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New Zealand

OIA-2022-4306

OIA-2022-4307

30 March 2022

M Fitzgibbon

[fyi-request-18378-4b3aea26@requests.fyi.org.nz](mailto:fyi-request-18378-4b3aea26@requests.fyi.org.nz)

Dear M Fitzgibbon

I refer to your requests made to the Ministry of Defence of 31 January 2022, under the Official Information Act 1982 (OIA), for the following:

*Any correspondence between the ministry and the NZDF and vice versa, and between the Ministry and the Minister and vice versa, about either;*

- 1) what to do if NZDF Staff should decline the Vaccine, or*
- 2) the dismissal of NZDF Staff who refuse the COVID-19 vaccination.*

and

*I am requesting any advice provided by the Ministry of Defence to the Minister of Defence, about the COVID-19 vaccination of NZDF staff, and also advice provided concerning the subsequent vaccine mandate made by government.*

*I also request all advice provided by the Ministry of Defence to the Minister of Defence, about the NZDF COVID-19 vaccination policy and the NZ Bill of Rights act 1990, also all advice provided by either the NZDF to the ministry or by the ministry to the Minister concerning the NZ Government Mandate requiring NZDF Staff be vaccinated and the NZ Bill of Rights act 1990.*

*I am also requesting copies of all correspondence between the Ministry of Defence and the Minister of Defence and vice versa concerning the above matters.*

These requests were transferred to the New Zealand Defence Force<sup>1</sup> (NZDF) on 1 February 2022. Note, the Ministry of Defence is not responsible for the planning or delivery of the NZDF vaccination programme. There is a substantial amount of NZDF correspondence, which includes correspondence with the Ministry, on topics relating to vaccination. This is largely administrative in nature and reflects, for example, the inclusion of Ministry staff in the vaccination programme, the promulgation of conditions of entry to Defence Areas and conversations on the application of these conditions, management plans in the event of an outbreak, and refinement of communications relating to these matters. This aspect of your request is therefore declined in accordance with section 18(f) of the OIA, as identifying relevant information particular to your request would require a substantial collation and research effort. As such, this response reflects provision of information most relevant to the subject matter of your requests, and which will enable or inform any potential refined subsequent requests.

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<sup>1</sup> Information regarding the functions of the Ministry of Defence can be found online at [www.defence.govt.nz](http://www.defence.govt.nz).

With regard to your request relating to members of the NZDF who decline COVID-19 vaccination, the following Chief of Defence Force (CDF) directives<sup>2</sup> provide guidance regarding personnel who decline the COVID-19 vaccine / fail to meet or maintain individual readiness requirements<sup>3</sup> (of which baseline vaccination is one):

- **CDF Directive 31/2021 – Vaccine Mandate – Members of the Armed Forces**
- **CDF Directive 32/2021 – Vaccine Mandate – Members of the Civil Staff**

For your information, I have also enclosed copies of **CDF Directive 26/2021 – Vaccination Status as an Entry Requirement to certain Defence Areas<sup>4</sup>** and **CDF Directive 33/2021 - Vaccination Status as an Entry Requirement to certain Defence Areas<sup>5</sup>**.

Note, as this matter remains under active consideration guidance is likely to change or be replaced.

For your information, and in addition to the above, please also find enclosed<sup>6</sup> copies of announcements promulgated via the NZDF Intranet Landing Page (ILP) which relate to the subject matter of your requests, as follows:

- 26 November 2021 – From the Chief of Defence Force
- 9 December 2021 – From the Chief People Officer
- 16 December 2021 – NZDF COVID-19 update
- 28 February 2022 – vaccine mandate – judicial review
- 9 March 2022 – Vaccine mandate Judicial Review

With regard to your request for advice provided to the Minister of Defence, the following reflects the advice and briefings about the NZDF COVID-19 vaccination programme and related matters that were provided to the Minister of Defence by the NZDF:

#### **19 February 2021**

#### **NZDF reply to request from the Office of the Minister of Defence regarding vaccine rollout**

On request, the NZDF provided the following answers to questions posed by the Office of the Minister of Defence:

*Approximate number of Front line personnel that are potentially required to receive the vaccine role out:*

*All uniformed NZDF personnel will receive the vaccination on a prioritised basis either through the civilian health system if in an MIQ or through the Defence Health system if on a camp or base. There are approximately 9447 uniformed personnel.*

*Approximate percentage/number by Gender*

*Of uniformed personnel approximately 1744 (18.5%) are female and 7703 (81.5%) male.*

*Approximate percentage/number by ethnicity*

*The breakdown by ethnicity is:*

<i>NZ European</i>	<i>64.1%</i>
<i>Other European</i>	<i>14.7%</i>
<i>Maori</i>	<i>17%</i>
<i>Pacific</i>	<i>5.4%</i>
<i>Asian</i>	<i>2.7%</i>
<i>Other</i>	<i>4.8%</i>

<sup>2</sup> Copies are provided at enclosures 1 and 2.

<sup>3</sup> See Defence Force Order (DFO) 3, Part 9, Chapter 6, at enclosure 3.

<sup>4</sup> A copy is provided at enclosure 4.

<sup>5</sup> A copy is provided at enclosure 5.

<sup>6</sup> Copies are provided at enclosure 6.

**27 April 2021**

**NZDF reply to request from the Office of the Minister of Defence for Op Vaccinate figures and talking points**

On request, the NZDF provided the following vaccination rate figures and talking points to the Office of the Minister of Defence:

*As at 23 April, just under 9900 NZDF personnel, as well as some NZDF civilians, have received the first dose of the vaccine. This figures represents just under 90 per cent of the Regular Force. About 75 per cent of the RF have received the second dose.*

*The number of uniformed personnel declining is 2 per cent (ie just under 200 personnel.)*

*The below lines were those supplied to CDF ahead of his RNZ Morning Report interview last week although I've abridged them a bit to reflect possible ministerial use:*

*Talking points*

- *The reasons the NZDF is vaccinating the uniformed force is firstly, because there is a Government requirement that all border workers are vaccinated against COVID-19, and secondly the expectation that we are safely prepared for other tasks that may be required of us, either domestically or internationally.*
- *The ability to deploy on operations is not optional – it is a requirement of the Government and the reason the Defence Force exists. Given that the NZDF is required to deploy, there are certain basic standards military personnel must adhere to in order to be safely deployable.*
- *These standards include medical fitness, and that includes the requirement for military personnel to be vaccinated against certain things: eg Measles, Polio, Hepatitis, Diphtheria and Tetanus, among others. The COVID-19 vaccination against what is a potentially deadly and contagious illness has also been added to that requirement.*
- *The NZDF also has a responsibility to keep its people safe and healthy.*
- *Like all medical interventions the vaccinations require informed consent; personnel are not being forced to have a vaccine. Those not medically able to get the vaccine won't get it. But all personnel are required to turn up to a vaccine appointment and read the material presented, and listen to medical information in order to be appropriately informed to be able to make their choice.*
- *If they decline they will have a one-on-one conversation with a medical professional who can listen to them and address concerns. This has changed people's minds in some cases. The NZDF will listen to and address people's concerns at all levels.*
- *The CDF has been advised there are some individuals and pockets of individuals who are choosing to not attend their appointments at a clinic, and there are those who are, despite all the information, declining to get the vaccine.*
- *While it is every person's right to decline a vaccination, that choice does have consequences. I am advised by CDF that electing not to get a baseline vaccination will result in, on a case by case basis, a review of their service on the basis that it may not be safe for them, or the force, to do the job they are required to do. This is a matter for CDF.*
- *The NZDF's focus is on giving the Government options in the event of contingencies. We must ensure we have a deployable force for adverse events that occur – eg a Humanitarian Assistance and Disaster relief operation either here or in the Pacific.*
- *As I said when the intention to vaccinate the uniformed force was made public in March, it makes sense to vaccinate the entire force. Nobody wants, for example, to spread COVID-19 to Pacific countries that may be free of it.*
- *Vaccinating the entire uniformed force is the only sensible course of action.*
- *The Prime Minister has also made it clear that all border workers will have to be vaccinated. Recently a new security group of NZDF personnel deployed to MIQs, and*

*100 per cent of that force was vaccinated with at least the first dose of the vaccine. This makes complete sense as part of the layers of protection for New Zealand.*

**22 September 2021**

**COVID-19 Vaccines recognised under New Zealand Legal Order**

A copy of this submission is enclosed. Where indicated, staff names and contact details are withheld in accordance with sections 9(2)(g)(i) of the OIA, to maintain the effective conduct of public affairs through the free and frank expression of opinions, and section 9(2)(a) of the OIA, to protect privacy. Information is also withheld in accordance with section 9(2)(j) of the OIA, to enable negotiations to carry on without prejudice or disadvantage.

**22 October 2021**

**NZDF reply to request from the Office of the Minister of Defence for urgent comment on Cabinet Papers regarding COVID-19 vaccination requirements in the workplace**

The Office of the Minister of Defence sought comment at short notice on a Cabinet Paper regarding vaccination in the workplace from both the NZDF and Ministry of Defence, under urgency. The advice provided by the NZDF was as follows:

*CDF has endorsed this response. NZDF Health, Legal, HR, OCDF and MOD have been consulted and contributed to this position.*

*The bottom line is that the NZDF supports the mandated approach and has been tracking in this direction already (to address the need for NZDF to respond quickly as indicated in para 28 – NZDF recent AFG NEO as an example). In particular, the NZDF strongly supports para 36 proposal to mandate vaccinations for work in key public services and essential services, of which we would include all Defence Areas and NZDF staff (military and civilian). The applicability to contractors engaged in Defence business would need to be explored separately. Adding NZDF to para 33 or 34 specifically would be helpful in this regard.*

*Although NZDF supports Rec 7, for a study and report back on this proposal, we would prefer it was mandated now, along with other sectors proposed for mandate, rather than wait for a report back. There is a need for clarity and certainty in order to enable robust transition planning.*

*Other aspects of the Bill are workable, it will require some further interpretation and application from an NZDF context/perspective and these initial thoughts are available should they be of interest to Ministers or Officials.*

**8 November 2021**

**NTM 2021-350 – Vaccine Mandate for New Zealand Defence Force (NZDF)**

A copy of this briefing note is enclosed. Where indicated, contact details are withheld in accordance with section 9(2)(a) of the OIA, for the protection of individual privacy.

**19 November 2021**

**Dot Point Brief for Minister of Defence – Vaccine Mandates**

A copy of this briefing is enclosed.

Regular updates regarding the NZDF vaccination programme were also provided to the Minister of Defence, within Defence Weekly Reporting. The relevant sections are copied below:

- **NTM 2021-063 – Defence Weekly Report (week commencing 1 March 2021) – sent 5 March 2021**

**COVID-19 Vaccination Rollout**

*The NZDF continues preparations for rollout of the COVID-19 vaccine starting from next week. The rollout of the vaccine to all uniformed personnel will occur across all nine major camps and bases across the country. Readiness assessments of each NZDF vaccination delivery site are currently underway. The vaccine will [be] administered by suitably qualified*

and experienced NZDF personnel, and the majority of NZDF personnel are planned to be vaccinated over a period of six weeks.

Some NZDF personnel have already been vaccinated in Managed Isolation and Quarantine Facilities while they have been on duty in those facilities, and it is expected that further personnel will continue to be vaccinated in that manner. These vaccinations are administered by local District Health Boards. Vaccinations to NZDF personnel are in line with Ministry of Health guidance. A vaccinated NZDF workforce supports our commitment to Operation PROTECT, and enables the NZDF to conduct short notice deployments within the region and beyond.

- **NTM 2021-076 – Defence Weekly Report (week commencing 8 March 2021) – sent 12 March 2021**

**COVID-19 Vaccination Rollout**

The NZDF started its vaccination programme for uniformed personnel on 11 March across a number of camps and bases as part of the Government's efforts to combat COVID19. The vaccination programme will be delivered by the NZDF Health Services and by early next week all camps and bases will have a vaccine clinic on site. This follows a programme of readiness assessments and trials at each vaccination delivery site. It is expected that the vaccination programme will take six to eight weeks to complete.

Vaccination of the uniformed workforce already on duty in Managed Isolation and Quarantine Facilities (MIQFs) started last month as part of the effort to vaccinate the whole border force. By vaccinating all uniformed personnel the NZDF remains positioned to rotate personnel through the MIQFs, to operate safely at the border and to react to short notice domestic or international contingencies including responding to natural disasters in the Pacific.

- **NTM 2021-083 – Defence Weekly Report (week commencing 15 March 2021) – sent 19 March 2021**

**Op VACCINATE Update**

The COVID-19 vaccination programme for NZDF started on 11 March. The NZDF will vaccinate approximately 9600 frontline military personnel. The vaccination programme is being conducted across all of the NZDF camps and bases over the next six weeks. NZDF Health staff will be vaccinating NZDF personnel at a series of vaccination delivery centres established for that purpose. As of 19 March approximately 2770 NZDF personnel (non MIQ) have been vaccinated.

- **NTM 2021-093 – Defence Weekly Report (week commencing 22 March 2021) – sent 26 March 2021**

**Op VACCINATE Update**

As reported last week, the COVID-19 vaccination programme for New Zealand Defence Force (NZDF) personnel is being delivered by NZDF health staff across nine defence sites. Good progress has been made to date. As at 24 March, 56 percent of personnel have received dose one and 2.4 percent dose two.

- **NTM 2021-103 – Defence Weekly Report (week commencing 29 March 2021) – sent 1 April 2021**

**Op VACCINATE Update**

The COVID-19 vaccination programme for New Zealand Defence Force (NZDF) personnel is progressing well. As at 31 March 70.1 percent of uniformed personnel have received dose one and 5.1 percent have received dose two. Deployed personnel vaccinations are being managed on a case-by-case basis (depending on the vaccine) as vaccination opportunities arise from coalition partners or host nations in the various missions around the globe.

- **NTM 2021-111 – Defence Weekly Report (week commencing 6 April 2021) – sent 9 April 2021**

**Operation VACCINATE Update**

The COVID-19 vaccination programme for New Zealand Defence Force (NZDF) personnel continues to progress well with the key focus now being on the second dose vaccination. As at 7 April 85 percent of uniformed personnel have received dose one and 15 percent dose two.

- The MidCentral District Health Board (DHB) community vaccination initiative based in the Linton Camp Community Centre is also progressing well. Since the Easter break the numbers of household contacts being vaccinated each day has increased to 42. It is anticipated that approximately 276 household contacts will have been vaccinated by the end of the week.

- **NTM 2021-119 – Defence Weekly Report (week commencing 12 April 2021) – sent 16 April 2021**

**Operation VACCINATE Update**

The COVID-19 vaccination programme for New Zealand Defence Force (NZDF) personnel continues to progress well with the key focus being on the delivery of the second dose vaccination. As at 14 April 91.2 percent of uniformed personnel have received dose one and 44.2 percent dose two.

- **NTM 2021-125 – Defence Weekly Report (week commencing 19 April 2021) – sent 23 April 2021**

**Op VACCINATE Update**

The COVID-19 vaccination programme for New Zealand Defence Force (NZDF) personnel is nearing its end with the key focus being on the delivery of the second dose vaccination. The main vaccination programme for Regular Force personnel is scheduled to conclude on 30 April. The programme will then move to a second phase in which NZDF civilians and Reserve Force personnel will be offered vaccinations. As at 21 April 84.4 percent<sup>7</sup> of uniformed personnel have received dose one and 68.5 percent dose two.

- **NTM 2021-132 – Defence Weekly Report (week commencing 27 April 2021) – sent 30 April 2021**

**Operation VACCINATE Update**

The COVID-19 vaccination programme for Regular Force New Zealand Defence Force (NZDF) personnel concluded on 30 April. The programme will move to a second phase in which NZDF civilians and Reserve Force personnel will be offered vaccinations. As at 29 April, 86.1 percent of uniformed personnel have received dose one and 72.4 percent dose two. Under Operation VACCINATE, 872 NZDF civilians have received dose one and 356 dose two.

Deployed personnel were not covered by the Operation VACCINATE program due to the complexities with movement and storage of the approved national vaccine. Where an opportunity has presented itself for deployed personnel to receive a vaccine from either the host nation, coalition partners, or the umbrella organisations that the NZDF are operating under (for example, Multinational Force and Observers or the United Nations), individuals have received specific advice from a New Zealand Medical Officer on their options and the details of the vaccine on offer to allow them to make an informed decision. As a result some, not all, of our deployed personnel have received full courses of vaccines while overseas.

- **NTM 2021-137 – Defence Weekly Report (week commencing 3 May 2021) – sent 7 May 2021**

**Op VACCINATE Update**

Operation VACCINATE 2, the COVID-19 vaccination programme offering vaccinations to New Zealand Defence Force (NZDF) civilians and Reserve Force personnel, has commenced. As at 5 May, 87.6 percent of uniformed Regular Force personnel have received dose one and 78.2

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<sup>7</sup> Note, the percentage of uniformed personnel who had received a first dose varied, as the total number of personnel considered was expanded to include, for example, deployed personnel.

percent dose two. In addition, under Operation VACCINATE, 923 NZDF civilians have received dose one and 487 dose two.

- **NTM 2021-148 – Defence Weekly Report (week commencing 10 May 2021) – sent 14 May 2021**  
**COVID-19 VACCINATE Programme Update**  
 Operation VACCINATE 1 is the COVID-19 vaccination programme for the New Zealand Defence Force (NZDF). As at 12 May, 89.4 percent of uniformed Regular Force personnel have received dose one and 79.9 percent dose two. In addition, 950 NZDF civilians have received dose one and 536 dose two through NZDF Health Centres.
- MidCentral District Health Board (DHB) is delivering COVID-19 vaccinations to household contacts of military personnel. Until 7 May, vaccines to close contacts were delivered through the Linton Community Centre. The program has since shifted to a City Centre Clinic in Palmerston North that is now serving the wider Palmerston North community. Household contacts of military personnel working in Managed Isolation and Quarantine facilities are now being referred to the City Centre Clinic to receive their remaining dose. Approximately 550 household contacts received the COVID-19 vaccination through the program offered by MidCentral DHB.
- **NTM 2021-167 – Defence Weekly Report (week commencing 17 May 2021) – sent 21 May 2021**  
**COVID-19 VACCINATE Programme Update**  
 Operation VACCINATE is the COVID-19 vaccination programme for the New Zealand Defence Force (NZDF). As at 20 May, 89.8 percent of uniformed Regular Force personnel have received dose one and 82.9 percent dose two. In addition, 1132 NZDF civilians have received dose one and 683 dose two through NZDF Health Centres.
- **NTM 2021-178 – Defence Weekly Report (week commencing 24 May 2021) – sent 28 May 2021**  
**COVID-19 VACCINATE Programme Update**  
 Operation VACCINATE 1 is the COVID-19 vaccination programme for New Zealand Defence Force (NZDF) uniformed members and selected priority NZDF civilians. As at 27 May, 91.2 percent of Uniformed Regular Force personnel have received dose one and 84.2 percent dose two. In addition, 1132 NZDF selected priority civilians have received dose one and 683 dose two through NZDF Health Centres.  
 Operation VACCINATE 2 is the COVID-19 vaccination programme for Defence civilians. This is being conducted through regional health centres at NZDF camps and bases with individuals requesting access to vaccinations through a booking system. Vaccinations are due to commence on 14 June.
- **NTM 2021-188 – Defence Weekly Report (week commencing 31 May 2021) – sent 4 June 2021**  
**COVID-19 VACCINATE Programme Update**  
 Operation VACCINATE 1 is the COVID-19 vaccination programme for New Zealand Defence Force (NZDF) uniformed members and selected priority NZDF civilians. As at 2 June, 84 percent of Uniformed Regular Force personnel have received both doses of the vaccine and are effectively immunised.
- **NTM 2021-195 – Defence Weekly Report (week commencing 8 June 2021) – sent 11 June 2021**  
**COVID-19 VACCINATE Programme Update**  
 As at 9 June, 88 percent of uniformed Regular Force personnel have received both doses of the vaccine. This includes all Managed Isolation Facility workers. In addition, of the New Zealand Defence Force (NZDF) personnel and dependents based overseas in non-operational

roles, 64 percent have received their first dose of the vaccine with 24 percent being fully vaccinated. This does not include children 15 years and younger.

- **NTM 2021-204 – Defence Weekly Report (week commencing 14 June 2021) – sent 18 June 2021**  
**COVID-19 VACCINATE Programme Update**  
 As at 17 June, 88 percent of uniformed Regular Force personnel have received both doses of the vaccine. Operation VACCINATE 2, the COVID-19 vaccination programme for Defence civilians and Reserve Force personnel, commenced this week – although impacted by current vaccine supply limitations. This is being conducted through regional health centres at Linton, Woodbourne, Burnham, Devonport and Trentham, along with some pop-up clinics in other locations where the primary focus is on recruits. This vaccination programme is entirely voluntary. To date 711 doses have been administered, with 56 personnel having received both doses.
- **NTM 2021-212 – Defence Weekly Report (week commencing 21 June 2021) – sent 25 June 2021**  
**COVID-19 VACCINATE Programme Update**  
 As at 24 June, 90 percent of uniformed Regular Force personnel have received both doses of the vaccine. In addition, 2912 doses have been administered to Defence civilians and Reserve personnel with 777 having received both doses.
- **NTM 2021-221 – Defence Weekly Report (week commencing 28 June 2021) – sent 2 July 2021**  
**Operation VACCINATE Programme Update**  
 As at 1 July, 90 percent of uniformed Regular Force New Zealand Defence Force (NZDF) personnel have received both doses of the vaccine. In addition, 3311 doses have been administered to Defence civilians and Reserve personnel with 797 having received both doses. The window for Defence civilians and Reserve personnel to receive the first dose of the vaccine under Operation VACCINATE 2 closed on 2 July.  
 Ministry of Defence staff have been offered COVID-19 vaccinations during the final week of the New Zealand Defence Force's (NZDF) first dose vaccinations at Trentham Camp. Ministry staff work in integrated teams with both military and civilian NZDF counterparts in Defence House and regularly visit camps and bases across New Zealand. The extension of Operation VACCINATE 2 protects the whole Defence workforce from the threat of COVID-19.
- **NTM 2021-231 – Defence Weekly Report (week commencing 5 July 2021) – sent 9 July 2021**  
**COVID-19 VACCINATE Programme Update**  
 As at 8 July, 90 percent of uniformed Regular Force New Zealand Defence Force (NZDF) personnel have received both doses of the COVID-19 vaccine. In addition, 3978 doses have been administered to Defence civilians and Reserve personnel with 1308 individuals having received both doses.
- **NTM 2021-235 – Defence Weekly Report (week commencing 12 July 2021) – sent 16 July 2021**  
**COVID-19 VACCINATE Programme Update**  
 As at 15 July, 90 percent of uniformed Regular Force New Zealand Defence Force (NZDF) personnel have received both doses of the vaccine. In addition, 4420 doses have been administered to Defence civilians and Reserve personnel with 1743 having received both doses.
- **NTM-2021-241 – Defence Weekly Report (week commencing 19 July 2021) – sent 23 July 2021**  
**COVID-19 VACCINATE Programme Update**  
 As part of the ongoing New Zealand Defence Force (NZDF) Op VACCINATE 2 programme,



4805 doses have been administered to Defence civilians and Reserve personnel with 2112 individuals having received both doses.


- **NTM 2021-254 – Defence Weekly Report (week commencing 2 August 2021) – sent 6 August 2021**

**COVID-19 VACCINATE Programme Review**

As part of the New Zealand Defence Force (NZDF) Operation VACCINATE 2 programme, 4963 doses have been administered to Defence civilians and Reserve personnel, with 2262 individuals having received both doses. Operation VACCINATE 2 finished on 30 July. Staff who were not able to receive a vaccination as part of Operation VACCINATE will receive their vaccination as the situation allows or as part of the national programme.

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

**Enclosures:**

1. CDF Directive 31/2021 – Vaccine Mandate – Members of the Armed Forces
2. CDF Directive 32/2021 – Vaccine Mandate – Members of the Civil Staff
3. DFO 3, Part 9, Chapter 6
4. CDF Directive 26/2021 – Vaccination Status as an Entry Requirement to certain Defence Areas
5. CDF Directive 33/2021 – Vaccination Status as an Entry Requirement to certain Defence Areas
6. NZDF ILP Announcements
7. 22 September 2021 – COVID-19 Vaccines recognised under New Zealand Legal Order
8. 8 November 2021 - Vaccine Mandate for New Zealand Defence Force (NZDF)
9. 19 November 2021 – Dot Point Brief for Minister of Defence – Vaccine Mandates