

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER

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

**Memorandum for New Zealand Defence Force seeking an extension to the deadline for
the production of material**

26 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 “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.”¹ This material was to be provided by 5pm, Thursday 28 February.
2. The NZDF remains committed to supporting the Inquiry, including through the provision of all material within scope of the Inquiry’s order in Minute 6. In doing so, the NZDF has made every effort to balance the thoroughness of its process, including a robust search for such material, with the need to meet the Inquiry’s timelines.

Provision of material to Inquiry

3. In its Memorandum of 15 February 2019, the NZDF noted that it had yet to examine 343 of the 18,720 items, in total, that had been identified as potentially relevant to the Inquiry’s Terms of Reference.
4. The NZDF will be able to complete the examination of these remaining items and provide all relevant material within to the Inquiry by 5pm, Thursday 28 February 2019.

Additional repository of information

5. The NZDF noted in its memoranda of 18 January and 15 February 2019 that it had identified one additional repository of documents that it had not yet accessed at that time. It noted that an examination of the repository would be required before the NZDF could clarify whether it would add significantly to the total number of items to be examined for relevance to the Inquiry.
6. The repository was identified in the course of the NZDF’s ongoing work to locate sources of material having the potential to be relevant to the Inquiry. It was identified in a location at which the NZDF did not expect to find information of potential relevance.
7. In its Memorandum of 15 February 2019, the NZDF noted that the recovery of data from this source required specialist technicians to access and transfer the

¹ Minute No 6, paragraph [10](a).

data to the NZDF's electronic data management system, so that documents could be examined. It committed to provide an update on its progress in examining this repository before 28 February 2019.

8. The NZDF has now been able to examine the contents of this repository, and can confirm that its contents comprise archived information, largely from the NZDF's Provincial Reconstruction Team in Afghanistan. It contains approximately 11,425 classified documents. An estimated 7,800 of these documents relate to the period of early 2009 to late 2012, and therefore fall within the period most relevant to the Inquiry and the scope of the Terms of Reference.

Inquiry order in Minute No 6

9. As a result of the location of the additional repository and the nature of its contents, the NZDF anticipates that it will require additional time to comply fully with the Inquiry's order in Minute No 6. The NZDF seeks, if it pleases the members of the Inquiry, an extension of the order in paragraph [10](a) of Minute No 6 to 5pm on Friday 29 March 2019 so that it is able to complete its examination of the contents of this additional repository and provide this additional material, which is of relevance to the Inquiry's Terms of Reference.
10. If the Inquiry is minded to allow the extension, the NZDF will file a memorandum on progress with the production of this additional material on 13 March 2019.



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26 February 2019