CDF by Australia. However former CDFs have received honours at an equivalent level from Singapore (in 2006 and 2011), the United States (2017), and Malaysia (2019).

## Foreign honours for persons "in the service of the Crown"

- 5 The 'Rules Relating to the Acceptance and Wearing of Commonwealth, Foreign and International Honours by New Zealand Citizens' provide delegated authority to the Prime Minister to approve the acceptance and wearing of a Commonwealth honour by a New Zealand citizen. The approval is entirely at the Prime Minister's discretion and, in the past, requests have been both approved and declined.

- 6 The Rules generally preclude persons “in the service of the Crown” from accepting and wearing foreign honours, although an exception may be made where it is “in the best interests of New Zealand” for the honours to be accepted.

s9(2)(f)(iv), s9(2)(g)(i)

### Recommendations

14 I recommend that you:

- 14.1 **note** the request from the Australian government for Air Marshall Kevin Short, Chief of Defence Force to accept and wear the Honorary appointment as an Officer of the Order of Australian Military Division, in recognition of his distinguished service in fostering the military relationship between Australia and New Zealand through exceptional leadership, unwavering commitment, strategic foresight and uncompromising professionalism;

14.2 **note** that while New Zealanders “in the service of the Crown” are precluded from accepting and wearing foreign honours, an exception may be made if it is considered to be in the best interests of New Zealand;

14.3 **agree** that it is in the best interests of New Zealand for Air Marshall Kevin Short, Chief of Defence Force to accept the proposed honour, on the conditions set out below;

**AGREED / NOT AGREED / DISCUSS**

14.4 **agree** to the acceptance and wearing of the Honorary appointment as an Officer of the Order of Australian Military Division by Air Marshall Kevin Short, Chief of Defence Force, on the condition that it may not be worn until the conclusion of his term as Chief of Defence Force.

**AGREED / NOT AGREED / DISCUSS**

Rachel Hayward  
Deputy Secretary of the Cabinet (Constitutional and Honours)

Rt Hon Jacinda Ardern  
Prime Minister

Date: 21 / 5 / 2022

**Distribution:**  
Raj Nahna, Chief of Staff

s9(2)(f)(iv), s9(2)(g)(i)

Released under the Official Information Act 1982



RT HON CHRISTOPHER LUXON  
PRIME MINISTER

04 APR 2024

Her Excellency The Rt Hon Dame Cindy Kiro, GNZM, QSO  
Governor-General  
Government House  
**WELLINGTON**

Your Excellency

The government of the United States of America wishes to confer the following honour on the following New Zealand citizen:

*Legion of Merit (Degree of Commander)*

Air Marshall Kevin Roland Short, Chief of Defence Force

I recommend that you grant approval, under delegated authority from the King, for this New Zealander to accept and wear their proposed honour.

Yours sincerely

Rt Hon Christopher Luxon  
**Prime Minister**

Approved

Governor-General

Date: 5 / 4 / 2024