
KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2180

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

THE TAIHAPE: RANGITĪKEI KI RANGIPŌ
DISTRICT INQUIRY

CROWN MEMORANDUM REGARDING DEFENCE NOMENCLATURE

29 February 2024



**Te Tari Ture
o te Karauna**
Crown Law

Pouaka Poutāpeta PO Box 2858
Te Whanganui-a-Tara Wellington 6140
Waea Tel: 04 472 1719

Whakapā mai: Contacts:

Liesle Theron

Liesle.Theron@crownlaw.govt.nz

Barrister instructed:

Rachael Ennor

Rachael.Ennor@resolved.co.nz

RECEIVED

Waitangi Tribunal

29 Feb 2024

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL:

1. This memorandum responds to the Presiding Officer's 23 January 2024 memorandum-directions concerning any proposed revisions to the preliminary report on landlocking in the Inquiry District.
2. A table is filed through this memorandum to assist the Tribunal regarding nomenclature concerning Crown decisions and actions regarding the Waiouru Military Training Area.
3. This table was due to be filed by 26 February 2024. Counsel seeks the Tribunal's further tolerance for it being filed out of time (due to difficulty securing approval to file).

Background: Defence Nomenclature

4. Between 1971 and 1990 the armed forces came under the umbrella of the Ministry of Defence. Prior to 1971 the Army was subject to the New Zealand Army Act 1950. Since 1990, the New Zealand Defence Force was constituted under section 11 of the Defence Act 1990 after which the Ministry of Defence has served solely as a policy Ministry. Each entity reports directly to the Minister of Defence (i.e. the New Zealand Defence Force does not report to the Ministry of Defence).
5. Since its establishment the New Zealand Defence Force holds responsibility for all Defence Force operations including those of the Army, and its activities within the Waiouru Military Training Area. The New Zealand Defence Force actively participated in the Wai 2180 inquiry in its own right, and in regard to relevant Crown actions pre-1990. The current Ministry of Defence is not responsible for either pre-1990 or post 1990 Crown decisions, nor for considering and implementing the findings of the Tribunal, nor for directing the New Zealand Defence Force.

Crown proposal

6. The Crown suggest the Tribunal consider whether the final report record the background above, and defines, for the purposes of the report, the general terms 'Defence Force' or 'Army' are general terms to refer to the

responsible entity. 'Ministry of Defence' or 'New Zealand Defence Force' are used only where they are directly relevant to the particular context. 'Defence land[s]' refers to the Waiouru Military Training Area unless otherwise stated.

Table of proposed amendments

7. The following table is premised on word searches for the terms Army, Ministry of Defence, exercise area, and defence.

Page number	Text in pre-publication report	Proposed Wording	Comment
Contents page xiii /xi	Ministry of Defence	Defence Force	
Contents page xiv	Ministry of Defence	Defence Force	Note: 3 references
Contents page xv	Ministry of Defence	Defence Force	
Committal letter xx		Defence Force OR Defence Force (Army pre-1971, Ministry of Defence pre 1990 and New Zealand Defence Force subsequently)	If the Tribunal prefers to reference entity names in full, "two agencies" in the original text should be amended to "agencies".
18	Ministry of Defence	New Zealand Defence Force	References witnesses called – witnesses were from the NZDF and covered pre 1990 Crown actions also
21	New Zealand Defence Force	No change	References an NZDF employee
22	Ministry of Defence	New Zealand Defence Force	
31	Ministry of Defence	New Zealand Defence Force	Reference spans pre 1990 Ministry of Defence decisions and post 1990 New Zealand Defence Force decisions and actions.

Page number	Text in pre-publication report	Proposed Wording	Comment
32	Ministry of Defence	New Zealand Defence Force	
52	Ministry of Defence	New Zealand Defence Force	
56	Ministry of Defence	New Zealand Defence Force	
59	Defence officials	No change	References pre 1990 statements but is an accurate reference given ongoing implications and responsibility
61	Ministry of Defence's	New Zealand Defence Force's	
69	New Zealand Defence Force	No change	A quote
106	Ministry of Defence	New Zealand Defence Force	
139 (in title)	Ministry of Defence	New Zealand Defence Force	Note: 4 references on this page
143	Ministry of Defence	New Zealand Defence Force	
165	Ministry of Defence	New Zealand Defence Force	
169	New Zealand Defence Force	No change	References current agency with future focussed relevance
169	Ministry of Defence	New Zealand Defence Force	

29 February 2024

R E Ennor
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal

AND TO: Claimant Counsel