



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

OIA-2023-4831

18 October 2023

[Redacted]
[Redacted]

Dear [Redacted]

I refer to your email of 19 September 2023 to the Ministry of Justice requesting, under the Official Information Act 1982 (OIA), statistics regarding charges and convictions of military personnel in the civilian justice system. Part 1 – 2 of your request was transferred to the New Zealand Defence Force (NZDF) in accordance with section 14 of the OIA.

- *Annual statistics relating to charges and convictions where the person was a member of the military, and if possible a break down of the type of conviction;*
- *Statistics relating to charges and convictions to those who had served in Compulsory Military Training and National Service, and if possible a break down of the type of conviction.*

On the 29 September 2023, you clarified part 1 of your request and confirmed you were requesting statistics for the last five years.

The NZDF military justice system is designed to promote the operational effectiveness of the NZDF. It is a separate and parallel system of justice, which shares many of the underlying principles as the civilian criminal justice system. Defence Manual 69 Volume 1, Chapter 13 requires civil charges and convictions to be recorded on the member's conduct sheet. This information, however, is not readily retrievable as it is recorded in individual personnel records, not in a central repository. This part of your request is declined in accordance with section 18(f) of the OIA, as the information cannot be made available without a substantial collation and research effort.

With respect to part 2 of your request, the NZDF does not record information regarding former service members who were charged and/or convicted in the civilian justice system after they were discharged from their compulsory military training. This part of your request is declined in accordance with section 18(g) of the OIA as the information you have requested is not held by the NZDF and there are no grounds to believe the information is either held by or more closely related to another department, Minister of the Crown or local authority.

For your information, the NZDF Annual Report on the Military Justice System is publicly available on the NZDF website¹.

¹ https://www.nzdf.mil.nz/assets/Uploads/DocumentLibrary/Discipline-Report_2021-2022.pdf

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