



Cabinet

Minute of Decision

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Request for Crown Indemnity for Expenses of Legal Representation

Portfolio **Attorney-General**

On 1 July 2019, Cabinet:

- 1 **noted** that former Minister of Defence, Hon Dr Wayne Mapp, seeks indemnification for his legal costs relating to his involvement with the Government Inquiry into Operation Burnham and Related Matters (the Inquiry) from October 2018 until the Inquiry's conclusion in December 2019;
- 2 **noted** that the Cabinet Manual provides that Ministers and former Ministers may be indemnified by the Crown for actions taken against them for things done or decisions made in the course of their ministerial duties;
- 3 **noted** that the Cabinet Manual provides that indemnification may be sought for actions other than legal proceedings including where Ministers and former Ministers are the subject of a formal inquiry and require legal advice and representation, but there is no absolute right to an indemnity in such circumstances;
- 4 **noted** that Dr Mapp has particular knowledge of, and was involved in, certain matters that will be considered by the Inquiry, which stem solely from his previous duties as Minister of Defence;
- 5 **agreed in principle**, subject to the decision of the Minister of Finance referred to in paragraph 6, that the government should meet Dr Mapp's legal expenses from October 2018 until the Inquiry's conclusion in December 2019, under the Cabinet Manual provision, capped at \$85,000 (excluding GST) plus \$15,000 disbursements;
- 6 **noted** that the statutory decision to give the indemnity will be taken by the Minister of Finance under section 65ZD of the Public Finance Act 1989;
- 7 **agreed** that, if the indemnity is given, these legal expenses be met from Vote Defence Force.

Michael Webster
Secretary of the Cabinet

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