

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER OF

A GOVERNMENT INQUIRY INTO
OPERATION BURNHAM AND
RELATED MATTERS

STATUTORY DECLARATION OF KAREN MARJORIE LEIGH JONES IN
RESPONSE TO MINUTE 6

10 December 2018

CROWN LAW

TE TARI TURE O TE KARAUNA

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I, Karen Marjorie Leigh Jones of Wellington, Executive Director, Strategy, Governance and Engagement solemnly and sincerely declare that:

1. I am the Executive Director, Strategy, Governance and Engagement for the Department of the Prime Minister and Cabinet (**DPMC**).
2. I am familiar with the subject matter of the inquiry and confirm that I am authorised by DPMC to make this declaration on its behalf.
3. I make this statutory declaration pursuant to the Minute No. 6 of the Inquiry, dated 29 November 2018 (**Minute No 6**) where the Inquiry directed DPMC to verify by way of statutory declaration that all relevant material within possession and control has been provided to the Inquiry¹.
4. I am aware of and understand the obligations imposed by the Inquiry on DPMC.

Steps taken by DPMC

5. As outlined in the submissions of DPMC, Government Communications Security Bureau (GCSB) and New Zealand Security Intelligence Service (NZSIS) dated 10 August 2018, the following business units within DPMC hold information relevant to the Inquiry:
 - (a) The Cabinet Office – which is the holder of Cabinet decisions for the current and former administration;
 - (b) The Policy Advisory Group (PAG) – which provides ‘free and frank’ (politically impartial) advice to the Prime Minister, and sometimes to other Ministers.
 - (c) The National Security Group – which is responsible for providing coordinated advice on national security to the government.
6. The Chief Executive, DPMC, is also the chair of the Officials Committee for Domestic and External Security Coordination (ODESC) – which is a committee of Chief Executives which manages national security in New Zealand in both its governance and its response mode.

¹ Minute No 6, dated 29 November 2019 at paragraph 20(d)

Handwritten signature and initials in blue ink, located in the bottom right corner of the page.

7. DPMC has undertaken the following steps in order to comply with its obligations under the terms of reference for the Inquiry and the directions in Minute No 6.

- (a) DPMC engaged a person (engaged expert) who was familiar with the matter that is subject of the Inquiry, to undertake searches of the DPMC electronic document management system and advise on the identification of relevant documents.
- (b) DPMC has made all reasonable efforts to complete searches of the DPMC electronic document management system using the following search terms:
 - (i) "Afghanistan" and "SAS" – full database.
 - (ii) "Afghanistan" and "mandate" – full database.
 - (iii) "Qari Miraj" – full database.
 - (iv) "Afghanistan" – in the relevant National Security Group folders .
 - (v) "PRT" or "Provincial Reconstruction Team" – in the relevant National Security Group folders.
 - (vi) "Rules of Engagement" and "Afghanistan" or "RoE" and "Afghanistan" – full database.
 - (vii) "Provincial reconstruction team" or "Afghanistan" or "SAS deployment" limiting the document class to Briefing Notes – database containing emails classified restricted or below.
 - (viii) "Rules of Engagement" and "[name of relevant Policy Advisory Group advisor]" – in the Policy Advisory Group folders for the date range 2001-2013, focussing particularly around January 2010 to December 2013.
 - (ix) An additional search was undertaken using the search terms "Afghanistan" and "PRT" for documents created by the "[relevant Policy Advisory Group advisor]" for the date period 1 January 2010 to 31 December 2011.

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- (c) Except as indicated, the above searches were not confined to dates. However, on review of the documentation it became clear that documents which were created prior to 2009 (the date that the deployment, known as Operation Wātea, began) were not relevant, and therefore review of any documents created before that date was not undertaken.
- (d) DPMC also searched a number of identified hard files relevant to this subject matter for the period 2009-2012. While it is possible that other hard files may exist, DPMC has made all reasonable efforts to locate the relevant files.
- (e) The engaged expert undertook an initial review of the documents to determine their relevance. DPMC legal then reviewed all documents identified as *'potentially relevant'* to determine whether the identified documents were within the scope of the terms of reference.
8. DPMC also undertook a search of Cabinet documents on its system as follows:
- (a) The Cabinet Office undertook an electronic search of the Cabinet Office Server, which holds material classified above "Restricted". The search terms used were "Provincial Reconstruction Team"; "Afghanistan"; "SAS deployments to Afghanistan".
- (b) The Cabinet Office also undertook an electronic search of the Cabinet material held on its electronic document records management system and its enterprise content management system (CabNet), using the same search terms. These systems hold documents classified up to and including "Restricted". In addition, the search term "deployment" was also used in these searches.
- (c) The relevant period searched covered September 2001 to the present day.
- (d) The search results were reviewed for relevance to Afghanistan and New Zealand Defence Force (NZDF) operations. Material that was clearly irrelevant and any duplicates were removed. The resulting lists were provided to NZDF to assist with its identification of any Cabinet material within the scope of the terms of reference for the Inquiry. As the originator

of any relevant Cabinet material, NZDF will provide the Inquiry with all relevant Cabinet papers and any corresponding Cabinet minutes (however, for ease of reference, where a DPMC document refers to a Cabinet paper/document, we have attached that document with the relevant DPMC document).

9. The steps undertaken by DPMC are based on current knowledge of the DPMC document management systems and the materials held.
10. DPMC also consulted with the other Crown agencies involved in the Inquiry (NZDF, MFAT, GCSB / NZSIS) regarding any documents located during the search of DPMC records, which were generated by another agency, to ensure that those documents would be provided to the Inquiry by the relevant agency, where relevant. These documents are not included in the material provided by DPMC, to avoid duplication.

Listing

11. The New Zealand originated documents identified as relevant to the Inquiry, which are in DPMC's possession or control, are listed in Schedule A to this declaration.
12. To the best of my knowledge and belief this declaration is correct in all respects and reflects the work undertaken by DPMC to date to carry out its obligations under the Minute No 6 and the terms of reference for the Inquiry.

JK
declared to
SWORN/AFFIRMED at Wellington)
this 10 day of 12/ 2018)
before me:)

James
Karen Jones.

Jo Carrell

Jo Carrell

Deputy Registrar
of the High Court
of New Zealand