

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER

A GOVERNMENT INQUIRY INTO OPERATION
BURNHAM AND RELATED MATTERS

Statutory Declaration of Kevin Ronald Short, Air Marshal and Chief of Defence Force,
Concerning Production of Material to the Inquiry

12 February 2020

Solicitor acting:

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I, Kevin Ronald Short, of Wellington, Air Marshal, Chief of Defence Force, solemnly and sincerely declare that:

1. I am the Chief of Defence Force, having been appointed on 1 July 2018 by Warrant of Appointment from the Governor-General bearing the same date.
2. I am familiar with the subject matter of the Inquiry and am authorised to make this declaration on behalf of the New Zealand Defence Force (**NZDF**).
3. I make this statutory declaration pursuant to the Inquiry's Order for disclosure of information dated 24 January 2020 (**the Order**), which ordered the NZDF to disclose any information that it holds relating to certain named individuals and which had not already been disclosed, and to verify compliance by way of statutory declaration by 31 January 2020.
4. I therefore arranged for actions to be undertaken within the NZDF regarding the examination and production of material responsive to the Order. As I was overseas on official duty, counsel for the NZDF Paul Radich QC wrote to the Inquiry on my behalf on 31 January 2020 setting out steps taken to date in response to the Order.
5. Material responsive to the Order was provided to the Inquiry on 31 January 2020 as NZDF Book 118.
6. That letter also sought an extension, in alignment with the other relevant Crown Agencies, to allow the NZDF's targeted searches to be completed. The Inquiry responded that the NZDF should comply with the Order by 12 February 2020.
7. Following a process which has sought to balance a robust search and identification process with the need to meet the Inquiry's timeframes, these targeted searches have now been completed. No additional material responsive to the Order that has not already been provided has been identified.
8. On 15 January 2020, the NZDF received a letter from the Chairperson of the Inquiry requesting identification of certain video imagery (**the Inquiry's 15 January letter**). The letter was replied to by letter of 27 January 2020 from Counsel for the NZDF Paul Radich QC to Counsel Assisting the Inquiry Kristy McDonald QC and Andru Isac QC and through subsequent communications between the NZDF's Special Inquiry Office, Counsel Assisting and the Inquiry Secretariat.
9. As a result of these recent searches, the NZDF has identified a relatively small number of items that, while not responsive to the Order or the Inquiry's 15 January letter, are potentially relevant to the Inquiry's broader Terms of Reference. Those items are being provided to the Inquiry and the SIO will make arrangements for delivery with the Inquiry Secretariat.
10. At a more general level, I refer to my letter to the Inquiry of 8 November 2019 in which I advised that throughout the Inquiry process, the NZDF's Special Inquiry Office had



filtered hundreds of thousands of discrete items, largely electronically, by reference to criteria such as date range, file type, keyword or name, and that tens of thousands had been examined in detail to locate material of potential relevance. In response to the Order and the Inquiry's 15 January letter, the Special Inquiry Office has manually reviewed more than 10000 additional items, only a very small number of which appear to have potential relevance to the Inquiry's Terms of Reference and either have been or are being produced to the Inquiry.

11. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Wellington, New Zealand, this 12th day of February 2020.



Kevin Ronald Short

Before me:



Barrister and Solicitor of the High Court of New Zealand

Antonia Mary Brennan Leggat
Solicitor
Wellington