

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER

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

Memorandum for New Zealand Defence Force on the production of material to the Inquiry

18 January 2019

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1. In paragraph 10(e) of Minute No 6, the Inquiry ordered the NZDF to file memoranda on Friday 14 December 2018, Friday 18 January 2019 and Friday 18 February 2019 advising of progress in relation to the production of material, including material requiring the consent of overseas parties.
2. In its memorandum of 14 December 2018, the NZDF provided information on the number of items that had been located and identified as having the potential to be within the scope of the Inquiry's Terms of Reference, items that had been examined and yet to be examined and on items that had been provided to the Inquiry, including for which international partner consent was required.
3. Since 14 December 2018, the NZDF has located and identified another 36 items, meaning that it has had around 18,657 items to examine for relevance to the Inquiry's Terms of Reference.
4. As at 18 January 2019, there are 2,169 items that the NZDF has yet to examine; a reduction since 14 December 2018 of 16,488 items to be examined. This means that the NZDF has examined approximately 83% of the 18,657 items referred to in paragraph 3 above.
5. To date, the NZDF has provided 484 items to the Inquiry, of which 17 (including two sets of video footage) have required the consent of the United States and 18 have required the consent of the North Atlantic Treaty Organization (NATO).
6. Two further points arise. First, the NZDF has identified one additional repository of documents that it has not yet accessed. It is not expected that a review of the documents contained within it would add significantly to the total number of items identified in paragraph 3 above as the repository is likely to replicate sources that have been located and reviewed already. However, this will only become clear when the repository is accessed and examined.
7. The second point relates to material on the three additional operations referred to in paragraph 7 of Inquiry Minute No 6 and in paragraph 94 of Ruling No 1. In its memorandum of 14 December 2018, the NZDF indicated that its document research process had been focused on items relating to the operations identified specifically in the Inquiry's Terms of Reference.

8. In the NZDF's assessment, material that is relevant to the operation relating to Abdullah Kalta on 21 November 2012 (the Kalta operation), as described in paragraph 96 of Ruling No 1, is contained within the 18,657 items identified at paragraph 3 above. The NZDF is now examining these items for material relating to the Kalta operation and is taking active steps to locate and identify other items that may relate to this operation.

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Paul Radich QC
Counsel for New Zealand Defence Force
18 January 2019