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OIA-2024-5115

16th December 2024

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Dear David Fisher

Further to the response to you of 9 September 2024, this response addresses your request, under the Official Information Act 1982 (OIA), for *the Col [Court of Inquiry] reports and comments of the Assembling Authority for the following:*

- *Death of a sea cadet while attending an overseas event*

A copy of the Court of Inquiry report and Assembling Authority Comments are enclosed. These have been released to you in accordance with section 200T of the Armed Forces Discipline Act 1971. Where indicated, information is withheld in accordance with the following grounds of the OIA: section 9(2)(a) to protect privacy; section 9(2)(ba)(i) where making the information available would likely prejudice the supply of similar information and it is in the public interest that such information should continue to be supplied; and, section 9(2)(k) to avoid the malicious use of staff information.

With respect to the report and Assembling Authority Comments for the *Death of an air cadet* Court of Inquiry, following further consultation with the Coroner a decision to release under section 200T of the Armed Forces Discipline Act 1971 is expected on or before 28 February 2025.

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

GA Motley
Brigadier
Chief of Staff HQNZDF

Enclosure:

1. Report and Assembling Authority comments

COURT OF INQUIRY

assembled by

**s. 9(2)(a) COL JB Dyhrberg, Assistant Chief, Defence Reserves, Youth & Sport
(subsequently posted to Chief of Staff, People Capability Portfolio)**

into

**the circumstances surrounding the death of a New Zealand Cadet Forces Sea
Cadet while at an international event outside of New Zealand**

REPORT BY THE COURT OF INQUIRY

Cadet Force Chief Petty Officer Sacha Piper

5. Sacha Piper, s. 9(2)(a) joined the New Zealand Cadet Forces (NZCF) on 13 Mar 19 attending Training Ship AMOKURA (TS AMOKURA).² As a Sea Cadet, she attended and completed various training packages, including Common Training and Navy Cadet training.³

6. On 5 Nov 22, Sacha attained the rank of Cadet Force Chief Petty Officer (CFCPO).⁴ The Court heard evidence that Sacha was an outgoing individual who was extremely proud of being a Sea Cadet, she was described by various witnesses as a 'bubbly' individual.

7. s. 9(2)(a)

⁵ The NZCF profile did record the name of her medical practitioner.

Republic Day Camp hosted by the National Cadet Corps of India

8. By letter, dated 19 Oct 22, addressed to the New Zealand Ministry of Foreign Affairs and Trade (MFAT), the High Commission of India in Wellington invited NZCF to participate in celebrating its 75 years of Independence 'Azadi ka Amrit Mahotsav', also referred to as the 'Republic Day Camp' (the Exchange).⁶ A similar invitation was provided to a range of National Cadet Corps or equivalent youth organisations globally.

9. The Invitation provided basic details about the Republic Day Camp, including:

- a. participants would arrive in New Delhi, India, on 15 Jan 23 and depart from the same on 30 Jan 23;
- b. the program would run between 16 — 29 Jan 23;
- c. 10 cadets, including males and females, between the age of 18 — 22 years of age were invited;
- d. supervisors were invited;

² Exhibit A, page 1.

³ Exhibit A, page 6.

⁴ Exhibit A, page 1.

⁵ Exhibit A & H.

⁶ Exhibit C, paragraph 2.

- e. all expenses, including air fares to and from India, and travel within India, boarding, lodging and visits to various destinations would be fully borne by the Government of India;
- f. the cost of insurance for the stay in India would be borne by the participants; and
- g. medical facilities would be available in India in case any member wanted to make use of them.

10. The Indian High Commission requested a response by 1 Dec 22, including the names of the participating cadets and supervisors.⁷ Detailed joining instructions along with the programme were to be forwarded once the participating countries had notified of willingness to attend.

11. The invitation was not immediately received by NZCF.⁸ Having been addressed to MFAT, there was some uncertainty about to whom it should be forwarded.

12. On Wed 9 Nov 22, a Policy Advisor from MFAT forwarded the invitation from the Indian High Commission to the Commandant of the NZCF.⁹ Due to this delay there was a period of only three weeks between NZCF receiving the invitation and the deadline for responses provided by the Indian High Commission; and a period of only two and a half months until the Exchange.

13. The Court heard evidence that the planning and administration for the Exchange was significantly truncated. s. 9(2)(ba)(i)

.¹¹ Detailed planning for the Exchange will be discussed later in this report.

NZCF Selection Process

14. Due to the short timeframe in which the NZCF was required to select the participants, the usual selection process was not followed.¹²

15. The NZCF Officer responsible for international exchanges, a volunteer who conducts NZCF duties alongside full time employment, suggested that each of the NZCF Area Commanders (now Area Coordinators) recommend cadets from their district.¹³ On Mon 14

⁷ Exhibit C, paragraph 5.

⁸ Witness 19, page 6.

⁹ Exhibit AX, page 3.

¹⁰ Witness 21, page 8.

¹¹ Witness 21, page 8.

¹² Witness 21, page 3.

¹³ Witness 21, page 3.

Nov 22, the NZCF international exchange officer emailed the Area Commanders requesting that they recommend cadets that:¹⁴

- a. meet the age bracket requirements;
- b. will be ambassadors for their Corps, NZCF and NZ (i.e. senior and worthy participants);
- c. have valid passports with 6 months to run post return date;¹⁵
- d. are available in the early January travel window; and
- e. to note, while not yet confirmed, vaccination status may be a relevant factor.

16. The NZCF international exchange officer requested a response from Area Commanders within 5 — 7 days, in order to provide time for review and to contact the participants identified.

17. Once a list of participants was identified, some of which did not have passports, the NZCF international exchange officer contacted each of the cadets to inform them of the Exchange; that each of them had been nominated by their Area Commander; and asked them to advise whether they would be interested in attending.

18. In relation to the selection of the Cadet Force (CF) officers, both of them were selected by NZCF:

- a. the Executive Officer of the NZCF selected CF Officer 1 [REDACTED]; and
- b. the NZCF international exchange officer selected CF Officer 2 [REDACTED]

19. As with the cadets, the CF Officers were selected based on consistent high performance within NZCF. s. 9(2)(ba)(i) [REDACTED]

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Programme

20. The 'Joining Instructions: Youth Exchange Programme – 2023' included general information about the locations to be visited; information about the cultural programme and country presentations; Prime Minister's Rally; and included a "Detailed Visit Plan".¹⁸

1. The detailed visit plan described in the Joining Instructions was as follows:
 - a. Sun 15 Jan. Arrive New Delhi.

¹⁴ Exhibit AW, page 2.

¹⁵ Later amended by HQ NZCF to include cadets which did not have a current passport.

¹⁶ Exhibit AW, page 52.

¹⁷ Witness 21, page 3.

¹⁸ Exhibit D, page 5.

- b. Mon 16 Jan. Welcome and Introduction with Indian National Cadet Corps (NCC) staff. Visit to National War Memorial and India Gate.
 - c. Tues 17 Jan. Departure for Jaipur.
 - d. Wed 18 Jan. Sightseeing in Jaipur.
 - e. Thu 19 Jan. Departure for Agra.
 - f. Fri 20 Jan. Sightseeing in Agra, then return to New Delhi.
 - g. Sat 21 Jan. Visit to PM Museum, National Museum, Dinner with VIPs.
 - h. Sun 22 Jan. Cultural Practice 1 and DG at Home visit to DG residence.
 - i. Mon 23 Jan. Cultural Practice 2, visit to Hall of Fame and Contingent Cultural Programme.
 - j. Tues 24 Jan. Introduction to Yoga 'Ancient Indian Art of Healthy Living' and PM at Home visit to PM residence.
 - k. Wed 25 Jan. PM Rally Practice and YEP Cultural Programme 2 and Exchange of Mementoes.
 - l. Thu 26 Jan. Republic Day Parade and visit to mall.
 - m. Fri 27 Jan. President at Home and visit to Akshardham Temple.
 - n. Sat 28 Jan. Participate in PM's Rally.
 - o. Sun 29 Jan. Visit to Delhi Haat, Sarojini Market, visit to mall and attendance at Beating the Retreat Ceremony.
 - p. Mon 30 Jan. High Tea and Departure of Cadet Contingents.
2. From the detailed visit plan, it is clear the programme was broadly divided into two phases:
- a. Phase 1 conducted between Mon 17 — Fri 21 Jan 23 including travel and sightseeing to Jaipur and Agra; and
 - b. Phase 2 conducted between Sat 22 — Mon 30 Jan 23 including the New Delhi-based events such as the PM Rally and cultural performances.
3. International delegations were based in New Delhi, with the NZCF delegation being accommodated at the ITC Maurya hotel located in Dwarka.¹⁹ There were some difficulties with the accommodation provided, including sleeping arrangements, allocation of rooms /

¹⁹ Exhibit AX, page 50.

dislocation of the group whereby the CF Officers were not in close proximity to the contingent.²⁰

4. From New Delhi, bus transport was provided to the various locations programmed, with travel distances of up to 200kms or over 4hrs one way.²¹ During this travel, the cadets were discouraged from consuming water as there were limited opportunities to stop to access toilet facilities.

5. Several witnesses mentioned the intensity of the programme throughout the Exchange. This appeared to create a perception, at least among the cadets, that they were required to 'keep going' despite fatigue and illness to complete all scheduled activities.^{22,23} This was not caused by the New Zealand CF Officers, but likely a result of the full programme (prepared and funded by the host nation). The impact of this fatigue on the CF Officers was also identified by the Executive Officer of the NZCF during his interview with the Court.²⁴

Sacha's Application

6. Sacha's application records effectively served as a summary of her NZCF history including personal details, contact details of next-of-kin, previously completed NZCF coursing, community service completed, and other supporting information as to why she should be selected for the exchange.

7. The application did contain information about Sacha's medical history. s. 9(2)(a)

8. This application was not specifically for the Exchange. s. 9(2)(a). However, even had Sacha's application been specifically for the Exchange, it is likely that it would not have included any additional medical information.

Timeline

9. s. 9(2)(a), s. 9(2)(ba)(i)

²⁰ Witness 7, page 3.

²¹ Exhibit D.

²² Witness 18, page 5.


²³ Witness 7, page 9.

²⁴ Witness 1, page 8.

²⁵ Exhibit H.


²⁶ Witness 23.

s. 9(2)(a), s. 9(2)(ba)(i)




10. While on the Exchange, and in particular during Phase 1, several of the cadets and one of the CF Officers became unwell due to environmental / dietary changes and the long-haul travel (something that was not limited to the NZCF contingent). Illness generally lasted for a couple of days and was not significant enough to require medical attention.

11. s. 9(2)(a), s. 9(2)(ba)(i)



12. s. 9(2)(a)



²⁷ Witness 24.

²⁸ Witness 7.

²⁹ Witness 14, page 3.

³⁰ Witness 14, page 3.

³¹ Witness 18, page 2.

³² Witness 7, page 4.


³³ Witness 7, page 5.

³⁴ Exhibit BA.

³⁵ Witness 7, page 4.

³⁶ Witness 18, page 4.


13. s. 9(2)(a), s. 9(2)(ba)(i)




14. The CF Officers gave evidence that there was general irritability among the cadets, likely caused by four long days of travel undertaken in Phase 1.³⁹ In addition, some of the cadets stayed up late between 21 – 23 Jan 23, talking with cadets from other contingents despite being ‘directed’ to go to bed. This led the CF Officers to ‘impose’ a curfew on 24 Jan 23. Therefore, when Sacha complained s. 9(2)(a) the CF Officers considered that it was a direct result of fatigue.⁴⁰

15. The Court finds that any symptoms displayed by Sacha during Phase 1 were likely believed to be the same as illness displayed by others during that time and general fatigue.⁴¹ This information, whether or not it was correct, was communicated to the Indian NCC chaperones.⁴²

16. The Court assesses, based on the timing of the symptoms in comparison with others, that Sacha’s condition was no longer attributable to environmental / dietary changes associated with travel. Despite the symptoms that she was experiencing, the nature and seriousness of the illness was not yet clear. s. 9(2)(a)



17. s. 9(2)(a), s. 9(2)(ba)(i)



18. Sacha displayed the following symptoms during Phase 2 of the Exchange:

³⁷ Witness 18, page 4.

³⁸ Witness 24, page 15.

³⁹ Witness 10.

⁴⁰ Witness 10, page 9.

⁴¹ Witness 6, page 8.

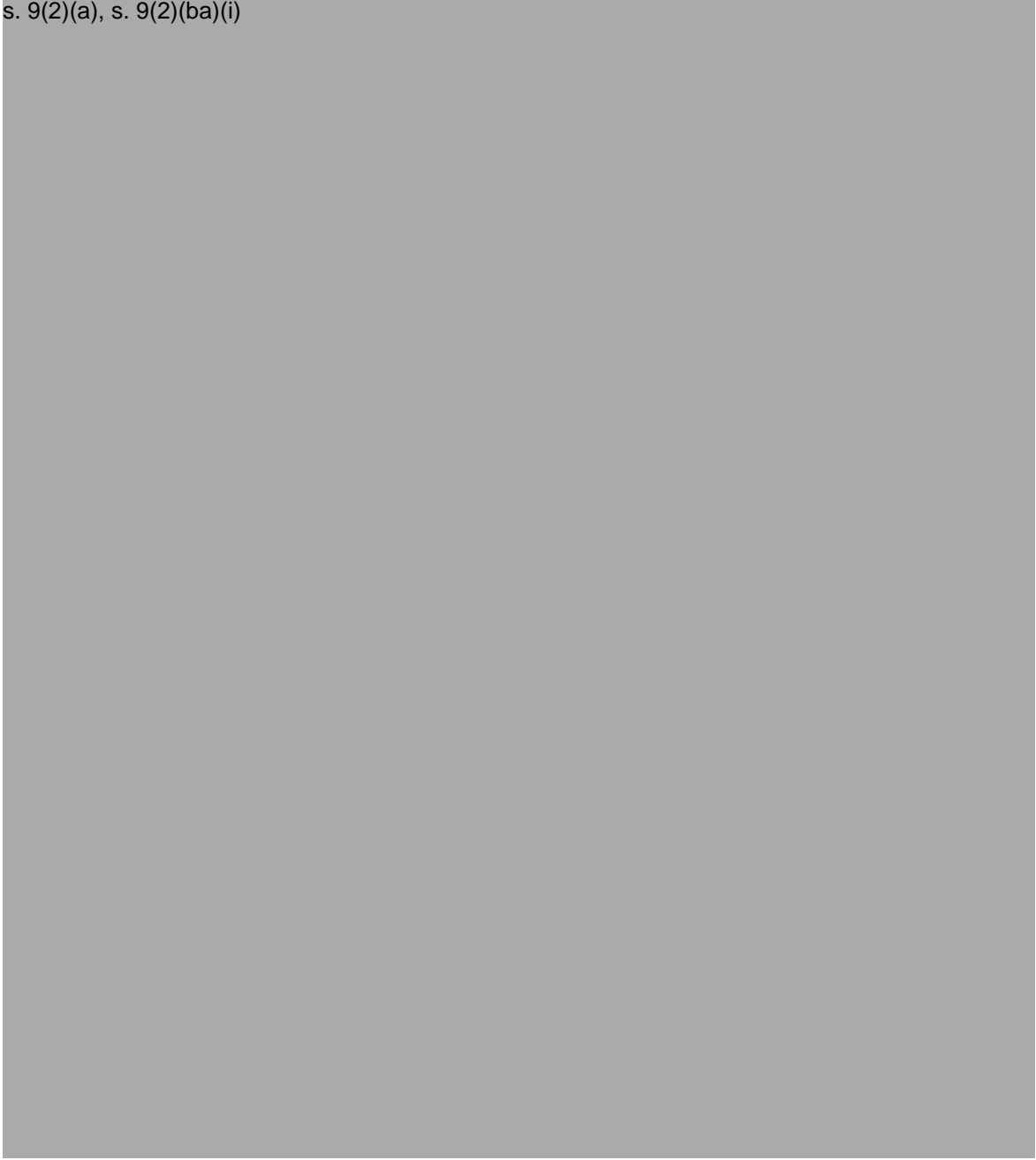
⁴² Exhibit P, page 9.

⁴³ Witness 7, page 4.

⁴⁴ Witness 11, page 4.

⁴⁵ Witness 18, page 3 & 4.

s. 9(2)(a), s. 9(2)(ba)(i)



⁴⁶ Witness 14, page 5.

⁴⁷ Witness 14, page 4.

⁴⁸ Witness 6, page 6.

⁴⁹ Witness 9, pages 3 & 4

⁵⁰ Exhibit BA, page 22.

⁵¹ Exhibit BA, page 24.

⁵² Witness 10, page 11.

⁵³ Witness 10, page 11.


⁵⁴ Exhibit BA, page 24.

⁵⁵ Witness 13, page 14.

⁵⁶ Exhibit AZ.

⁵⁷ Exhibit AL, page 3.

s. 9(2)(a), s. 9(2)(ba)(i)



⁵⁸ Witness 10, page 11.

⁵⁹ Witness 18, page 3.

⁶⁰ Exhibit AZ, page 39.

⁶¹ Exhibit AZ, pages 43-50.

⁶² Exhibit AZ, page 52.

⁶³ Exhibit AZ, pages 57-58.

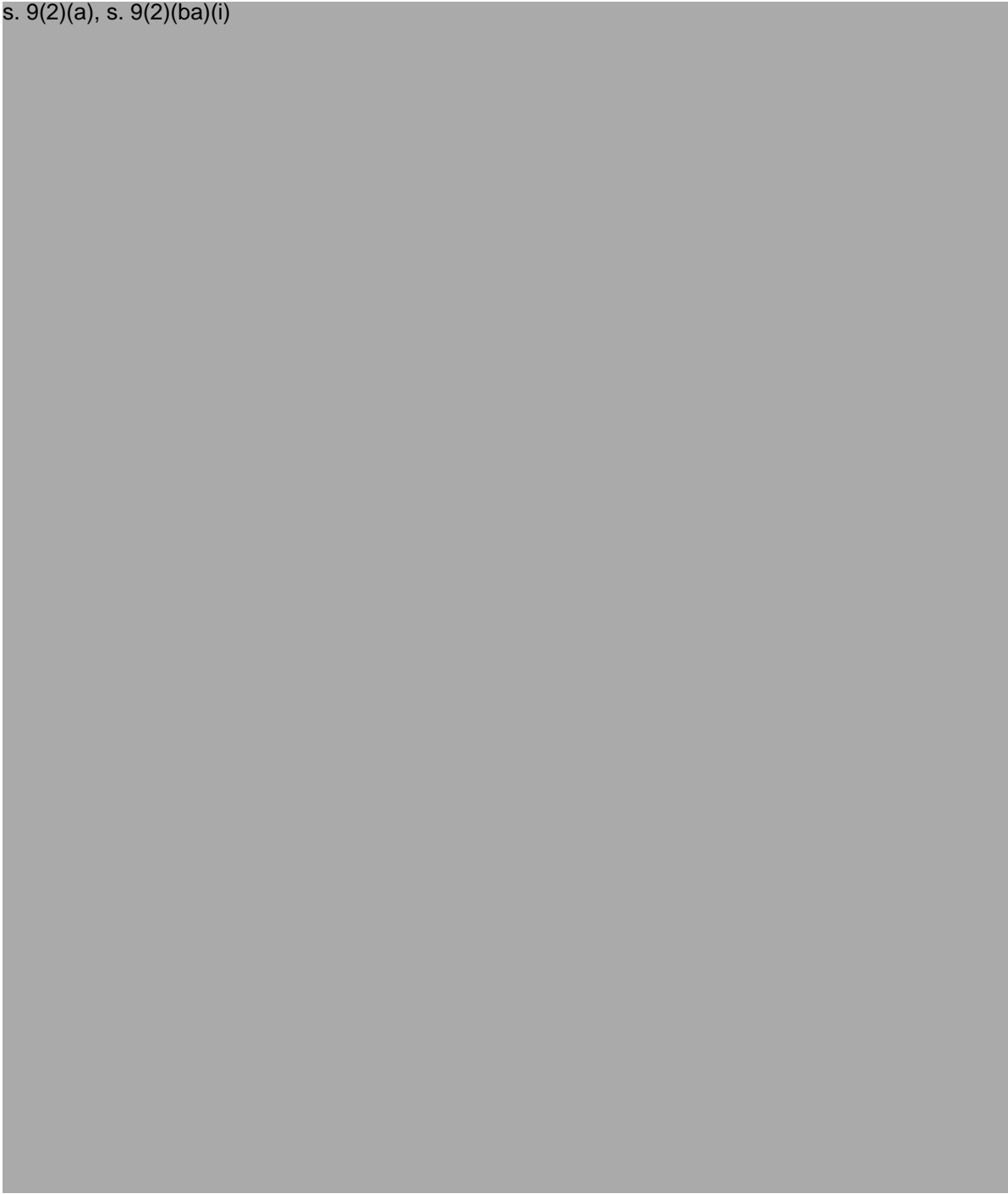
⁶⁴ Witness 7, page 8.

⁶⁵ Witness 7, page 8.

⁶⁶ Witness 10, page 11.

⁶⁷ Witness 10, page 11.

s. 9(2)(a), s. 9(2)(ba)(i)



⁶⁸ Witness 10, page 11.

⁶⁹ Witness 9, page 7.

⁷⁰ Witness 10, page 11.

⁷¹ Witness 10, page 11.

⁷² Witness 10, page 11.

⁷³ Witness 18, page 8.


⁷⁴ Witness 12, page 7.

⁷⁵ Witness 6, page 9.

⁷⁶ Witness 18, page 3.

⁷⁷ Witness 6, page 9.

s. 9(2)(a), s. 9(2)(ba)(i)



⁷⁸ Witness 6, page 9.

⁷⁹ Witness 6, page 9.

⁸⁰ Witness 10, page 11.

⁸¹ Witness 14, page 8.

⁸² Witness 14 and Witness 12.

⁸³ Witness 6, page 10.

⁸⁴ Witness 6, page 10.

⁸⁵ Witness 6, page 10.

⁸⁶ Witness 6, page 11.

19. CF Officer 1 [redacted] stayed with Sacha and accompanied her to the hospital. CF Officer 2 [redacted] remained with the other nine cadets who continued with the scheduled programme.

Sacha's Admission to Hospital

20. At approximately 2000hrs on Sat 28 Jan 23, the decision was made to transfer Sacha from the medical room to the Base Hospital in order to obtain a CT scan. This decision was supported by CF Officer 1 [redacted]. Accordingly, Sacha was transferred via ambulance, where she was admitted to the Emergency Department.⁸⁷

21. s. 9(2)(a), s. 9(2)(ba)(i) [redacted]

22. With that information, CF Officer 1 [redacted] notified:⁹⁰

- a. The Executive Officer of the NZCF;
- b. CF Officer 2 [redacted]; and
- c. s. 9(2)(a) [redacted].⁹¹

23. The Executive Officer of the NZCF then raised a notification to the Commandant of the NZCF advising of a medical incident, including brief information about the events that led to hospitalisation, CT scan and Sacha's initial diagnosis. At that stage, he noted that the medical advice received was that Sacha's medical condition was treatable. He highlighted that the family had been informed as had the New Zealand High Commission in New Delhi as well as various members of the NZCF chain of command.⁹²

24. The Commandant of the NZCF then informed Headquarters Defence Reserves, Youth and Sport (HQ DRYS) of the situation.

25. At approximately 2250hrs, CF Officer 2 [redacted] received a phone call from an NCC chaperone advising that Sacha is to be admitted to hospital and that CF Officer 2 [redacted] was required to attend (s. 9(2)(ba)(i) [redacted]).⁹³

⁸⁷ Witness 6, page 10 and 11.

⁸⁸ Witness 6, page 11.

⁸⁹ Witness 6, page 12.

⁹⁰ Witness 6, page 12.

⁹¹ Witness 16, page 11.

⁹² Exhibit AJ, page 40.

⁹³ Witness 10, page 14.

CF Officer 2 prepared an overnight bag for Sacha (requested by CF Officer 1) and met an NCC Chaperone in the hotel lobby who would take her to the hospital.⁹⁴

26. CF Officer 2 arrived at the hospital at 2330hrs. s. 9(2)(a), s. 9(2)(ba)(i)

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CF Officer 2 and CF Officer 1 conducted a brief handover. At that stage, the medical staff provided further information s. 9(2)(a) ⁹⁶ CF Officer 1 expressed concern that the change in diagnosis had meant that he had provided Sacha's family with incorrect information.⁹⁷ CF Officer 1 returned to the hotel, and advised Sacha's family that CF Officer 2 was now the designated point of contact (POC).⁹⁸

27. As a result of the additional information about Sacha's condition, she was moved to the Intensive Care Unit (ICU). s. 9(2)(a), s. 9(2)(ba)(i)

28. The subsequent update received by the Executive Officer of the NZCF, passed to HQ DRYS and the Commandant of the NZCF, indicated that Sacha's test results had returned s. 9(2)(a), s. 9(2)(ba)(i)

29. Approximately five hours after the previous update, CF Officer 2 advised the Executive Officer of the NZCF that the Indian Medical Staff had decided to conduct a medical procedure s. 9(2)(a), s. 9(2)(ba)(i)

30. On 28 Jan 23, CF Officer 2 was advised that the New Zealand High Commission in India had become involved, s. 9(2)(a)

⁹⁴ Witness 10, page 14.

⁹⁵ Witness 10, page 14.

⁹⁶ Witness 10, page 14, and Witness 6, page 12.

⁹⁷ Witness 10, page 14.

⁹⁸ Witness 6, page 12.

⁹⁹ Exhibit AJ, page 35.

¹⁰⁰ Exhibit AJ, page 32.

¹⁰¹ Exhibit AJ, pages 14 – 15.

¹⁰² Exhibit AJ, page 2.

s. 9(2)(a)

31. On 29 Jan 23, CF Officer 1 provided an update to the contingent s. 9(2)(a)

32. CF Officer 2 remained at the hospital with Sacha until Sacha's s. 9(2)(a) arrived in New Delhi.¹⁰⁸

33. The Executive Officer of the NZCF continued to update the Commandant of the NZCF and HQ DRYS as information was received from New Delhi. HQ DRYS collated the information provided by the Executive Officer of the NZCF and provided an update to the senior leaders of the NZDF. This information was shared with other relevant parties, including HQNZDF Chief of Staff (COS) and the Director Defence Health.¹⁰⁹ As a result, a brief was prepared by the Commandant of the NZCF for the Chief of Defence Force (CDF).¹¹⁰

34. s. 9(2)(a), s. 9(2)(ba)(i)

35. On Mon 30 Jan 23, the Executive Officer of the NZCF provided a further update s. 9(2)(a)

. Also on Mon 30 Jan 23, HQ DRYS again update the senior leaders of the NZDF and other relevant parties, and inform of the next steps, which included:¹¹³

- a. s. 9(2)(a)
- b. the plans to receive the contingent upon return to New Zealand (RTNZ);
- c. that it had been determined that no NZCF element was required to travel to New Delhi to support the family; and

¹⁰³ Witness 10, page 16.

¹⁰⁴ Witness 10, page 16.

¹⁰⁵ Witness 10, pages 17 - 18.

¹⁰⁶ Witness 7, page 7.

¹⁰⁷ Witness 11, page 10.

¹⁰⁸ Witness 16, page 17 - 18; and Witness 10, page 17.

¹⁰⁹ Exhibit AJ, pages 29 - 30.

¹¹⁰ Exhibit AJ, pages 26 - 27.

¹¹¹ Witness 16, page 15.

¹¹² Witness 16, pages 14 - 16.

¹¹³ Exhibit AJ, page 13.

d. the plans for CF Officer 2 [REDACTED]'s RTNZ.

36. The prepared brief for the CDF was amended by HQ DRYS to include the latest information and provided to him through the chain of command.¹¹⁴

37. Continued updates were provided by the Executive Officer of the NZCF to HQ DRYS and the Commandant of the NZCF discussing:

- a. the level of fatigue of the CF Officers, and concern for their wellbeing;
- b. that the other cadets from the contingent had been informed of the situation; and
- c. that CF Officer 2 [REDACTED] would remain in India and not RTNZ with the main body of the contingent.¹¹⁵

38. s. 9(2)(a), s. 9(2)(ba)(i)
[REDACTED]

39. The main body of the contingent departed India on 30 Jan 22.

40. On Tue 31 Jan 23, the Executive Officer of the NZCF provided a further update to HQ DRYS and the Commandant of the NZCF advising of the departure of the contingent under CF Officer 1 [REDACTED].¹¹⁷

41. s. 9(2)(a), s. 9(2)(ba)(i)
[REDACTED]

¹¹⁸ Once Sacha's family had arrived, CF Officer 2 [REDACTED] departed the hospital and was accommodated at the New Zealand High Commission in India until her RTNZ on 2 Feb 23.

42. Late on Tue 31 Jan 23 (NZDST), a Defence Formal Message was released outlining Sacha's current condition, the support provided by the CF Officers, that Sacha's family was to travel to India, and that the Indian Minister of Defence had visited Sacha in hospital (an action determined likely to cause media attention due to posts on social media).¹¹⁹

43. The Court notes that Sacha passed away on Thu 2 Feb 23 whilst in Hospital in New Delhi.¹²⁰

¹¹⁴ Exhibit AJ, page 10.

¹¹⁵ Exhibit AJ, page 15.

¹¹⁶ Exhibit AJ, page 14.

¹¹⁷ Exhibit AJ, page 2.

¹¹⁸ Exhibit P, page 9.

¹¹⁹ Exhibit AX, pages 51 – 52.

¹²⁰ Exhibit BC, page 2.

Medical Event Causing Death

44. The Court has not viewed Sacha's medical records and is not able to definitively state the cause of Sacha's death. The Court had intended to obtain this information, however, was not able to interview the in-country medical team members as witnesses.

45. To mitigate the above limitation, the Court sought an independent medical opinion
s. 9(2)(a), s. 9(2)(ba)(i)



¹²¹ Exhibit BD, page 6-7.

¹²² Exhibit BD, page 7-8.

¹²³ Exhibit BD, page 8.

¹²⁴ Exhibit BD, page 8.

s. 9(2)(a), s. 9(2)(ba)(i)

Medical Review of Evidence Describing Sacha's Symptoms

46. s. 9(2)(a), s. 9(2)(ba)(i)

47. s. 9(2)(a), s. 9(2)(ba)(i)

48. The NZDF obtains medical information from its personnel during enlistment or prior to certain overseas activities. This same screening process does not occur within the NZCF. In his view, a case *could* be made for health screening within the NZCF. He was careful to note that self-screening and parental sign-off (where appropriate) would likely be sufficient, as undertaken in relation to school trips.¹³⁰

49. s. 9(2)(a), s. 9(2)(ba)(i)

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¹²⁵ Exhibit BD, page 9-10.

¹²⁶ Witness 20.

¹²⁷ Witness 20, page 14.

¹²⁸ Witness 20, page 14.

¹²⁹ Witness 20, page 17.

¹³⁰ Witness 20, page 18.

¹³¹ Witness 20, page 21.

50. Decisions were made by the medical staff at the hospital, s. 9(2)(a)

In some cases, consent for medical procedures was obtained from the CF Officers. In New Zealand, the legal position is that the CF Officers did not have any authority to provide consent and, in fact, neither did Sacha's parents as she was 18 years of age at the time. Medical practitioners can undertake medical procedures where there is a necessity to do so, which would override the requirement to obtain informed consent.¹³²

51. Based on the medical evidence, the Court accepts that the symptoms Sacha presented may have initially been interpreted as common illnesses or benign factors, including environmental or dietary factors, at least until the end of Phase 1. During Phase 2, and especially from the morning of 26 Jan 23, these symptoms had become more serious, s. 9(2)(a), s. 9(2)(ba)(i)

RTNZ of Main Body

52. Upon arrival back in NZ on 01 Feb 23, the main contingent were greeted by the Commandant of the NZCF and the Executive Officer of the NZCF. The cadets were informed that counselling support could be arranged if requested. From witness testimony the Court understands that, although there is no policy of mandated counselling for NZCF members when critical incidents occur,¹³³ the cadets were appreciative of this offer. Many of the cadets, including the most impacted, chose not to take up this offer citing fatigue and 'just wanting to get home' as a driver.¹³⁴

53. The Court heard that many cadets felt some of the group should have taken the counselling support.¹³⁵ The way in which the support was offered has also been discussed with the Court, specifically, that it was to refer for support, and many cadets felt that uptake may have been greater if there had been a chaplain or NZDF Psychologist present, or even a more confidential way to accept the offer.^{136,137,138}

54. On 3 Feb 23, the cadets were informed of Sacha's passing via a group video call with CF Officer 1 and have not been back together since this call.¹³⁹

¹³² Witness 20, page 19 and 20.

¹³³ Witness 1, page 22.

¹³⁴ Witness 18, page 21.

¹³⁵ Witness 13, page 7.

¹³⁶ Witness 15, page 9.

¹³⁷ Witness 12, page 11.

¹³⁸ Witness 9, page 11.

¹³⁹ Witness 14, page 11.

55. The Court heard that at this video meeting, CF Officer 1 [REDACTED] reiterated that support was available and to contact him or CF Officer 2 [REDACTED] as required.¹⁴⁰ Additionally, some of the individual NZCF units also provided information to the cadets, and in the Central Region, an Army padre attended a training night, offering support as needed.¹⁴¹ The Court identified through interviews that there is a strong desire within the group to come back together as a means of gaining closure.¹⁴²

56. The Court finds that the offer of support provided to the cadets upon RTNZ was timely, but lacking. This offer was perceived as genuine, but not taken up due to a number of factors, including a lack of representation from experts, coming after extensive long haul travel and as it was too public for many of those affected. The Court identified throughout the interview process that a high degree of emotion and stress remains for some cadets and recommends a facilitated activity be conducted for this group as part of a follow-up decompression.

57. s. 9(2)(a) [REDACTED].

Legal Status of NZCF relative to NZDF

58. Through the course of the inquiry the Court was required to ascertain the legal status of the NZCF. The Court heard that the Defence Act 1990 defines the Armed Forces as being the New Zealand Naval Forces, the New Zealand Army and the Royal New Zealand Air Force. The Act continues that the broader NZDF comprises the Armed Forces and the civil staff.

59. Separately, the Minister of Defence is empowered to raise and maintain the Cadet Forces, including the Sea Cadet Corps, the NZ Cadet Corps and the Air Training Corps. The Minister of Defence can appoint CF Officers and issue commissions. NZCF are maintained under the direction of CDF who is able to set conditions and standards including granting of financial assistance from funding appropriated by parliament, and place limits on the activities Cadets can conduct.¹⁴³

60. CDF can issue clothing and equipment, and provide accommodation to enable NZCF in the conduct of its duties.

61. CDF is able to delegate, and has delegated, the strategic and operational direction and functioning to the Commandant of the NZCF.¹⁴⁴

¹⁴⁰ Witness 6, page 18.

¹⁴¹ Witness 23, page 14.

¹⁴² Witness 15, page 9.

¹⁴³ Defence Act 1990, s 78.

¹⁴⁴ Witness 25, pages 2-3.

62. CF Officers are not employees or volunteers within the Armed Forces, they are statutory officers under the Defence Act 1990. A CF Officer holds a commission from the Minister of Defence, but they are not an officer of the Regular or Reserve Forces of the NZDF.¹⁴⁵

63. From the above, the Court notes that NZCF are not part of the Armed Forces of NZ in accordance with the Defence Act 1990, but that there is a clear relationship between NZDF and NZCF. The NZCF cannot be incorporated into the NZDF given the nature and purpose of the NZDF and New Zealand's obligations under the 1989 United Nations Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

64. In any event, a change in the structure of the NZCF would likely require legislative change to the Defence Act 1990. The Court is not required to consider the appropriateness of the structure of the NZCF and, accordingly, makes no further comment on structural changes.

Comparison of Incident Reporting Actions

65. NZCF incident reporting procedures are contained within Cadet Force Orders Volume 5, Planning and Reporting. At Annex A to this publication, a flow chart is presented detailing immediate actions in the event of Commander's Critical Information Requirements (CCIRS) being triggered.¹⁴⁶

66. The Court observes that this flow chart appears to be designed for domestic incidents only, and is a means of capturing information for incident and follow up incident reporting. The flow chart actions are also internal only, stopping once the Commandant of the NZCF has been informed.

67. By comparison, within the NZDF's incident reporting procedures, specifically those stipulated by Headquarters Joint Forces New Zealand (HQJFNZ) Standard Operating Procedures (SOP) 10-51, Casualty Reporting Procedures and Administration, Commander Joint Forces New Zealand (COMJFNZ) is responsible for ensuring effective management and reporting for all casualties that occur overseas, and when under HQJFNZ command. Notification of casualty is raised by the in-theatre command to J3 and J1 Health Branch. Of note, once deployed, and even before a casualty occurs, the in-theatre command is granted direct liaison authority with J1 Health Branch to discuss any medical-in-confidence (MIC) issues and gain medical advice and guidance.¹⁴⁷

68. It is assessed that once Sacha was admitted to hospital her condition could have been classified as very serious illness (VSILL) had the NZDF policy been applicable. Under the NZDF SOP, should a VSILL casualty occur, an immediate notification to the HQJFNZ Watchkeeper

¹⁴⁵ Witness 25 page 9.

¹⁴⁶ Exhibit BB, Chap 3 and Annex A.

¹⁴⁷ Exhibit AR pages 3 – 4.

would be sent, followed with a signal / email with all known detail. This signal / email is then sent to a range of stakeholders including CDF's office, J1 Health Branch, and the parent service of the casualty.¹⁴⁸

69. After notification of the immediate incident, the HQJFNZ SOP 10.52 Medical Assistance or Repatriation, would be enacted to monitor the situation, and to enable contingency planning.¹⁴⁹ Within this SOP, a number of important functions occur:

- a. J1 Personnel Branch provide support to next-of-kin (NOK) and coordinate psychological support as required.
- b. Deployed Personnel Support Cell (DPSC) facilitate movements planning for the casualty and escorts as required.
- c. J1 Health Branch:
 - (1) Liaise with in theatre health providers, subject matter experts (SMEs) in NZDF and civilian agencies.
 - (2) Prepare for medical repatriation, including reception in NZ.
 - (3) Maintain awareness and provide updates on casualty condition.
 - (4) Record all medical information available.
 - (5) Record points for lesson collection.
- d. J3 Branch coordinate staff branch planning, maintain liaison and support to in theatre command, liaise with HQ NZDF and NZ based commands, and ensure continued liaison with NOK.¹⁵⁰

70. The Court acknowledges that after Sacha had been admitted to hospital from 28 Jan 23, NZDF Health did offer to support NZCF, s. 9(2)(a)

¹⁵¹

71. The Court finds that the initial reporting procedures followed by the CF Officers in India met the basic requirements of Cadet Force Orders Volume 5 for initial notification of the Commandant of the NZCF. The initial actions and subsequent ones taken by NZCF HQ and HQ DRYS were also appropriate and correct, in terms of generic incident notification. The Court finds, however, that the Cadet Force Orders Volume 5 is inadequate when dealing with any incident overseas, and any complex incident where additional support may be needed.

¹⁴⁸ Exhibit AR pages 3 – 14.

¹⁴⁹ Witness 3, page 7.

¹⁵⁰ Exhibit AG.

¹⁵¹ Witness 1 page 7.

72. The Court finds that it would have been preferable for NZCF to access HQJFNZ staff support during the Exchange. Had the CF Officers been able to seek medical advice from J1 Health Branch, particularly in the days leading up to Sacha's admission as more severe symptoms presented, this may have better supported the CF Officers and assisted them obtaining medical attention for Sacha.¹⁵²

73. The Court assesses that direct liaison between the CF Officers in India and the HQJFNZ Watchkeeper would likely have provided some comfort to the CF Officers, who were under a high degree of pressure.

74. Based on the legal status of NZCF provided above, specifically that assistance can be provided under Section 78 of the Defence Act 1990, the Court recommends that HQ DRYS and HQJFNZ consider establishing a mechanism that allows for the provision of advice and support to NZCF overseas activities in extremis situations, such as critical incidents.

Planning for the Exchange

75. The Court heard evidence regarding the planning for the Exchange, and that planning had been rushed to meet tight deadlines, occurring much faster than NZCF's own policy requires.¹⁵³

76. NZCF HQ worked with the MFAT, Strategic Commitments and Engagements (SCE) Branch and the Indian High Commission in New Zealand on various details of the Exchange. A setback in planning occurred when the POC at the Indian High Commission went on leave until 26 Dec 22, further compressing planning timelines.

77. **Notification of opportunity, selection and criteria.** As discussed above, the invitation to attend the Exchange was received from the South and South East Asian Division Policy Advisor at MFAT.¹⁵⁴

78. On 14 Nov 22, the NZCF International Exchange Officer notified various commanders of the opportunity of an exchange to India and a number of assumptions to enable further planning were discussed. These assumptions were:

- a. that CF Warrant Officers (WOs) and others that have performed well on courses should be considered to attend;¹⁵⁵
- b. that there should be 5 female and 5 male participants; and
- c. that there should be two CF Officers; 1 male and 1 female.

¹⁵² The Court heard of natural remedies being provided, see para 40(r) above.

¹⁵³ Exhibit B, Chap 2.

¹⁵⁴ Exhibit AW, page 4.

¹⁵⁵ Witness 1, page 5 and 12.

79. The Court notes that CF unit commanders, who have the strongest relationships with a cadet's family, were excluded from the planning.¹⁵⁶

80. At the same time as informing NZCF personnel, the NZCF International Exchange Officer reached out to a POC at the Indian High Commission in Wellington with requests for information (RFIs) to enable planning.¹⁵⁷

81. On 17 Nov 22, the NZCF International Exchange Officer emailed the MFAT POC to seek support in reaching the Indian High Commission POC. Then on 29 Nov 22, the NZCF International Exchange Officer sent a further email to both MFAT and Indian High Commission POCs, with replies received on 29 Nov 22 and 1 Dec 22 from the POC at the Indian High Commission.¹⁵⁸

82. Planning continued at pace until the group departed for India on 14 Jan 23.

83. The Court notes that nominations came into NZCF HQ from the relevant Area Commanders in a prioritised list, rather than from CF Unit Commanders.¹⁵⁹ This practice placed families and unit commanders at an information disadvantage, particularly for families over the Christmas period, as there was no information supplied to them with a designated POC or means to corroborate information.¹⁶⁰

84. The Court finds that engaging Unit Commanders alongside Area Commanders would have been preferable for families and better supported NZCF HQ's rapid planning effort.

85. Selection of the cadets appeared to be contested with the NZCF International Exchange Officer recommending three cadets of Sergeant (Equivalent) (SGT(E)) rank, 2 females, 1 male, and based on passport validity, yet this was later amended, and all SGT(E) cadets, less Sacha, were removed.¹⁶¹

86. All selections for the Exchange were endorsed by NZCF HQ.¹⁶²

87. The Court notes that at no stage during the planning was a medical criteria applied, aside from requiring specific vaccinations for travel to India. When interviewed, SCE Branch explained this is normally a function for command, and their expectation is this should likely be done within HQ DRYS.¹⁶³

¹⁵⁶ Witness 22, page 2-3.

¹⁵⁷ Exhibit AW, page 10-11.

¹⁵⁸ Exhibit AW, page 72 and 78.

¹⁵⁹ Witness 16, page 3.

¹⁶⁰ Witness 16, page 3.

¹⁶¹ Exhibit AW, page 184.

¹⁶² Witness 1, page 5.

¹⁶³ Witness 19, page 4-5.

88. The Court notes it is unlikely HQ DRYS would conduct medical planning for NZCF, therefore, recommends consideration be given to establishing liaison authority direct to J1 Health Branch at HQJFNZ to better support future NZCF planning.

89. A review of medical information was conducted by CF Officer 1 and the NZCF International Exchange Officer, however, this was a general check of cadet self-populated information, and not against an established criteria.^{164,165}

90. As noted above, self-populated medical information and parental sign off should be sufficient for NZCF activities (depending on the age of the Cadet). The Court notes whilst this was requested of all cadets during planning, and then checked by NZCF staff, Sacha had provided information from a previous application. Although the Court assesses the impact of accepting an outdated medical assessment, based on findings from the inquiry, to be inconsequential in this case, it is an example that further highlights the limited detailed planning for the exchange.

91. **Risk Assessment.** On 15 Dec 22, the first discussion of risk documentation for the Exchange occurred when the NZCF International Exchange Officer provided an email update to Commandant of the NZCF.¹⁶⁶ On 26 Dec 22, the NZCF International Exchange Officer informed both CF Officers that he would be giving them planning tasks to complete,¹⁶⁷ and CF Officer 1 was tasked to review a draft risk assessment for the Exchange.¹⁶⁸

92. The Court heard that CF Officer 1 recommended removal of a couple of risks and mitigations then sent the document to CF Officer 2 who reviewed and forwarded to NZCF HQ.¹⁶⁹ The Court was informed that the risk assessment was a standard version used by NZCF, adapted from a previous outbound exchange, but that it seemed fit for purpose.¹⁷⁰

93. Information for the risk assessment was scarce. As an example, the Joining Instruction provided by the Indian NCC discussed medical facilities, however, only specified that participants should be fit and healthy with no illness or injury and that any medical treatment required would be provided free of cost via a fully equipped service hospital that could handle all emergencies.^{171,172}

94. When Sacha was admitted to hospital, the Court heard that the risk documentation was not followed, specifically, the POC listed on the documents, being the NZCF International

¹⁶⁴ Witness 6, page 3.

¹⁶⁵ Witness 21, page 4.

¹⁶⁶ Exhibit AW page, 178.

¹⁶⁷ Exhibit AW, 167 – 168.

¹⁶⁸ Witness 6, page 3.

¹⁶⁹ Witness 21, page 12.

¹⁷⁰ Witness 10, page 5.

¹⁷¹ Exhibit D, page 3.

¹⁷² Exhibit AW, page 138.

Exchange Officer, was not informed until others in NZCF HQ had already begun to take action.¹⁷³

95. The Court heard evidence that the NZDF has procedures for setting the medical requirements of an overseas deployment or exercise through what is called an 'Annex H' document that determines the individual pre-deployment requirements, including but not limited to, medical and dental grading, and vaccination requirements.¹⁷⁴

96. This document can also provide information on the environmental risk assessment discussing the various sub-categories including diseases, flora and fauna to provide an indication of potential risk within the country.¹⁷⁵ The document continues to discuss medical facilities, mitigations to risks and recommended actions in the event of risks being realised. The Annex H is then briefed to all personnel before departing NZ. J1 Health Branch maintain an archive of more than 100 location assessments. The Annex H is a normal part of the mission or exercise directive.¹⁷⁶

97. **Ratios.** One recurring discussion point during interviews with the Court was the ratio of CF Officers to cadets during the Exchange. The Court heard that the ratio of two CF Officers to ten cadets had been specified in the invitation to attend the exchange, however, in reviewing this exhibit, the invitation mentioned "supervising officers/officer". The Court has discovered that early in the planning, NZCF HQ took this loose guidance to mean a maximum of 2 CF Officers could attend.¹⁷⁷ As discussed above, during the Exchange CF Officer 1 [REDACTED] became ill, leaving CF Officer 2 [REDACTED] to manage the contingent on her own. The Court considered whether an additional CF Officer would have been beneficial to provide staff contingency throughout as two CF Officers would have always been available to the group.¹⁷⁸ The Court notes that there are standard ratios for cadet activities, and accepts that in this case the NZCF felt restricted by the invitation, but in hindsight would have preferred to take an additional officer on this Exchange.¹⁷⁹

98. The Court finds that NZCF HQ worked as efficiently as possible under very tight planning deadlines. However, the risk assessment for the Exchange lacked information including mitigations and recommended actions under specific eventualities, such as illness. Documentation was templated, lacked detail and ultimately was not followed. Greater attention in planning may have led to an increased ratio of staff to cadets in order to deal with common illness, but also stronger means of distinguishing common illness symptoms from

¹⁷³ Witness 21, page 13.

¹⁷⁴ Witness 3, page 3.

¹⁷⁵ Witness 3, page 3.

¹⁷⁶ Witness 3, page 3.

¹⁷⁷ Witness 21 page 3.

¹⁷⁸ Witness 6 page 20.

¹⁷⁹ Witness 1, page 8.

others. The Court notes that HQJFNZ has a wealth of information regarding environmental conditions, and personnel medical advice and recommends that for future overseas activities, NZCF HQ reach out to J1 Health to seek this information for risk planning and pre-departure briefing.

99. **CF Officer's directive.** The Court has viewed the authorisation documents provided to CF Officers during outbound activities. Of note these documents:

- a. authorise the named CF Officer as the Commandant's representative for the activity; and
- b. require that the CF Officer ensures the group complies with the NZCF Code of Conduct and Values.

100. For the documents drafted specific to this Exchange, the Court has identified that the CF Officers had twice been ordered not to deviate from the visit programme except in extreme cases (paragraphs 4(e) and (g) to reference).¹⁸⁰

101. The Court notes that the directive is based on the NZCF Code of Conduct rather than a legal delegation of authority, however, within the document the CF Officers are to 'act as the Commandant's representative'. The Commandant is a Regular Force member of the NZDF and has a high level of delegated legal authority from CDF. The Court considers the wording of the directive to be unhelpful and recommends it be reviewed and clarified.

102. The Court notes from the above, that CF Unit Commanders are authorised under the NZCF Code of Conduct to perform 'command and control' functions including discipline, and that CF Officer 1 [REDACTED] and CF Officer 2 [REDACTED] were both holding unit command positions at the time of the Exchange.¹⁸¹ The Court notes as with the above paragraph, that the use of language such as command and control is potentially unhelpful as the document fails to distinguish between the authority vested under the NZCF Volunteer Code of Conduct, that the CF Unit Commanders possess, and the legal vested authority from the CDF to the Commandant of the NZCF. Again, the Court recommends this documentation is reviewed and clarified.

103. The Court notes the strong emphasis on adherence to the programme may have been a factor which led to general exhaustion and irritability (as the participants felt pressure to 'keep up' with the programme).^{182,183} Although the CF Officers felt the programme was balanced between work time and down time, one Cadet briefed the Court of an occasion where s. 9(2)(a) [REDACTED] the perceived pressure to maintain the

¹⁸⁰ Exhibit F, pages 1-2.

¹⁸¹ Witness 1, page 12.

¹⁸² Witness 6, page 7-8.

¹⁸³ Witness 10, page 8-10.

schedule.¹⁸⁴ That cadet also recalled CF Officer 2 mentioning that the 'NCC Officers were working hard to keep everyone on time and task'.¹⁸⁵

104. The Court finds that the pressure to maintain the programme of events was a general contributor to a sense of pressure experienced by some cadets. This was exacerbated through the low staff ratios, particularly once CF Officer 1 became ill, leaving only CF Officer 2 to run the contingent. The Court recommends the wording of future escort officers' directives is reviewed to both avoid duplication and ensure that such directives do not place unnecessary pressure on CF Officers.

CONCLUSIONS

105. From the point of receiving an invitation for the Exchange to India celebrating 75 years of Indian Independence, NZCF planning was severely truncated. Planning, conducted over the 2022 Christmas Holidays, was abnormal due to the compressed timeframe, and pressured by factors outside of NZCF control. The shortened timeframe resulted in limited detailed planning, specifically with regard to risk management documentation, and selection of cadets and CF Officers. Additionally, risk documentation was adapted from a previous activity, and did not include risks specific to the Exchange in India. The Court considers that had greater attention been paid to this documentation, specifically to define common environmental illness, this may have given the CF Officers sufficient support to better assess the symptoms Sacha displayed in the days leading up to hospitalisation as uncommon. By identifying specific risks and mitigations, NZCF may also have identified the ratio of 2:10 as inadequate.

106. Throughout the Exchange, Sacha and others were exhibiting symptoms of illness. For most, this occurred during Phase 1, and was likely attributable to common illness. By Phase 2, this common illness had largely passed, however, Sacha was still displaying symptoms which only intensified until her hospitalisation on 28 Jan 23.

107. Again, the Court is careful to point out that even when Sacha did receive intervention from medical staff on 28 Jan 23, the seriousness of her symptoms remained unclear.

108. Support provided to the cadets upon RTNZ was well intentioned and timely, but failed to gain uptake. Although follow up efforts have been made, a high degree of distress remains in the contingent and among other cadets who knew Sacha. The Court considers that it would be appropriate for NZCF to address the remaining distress and take measures to help the affected personnel to find a sense of closure.

109. The incident reporting procedures followed by the CF Officers in India met the basic requirements of NZCF Policies, and were appropriate by NZDF standards. It is noted that Cadet Force Orders Volume 5, the publication containing incident procedures, is insufficient when

¹⁸⁴ Witness 18, page 12.

¹⁸⁵ Witness 18, page 5.


dealing with any incident overseas, and / or any complex incidents where additional or external support may be needed.

110. A review of HQJFNZ procedures for planning overseas activities, specifically from J1 Health, and when managing overseas and / or complex incidents, specifically, J3 Branch and J1 Health, has highlighted limitations inherent within Cadet Force Orders Volumes 3 and 5. The review has also highlighted an opportunity for the NZDF to increase support to NZCF activities within the intent of the Defence Act 1990. Had NZCF planners had access to HQJFNZ environmental planning data for India, this may have enabled detailed risk planning. Equally, had the CF Officers had access to J1 Health advice during the exchange, especially from 26 Jan 23, they may have been better supported to determine the seriousness of Sacha's condition.

111. Through the investigation the Court has identified a number of minor policy and process issues for the NZCF to review. These include duplication and potentially confusing wording within the NZCF Commanding Officer's Directive and Escort Officers Directive for outbound activities.

RECOMMENDATIONS


112. The Court makes the following recommendations:

- a. HQ DRYS and HQJFNZ consider establishing a mechanism to allow for the provision of advice and support, such as on an overseas exchange. Such a mechanism should:
 - (1) allow NZCF to access, upon request and as appropriate, J1 Health environmental health planning data when travelling overseas to enable risk planning;
 - (2) allow a level of direct liaison authority for routine RFIs to specific HQJFNZ staff branches once HQ DRYS units are offshore; and
 - (3) mandate a level of support to be provided as required for extremis situations and at the direct request of either NZCF HQ or HQ DRYS,
- b. Commandant NZCF should direct, if feasible, a follow up decompression activity is facilitated by NZCF (with NZDF assistance as appropriate) for the cadet Exchange group;
- c. s. 9(2)(a)

- d. Commandant NZCF should direct a review of mandatory planning timelines for future outbound NZCF activities to ensure time and space for detailed planning;

- e. Commandant NZCF should consider developing decision support criteria, for example in the form of a flow chart, to aid planners when determining the feasibility of any overseas opportunity;
- f. Commandant NZCF should, once recommendation 112(a) has been completed, direct that deliberate risk planning for all future outbound NZCF activities occurs alongside appropriate HQJFNZ staff branches to ensure clear and correct actions and mitigations are developed where required;
- g. Commandant NZCF should direct the review of all documentation authorising individuals for specific NZCF roles is to ensure the distinction between an authorisation under the NZCF Code of Conduct and one under the legally delegated authority from the Minister of Defence, through CDF and the Commandant NZCF, is clear to the individual;
- h. Commandant NZCF should direct the review and redrafting of all documentation with the wording 'command and control' to distinguish NZCF from NZDF language;
- i. Commandant NZCF should consider providing education to NZCF members to reinforce the above points;
- j. Commandant NZCF should direct that outbound escort officer directives be redrafted to remove duplication, and be considerate of mandatory language that may place unintended pressure on the CF Officer being directed;
- k. Commandant NZCF should consider conducting a review Cadet Force Orders with the goal to:
 - (1) develop robust formal incident management procedures for both domestic and overseas activities;
 - (2) formalise the risk assessment requirements for all future NZCF activities; and
 - (3) ensure the NZCF PDR process is objective with training provided for all 1 up and 2-up appraisers to ensure responsibilities are performed accurately and appropriately, and so that the PDR process is fit for purpose.


SIGNED

s. 9(2)(a), s. 9(2)(k)

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President

s. 9(2)(a), s. 9(2)(k)

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Member

People Capability Portfolio

Chief of Staff to CPO MINUTE

8 Mar 24

See Distribution

ASSEMBLING AUTHORITY COMMENTS: THE CIRCUMSTANCES SURROUNDING THE DEATH OF A NEW ZEALAND CADET FORCES SEA CADET WHILE AT AN INTERNATIONAL EVENT OUTSIDE OF NEW ZEALAND

Reference:

A. Record of proceedings, dated Feb 24

Purpose

1. Ref A is a Court of Inquiry (COI) into the circumstances surrounding the death of a New Zealand Cadet Forces Sea Cadet (Cadet Chief Petty Officer Sacha Piper) while at an international event outside of New Zealand. I have considered the findings and recommendations of Ref A. Given the COI inquired into a significant matter, I sought External Legal Review of Ref A in accordance with the President's and Assembling Authority's Guide to Courts of Inquiry ('The COI Guide').
2. The COI has inquired into a complex and difficult matter. The investigation was robust and the findings and recommendations well considered. I accept all of the findings of the COI, though I note the Court was limited in its ability to definitively state the cause of Cadet Chief Petty Officer Sacha Piper's death. Accordingly, my comments will specifically focus on the findings of the COI in relation to this aspect, as well as procedural aspects, and ancillary matters.
3. Additionally, I note that during its inquiries the COI received concerns relating to the culture of the New Zealand Cadet Force (NZCF). Due to these concerns falling outside the COI's Terms of Reference, as they were not relevant to the circumstances surrounding Sacha's death, I directed that the COI did not inquire into or make any findings in relation to them. Instead, based on the evidence collated by the COI, I will also provide an additional recommendation to investigate potential cultural issues within the NZCF.


Medical Event Causing Death

Findings of the COI based on medical opinion

4. The COI was not able to definitively state the cause of Sacha's death due to the medical records from her care while in India being unavailable. s. 9(2)(a), s. 9(2)(ba)(i)

¹ Ref A, para 45, a.

s. 9(2)(a), s. 9(2)(ba)(i)



² Ref A, para 45, b.

³ Ref A, para 45, c.

⁴ Ref A, para 45, d.

⁵ Ref A, para 45, e.


⁶ Ref A, para 46, a.

⁷ Ref A, para 46, b.


⁸ Ref A, para 46, c.

⁹ Ref A, para 46, d.

s. 9(2)(a), s. 9(2)(ba)(i)



s. 9(2)(ba)(i)



Ancillary Matters

Timing of COI Completion

10. Sacha passed away on 2 Feb 23 and it has been 12 months since the Court assembled on 7 Mar 24. Noting the number of witnesses interviewed, many of whom were not immediately available or required the COI to travel to meet with them, I have been pleased with the progress made in completing the COI; especially noting the additional time required for the External Legal Review to be completed and my further direction to the COI to be considered by the President and Member.

External Legal Review

11. The COI Guide provides that an External Legal Review should be undertaken for COIs that inquire into significant matters. This is only the second time an External Legal Review has been conducted since the COI Guide was published. Based on its outcomes, the External Legal Review proved to be a vital part of the inquiry process and the guidance on this aspect in the COI Guide has again been validated.

¹⁰ Ref A, para 51

COI Recommendations

12. All of the recommendations made within Ref A are supported and, separately, I will be writing to AC DRYS, the Chief of Staff of HQ JFNZ, and Commandant NZCF requesting that appropriate action be taken to address these.

13. While it is accepted that NZCF sits outside of NZDF, CDF's responsibility to the Minister is to provide NZCF with support and guidance. This should include HQ JFNZ providing a level of advice to NZCF elements travelling offshore and, in extremis situations, a mandated level of support at the direct request of AC DRYS or Commandant NZCF.

Conclusion

14. This has been a robust inquiry into a difficult and tragic set of circumstances. I acknowledge the professionalism and conscientiousness of the members of the COI in providing a comprehensive report. I also acknowledge the patience and forbearance of Sasha's parents, s. 9(2)(a) [redacted], while the NZDF has worked to understand the circumstances surrounding her death.

s. 9(2)(k) [redacted]

JB DYHRBERG, DSD
COL
Assembling Authority

Distribution:

CDF (Through: CPO) -

For Information:

CN
AC DRYS
CoS HQ JFNZ
Comdt NZCF
DD DLS (Pers)
Court of Inquiry Office (Attention: s. 9(2)(a) [redacted])