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New Zealand

OIA-2023-4673

30th
May 2023

J Smith

fyi-request-22124-4124e7bd@requests.fyi.org.nz

Dear J Smith

I refer to your email of 16 March 2023 requesting, under the Official Information Act 1982 (OIA),

How many service personnel have been found guilty of offences which relate to assault, sexual offences whether it be non-consensual relations or harassment in the last 3 years.

How many personnel currently working at any form of training establishments have been found guilty of any of the above offences.

The military justice system currently has a two-tiered structure comprised of a summary trial system and the Court Martial of New Zealand. Any offence that carries a maximum sentence of 7 or more year's imprisonment must be tried at Court Martial, which includes all serious violent or sexual offending. Records for these two tiers of military justice are recorded separately. In the last three years there have been six guilty Court Martial verdicts for charges that have a sexual or violence component.

New Zealand Defence Force (NZDF) records indicate 59 personnel were convicted of crimes at summary trial that have a sexual or violence component over the last three years.

Convictions of NZDF personnel handed down in the non-military, or civil court, system are also considered to be convictions in the military justice system under the Armed Forces Discipline Act. Information about an individual's civil convictions are reported to their command chain for recording and storing on their personnel file. A substantial collation and research effort would be required to gather this information from individual personnel records. This part of your request is therefore declined under section 18(f) of the OIA.

Identifying which personnel currently working within the numerous NZDF training units have previous convictions would also require a similar search. This part of your request is therefore also declined under section 18(f) of the OIA.

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