

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER

A GOVERNMENT INQUIRY INTO OPERATION
BURNHAM AND RELATED MATTERS

Brief of Evidence of Jack Raymond Steer

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1. I am Rear Admiral (Retired) Jack Raymond Steer. I am now retired.
2. I enlisted in the Royal New Zealand Navy in 1973 as a Seaman Officer. In the early days of my career, I served on a number of HMNZ Ships, including two commands. My career progression involved a mixture of sea and shore postings, overseas professional courses, and two overseas postings.
3. I have held a number of senior roles at the NZDF. From 2003 to 2004, I was the Chief of Staff at Headquarters Joint Forces. From 2004 to 2006 I was the Maritime Component Commander. For a short period in 2006 I was Deputy Chief of Navy, before taking on the role of Commander Joint Forces. I was in that role until 2008 when I became Vice Chief of Defence Force (VCDF). I was VCDF from February 2008 until November 2012. In November 2012 I was appointed Chief of Navy. I spent three years as Chief of Navy before I left the NZDF to take up the position of Chief Executive for the Royal New Zealand Returned and Services Association. I retired in July 2019.
4. In 2016 I was appointed an Officer of the New Zealand Order of Merit.

20 April 2011 press release

5. On 20 April 2011, the then Chief of Defence Force (CDF), Rhys Jones, was out of the country, en route to the ANZAC commemorations in Gallipoli, Turkey. I was responsible for addressing issues that arose in his absence.
6. At 6pm on 20 April 2011, One News opened with a story about a counter-insurgency operation conducted in Afghanistan in August 2010. The news story portrayed the operation as being a "counter attack" for the purpose of "hunting down" insurgents responsible for the death of Lieutenant Tim O'Donnell, who was part of the New Zealand Provincial Reconstruction Team based in Bamyan province. One News reported that 12 insurgents had been killed. I refer to the Bundle, at p 173-179, which is a transcript of the One News story.
7. The then Minister of Defence, The Hon. Dr Wayne Mapp (the Minister), acknowledged that the New Zealand Special Air Service (NZSAS) had been involved in that operation, which is now commonly referred to as Operation Burnham (the Operation). In response to a question from the One News reporter about the prospect of civilians being killed during the operation, the Minister said that the allegation had "been investigated and proven to be false". The Minister then reiterated that he was "satisfied around that".

8. My understanding is that the NZDF was unaware of this story until minutes before it aired. I refer to the Bundle at p 171, which is an email exchange between staff in the Defence Communications Group, starting at 5:57pm, saying they had been asked "to confirm that the SAS have killed insurgents suspected of killing Lt O'Donnell".
9. I had no knowledge of the story until it was broadcast at 6pm. My recollection is that, after the report had aired, I had a discussion with the then Deputy Director of Special Operations, Lieutenant Colonel Karl Cummins. We are likely to have discussed whether to make any comment in response to the story. Ultimately we decided to respond in order to counter the suggestion that the NZSAS had been involved in a revenge "counter attack".
10. I recall that we also talked about what information the NZDF had about the issue of alleged civilian casualties. Karl told me that then Lieutenant Colonel Chris Parsons, who was the Senior National Officer of the NZSAS in Afghanistan at the time, had seen the report prepared by the International Security Assistance Force (IAT report). Karl told me that Chris Parsons had advised that the IAT report had investigated the allegations of civilian casualties and had concluded that there was no way that civilian casualties could have occurred.
11. I remember that Karl Cummins either showed me a hard copy of the 8 September 2010 email from Chris Parsons, which is in the Bundle at p 77, or he described its contents to me. He also showed me a hard copy, or described to me, the former CDF's Notes to the Minister on this subject; I refer to the Bundle at pages 23-26, and 163-169.
12. It wouldn't have crossed my mind to doubt this information, coming - as it did - from an officer who I trust completely, who had seen the report, and who had relayed its conclusions to us. I knew Chris Parsons well; he is an honourable person.
13. I approved the draft press release. I refer to the Bundle at p 183; this is an email from me to Karl Cummins, at 8:37pm on 20 April 2011, advising him to send the draft to the Office of the Minister of Defence. My understanding is that the draft press release was then approved by the Office of the Minister and duly issued.
14. I believed at the time that the press release was factually correct. It is inconceivable that I would have approved it if I thought it might not be true.
15. I didn't see the IAT report at the time and I cannot read it now because I no longer hold a security clearance. From the material now in the public domain, I understand that there was a possibility of civilian casualties as a result of a gun not having been slaved correctly to its sight in one of the coalition helicopters and we were not correct to say what we did in 2011.

16. Although the press release was not correct, I will say resolutely that I did not intend to mislead. If I had seen the IAT report back in April 2011, I would not have approved the press statement as drafted.
17. I had no more involvement because, at 9:23pm on 20 April 2011, I received an email from the Office of the Minister saying that "it's been decided that the Minister will front on this not VCDF" - this email is in the Bundle at p 185. Also, upon CDF's return, there was no cause for me to have any ongoing involvement, and I do not recall having any further involvement.



Jack Raymond Steer

10 September 2019.
Date