



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

OIA-2025-5254

12<sup>th</sup> February 2025

Dear [REDACTED]

I refer to your email of 21 January 2025 requesting, under the Official Information Act 1982 (OIA), information regarding the publication of summary trial outcomes in Service magazines. A response to the various parts of your request is set out below.

*I refer to the September 2024 Army News edition. In it, at p 24, it refers to a direction from the AFDC that quarterly service results for summary trials will be published in the respective service magazines.*

*Please may I have a copy of the minutes from this AFDC meeting and the direction if it is contained in a different document.*

In August 2021, the Armed Forces Disciplinary Committee (AFDC) approved amendments to Defence Manual 69 (2ed) Volume 1, directing the publication of summary trials. Relevant extracts from the AFDC Minutes are at Enclosure 1.

*I note that the December version of the Army News did not contain summary trial results for that quarter. Is there an explanation for the AFDC's direction not being complied with?*

The December 2024 edition of Army News did not publish summary trial results as the staff member who is responsible for arranging publication was deployed overseas.

*I have not been able to find published summary trial results from either of the other two services in their service magazines. Is there an explanation for them not complying with the AFDC's direction?*

The Royal New Zealand Navy and the Royal New Zealand Air Force have not published summary trial results in their respective Service magazine. As permitted by DM 69 (2ed) Vol 1, Para 7.8A.6<sup>1</sup>, the Services were given the flexibility to publish summary trial outcomes in other mediums. The Royal New Zealand Navy has published summary trial outcomes in the HMNZS Philomel and HMNZS Wakefield weekly bulletins, and the Royal New Zealand Air Force has published some summary trial outcomes in Base Routine Orders.

For your information, Service magazines are no longer being produced. Alternative options for the publication of summary trial outcomes are being considered.

<sup>1</sup> [https://www.desc.govt.nz/assets/Uploads/DocumentLibrary/dm\\_69\\_2ed\\_v1.pdf](https://www.desc.govt.nz/assets/Uploads/DocumentLibrary/dm_69_2ed_v1.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](http://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. AFDC Minutes

**Enclosure 1**

Armed Forces Discipline Committee		Date: 02 Aug 21
MEETING AGENDA		Times: 1300-1600
		Venue: DH_1.35
		Reference: 20210802-001
Members	In Attendance	Apologies
CDF (AM Kevin Short) CN (RADM David Proctor) CA (MAGEN John Boswell) CAF (AVM Andrew Clark) COMJFNZ (RADM James Gilmour) DMP (BRIG Lisa Ferris) JAG (His Honour Judge Kevin Riordan) AFDC Panel Rep (MAJ Peter Brock (Rtd))	<p><u>Secretariat:</u>                  LTCDR Jonathan Rowe, RNZN</p> <p><u>Attendees:</u>                  WODF (WO1 Mark Mortiboy)                  PM (COL Kate Hill)                  LTCOL Kent Collard</p>	<p><u>Presenters:</u>                  Item 2: DMP                  Item 3: DMP and CAF                  Item 4: CN and CA                  Item 5 and 6: DMP                  Item 7: MAJ Peer Brock                  Item 8: JAG                  Item 9: PM</p>
		VCDF (AVM Tony Davies)

Topic / Discussion	Outcomes / Decisions / Action Items
<p><b>3. Updates to DM 69 (2ed) vol 1</b></p> <p>DMP briefed the Committee on updates to DM 69 (2ed) vol 1 relating to:</p> <ol style="list-style-type: none"> <li>1. The NZDF approach to name suppression;</li> <li>2. Publication of summary trial outcomes;</li> <li>3. Guidance for commanders in providing support to members of the Armed Forces under investigation; and</li> <li>4. Orders for members of the Armed Forces who appear as a witness in proceedings.</li> </ol> <p>The Committee discussion on the proposed amendments was centred on:</p> <ul style="list-style-type: none"> <li>• Ensuring that CoS are aware of the amendments.</li> <li>• CDF's intent to publish outcomes even if the SAP system cannot be configured.</li> <li>• Ensuring that statistics on summary trial outcomes are not misinterpreted – high numbers of summary trials in a particular unit will not necessarily mean that the CO is doing anything right or</li> </ul>	<p>The Committee <b>approved</b> the amendments to DM69 (2 ed) vol 1 with two changes.</p> <p><b>New Action Item:</b>                  AFDC 21 001.1. The Office of the DMP is to incorporate the approved amendments into DM 69 (2ed) volume 1.</p>

<p>wrong – the Committee noted that reporting will not identify the unit.</p> <p>In respect of the amendments to DM 69(2ed) vol 1, the following changes were made:</p> <ul style="list-style-type: none"> <li>• Publication of summary trial outcomes: the Committee did not want to start point sentences identified (paragraph 9.6.5).</li> <li>• Appearances as a witness in Court Proceedings: DDLS to consider tweaking the wording of paragraph 12.1.12 to link it to formal professional orders and the wearing of uniform.</li> </ul> <p>The final wording of the amendments to DM69 (2ed) vol 1 is to be annexed to these minutes.</p>	
<p><b>10. Open Action Items - verbal update on action items by item leads</b></p> <p><b>4. Framework for publicising and command awareness of summary trial outcomes (AFDC 20 001.4)</b></p> <p>Amendments to DM 69(2.ed) vol 1 approved at item 3.</p>	<p>Item AFDC 20 001.4 closed.</p>

**AMENDMENT INSTRUCTION – DM 69 (2ed) Volume 1**

Instruction	Text	Notes
<p>[INSERT] New Section 6 to Chapter 9</p>	<p><b>SECTION 6 - PUBLICATION OF SUMMARY TRIAL OUTCOMES</b></p> <p><b>PURPOSE</b></p> <p><b>9.6.1</b> Publication of summary trial outcomes provides transparency as to the nature of offences being charged and the punishments imposed, and serves to reinforce standards of expected behaviour and deter members of the Armed Forces from deviating from those standards. Publication also assists NZDF in achieving the objectives of OP RESPECT and OP STAND and serves to demonstrate that the military justice system applies equally to officers, non-commissioned officers and to other ranks.</p> <p><b>9.6.2</b> Publication of summary trial outcomes also supports commanders in adopting a consistent approach to determining an appropriate punishment and supports visibility and better governance of the military justice system by NZDF senior command.</p>	<p>This proposes to reinforce command oversight and ownership of the military justice system. It seeks to have the outcome of summary trial (in brief) reported to the office of the Deputy Service Chief of the individual's Service (even where the individual is posted to a joint/tri-service unit) for publishing in single Service magazines and reporting to the</p>

	<p><b>PUBLICATION REQUIREMENTS</b></p> <p><b>9.6.3</b> Responsibility for the publication of summary trial outcomes is held by single Services.</p> <p><b>9.6.4</b> When a member of the Armed Forces faces charges at summary trial, the member's CO is to ensure that the following information on the outcome is reported to the Office of the Deputy Chief of that member's Service<sup>1</sup> at the end of the calendar month:</p> <table border="1" data-bbox="376 622 1099 766"> <thead> <tr> <th data-bbox="376 622 472 766">MD 601 Serial No:</th> <th data-bbox="472 622 552 766">Unit</th> <th data-bbox="552 622 639 766">Rank</th> <th data-bbox="639 622 804 766">Offence(s)<sup>2</sup></th> <th data-bbox="804 622 919 766">Finding</th> <th data-bbox="919 622 1099 766">End point punishment<sup>3</sup></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	MD 601 Serial No:	Unit	Rank	Offence(s) <sup>2</sup>	Finding	End point punishment <sup>3</sup>							<p>AFDC. Single Services will have the flexibility to also publish via other channels (for example routine orders). This was drafted in consultation with: a selection of current and former COs from the three Services, representatives from the Offices of the Deputy Service Chiefs, single Service warrant officers and DPA.</p>
MD 601 Serial No:	Unit	Rank	Offence(s) <sup>2</sup>	Finding	End point punishment <sup>3</sup>									

<sup>1</sup> This applies even when a member of the Armed Forces is posted to a joint or "tri-Service" unit.

<sup>2</sup> Where the offence is a civil offence against section 74 of the Armed Forces Discipline Act 1971, only a description of the underlying civil offence is required. For example "Common Assault" is the required description of the offence rather than "committing a civil offence contrary to section 74 of the AFDA, namely common assault contrary to section 196 of the Crimes Act 1961."

<sup>3</sup> The end point punishment is the start point punishment, reduced for mitigating circumstances of the offender, or increased due to aggravating circumstances of the offender. The end point punishment is the punishment actually imposed on the offender before they march out of the summary trial.