

**UNDER**

**THE INQUIRIES ACT 2013**

**IN THE MATTER**

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

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

**15 February 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 15 February 2019 advising of progress in relation to the production of material, including material requiring the consent of overseas parties.
2. In its memoranda of 14 December 2018 and 18 January 2019, the NZDF provided information on the number of documents located and identified as having the potential to be within scope of the Inquiry's Terms of Reference.
3. Since 18 January 2019, the NZDF has located and identified another 63 items, meaning that it has had around 18,720 items to examine for relevance to the Inquiry's Terms of Reference. This figure includes the additional material related to the three additional operations referred to in paragraph 12 of the Inquiry's Minute No 6 and in paragraph 94 of Ruling No 1.
4. As at 15 February 2019, the NZDF has yet to examine 343 items; a reduction since 18 January 2019 of 1,826 items to be examined. This means that the NZDF has examined approximately 98% of the 18,720 items referred to in paragraph 3 above.
5. To date, the NZDF has provided 772 items to the Inquiry, of which 17 (including two items of video footage) have required the consent of the United States and 18 have required the consent of the North Atlantic Treaty Organization (NATO). In addition to the 343 items referred to in paragraph 4 above, the NZDF has 73 items that have been examined but will require the consent of either the United States or NATO before they can be released to the Inquiry.
6. In its memorandum of 18 January 2019, the NZDF reported that it had located another repository of archived documents. Recovering the data has required specialist technicians to access and transfer the data from the storage units to the NZDF's electronic data management system so the documents can be examined. The NZDF will update the Inquiry on its progress in examining this repository before 28 February 2019.



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Paul Radich QC  
Counsel for the New Zealand Defence Force  
15 February 2019