



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

OIA-2020-3892

31 August 2020

Mr T. Benseman

fyi-request-13484-e8e54fad@requests.fyi.org.nz

Dear Mr Benseman

I refer to your email of 10 August 2020 requesting, under the Official Information Act 1982 (OIA),

all correspondence, meetings minutes, memos, phone logs etc relating to covid 19; martial law; checkpoints; and, the legality of same, between 1.8.2019 and 10.8.2020

A search through the New Zealand Defence Force ('NZDF') electronic archives, using the terms 'COVID-19' with 'martial law' and with 'checkpoint,' from those dates, produced around 7,500 results. A large number of these results consist of media updates and automatically generated alerts, which cover pandemic-related matters, and include these search terms. There are also a large number of updates received and circulated by NZDF personnel serving overseas, relating to the pandemic. Accordingly, this part of your request is refused under section 18(f) of the OIA, as this information cannot be made available without substantial collation. However, in so far as they relate to your request, the following passages are provided as examples of these updates.

Isentia Digital Service Media Update 23 March 2020 NZDF 0740 :

Is Martial Law on the way to NZ?

Uncensored Magazine by Martin Harris 345 words

Defence Public Affairs Morning News Snapshot Friday 24 July 2020:

No, this video shows New Zealand Military cadets taking part in an annual training

exercise: A video showing armed men in camouflage walking along a street in New Zealand has been viewed tens of thousands of times on Facebook alongside a claim that "martial law is here and ready to be enforced with lockdown". – AFP

Ministry of Foreign Affairs and Trade COVID-19: Philippines Update 27 April 2020:

President Rodrigo Duterte has again threatened the imposition of martial law in response to several isolated clashes between the communist New People's Army (NPA) and the Armed Forces of the Philippines (AFP): "If you continue your lawlessness, killings here and there, and

it's happening all over the Philippines, maybe I will declare martial law because you NPAs are number one. You get the aid for the people, even their supplies, food... I am now warning everybody and putting notice for Armed Forces and the police, I might declare martial law and there will be no turning back..."

HQJFNZ WK Daily Brief 16 Apr 20:

Coronavirus: Kaikohe couple 'harassed', 'illegally detained' at COVID-19 community roadblock on trip to supermarket

A Northland couple was so terrified after being "harassed and illegally detained" by a "masked aggressor" at a community COVID-19 roadblock that they were forced to call the police for help. Rata and her husband were driving to do their weekly supermarket shop in Kaikohe when they were stopped at a Tai Tokerau Border Control checkpoint, and then "detained" when they didn't hand over their home address. The roadblocks, set up by former Maori Party MP Hone Harawira, have been in place since last month. They were established with the intention of stopping international tourists travelling around the country during the coronavirus crisis, but their main function now is to prevent Kiwis breaking their household 'bubbles' during the alert level 4 lockdown. Initially, Rata said, it was "all fine"; she and her husband were stopped by two men at the checkpoint

<https://www.newshub.co.nz/home/new-zealand/2020/04/coronavirus-kaikohe-couple-harassed-illegally-detained-at-covid-19-community-roadblock-on-trip-to-supermarket.html>

With respect to the part of your request relating to martial law, this is not a feature of modern New Zealand's constitutional arrangements. Four directly relevant email chains, covering the subject of martial law have been identified. These relate broadly to media requests on this topic. Three of these email chains are withheld in their entirety, under section 9(2)(h) of the OIA, to maintain legal professional privilege. Please find enclosed the fourth email chain. Part of this is withheld under section 9(2)(h) of the OIA, to maintain legal professional privilege. Where indicated, the names and contact details of media requesters, are withheld in accordance with section 9(2)(a) of the OIA, to protect individual privacy.

With respect to checkpoints, at this time NZDF personnel have been given no enforcement powers. The legal authority for the operation of these, rests with the New Zealand Police and you may wish to contact them regarding checkpoints.

The enclosed high level directive documents relate to the support the NZDF has provided to the All-of-Government COVID-19 response. They cover matters beyond the scope of your request, but may provide context and a broader understanding of the role the NZDF has played throughout the response to COVID-19. Where indicated, the names and contact details of points of contact, and internal intranet addresses, are withheld in accordance with sections 9(2)(a) and 9(2)(k) of the OIA, to protect individual privacy and avoid malicious or inappropriate use of staff information, such as phishing, scams or unsolicited advertising. Information related to financial administration is also withheld in accordance with section 9(2)(k) as described above. Details of some internal command and reporting tools are withheld in accordance with section 6(a) of the OIA, where its release would likely prejudice the security or defence of New Zealand.

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

Enclosure(s):

1. Email chain relating to media request on martial law
2. CDF Operational Directive 06/2020
3. CDF Operational Directive 18/2020
4. OPOD 068/20: OP PROTECT (COVID-19)
5. HQJTF 650.7 OPOD 002/20: OP PROTECT PHASE II
6. FRAGO 002 TO HQJTF 650.7 OPOD 002/20: ONGOING SPTTO REGIONAL MANAGED ISOLATION AND QUARANTINE FACILITIES
7. FRAGO 004 TO HQJTF 650.7 OPOD 002/20: ARMY RESERVE EXTENSION AND LEGAL UPDATE