



Headquarters
New Zealand Defence Force
Defence House
Private Bag 39997
Wellington Mail Centre
Lower Hutt 5045
New Zealand

OIA-2023-4818

 October 2023

@tvnz.co.nz

Dear 

I refer to your email of 7 September 2023 requesting, under the Official Information Act 1982 (OIA), the below information:

What are the five longest time periods for serving members remaining under open arrest in the past 10 years? Can you please provide the dates each of these open arrests began and finished. Can you also please provide the charge/s that led to the open arrest in each of the five cases.

For the one person in the NZ Army currently recorded as being under open arrest, have they breached the conditions of their open arrest? If so, how many breaches have there been? Can you please also detail what the breach of condition/s was (if there has been a breach/breaches).

Open arrest in the New Zealand Defence Force (NZDF) is secondary to, and less restrictive than, close arrest. It is generally only used for short periods of time and persons under open arrest remain able to perform some military duties, with the provision that they cannot leave the area designated by their arrest conditions. Because of the nature of open arrest as outlined above, and its routine use for disciplinary matters, the records of individuals subject to open arrest are not stored in any single repository and are located on the individual's personnel file. This part of your request is therefore declined in accordance with section 18(f) of the OIA as it would require a substantial amount of collation. A report is made to the Judge Advocate General (JAG) on any occasion where a service member is held for more than four days without their case being referred for either trial in the Court Martial or summary judgement. You may wish to contact the JAG for further information at Registrar.Court.Martial@nzdf.mil.nz

There have been no breaches of the conditions placed on the New Zealand Army member referenced in your request.

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