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OIA-2026-5742

25th May 2026

John Anderson
fyi-request-34404-3e8c9ced@requests.fyi.org.nz

Dear John Anderson

I refer to your email of 7 April 2026, requesting under the Official Information Act 1982 (OIA) the following information about a *Naval lawyer...sent to WestPoint Military Academy in the United States for two years*

1. *The total cost involved including accommodation, allowances, travel and the cost of the any study. Please break the costs down by area (for example, study fees)? How were these costs funded?*
2. *What was the purpose of the time at WestPoint ? What duties did the officer undertake?*
3. *What value did it provide to the NZDF?*
4. *Is this a recurring position?*
5. *What was the criteria to be considered, how did this process occur? Please release all records relating to this.*
6. *What qualifications were obtained (our understanding was a Masters degree).*
7. *How has topics studied assisted the NZDF? Please provide evidence and examples of this such as policies or new training.*
7. *If a Thesis exists, please provide this.*
8. *Please provide all policy relating to lawyers continuing education in the NZDF, including what specific funding is provided to military lawyers for post graduate study.*
9. *Is it standard practice for military lawyers to have post graduate funded and if so - what is the policy around this?*

It is determined that your request concerns Commander Prema McIntosh being at the United States Military Academy at West Point (West Point) between June 2022 and July 2024. A publicly available press release relating to this is available on the New Zealand Defence Force (NZDF) website.¹

As a point of clarification, your query seems to be premised on Commander McIntosh studying at West Point; that is incorrect. West Point only teaches undergraduate courses, not postgraduate courses. Commander McIntosh was at West Point as an Associate Professor in the Law Faculty teaching the *Law of War for Commanders* to undergraduates.

¹ <https://www.nzdf.mil.nz/media-centre/news/teaching-law-of-war-at-west-point/>

Whilst teaching at West Point, Commander McIntosh completed a Masters program via distance with the University of Reading. The thesis is publicly available online.²

The posting was paid for from Defence Legal Services' baseline funding. Actual NZDF expenditure is unavailable and the approximate costs are outlined in Enclosure 2. The cost of the University of Reading Masters program was (GBP) £9,500.

The continuing professional development of members of the armed forces provides both direct (knowledge and skills transferable to the workplace) and indirect benefits to the NZDF, as well as individual personnel. In this particular instance it allowed for the continuing professional development of a senior member of Defence Legal Services, provided a strategic engagement opportunity with a partner military, contributed to promoting interoperability between partner militaries, contributed to the Lieber Institute's mission, and enhanced New Zealand standing within this influential academic centre for international humanitarian law.

It is not a recurring position. The opportunity arose from Professor Michael Schmitt contacting the (then) Director Defence Legal Services with an offer for a senior legal officer, being a Major or Lieutenant Colonel equivalent. All senior legal officers meeting the criteria were invited to apply, and the decision to approve Commander McIntosh was made by the Senior Appointments Board. A copy of the relevant Defence Legal Services Minute and the dot-point brief for the Senior Appointments Board are enclosed. Where indicated, operational information is withheld in accordance with section 6(a) of the OIA; information provided on a basis of confidence from the United States' Government is withheld in accordance with section 6(b)(i) of the OIA; personal information is withheld in accordance with section 9(2)(a) of the OIA; and, signatures are withheld in accordance with section 9(2)(k) of the OIA.

In accordance with section 28(3) of the OIA, you may ask an Ombudsman to review this response to your request. Information regarding the process is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website.

Yours sincerely

GA Motley

Brigadier

Chief of Staff HQNZDF

Enclosures:

1. DLS Minute 95/2021
2. Dot-Point Brief for Senior Appointments Board

² <https://centaur.reading.ac.uk/id/eprint/120143>

Defence Legal Services

DLS MINUTE 95/2021

8 Jul 21

SAB

JOINT MILITARY PROFESSIONAL EDUCATION: WEST POINT DEPARTMENT OF LAW

Reference

- A. Email M. Schmitt to DDLS dated 16 Feb 2021
- B. Minutes of Specialist Career Development Board of 22 Jun 21
- C. Regular Force Defence Legal Officers Career Progression Model dated 12 Apr 19

Purpose

1. The purpose of this minute is to advise you of an opportunity recently brought to my attention at Ref A by Professor Michael Schmitt, Frances Lieber Distinguished Scholar at the US Military Academy, West Point. It is my view that this is an invaluable opportunity, and will provide important knowledge and development for not only one of my team, but for the NZDF. This opportunity was initially raised and discussed at Ref B, where it was directed it be raised to the SAB.

Details of Offer

- 2. The Lieber Institute is West Point's 'think tank' on Law of Armed Conflict issues, it runs regular workshops, publishes books and has a strong online presence. It is embedded in West Point's Department of Law.
- 3. Recently the West Point Law School has hosted its first allied officer on a two-year tour (from the UK Defence Force). That officer is on the faculty of the Law School and teaches, researches, and works with the Institute. He is also completing a Masters-level degree through Reading University under the supervision of Professor Schmitt. West Point consider this placement to have been a success and are looking to offer it to other nations, including NZ. Enclosed are the details of the UK arrangement for the posting, noting that each arrangement would be tailored to meet the needs of the country involved.
- 4. West Point is highly supportive of hosting an officer from the NZDF –the new Dean of the Academic Board, BG Reeves, was most recently the Head of the Department of Law, and is supportive of this initiative.

Benefit to the NZDF

Posting to West Point Department of Law

Professor Schmitt is currently the Francis Lieber Distinguished Scholar, and, in Military and International Law circles, he is widely recognised as a foremost expert in emerging areas of law, including that related to cyber warfare and Space. In particular Professor Schmitt was the director of the Tallinn Manual on the International Law Applicable to Cyber Warfare Project, and has been involved in both the Manual of International Law Applicable to Military Uses of Outer Space (MILAMOS) and the Woomera Manual on the International Law

on Military Space Operations. It is also notable that Professor Schmitt served for 20 years as a Staff Judge Advocate in the USAF, completing a number of operational tours as a legal advisor, and was on faculty at both the USAF Academy and the US Naval War College.

5. As the NZDF's work in the areas of cyber, space, and information warfare increases, NZDF legal officers must remain at the forefront of this emerging area of law. There is little, if any, opportunity for such education domestically. s. 6(a)

. This opportunity to work and study alongside Professor Schmitt will directly contribute to DLS's ability to support that work.

Postgraduate Study

6. A Master of Laws (LLM), while not a stated requirement for senior legal officers, is strongly recommended. It is accepted that to hold the position of DGDLS an LLM (or equivalent) is required (Ref C).

7. Most of my officers identify an LLM or equivalent as something they aspire to complete, with many noting their preference to do so as a full-time course of study, or in conjunction with a staff course.

8. NZDF funding of post-graduate study for legal officers has been ad hoc in the past. There have been two occasions where overseas LLM have been funded, s. 9(2)(a)

. Domestically, LTCOL Taylor and COL Emerson received funding to complete full-time studies at Auckland University and Mr Nigel Lucie-Smith attended the Australian Command and Staff Course.

9. Currently legal officers self-fund or utilise VESA to complete study part-time, noting that VESA is not often sufficient to cover the full costs. VESA is also not the appropriate mechanism for funding courses of study that are required by the NZDF.

10. It is standard for our international partners to hold an LLM - New Zealand is an outlier in this respect. Australia, for example, run courses which contribute to an LLM which must be completed at senior MAJ(E) to LTCOL(E).

11. NZDF legal officers are not often presented with opportunities for professional military education (PME), especially ones which are so clearly aligned with the speciality. There is no formal military legal education for legal officers, and opportunities for other PME, such as staff courses, are rare given the priority to G-list officers and the resourcing constraints of the DLS. This does lead to a level of dissatisfaction amongst legal officers relative to their peers, and is a contributing factor to attrition.

12. In the past Army legal officers (s. 9(2)(a)) have attended the USMC Extramural Staff Course, which has been of benefit and contributed to retention and wider utility of legal officers. This though has been limited to Army Officers, as the USMC course is administered by Army in NZ.

13. The opportunity to complete an LLM, while teaching at West Point Department of Law, and researching in areas relevant to future outputs, presents a unique opportunity for both the NZDF and individual legal officers.

Costs and Administration

14. There is an existing non-reciprocal exchange arrangement with Army in place, which, from the US perspective, makes this fairly straightforward. In terms of timing, summer 2022 is preferred - to allow for time to prepare prior to the start of the 2022 academic year.

15. As DLS is a tri-service unit, I would see this as an opportunity open to all of my officers, not just those in the Army, and would focus at the senior MAJ(E)/LTCOL(E) level. There are no concerns, as I understand it, from West Point on this. Any decision on whom would attend, should it be approved, would be made on merit.

16. There will be a cost associated with such an opportunity and the below provides a rough estimate:

- a. Return flights: \$3000.00
- b. 12-months OIA: \$4672.00
- c. Estimated Academic Fees (based upon a LLM at Victoria University, noting that there may be some costs offset due to Professor Schmitt's involvement): \$10,000

17. It is anticipated that R & Q will be covered by the US as part of this arrangement.

18. DLS will also carry a resource gap for the period of the overseas posting, noting NZDF will continue to pay the officer's REM with no allowance to backfill the role. This will be mitigated however by the application of a ROSO which would ensure the NZDF receives the benefit of the officer's time at West Point.

Recommendations

19. It is recommended that you:

- a. **Note** the current limitations around PME for legal officers; and
- b. **Approve** the proposal from West Point, pending further engagement with the US.

s. 9(2)(k)

L.M. FERRIS

BRIG

DDLS

s. 9(2)(a)

Enclosure(s)

1. s. 6(b)(i)

4 Nov 2021

DOT-POINT BRIEF FOR SENIOR APPOINTMENTS BOARD

LEGAL OFFICER OVERSEAS POSTING: UNITED STATES MILITARY ACADEMY WEST POINT

Purpose

1. The July SAB provisionally endorsed the two-year posting of a legal officer to the United States Military Academy ('West Point'). The purpose of this dot-point brief is to summarise financial and administrative arrangements in relation to this posting.

Administrative Arrangements

2. A formal letter of invitation to the NZDF from West Point is progressing through the appropriate channels and will confirm the full details of the proposal.

3. The selected officer would post under the US Army/NZDF non-reciprocal exchange MOU. SCE BR have indicated a willingness to manage administration through the DA, with C2 remaining with DDLS. Other matters, such as security clearance, are being managed from the USA through the Embassy.


Financial Arrangements

4. Costings are yet to be finalised, however enclosure 1 details the expected costings. It is anticipated that this will be funded from the DLS CC, and it would be bid for as part of next year's budget. In summary the indicative costs are:

- a. \$70,139 p.a (personnel costs) and;
- b. \$131-135,000 p.a. (operational costs - including accommodation, utilities, vehicles, course costs etc).

5. The total expected cost is approximately \$200,000 per year. This includes the estimated \$15,000 p.a. for the proposed post-graduate study through Reading University. The level of assistance the NZDF would offer here is still to be confirmed, and is being explored with DHR and finance.

s. 9(2)(k)



LM FERRIS

BRIG

DDLS

Enclosure

1. Approximate costs for set-up of two-year West Point posting

Released under the Official Information Act 1982

Approximate Costs For Set Up Of New Overseas Posts

		West Point Two Year		Comments
		First Year	Second Year	
Personnel Costs	Wages			
	Allowances	27508	27508	Allowances supplied by HRSC Sep 21
	Superannuation	5289	5289	Contributing superannuation pers at the same rank as of Sep 21
	Overseas and Home Transfer Grant	10000	10000	Payable going overseas and returning
	HUOP Charges	-3822	-3822	Married unaccompanied rate applied of NCB
	FBT @.63.6 as of 1 Apr 21	31164	31164	Fringe benefit on utilities and other reimbursements.
	Total Personnel Costs	70139	70139	
Operating Costs	Transfer and Removals	40000	40000	
	Local Travel	2000	2000	
	Course Fee each Year	15000	15000	Email BRIG Ferris/Mr Cozens on 30 Sep 21
	Rental of Land and Buildings	36000	36000	Email COL Williams/BRIG Ferris on 15 October accommodation USD\$1500-2000 unfurnished apartment
	Utilities: Electricity	3000	3000	
	Utilities: Gas	1000	1000	
	Utilities: Other	1000	1000	
	Utilities: Water	1000	1000	
	Uniforms	1500	1500	
	Telephone Landline Call/IFhone Charges	2000	2000	
	Vehicle Licence	1000	1000	Private vehicle
	House Furniture	20000	20000	Rent house furniture
	Medical and dental	2000	2000	Basic medical checks only.
	Laptop/IFhone	4000	0	To give them an iPhone and a Laptop
	Publication and Stationary	500	500	
	Micellaneous costs	5000	5000	
	Total Operating Costs	135,000	131,000	
	Total Annual Expected Costs	205,139	201,139	