



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

OIA-2025-5591

28th November 2025

Dear [REDACTED]

I refer to your email of 6 November 2025 requesting, under the Official Information Act 1982 (OIA):

- 1. A copy of all material held by NZDF relating to responsibility for conduct of their personnel from 20 March 2020 to 3 December 2020
This may include a previous MOU or emails/documents discussing the deployment of NZDF staff into MIQs with MBIE or internally or ministers. It may include discussion or protocols on complaints and discipline*
- 2. A copy of all material held by NZDF related the signing of this MOU such as internal discussion or external discussion with MBIE on why this MOU was required at this particular time*
- 3. If this isn't clear enough - I am seeking to know who NZDF thought was responsible for the conduct of their staff prior to 3 December 2020. If the answer is 'nobody', which at this point it appears it was, then that should be made clear.*

With regard to the first part of your request, to the extent that you are seeking information concerning the standardised procedures for discipline, control, and handling complaints in relation to New Zealand Defence Force (NZDF) personnel, these are matters prescribed by law in publicly available documents¹. As per the response to you of 18 July 2025, this part of the request is declined in accordance with section 18(d) of the OIA.

With regard to part two of your request, the relevant material forms legal advice and is withheld in full in accordance with section 9(2)(h) of the OIA, to protect legal professional privilege.

To the extent that part three of your request is a request under the OIA, the position of the NZDF is that it is responsible for its personnel.

However, that position is distinct from the question of what forum is the most appropriate one for a complaint about NZDF personnel conduct to be dealt with in the particular circumstances it arises in.

¹ <https://legislation.govt.nz/act/public/1971/0053/latest/DLM401063.html>

In the circumstances of the MIQ system, NZDF's position is that MBIE's complaints process is the appropriate forum for any such complaint to be aired and resolved through given its status as lead agency with oversight and ultimate responsibility for that system.

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