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OIA-2025-5271

4th March 2025

██████████@nzme.co.nz

Dear ██████████

I refer to your email of 14 February 2025, seeking information with respect to questions about Lance Corporal Nik Kahotea's death in training. Your questions have been considered under the Official Information Act 1982 (OIA).

- *The reviews set out a series of safety and systems steps that were not followed in the lead up to the fatal incident. Does NZDF consider those gaps particular to this incident or reflective of systemic issues?*
- *If systemic, what has been done to resolve those issues?*
- *Has there been, or should there be, any accountability in relation to the death of Nik Kahotea, and if there has been, what is that?*
- *What progress has been made on the recommendations at 179 and 180 of the Court of Inquiry? As part of that, did the recommendations relating to the NZSAS developing a skillset which includes "bump landings" go ahead? If so, has it been used since the incident involving Kahotea?*
- *Was the fatal incident involving Kahotea one of the "events of serious harm in training" to which Colonel Aiden Shattock referred in the media statement provided by NZDF to the NZ Herald on 12-8-24?*

There are training activities which the New Zealand Defence Force (NZDF) undertakes that are exempt from the Health and Safety at Work Act 2015. As has been stated previously, this is in order to balance the need to be trained to carry out military operations with the safety of our personnel.

These risks are heightened when it comes to the training activities and exercises conducted by our Special Forces, like the one during which Lance Corporal Kahotea regrettably died. The New Zealand Army mitigates the risk of deaths or serious injury, however, this can never be fully eliminated.

As noted in previous responses to your queries, all findings regarding the death of Lance Corporal Nik Kahotea are acknowledged, including the extensive work done in the health and safety space which was initiated by the Court of Inquiry process. This work continues today as a priority work stream for the New Zealand Army.

All of the Court of Inquiry recommendations have been completed and appropriate action taken. A training course includes theory on the single point wheel bump drill; however, this drill has not been practiced since 2019. The training exercise during which Lance Corporal

Kahotea regrettably died was not one of the *number of events of serious harm in training* that Colonel Aidan Shattock was considering in the context of the Chief of Army initiated Army Safety and Training Review.

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