

**UNDER**

**THE INQUIRIES ACT 2013**

**IN THE MATTER**

**A GOVERNMENT INQUIRY INTO OPERATION  
BURNHAM AND RELATED MATTERS**

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**Memorandum for New Zealand Defence Force on the production of material**

**28 February 2019**

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1. In Minute No 6 of 29 November 2018, the Inquiry ordered the NZDF, under s 20 of the Inquiries Act, to produce by 28 February 2019 “all documents or things that are relevant to the matters identified in paragraph [7] of the Terms of Reference and are in its possession and control.”<sup>1</sup>

#### **Provision of material to Inquiry**

2. In its Memorandum of 15 February 2019, the NZDF noted that it had yet to examine 343 of the 18,720 total items identified by that point in time as having the potential to be relevant to the Inquiry’s Terms of Reference.<sup>2</sup>
3. The NZDF has now examined each of the 18,720 items of material. Of them, it has determined that 17,704 were not of potential relevance to the Inquiry’s Terms of Reference. Consequently, the NZDF has provided 946 items of material to the Inquiry, of which 17 (including two items of video footage) required the consent of the United States, and 18 required the consent of the North Atlantic Treaty Organisation (NATO).
4. In addition to the 946 documents provided to the Inquiry, the NZDF has identified approximately 40 items to be of potential relevance but which will require the consent of the United States or NATO before they can be provided to the Inquiry.
5. The NZDF’s search has identified, also, approximately 30 documents of potential relevance but which belong to other New Zealand Government agencies. The NZDF has provided these documents in electronic form to those agencies to examine, so that they may make decisions about their provision to the Inquiry.

#### **Progress on the additional repository of information**

6. In its Memorandum of 26 February 2019, the NZDF explained that an additional repository of information (that had been held by the former New Zealand

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<sup>1</sup> Minute No 6, paragraph [10](a).

<sup>2</sup> This was the initial cumulative figure of total documents to be examined for relevance to the Inquiry’s Terms of Reference; see NZDF memoranda on the production of material dated 15 February 2019 at paragraph [3], 18 January 2019 at paragraph [3], and 14 December 2018 at paragraph [4].

Provisional Reconstruction Team) had been located, containing approximately 11,425 items of information. The NZDF has sought an extension until Friday 29 March 2019 for the provision to the Inquiry of material from this repository.

7. Examination of these further items of material began on 18 February 2019 and is progressing. Approximately 400 additional items, contained on another drive uncovered in similar circumstances, have been added bringing the total number of new items to approximately 11,825.
8. The process for examining the new items will be similar to that used for the first pool of 18,720 items of material, whereby each item was examined in full and assessed for potential relevance to the Inquiry's Terms of Reference. The NZDF will provide all of the potentially relevant material to the Inquiry in ongoing tranches.
9. NZDF's work, since 18 February, on the items contained in the new repositories has resulted in approximately 3,600 items having been assessed as being unlikely to be relevant to the Inquiry's Terms of Reference; representing an approximate reduction of 30% of the additional repository of material to date.

#### **Inquiry order in Minute No 6**

10. If the Inquiry is minded to grant the extension sought in the NZDF's memorandum of 26 February 2019, the NZDF will file a further memorandum by 13 March 2019 on progress with the production of the new material.



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28 February 2019