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New Zealand Defence Force
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New Zealand

OIA-2024-5072

30 September 2024

[REDACTED]
[REDACTED]@nzme.co.nz

Dear [REDACTED]

I refer to your email of 8 July 2024 requesting, under the Official Information Act 1982 (OIA), information on New Zealand Defence Force (NZDF) Summary Trials and breaches under section 74/1 of the Armed Forces Discipline Act 1971 (AFDA). A response to your request is set out below.

Can I please request the data for the 2022/2023 year showing the total number of summary trials conducted by the NZDF as well as the outcomes of each?

I'd like these grouped by the offence in the same way the 2021/2022 report lays these out (by their AFDA section) displaying the totals for each offence tried.

I'd also like a table showing the breakdown by gender, and by which service the offender serves with - as per the 21/22 document.

The above data request obviously mirrors the data outlined in the military justice annual report, with some omissions. Given that the report was a trial report and hasn't been repeated I'm attempting to fill in the gaps.

Responding to this OIA in a format similar to that annual report would be really helpful.

Summary Trial data for the 2022/23 financial year is at Enclosure 1.

I'm also keen to have more information on breaches under section 74/1 under the act - offences against the civil law of New Zealand.

I would like to request a brief summary of each incident in the 2021/2022 and 2022/2023 years involving either an assault or indecent assault charge that was dealt with at a summary trial level.

These summaries need only be a paragraph or so long and outline the circumstances in which the incident occurred, the rank of those involved, the case number and the outcome.

I appreciate that these will be redacted to protect the identities of those involved.

Breaches under section 74/1 of the AFDA for the 2021/2022 and 2022/23 financial year are at Enclosure 2 and Enclosure 3 respectively. Where indicated, personal information is withheld in accordance with section 9(2)(a) of the OIA to protect privacy. Unfortunately,

some charge details are missing from the tables. Summary Trial data is not centrally recorded so these details are being sought from the relevant Commanding Officer, which is taking some time. The information will be provided to you by 29 October 2024, with personal information withheld in accordance with section 9(2)(a) of the OIA for the reason explained above.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website, with your personal information removed.

Yours sincerely

AJ WOODS

Air Commodore

Chief of Staff HQNZDF

Enclosures:

1. Summary Trial Data, 2022/23
2. Breaches under section 74/1 of the AFDA, 2021/22
3. Breaches under section 74/1 of the AFDA, 2022/23

Enclosure 1

Table A. Summary Trials by Service.

	Number	Percentage
Navy	28	8.6%
Army	246	75.7%
Air	51	15.7%
Total	325	100.0%

Table B. Summary Trials by Rank. For an explanation of the relative rank structure see DM69 Vol 1 Chapter 1 Section 3.

	Number of Trials	Percentage
PTE(E)	218	67.1%
JNCO	69	21.2%
SNCO	18	5.5%
WO(E)	3	0.9%
OFFCDT(E)	7	2.2%
Junior Officer	9	2.8%
Senior Officer	1	0.3%
Total	325	100.0%

Table C. Summary Trials by Gender.

	Number of Trials	Percentage
Female	56	17.2%
Male	269	82.8%
Total	325	100.0%

Table D. Summary Trials by Ethnicity. Ethnicity reflects affiliation with up to three ethnic groups. This data is voluntary and self-declared. Accordingly, the accuracy of this data cannot be verified and should not be used as a determinative statistical source.

	Number of Trials	Percentage
European	123	37.8%
Other	101	31.1%
Maori	113	34.8%
Asian	16	4.9%
MELAA	1	0.3%
Pacific Peoples	42	12.9%
Not stated	1	0.3%
Total	397	122.2%

Table E. Offences Tried.

AFDA Section	AFDA Offence	Number	Percentage
34/2/A	While On Guard Duty Sleeping At His Post	2	0.5%
35/1/A	Striking A Superior Officer	5	1.1%
35/1/B	Using Violence To A Superior Officer	3	0.7%
35/1/C	Offering Violence To A Superior Officer	4	0.9%
36/1/A	Using Threatening Language To A Superior Officer	1	0.2%
36/1/B	Using Insubordinate Language To A Superior Officer	3	0.7%
36/1/C	Using Insulting Language To A Superior Officer	1	0.2%

36/1/D	Behaving With Contempt Towards A Superior Officer	3	0.7%
37/1/A	Obstruction Of Provost Officer	1	0.2%
38/1	Disobeying A Lawful Command	44	10.0%
39/A	Failing To Comply With Written Orders (Dfo)	26	5.9%
39/B	Failing To Comply With Written Orders (Other)	86	19.6%
41/A	Striking A Person Of Lower Rank	3	0.7%
41/B	Ill-Treating A Person Of Lower Rank	3	0.7%
42/B	Behaving In A Disgraceful And Indecent Manner	4	0.9%
43/A	Fighting	2	0.5%
43/B	Using Threatening/Insulting/Provocative Language	8	1.8%
43/C	Causing A Disturbance/Likely To Cause Disturbance	4	0.9%
48	Absence Without Leave	19	4.3%
49/A	Avoidance Of Duty (Fails To Attend)	37	8.4%
49/B	Avoidance Of Duty (Leaves Or Stops Performing Duty)	3	0.7%
50/1/A	Malingering (Falsely Represents Suffering)	2	0.5%
51/1/B	Drunkenness	6	1.4%
55/1/A	Making A False Official Document	1	0.2%
57/1/A/l	Stealing Service Property	1	0.2%
57/1/B/l	Fraudulently Misapplying Service Property	1	0.2%
61/1/A	Wilfully Damages/Destroys Service Property	3	0.7%
61/2/A	Negligently Damages/Destroys Service Property	2	0.5%
62/1/A	Losing Service Property	4	0.9%
65/2	Negligent Dangerous Act/Omission	1	0.2%
67/1/A	Driving Vehicle Recklessly/Dangerous Speed	1	0.2%
67/1/B	Driving Vehicle Under Influence Of Alcohol	1	0.2%
67/2/A	Driving A Vehicle Carelessly	12	2.7%
67/3	Using Service Vehicle For An Unauthorised Purpose	1	0.2%
73/1/A	Act/Omission Likely To Prejudice Service	25	5.7%
73/1/B	Act/Omission Likely To Bring Discredit On The Service	2	0.5%
73/1/C	Negligently Failing To Perform A Duty	12	2.7%
73/1/D	Negligently Performs A Duty	39	8.9%
74/1	Does/Omits Any Act Against Civil Law Of New Zealand	62	14.1%
75/4	Being a Secondary Party to an Offence	1	0.2%
Total		439	100.0%

Table F. Punishments Imposed. See Schedule 3 of the Armed Forces Discipline Act 1971. Punishments may be a single punishment or combination of punishments. Note that there may also have been trials where no punishment was awarded.

Punishment Imposed	Number	Percentage
A Caution	13	3.2%
Come up for punishment if called	16	3.9%
Compensation order	10	2.5%
Confinement to ship/barracks	125	30.7%
Detention days	17	4.2%
Extra duty	26	6.4%
Extra work and drill	14	3.4%

Fine	100	24.6%
Reduction in rank	3	0.7%
Reprimand	67	16.5%
Restitution order	2	0.5%
Stay of seniority	3	0.7%
Stoppage of leave	11	2.7%
Total	407	100.0%

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Enclosure 2

Civil offence - common assault					
Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/0530/21	In that he, at Waiouru Military Camp, on 16 March 2021, grappled with and applied a headlock to s. 9(2)(a) [REDACTED]	Fine.	\$439.44 to be paid over 2 pay periods.	PTE (E)	SGT (E)
NZDF/MIL/0338/21	In that he, at FOB Bardia on 25 April 2021, assaulted s. 9(2)(a) [REDACTED]	Reprimand.		PTE (E)	PTE (E)
NZDF/MIL/0575/21	In that he, at Whenuapai Officers Mess, on 24 July 2021, assaulted s. 9(2)(a) [REDACTED]	Fine.	\$277.72 fine.	CAPT (E)	CAPT (E)

Section 189(2) Of The Crimes Act 1961					
Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/0532/21	In that he, at Waiouru Military Camp, on 12 August 2021, with intent to injure s. 9(2)(a) [REDACTED] and injured him.	Reduction in rank.	Reduction in rank to PTE.	LCPL (E)	CPL (E)

Section 193 of the Crimes Act 1961					
Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/0121/22	In that he, at Riccarton, on 29 July 2021, with intent to injure s. 9(2)(a) [REDACTED], assaulted him.	Confinement to ship/barracks.	14 days.	PTE (E)	PTE (E)
		Detention.	7 days.		

Section 196 of the Crimes Act 1961					
Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/0083/22	In that she, at Rastrick's Hall, on 20 November 2021, assaulted s. 9(2)(a) [REDACTED]	Detention.	18 Days.	PTE (E)	LCPL (E)
	In that she, at Rastrick's Hall, on 20 November 2021, assaulted s. 9(2)(a) [REDACTED]			PTE (E)	LCPL (E)

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	In that she, at Rastrick's Hall, on 20 November 2021, assaulted s. 9(2)(a) [REDACTED]			PTE (E)	Civilian
	In that she, at Rastrick's Hall, on 20 November 2021, assaulted s. 9(2)(a) [REDACTED]			PTE (E)	LCPL (E)
NZDF/MIL/0184/22	In that he, at D'arcy Barracks Linton Military Camp, on 4 September 2021, at about 0023 hours, assaulted s. 9(2)(a) [REDACTED]	Confinement to ship/barracks.	10 days.	PTE (E)	PTE (E)
NZDF/MIL/0227/22	In that he, on board HMNZS Te Kaha in 3EA1 Mess Deck, on 16 November 2021, assaulted s. 9(2)(a) [REDACTED]	Stoppage of leave. Fine. Reprimand.	Stoppage of leave. \$1300.00 fine to be paid over 4 pay periods.	LCPL (E)	CPL (E)
NZDF/MIL/0657/21	In that he, at Auckland, on or about 24 October 2020, assaulted s. 9(2)(a) [REDACTED] by kissing her on the cheeks and forehead whilst sitting on a footpath. In that he, at Auckland, on or about 24 October 2020, assaulted s. 9(2)(a) [REDACTED] by kissing her on the cheeks and forehead whilst travelling in a vehicle.	Fine. Confinement to ship/barracks.	\$800.00 fine to be paid over two pay periods. 14 days.	PTE (E)	PTE (E)
NZDF/MIL/0102/22	In that he, at Christchurch, on 29 July 2021, assaulted s. 9(2)(a) [REDACTED]	Detention.	10 Days.	PTE (E)	PTE (E)
NZDF/MIL/0152/22	In that he, at Devonport Auckland, on 04 June 2021, assaulted s. 9(2)(a) [REDACTED]. Note: contributing factors - alcohol.	Confinement to ship/barracks.	3 days.	PTE (E)	PTE (E)

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No Description					
Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/0149/21	In that she, at Auckland, on 23 January 2021, assaulted s. 9(2)(a) [REDACTED]	Extra work and drill.	2 hours per day.	LCPL (E)	LCPL (E)
NZDF/MIL/0217/22	In that he, at Victoria Canada, on or about 24 April 2022, assaulted an unidentified civilian female.	Extra work and drill. Stoppage of leave. Confinement to ship/barracks. Reprimand.	2 hours per day. 2 days. 7 days.	LCPL (E)	Civilian
NZDF/MIL/0226/22	In that he, on board HMNZS Te Kaha, on or about 15 November 2021, threatened by gesture by raising his fist and holding it in the direction of s. 9(2)(a) [REDACTED] face.	Fine. Extra duty.	\$1080.00 to be paid over 8 pay periods. 8 days extra duty.	CPL (E)	CPL (E)
NZDF/MIL/0245/22	In that he, at Victoria Canada, on 7 May 2022, assaulted an unidentified civilian female. Also noted in the MD601 is that this is alcohol related.	Fine. Reprimand.	\$700.00 fine.	SGT (E)	Civilian
NZDF/MIL/0280/21	In that he, at Waiouru, on 24 March 2021, assaulted s. 9(2)(a) [REDACTED] In that he, at Waiouru on 24 March 2021, assaulted s. 9(2)(a) [REDACTED] In that he, at Waiouru, on 24 March 2021, assaulted s. 9(2)(a) [REDACTED]	Fine. Confinement to ship/barracks.	\$586.00 fine. 16 days.	OFFCDT (E)	OFFCDT (E) OFFCDT (E)

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	In that he, at Waiouru, on 25 March 2021, assaulted s. 9(2)(a) [REDACTED]				OFFCDT (E)
	In that he, at Waiouru, on 25 March 2021, assaulted s. 9(2)(a) [REDACTED]				OFFCDT (E)
NZDF/MIL/0339/21	In that he, at FOB Bardia, on 25 April 2021, assaulted s. 9(2)(a) [REDACTED]	Detention.	14 days detention reduced down from 18 days.	PTE (E)	CPL (E)
	In that he, at FOB Bardia, on 25 April 2021, assaulted s. 9(2)(a) [REDACTED]				2LT (E)
	In that he, at FOB Bardia, on 25 April 2021, assaulted s. 9(2)(a) [REDACTED]				PTE (E)
NZDF/MIL/0470/21	In that he, at Burnham, on 2 July 2021, assaulted s. 9(2)(a) [REDACTED]	Fine.	\$439.44 fine.	PTE (E)	PTE (E)
	In that he at Burnham on 2 July 2021 assaulted s. 9(2)(a) [REDACTED]	Confinement to ship/barracks.	17 days.	PTE (E)	PTE (E)
		Compensation order.	\$188.00 Compensation order.		
NZDF/MIL/0471/21	In that he, on board HMNZS Hawea, on an unknown date between 1-31 May 2020, assaulted s. 9(2)(a) [REDACTED].	Fine	\$250.00 fine.	SSGT (E)	LCPL (E)
	In that he, on board HMNZS Hawea, on 11 September 2020, assaulted s. 9(2)(a) [REDACTED]	Reprimand.			LCPL (E)
		Fine.	\$800.00 fine to be paid in		

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			two instalments.		
NZDF/MIL/0497/21	In that he, at RNZAF Base Woodbourne, on 7 May 2021, assaulted s. 9(2)(a)	Confinement to ship/barracks.	5 days.	PTE (E)	PTE (E)
NZDF/MIL/0529/21	In that he, at Waiouru Military Camp, on 16 March 2021, grappled with and struck s. 9(2)(a)	Fine. Confinement to ship/barracks.	\$878.81 fine. 9 days confinement to barracks.	PTE (E)	SGT (E)
NZDF/MIL/0601/21	In that he, at Canadian Forces Base Esquimalt Canada, on 30 October 2021, assaulted s. 9(2)(a)	Fine. Stoppage of leave.	\$300.00 fine. 8 days stoppage of leave.	LCPL (E)	CPL (Canadian Air Force)

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Enclosure 3

Section 196 of the Crimes Act 1961					
Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/ 0380/22	In that he, at Linton, on 30 August 2022, assaulted s. 9(2)(a) [REDACTED]	Confinement to ship/barracks. Reprimand.	12 days.	PTE (E)	PTE (E)
NZDF/MIL/ 0540/22	In that he, at HMNZS Philomel, on 05 November 2022, assaulted s. 9(2)(a) [REDACTED]	Fine. Reprimand.	\$362.43 fine to be paid over three pay periods.	PTE (E)	PTE (E)
NZDF/MIL/ 0360/22	In that he, at Waiouru, on 31 July 2022, assaulted s. 9(2)(a) [REDACTED]	Confinement to ship/barracks.	16 days confinement to ship or barracks.	PTE (E)	PTE (E)
NZDF/MIL/ 0090/22	In that she, at D'Arcy Barracks, Linton Military Camp, on 04 September 2021, about 0023 hours, assaulted s. 9(2)(a) [REDACTED] In that she, at the Elliot VC Bar, Linton Military Camp, on the 25 February 2022, about 2200 hours, assaulted s. 9(2)(a) [REDACTED]	Detention days.	28 days detention.	PTE (E)	PTE (E)
NZDF/MIL/ 0470/22	In that he, at Burnham, on 25 April 2022, assaulted s. 9(2)(a) [REDACTED]	Detention days. Fine.	27 days detention. \$675.25 fine.	PTE (E)	PTE (E)
NZDF/MIL/ 0088/22	In that she, at the Elliot VC bar, Linton Military Camp, on 25 February 2022, assaulted s. 9(2)(a) [REDACTED]	Detention days.	21 days detention.	PTE (E)	PTE (E)

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Section 9 of the Summary Offences Act 1981					
Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/ 0129/23	In that he, at RNZAF Base Woodbourne Junior Ranks Bar, on 21 October 2022, assaulted s. 9(2)(a) [REDACTED]	Fine.	\$800.00.	CPL (E)	PTE (E)
	In that he, at RNZAF Base Woodbourne Junior Ranks Bar on 21 October 2022, assaulted s. 9(2)(a) [REDACTED]				PTE (E)
	In that he, at RNZAF Base Woodbourne Junior Ranks Bar on 21 October 2022, assaulted s. 9(2)(a) [REDACTED]				PTE (E)

No Description					
Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/ 0457/22	In that he, at Linton Military Camp, on 5 November 2021, assaulted C1063315 s. 9(2)(a) [REDACTED]	Confinement to ship/barracks.	10 days.	PTE (E)	PTE (E)
NZDF/MIL/ 0435/22	In that he, at Waiouru Military Camp on 27 September 2022, assaulted s. 9(2)(a) [REDACTED]	Confinement to ship/barracks.	7 days confinement.	PTE (E)	PTE (E)
		Fine.	\$700 fine to be paid in two instalments.		
NZDF/MIL/ 0106/23	In that he, at Waiouru, on 9 April 2023, assaulted s. 9(2)(a) [REDACTED]	Come up for punishment if called.	6 months - order to come up for punishment	PTE (E)	Civilian
NZDF/MIL/ 0010/23	In that he at HMNZS Philomel on 9 September 2022, assaulted s. 9(2)(a) [REDACTED]	Compensation order.	\$922.34, to be paid over two pays.	LCPL (E)	LCPL (E)

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		Extra duty	2 days.		
NZDF/MIL/ 0308/22	In that he, at the Patriot Bar, Devonport, on 23 March 2022, assaulted s. 9(2)(a) [REDACTED] [REDACTED]	Caution (yes if applicable). Confinement to ships/barracks. Fine.	Yes. 12 days. \$375.00 to be deducted in one lump sum	LCPL (E)	PTE (E)
NZDF/MIL/ 0561/22	In that she, at Linton Military Camp, on 30 October 2022, assaulted s. 9(2)(a) [REDACTED] [REDACTED], with a weapon. In that she, at Linton Military Camp, on 30 October 2022, assaulted s. 9(2)(a) [REDACTED] [REDACTED]	Fine. Reduction in rank. Reprimand.	\$640.84 at \$50 a fortnight. LCPL to PTE Yes.	PTE (E)	PTE (E)
NZDF/MIL/ 0057/23	In that he, at Lakepa Maleloa Community Hall, Niue, on 23 July 2022, assaulted s. 9(2)(a) [REDACTED] [REDACTED]	Extra duty. Fine.	Seven days extra duty. Two days pay \$341.74.	LCPL (E)	CPL (E)
NZDF/MIL/ 0004/23	In that he, at Burnham Military Camp, on 3 December 2022, assaulted s. 9(2)(a) [REDACTED] [REDACTED]	Confinement to ships/barracks.	11 days.	PTE (E)	PTE (E)
NZDF/MIL/ 0024/23	In that he, at Tamaki Leadership Centre, HMNZS Philomel, on 25 November 2022, assaulted s. 9(2)(a) [REDACTED] [REDACTED] In that he, at HMNZS Philomel on 09 October	Confinement to ships/barracks. Fine.	3 days. \$145 over two pays.	PTE (E)	PTE (E) PTE (E)

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	2022, assaulted s. 9(2)(a) [REDACTED]				
NZDF/MIL/0379/22	In that he, at Linton, on 30 August 2022, assaulted s. 9(2)(a) [REDACTED]	Confinement to ship/barracks. Reprimand.	8 days. Yes.	PTE (E)	PTE (E)
NZDF/MIL/0015/23	In that he, at Burnham Military Camp, on 23 September 2022, assaulted s. 9(2)(a) [REDACTED]	Fine.	\$250 paid in cash	PTE (E)	PTE (E)
NZDF/MIL/0011/23	In that he, at Waiouru, on 23 July 2022, assaulted s. 9(2)(a) [REDACTED]			PTE (E)	PTE (E)
NZDF/MIL/0359/22	In that he, at Waiouru Military Camp on 08 April 2022, assaulted s. 9(2)(a) [REDACTED]	Caution (yes if applicable). Confinement to ship/barracks. Fine.	Blank 7 days. \$478.11 to be paid in four installments.	PTE (E)	
NZDF/MIL/0467/22	In that he, at The Tote Bar car park, 74 Ararino Street, on 22 November 2019, assaulted s. 9(2)(a) [REDACTED]	Reprimand.	Reprimand.	SGT (E)	Civilian
NZDF/MIL/0025/23	In that he, at HMNZS Philomel, on 9 October 2022, assaulted s. 9(2)(a) [REDACTED] In that he, at the Rotoiti messdeck, HMNZS Philomel, on or about 5 November 2022, assaulted s. 9(2)(a) [REDACTED]	Confinement to ship/barracks. Fine.	3 days. \$270 to be paid over 5 pays.	PTE (E)	PTE (E) PTE (E)



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New Zealand

OIA-2024-5072
OIA-2024-5072.1

24 October 2024

[Redacted]
[Redacted]@nzme.co.nz

Dear [Redacted]

I refer to the response to you of 30 September 2024 that advises you that the missing charges details will be provided to you once they have been sought from the relevant Commanding Officer. These details are as follows:

- The blank "Detail" column for NZDF/MIL/0338/21 on page 1 of Enclosure 2. Despite reasonable efforts, the "Detail" could not be located.
- The blank "Punishment Type" and "Detail" columns for NZDF/MIL/0011/23 on page 4 of Enclosure 3. The Defendant was found not guilty or the charges were dismissed so the "Punishment Type" and "Detail" are not applicable in this instance.
- And the blank "Rank Complainant" column for NZDF/MIL/0359/22 also on page 4 of Enclosure 3. The "Rank Complainant" is PTE (E).

Summary Trials under section 74/1 of the Armed Force Disciplinary Act 1971 where the defendant was found not guilty or the charges were dismissed were also missing from the response to you of 30 September 2024. Data for the 2021/22 and 2022/23 financial years are provided in the tables below. Where information could not be located, this is recorded as "blank".

Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/0121/22	In that he, at Riccarton, on 29 July 2021, assaulted [withheld in accordance with section 9(2)(a)].	N/A	N/A	PTE (E)	PTE (E)
NZDF/MIL/0231/22	In that he, at Whenuapai on 5 June 2019, assaulted [withheld in accordance with section 9(2)(a)].	N/A	N/A	SGT (E)	Blank
NZDF/MIL/0372/21	In that she at Waiouru Warrant Officers and Senior Non-Commissioned Officers Mess on 16 April 2021 assaulted [withheld in accordance with section 9(2)(a)].	N/A	N/A	SSGT (E)	PTE (E)

NZDF/MIL/ 0470/21	In that he, at Burnham on 2 July 2021, assaulted [withheld in accordance with section 9(2)(a)].	N/A	N/A	PTE (E)	PTE (E)
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Reference	Summary	Punishment Type	Detail	Rank Defendant	Rank Complainant
NZDF/MIL/ 0011/23	In that he, at Waiouru, on 23 July 2022, assaulted [withheld in accordance with section 9(2)(a)].	N/A	N/A	PTE (E)	PTE (E)
NZDF/MIL/ 0125/22	In that he, at Burnham Military Camp, between October and November 2017, assaulted [withheld in accordance with section 9(2)(a)]. In that he, at Burnham Military Camp, in late 2018, assaulted [withheld in accordance with section 9(2)(a)].	N/A	N/A	PTE (E)	Blank
NZDF/MIL/ 0340/23	In that he, at Burnham Military Camp, on 21 July 2023, assaulted [withheld in accordance with section 9(2)(a)].	N/A	N/A	LCPL (E)	PTE (E)

I also refer to your emails of 1 October 2024, requesting the following information:

I just had a quick question in regard to the charge summaries for the various assault cases - the cover page notes that further information will follow - will that information have more details about the nature of the assaults that have taken place? Specifically, I'm hoping they will differentiate between something like a punch or an incident of groping / unwanted sexual advances.

And:

Why is it that some of the cases have extra detail? i.e:

In that he, at Auckland, on or about 24 October 2020, assaulted by kissing her on the cheeks and forehead whilst sitting on a footpath.

In that he, on board HMNZS Te Kaha, on or about 15 November 2021, threatened by gesture by raising his fist and holding it in the direction of face.

This is specifically the level of detail I'm after.

I'd also argue that requesting this minimal level of detail for only 43 cases of assault and indecent assault from Enclosures 2 & 3 does not amount to substantial effort. NZDF have the location, date and the names of those involved in its central database. Requesting information for each of those, while time consuming, doesn't fall into the realm of excessive. Perhaps if the cases were in the hundreds or more then sure.

I would like basic summaries which detail the nature of the offences I've requested in a manner consistent with the two examples I've referenced above.

The records that the NZDF holds in respect of Summary Trials are not akin to records held in the civilian justice system. Summary Trials do not produce the same level of documentation and reporting as District Court proceedings. Notably, no court reports or written judgements are created for Summary Trials. Written judgements only occur if an allegation is appealed to the Summary Appeal Court of New Zealand, or is brought before the Court Martial of New Zealand.

The information you were provided was extracted from relevant MD601 forms, which are the only centralised record for Summary Trials. As prescribed by the Chief of Defence Force, the MD601s record the disclosure, the plea, and the finding. The Disciplinary Officer is not required to summarise the circumstances of each case in detail when completing an MD601. Some may choose to, which is why the level of detail is not consistent. A search through individual personnel files would be required to find further information, if it exists. This would require a substantial collation and research effort.

The Presenting Officer's outline of the case and the statement of fact may contain some, if not all, of the details of the case. However, the NZDF holds this information solely on behalf of the Disciplinary Officer in his or her capacity as a judicial officer in a tribunal. A Summary Trial is a tribunal for the purposes of section 2(6)(b) of the OIA, and as such any information related to it is not official information. For the NZDF to provide you with *basic summaries*, it would require the NZDF to create information that is not held.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website, with your personal information removed.

Yours sincerely

AJ WOODS

Air Commodore

Chief of Staff HQNZDF