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**MANATŪ KAUPAPA
WAONGA**
NEW ZEALAND
MINISTRY OF DEFENCE

2 April 2026

Spencer Jones
fyi-request-34034-85ce7505@requests.fyi.org.nz

Dear Spencer

RESPONSE TO YOUR OFFICIAL INFORMATION REQUEST

Thank you for your email of 11 March 2026, in which you requested, pursuant to the Official Information Act 1982 (the Act) information pertaining to the Ministry's audit and assessment work. This response builds on the information provided to you in the previous responses of 16 February and 11 March.

Please note that some of the information you have requested is addressed in the information provided or referred to previously. Details of which are provided in Annex A. We have endeavoured to provide responses to each of your questions below.

1. Audit Terms of Reference

Please provide copies of any Terms of Reference used by the Ministry of Defence for hazardous substances audit or assurance activity relating to NZDF from 1 January 2018 to the present.

There are three Terms of Reference over this period, one covering the phase 1 audit (2024), one on the phase 3 (2026) audit, and then one for the incomplete 2019 audit.

- The phase 1 Terms of Reference was provided with my March response.
- As the phase 3 (2026) audit is currently underway, the related Terms of Reference is withheld at this time, pursuant to section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions.
- The Terms of Reference for the incomplete 2019 audit is enclosed.

2. Pre-audit risk assessments

Please provide copies of any risk assessments, scoping papers, planning memoranda, or equivalent records used to inform the audit scope for those hazardous substances audits or assurance activities during the same period.

The outcomes of pre-audit risk assessments are documented within the associated Terms of Reference. Extracts of the phase 1 Terms of Reference were provided previously, and further details are contained within the reports on these assessments, which are available on the Ministry's website:

- *Defence Audit and Assessment: Audit of the NZDF's Hazardous Substance Controls and Compliance – Phase 1, 2024* at <https://defence.govt.nz/publications/defence-audit-and-assessment-audit-of-nzdfs-hazardous-substance-controls-and-compliance-phase-1/>

It is necessary to withhold details for the incomplete 2019 review. My previous response provided you with additional background about that audit and noted that it was superseded by the most recent reviews.

3. Audit outputs

Please provide copies of any:

- *final audit reports,*
- *assurance reports,*
- *findings summaries,*
- *closure reports,*
- *or recommendation summaries*

arising from those hazardous substances audit or assurance activities from 1 January 2018 to the present.

I refer you to the reports linked above for the detail of the phase 1 audit undertaken in 2024. As reiterated above, it is necessary to withhold details for the 2026 and 2019 audits. My previous response provided you with additional background about the incomplete 2019 audit and noted that it was superseded by the 2024 review.

4. Scope inclusion / exclusion

Please provide any document, note, or guidance used in audit planning that records whether the following were included or excluded from hazardous substances audit scope:

- *airborne particulate hazards;*
- *asbestos-related hazards or exposure records;*
- *contaminated land or environmental residue issues;*
- *non-HSNO but operationally hazardous materials.*

As advised in my March response, the Ministry uses the definition in the Hazardous Substances and New Organisms Act 1996, which does not include airborne particulates or asbestos-related hazards etc. When scoping hazardous substances audits, the Ministry has not gone wider than the Act definition.

For practice relating to historic reviews, I refer you to the previous reports referred to in my February and March responses.

5. 2019 audit status

If any hazardous substances audit or assurance activity was commenced in or around 2019, please provide:

- *the ToR;*

•the risk assessment or scoping document; •and any record showing whether that audit was completed, paused, superseded, or not finalised.

A copy of the 2019 Terms of Reference for the Audit of Hazardous Substances is enclosed.

As advised, work related to the 2019 was suspended as a result of legal enquiries into the scope and application of the 2015 amendments to the Hazardous Substances and New Organisms Act. As per our previous correspondence of 11 March, the Ministry considers information relating to the incomplete 2019 audit must be withheld in full under sections 9(2)(g)(i) and 9(2)(f)(iv) of the Act, as the information was not finalised, has not been considered by the Minister of Defence and it would damage the integrity of the audit and assessment work to release draft information.

The draft 2019 audit report contains a note near the beginning that states *“THIS REPORT IS NOT COMPLETE. As a result of legal enquiries into the scope and application of the 2015 amendments to the Hazardous Substances and New Organisms Act 1996 (the HSNO Act), work has been suspended on this review. The matter is now with Crown Law.*

The report as it stands does provide useful ancillary information that may prove useful for operators in the field of Hazardous Substance management within the Defence Force.

Given the incomplete nature of the report it is for internal use only.”

Under section 28(3) of the Act, you have the right to request the Ombudsman to investigate and review this response.

Yours sincerely



Anton Youngman
Deputy Secretary, Strategy Management and Assessment

Enclosures and Annexes:

- 2019 Terms of Reference
- Annex A: Previous Material

Annex A: Previous Material

This annex contains a summary of requested information that has been addressed, provided or referred to in previous responses.

Scope and Objectives of Audits

The information below summarises the *Scope and Objectives of Audit*, and *Out of Scope* sections of the *Defence Audit and Assessment: Audit of the NZDF's Hazardous Substance Controls and Compliance – Phase 1 (2024)* audit. These audits cover class 2 – 9 hazardous substances (*Phase 1*).

Scope and Objectives of Audit

The hazardous substances audit will look to provide assurance that:

- a) The controls imposed in NZDF codes of practice are:
 - 1.a.1. Based on the controls imposed by the EPA under the HSNO Act; or
 - 1.a.2. Meet the relevant requirements prescribed in notices issued by the EPA under the HSNO Act; and
 - 1.a.3. Are consistent, as far as practicable, with the controls imposed under the HSAW HS Regulations for the purposes of the HSAW HS Regulations and WorkSafe practices;
- b) The identification and classification of hazardous substances align to HSNO Act and HSAW HS Regulations;
- c) Storage, handling, disposal, and transportation practices are best practice;
- d) Training and safety protocols for personnel working with hazardous substances are of sufficient standards;
- e) Emergency response and spill management procedures are best practice; and
- f) The NZDF is complying with the controls imposed by the CDF.

The above serves two objectives:

- a) Provide assurance the NZDF codes of practice on hazardous substances are consistent with the EPA and WorkSafe controls, and
- b) The NZDF codes of practice are being complied with.

The hazardous substances assessment will cover Class 2 to Class 9 hazardous substances.

Out of Scope

- a) The audit of Class 1: Explosives hazardous substances will be deferred for the 2023/24 audit, as this was recently conducted by the Canadian Department of National Defence in March 2023.
- b) Naval vessels, aircraft and aerospace facilities are excluded from this review, and may be addressed in future audits.
- c) An environmental impact assessment as a result of the storage, usage, handling, and disposal of hazardous substances.

Table of Documents

The table below lists the documents provided previously.

Hazardous Substance Management Audits and Reviews			
#	Title	Year	Availability
1	<i>Audit of NZDF's Hazardous Substances Controls and Compliance – Phase 2</i>	2025	Available from the Ministry's website
2	<i>Audit of NZDF's Hazardous Substances Controls and Compliance - Phase 1</i>	2024	Available from the Ministry's website
3	<i>Hazardous Substances Management in the New Zealand Defence force</i>	2016	Available from the Ministry's website
4	<i>Controls on Hazardous Substances in Weapons Systems</i>	2012	Available from the Ministry's website
5	<i>Management of asbestos in the NZDF</i>	2011	National Library
6	<i>Controls on Hazardous Substances Not Contained in Weapons Systems</i>	2010	National Library
7	<i>HSNO Monitoring and Audit in the NZDF</i>	2007	National Library
8	<i>Environmental Management in the NZDF</i>	2006	National Library
9	<i>Controls on Hazardous Substances Not Contained in Weapons Systems</i>	2005	National Library
10	<i>Controls on Hazardous Substances in Weapons Systems</i>	2004	National Library
11	<i>Implementation of HSNO in the NZDF</i>	2003	National Library
12	<i>HSNO Preparations</i>	2001	National Library