

**UNDER**

**THE INQUIRIES ACT 2013**

**IN THE MATTER**

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

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

**28 March 2019**

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1. In its Memorandum of 26 February 2019, the NZDF sought an extension of the Inquiry's order in Minute No 6 to 5pm, Friday 29 March 2019 so that it was able to complete its examination of the contents of a further repository of approximately 11,425 documents and provide any additional material within scope of the Inquiry's Terms of Reference.
2. On 28 February 2019, the Inquiry granted the extension sought by the NZDF.
3. In its Memorandum of 13 March 2019, the NZDF reported on its progress with the production of this additional material. It committed to file another memorandum, today, to provide an update on progress and to finalise the production of NZDF-owned material.

#### **Provision of additional material to Inquiry**

4. To date, the NZDF has examined all 12,260 items from the additional repository of material. Of these, it has determined that 12,181 items are not within scope of the Inquiry's Terms of Reference. Accordingly, the NZDF has provided 72 additional items to the Inquiry.

#### **Provision of all material to date**

5. To date, from all of the material identified and examined by the NZDF, 1,140 items have been provided to the Inquiry.
6. In addition, approximately 65 items have been identified as potentially within scope of the Terms of Reference, but which still require the consent of the United States Government or NATO before they can be provided to the Inquiry.
7. The NZDF's search has identified, also, approximately 31 documents of potential relevance but which belong to other New Zealand Government agencies. The NZDF has provided these documents in electronic form to those agencies to examine, so that they may make decisions about their provision to the Inquiry.

## Further matters

8. The NZDF has made every effort to balance both the thoroughness of its process, including a robust search for all material within scope of the Inquiry's order in Minute 6, with the need to meet the Inquiry's timelines. The information provided to the Inquiry represents material obtained from a range of sources considered by the NZDF to have the potential to contain information within the Inquiry's Terms of Reference.
9. Upon the filing of this Memorandum, the NZDF will move away from an active, structured and well-resourced process for the discovery of material, to focusing its resources on fully supporting other aspects of the Inquiry including the public hearings. Should the NZDF become aware of any additional information that has not yet been recovered, which may contain material of significant relevance to the Inquiry's Terms of Reference, it will commit to produce such material in a timely manner to the Inquiry.
10. The NZDF has been advised that Government Communications Security Bureau (GCSB) has possession of an archived copy of a repository of classified material generated or received by NZDF personnel that may contain material relevant to the Inquiry's Terms of Reference. The NZDF does not control this repository. The NZDF is working with GCSB to search the repository for relevant information, which will be produced to the Inquiry.



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28 March 2019