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New Zealand Defence Force
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OIA-2021-4243

// November 2021

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

Dear Bruce Miller

I refer to your email of 13 October 2021 requesting, under the Official Information Act 1982 (OIA):

- *an exact date for when the Defence Force Order was created for the Waihopai facility;*
- *whether there have been a number of different [Defence Force Orders] in place for the Waihopai facility;*
- *whether a legal opinion [was] sought regarding the legality of the DFO "issued sometime after April 2008" to the Waihopai facility?; and*
- *have legal opinions been generated over the last 10 years regarding DFO's for any Defence Areas?*

Records indicate that the Defence Area designation for Waihopai was established in 2003; however, an exact date for the specific Stand Alone Defence Force Order has not been found. In 2016, Defence Force Orders (DFO) were updated to provide clarification for all Defence Areas in one document. It is common practice within the New Zealand Defence Force for DFOs to undergo a legal review prior to promulgation.

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