



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**Dear Air Marshal Philip Osborn CBE,**

1. You sought the Committee's advice on taking up a paid role with Operation Burnham Expert Review Group, New Zealand Ministry of Defence, as an External Advisor. The Committee has now considered this commission.

2. You said Operation Burnham Expert Review Group is being formed by the New Zealand Ministry of Defence (NZ MOD) to assess the New Zealand Defence Force's organisational structure, and record-keeping and retrieval processes, in order to assure the Minister for Defence of full, accurate and timely reporting from the New Zealand Defence Force on any event or matter. The Group will then consider if the current form, function and structure of the New Zealand Defence Force is fit for purpose in the current and future operational environment. You said your proposed role is to act as an external Advisor to this Group, providing advice and challenge as required. You said you expect this role to last for 12 months and does not expect this role to involve any contact with HMG or the UK Ministry of Defence (MOD).

3. You told the Committee you Chief of Defence Intelligence (CDI), you were an integral player within the Five Eyes alliance, and hence worked closely with your New Zealand equivalent. You further said you met with your equivalent directly and as part of wider Five Eyes and NATO fora, either face-to-face or via video conference, to coordinate intelligence activity and policy between the UK and New Zealand, and across the Five Eyes. You also routinely met members of the NZ MOD and Defence Force. You informed the Committee these meetings were mainly formal and dealt with strategy and operational liaison, and there would always be officials of both nations present; informal interaction would be at associated social events. You confirmed the Review Group is a new group and as such you did not meet them while in service. You said as a sovereign nation and a member of the Five-Eyes alliance, the NZ Ministry of Defence has routine contact with the UK MOD; however, the review Group will have no contact with the UK MOD or wider HMG. You said the relationship between the UK MOD and NZ MOD is a close and trusted relationship, with routine information exchanges and operational support.

4. You further informed the Committee you had UK Ministry of Defence and operational experience, but was not involved in policy formulation around record-keeping and retrieval. You said you would offer any support you could provide to one of the UK's closest allies to

ensure their efficiency and effectiveness benefits the UK MOD and wider HMG. You had no involvement with the MOD since you left your role as Chief of Defence Intelligence, in December 2018.

5. The MOD was consulted regarding your role with NZ MOD. It confirmed the details above and said as part of your duties as CDI, you held a number of routine meetings with the NZ Defence Force and NZ MOD. Some were as part of wider FIVE EYES (UK, US, New Zealand, Australia, Canada) discussions, others bilateral. It provided the following most significant meetings:

- Sept 2017: Office call with NZ Chief of Defence Intelligence in Wellington
- Sept 2017: Defence Intelligence Transformation brief to/discussion with NZ Vice Chief Defence Force, SecDef (= MOD Chief Exec), Service chiefs/deputies, NZ Chief of Defence Intelligence
- Feb 2018: Working lunch with NZ Chief of Defence Intelligence in Canberra
- May 2018: Office call with NZ Vice Chief Defence Force in Wellington

6. The MOD confirmed these interactions were entirely in keeping with your role as CDI. It stated you would have provided proper support to NZ as a trusted international partner.

7. The MOD said it had no concerns regarding your proposed appointment with the NZ Defence Force in connection with the level of access to information you had while at the MOD. It further confirmed from a security perspective the Official Secrets Act binds you from sharing any information which would be prejudicial to UK National Security. It confirmed as you are working for another government rather than a Defence company, there is no risk that your knowledge of UK MOD could offer an unfair advantage. It confirmed you did not make any decisions that would have improperly benefited the NZ MOD. The MOD stated there is no risk that your access to UK MOD contacts could be perceived to give undue commercial advantage.

8. The MOD has no concerns with you taking up this appointment.

### The Committee's Consideration

9. The Committee<sup>1</sup> considered this role is consistent with the terms of your consultancy previously described as providing: general defence and security consultancy and board-level mentoring/coaching.

10. In line with its remit, the Committee has considered whether there is a risk of this appointment being perceived as a reward. The Committee noted you met with members of the NZ MOD. However, it noted the MOD's confirmation that this was in line with your role as CDI. The Committee saw no evidence you made decisions or took actions in office that could reasonably give rise to the real or perceived risk of reward here.

11. The focus for the Committee in considering this application was to review any potential for your role to conflict with your time in office and apply appropriate mitigations under the Rules. The Committee considered it was significant in assessing the risk in this case that this role is limited to advising the Operation Burnham Expert Review Group in the NZ MOD. The focus of this group is assessing the NZ Defence Force's organisational structure, and record-keeping and retrieval processes, in order to assure the accurate and timely reporting from the NZ Defence Force.

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty; Dr Susan Liataud and John Wood

12. The Committee noted there is a low but inherent risk of unfair advantage in relation to your access to information and the contacts you gained while in Crown service. However, the MOD had no concerns and the Committee noted the conditions attached to your independent consultancy will mitigate the remaining risks in this case.

13. In accordance with the Government's Business Appointment Rules, the Committee advises this commission with **Operation Burnham Expert Review Group, New Zealand Ministry of Defence** should be subject to the same conditions as your independent consultancy:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in office;
- for two years from your last day in Crown service, you should not become personally involved in lobbying the Government on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Whitehall contacts to influence policy, secure funding/business or otherwise unfairly benefit those you advise under your independent consultancy (including parent companies, subsidiaries and partners);
- for two years from your last day in Crown service, you should not become personally involved in lobbying contacts you have developed during Crown service, within other Governments and organisations on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries and partners);
- for two years from your last day in Crown service, you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the UK Government, UK MOD or their trading funds; and
- for two years from your last day in Crown service, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

14. By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

15. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister "*should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.*"

16. I should be grateful if you could let me know when you take up this commission, or if it is announced that you are to do so. This will enable the Committee to publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

17. Please also inform us if you propose to extend or otherwise change the nature of your commission as, depending on the circumstances, it may be necessary for you to make a fresh application.

Yours sincerely

Isabella Wynn  
**Committee Secretariat**