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OIA-2021-4214

13 October 2021

Bruce Miller  
fyi-request-13944-855bb0f4@requests.fyi.org.nz

Dear Bruce Miller

I refer to your email of 16 September 2021, requesting information about the Defence Area designation displayed near the entrance to the GCSB facility in the Waihopai Valley. Your request has been considered under the Official Information Act 1982 (OIA).

*You asked if the justification for the sign the same as that for Pipitea House - that a certain number of NZDF personnel are permanent full-time employees on the site?, and if the land that the GCSB facility is on is actually owned by NZDF, does NZDF receive a payment for the lease or rent of that land? Additionally, if this is the case, when was the last time any lease was reviewed?*

New Zealand Defence Force (NZDF) personnel are located at the Waihopai Station Secure Communication Facility, although the presence of NZDF personnel is not required for any land or building to be declared a Defence Area. The Waihopai facility has been declared by the Defence Force Order (DFO) *Officers in Charge of New Zealand Defence Force Defence Areas* to be a Defence Area for the purposes of the Defence Act. I refer to the previous response provided to you of 20 October 2020, regarding the definition of a defence area under Section 2 of the Defence Act 1990:

*defence area means any land, water, or part of the seabed, or any building, or part of a building, either in New Zealand or elsewhere, that is set apart, used, or occupied for the purposes of the Defence Force, whether the property is owned by the Crown or is used or occupied by or on behalf of the Defence Force with the consent of the owner or is requisitioned under section 10(2)(b), and more particularly includes –*

*(c) any land, or any building, declared by Order in Council or Defence Force Order to be a defence area for the purposes of this Act.*

The NZDF does not own the land or buildings at the Waihopai Station Secure Communication Facility and therefore receives no payment for the lease or rent of that land.

Lastly, you asked *was the Defence Force Order used in the specific instance where three protestors entered the facility and destroyed GCSB property in April 2008?*

The designation of the Station Secure Communication Facility as a Defence Area under the DFO referenced above was issued sometime after April 2008. The designation itself does not

set out powers for the control and security of Defence Areas. These are set by Part 3 of the Defence Regulations 1990.

In the case of the protestors who entered the Waihopai facility in 2008, the powers from Part 3 of the Defence Regulations were not used. Instead, the New Zealand Police were called to manage the situation.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request.

Yours sincerely



**AJ WOODS**

Air Commodore

Chief of Staff HQNZDF