

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER OF

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

Date of Minute: 15 November 2018


MINUTE No 5

[1] The Inquiry indicated to the New Zealand Defence Force (NZDF) at an early stage that it would be helpful if NZDF were to prepare a narrative account of the events at issue from their perspective, to assist the Inquiry, other core participants and members of the public to understand its position. The Inquiry referred to this in Minute No 4 dated 14 September 2018 at paragraph [94].

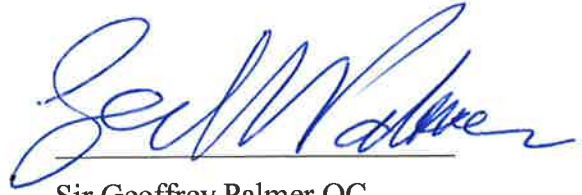
[2] NZDF has now provided its narrative. The Inquiry provided it to other core participants on 14 November 2018, and proposed to make it publicly available by posting it on its website on 15 November 2018. Ms Manning, counsel for the Afghan villagers, and Mr Hager have asked that it not be made publicly available as proposed, but that there be argument about it at the hearing scheduled for 21 and 22 November 2018.

[3] The Inquiry is not prepared to delay publication of the narrative. It considers that the concerns raised by Ms Manning and Mr Hager fall far short of outweighing the public interest in making the narrative publicly available. The Inquiry sought the narrative in part because it thought it important that the public have a narrative account of events as NZDF perceived them.

[4] Given the exigencies of time, the Inquiry will not set out its reasons in full in this Minute, but will address the matter in more detail in the Minute to be issued following the hearing.



Sir Terence Arnold QC



Sir Geoffrey Palmer QC

Parties:

Mr McLeod for the Afghan Villagers

Mr Radich QC for New Zealand Defence Force

Mr Hager

Mr D Salmon for Mr Stephenson