

## HON JUDITH COLLINS KC, MINISTER OF DEFENCE

### PROPOSED CHANGES TO SUPPORT THE CHIEF OF DEFENCE FORCE IN MANAGING THEIR WORKFORCE – DEFENCE (WORKFORCE) AMENDMENT BILL

September 2025

This publication provides material associated with the Cabinet's agreement to proposed changes to support the Chief of Defence Force in managing their workforce when New Zealand Defence Force civilian staff take industrial action. This is done through the Defence (Workforce) Amendment Bill for introduction.

The pack comprises the following documents:

- the June 2025 Cabinet paper and associated minute of decision *Proposed Changes to Support the Chief of Defence Force in Managing their Workforce* [CBC-25-SUB-0036 and CBC-25-MIN-0036]
- the August 2025 Cabinet paper and associated minute of decision *Defence (Workforce) Amendment Bill: Approval for Introduction* [LEG-25-SUB-0164 and LEG-25-MIN-0164]

This pack has been released on the New Zealand Defence Force website, available at: <https://nzdf.mil.nz/media-centre/search-our-libraries/documents/>.

It has been necessary to withhold certain information in accordance with the following provisions of the Official Information Act 1982. Where information is withheld the relevant sections of the Act are indicated in the body of the document. Where information is withheld under section 9(2) of the Act it is not considered that the public interest outweighs the need to protect it.

Information is withheld where making it available would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand [section 6(a)]. Information is also withheld in order to maintain:

- the constitutional conventions that protect for the time being the confidentiality of advice tendered by Ministers of the Crown and officials [section 9(2)(f)(iv)] and
- legal professional privilege [section 9(2)(h)].

## **PROPOSED CHANGES TO SUPPORT THE CHIEF OF DEFENCE FORCE IN MANAGING THEIR WORKFORCE**

### **Proposal**

1. This paper seeks agreement on proposed changes to support the Chief of Defence Force (CDF) in managing their workforce when New Zealand Defence Force (NZDF) civilian staff take industrial action.

### **Relation to government priorities**

2. These proposals contribute to the Government's priority to protect and promote the security of New Zealand.

### **Executive summary**

3. New Zealand is facing its most challenging and dangerous strategic environment in decades. Now, more than ever, our defence force must be responsive and ready to protect New Zealand when required. Military personnel, who make up the Armed Forces, and NZDF civilian staff each play a role in ensuring this happens.
4. However, a decision by NZDF civilian staff to take industrial action can result in essential duties not being performed, such as aircraft maintenance, or the provision of security at sensitive facilities.
5. This creates a complex challenge for the CDF in managing their workforce as they need to balance the right of civilian staff to take industrial action, while also limiting its impact on national security, or the ability of the NZDF to safely and effectively perform its duties.
6. The Defence Act 1990 (the Act) enables the Minister of Defence to authorise military personnel to conduct the work of civilian staff (inside or outside of the NZDF) in the same way. When NZDF civilian staff undertook industrial action between September 2024 and January 2025, the CDF sought Ministerial authorisation to enable military personnel to perform the duties of NZDF civilian staff taking industrial action.
7. This process highlighted a number of limitations, including:
  - 7.1. military personnel can only be authorised (by the Minister of Defence) to conduct the work of civilian staff if there is a clear risk to safety and health, therefore creating a risk for the NZDF to perform its core functions;
  - 7.2. a Ministerial authorisation expires after 14 days, and requires a House resolution for an extension. This process is vulnerable to the availability of Parliament, and is out of step with similar authorisation processes and the time period industrial action can last;

- 7.3. seeking approval from the House to extend an authorisation risks information being publicly disclosed in Parliament that may highlight security vulnerabilities and sensitive operational details; and
- 7.4. if a Ministerial authorisation expires during a period where the House is adjourned (e.g. over the Christmas break), the House must be recalled in order to extend an authorisation.
8. To respond to these limitations, I propose a new process to enable the Minister of Defence to authorise military personnel to conduct the work of civilian staff, inside the NZDF, who are taking industrial action.
9. This would result in the removal of the 14 day expiry on an authorisation for military personnel to conduct the work of NZDF civilian staff. Instead, the Minister of Defence would be required to notify Parliament and relevant stakeholders of an authorisation, without sharing sensitive information.
10. This would only apply when there are reasonable grounds to believe an authorisation is required to avoid prejudicing national security, the ability and/or readiness of the Armed Forces to perform specific operational activities that are integral to core defence outputs<sup>1</sup>, or if it is necessary for the work to be performed for reasons of safety or health.
11. I also propose two changes to the process for authorising military personnel to conduct the work of striking public service employees outside of the NZDF. The first change would clarify that if an authorisation expires when the House is adjourned, it should be automatically extended to a time where the House is next sitting. The second change would amend the expiry of an authorisation from 14 days to 30 days.
12. To progress these proposals, I intend to return to Cabinet in August/September 2025, to seek agreement to introduce a Bill (the Defence (Workforce) Amendment Bill) to the House.

## **Background**

*Military personnel and civilian staff work together to maintain national security and ensure the NZDF can operate safely and effectively*

13. The NZDF comprises military personnel, who make up the Armed Forces, and civilian staff, who provide specialist expertise and additional resource to augment the capacity of military personnel.
14. Military personnel are required to be combat ready for armed conflict if it occurs, and perform a wide range of duties such as delivery of military training overseas, sanctions enforcement, and participation in armed conflict.
15. Civilian staff perform duties such as providing security at military bases and sensitive facilities; specialist testing of NZDF capabilities and technology; weapons and munitions servicing; intelligence analysis; aircraft maintenance; as well as, for example, working for the Defence College and the Defence Shared Services Group call centres and mail room.

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<sup>1</sup> Examples of specific activities that are integral to core defence outputs are discussed further on page 5.

*The NZDF's ability to protect New Zealand and perform key functions may be prejudiced if civilian staff decide to take industrial action*

16. Civilian staff, unlike military personnel<sup>2</sup> can take industrial action. This right is a key aspect of freedom of association at international law, and is regarded in New Zealand Courts as a “fundamental protection” to preserve workers’ bargaining power.
17. However, a decision to take industrial action can mean that some civilian duties are at risk of not being performed. This can impede the security of military bases and facilities and the ability of military personnel to effectively prepare for, and carry out operations.
18. This creates a complex challenge for the CDF in managing their workforce if industrial action occurs, because the CDF needs to:
  - 18.1. ensure national security is maintained, and the NZDF is able to perform its core functions safely and effectively; and
  - 18.2. preserve the right of civilian staff to take industrial action.

*The impact of this was realised when civilian staff undertook industrial action last year*

19. *[Legally Privileged]* There are unique provisions in the Act which enables the Minister of Defence to authorise military personnel to conduct the work of public service employees outside of the NZDF. A summary of this process is outlined in Appendix 1.  
1. s9(2)(h)

20. Between September 2024 and January 2025, NZDF civilian staff (who were members of the Public Service Association) took industrial action in support of bargaining for a new collective agreement. This was the second time civilian staff had decided to take industrial action, but the first time a Ministerial authorisation was required. However, in trying to apply the relevant provisions to the NZDF workforce, several issues arose, presenting complex challenges for the CDF to rearrange their workforce to meet the needs of the NZDF.

### **Issues with authorising military personnel to conduct the work of civilian staff**

21. I have identified three issues that impact the ability of the CDF to manage their workforce when NZDF civilian staff take industrial action.

*Issue A: Authorisations exclude circumstances that enable the NZDF to safely and effectively perform their functions and protect New Zealand*

22. Personnel can only be authorised by the Minister of Defence to conduct the work of civilian staff taking industrial action for reasons relating to health and safety.<sup>3</sup>
23. This means the CDF can only command military personnel to conduct the work of NZDF civilian staff in very limited circumstances. If industrial action occurs, the ability to perform core military functions duties is constrained if a direct threat to safety and health is absent.

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<sup>2</sup> Military personnel are not employees and are unable to take industrial action.

<sup>3</sup> Employment Relations Act 2000, s 97(4).

*Issue B: Authorisations expire after 14 days, and extensions require a House resolution*

24. Military personnel can only be authorised to conduct the work of NZDF civilian staff taking industrial action for a maximum of 14 days.<sup>4</sup> Should the Minister wish to extend this authorisation, they must seek approval from the House.<sup>5</sup> As a result:
- 24.1. a process to maintain national security (among other factors) is vulnerable to the scheduling and the availability of Parliament (as this can require recalling Parliament if it is adjourned at the time of expiry); and
  - 24.2. the process is out of step with other authorisations, for example, no other agencies are required to seek approval from the House when employing or engaging people from its own organisation to perform the work of their own striking employees, even if this is for an extended duration.

*Issue C: Current processes risk disclosing sensitive or classified information*

25. The process of seeking approval from the House to extend an authorisation risks information being publicly disclosed in Parliament that may highlight security vulnerabilities and sensitive operational details. This could prejudice national security, put members of the NZDF at risk, and hinder operational security and effectiveness.

**I propose changes to support the CDF in managing their workforce in response to industrial action**

26. To resolve the challenges highlighted above, I considered the following principles:
- 26.1. changes must enable the CDF to appropriately manage their workforce when industrial action taken by NZDF has significant impacts;
  - 26.2. changes must preserve the right of civilian staff to take industrial action, and ensure that military personnel do not unnecessarily conduct the work of civilian staff taking industrial action; and
  - 26.3. changes must resolve procedural challenges, while maintaining Parliamentary oversight of decisions.
27. Informed by these principles, I propose a new process for the Minister of Defence to authorise military personnel to conduct the work of NZDF civilian staff who are taking industrial action.
28. This would only apply when there are reasonable grounds to believe an authorisation is needed to avoid prejudicing:
- 28.1. national security; or
  - 28.2. the ability and/or readiness of the Armed Forces to perform specific operational activities that are integral to core defence outputs.
29. The types of activities that may be considered integral to core defence outputs could include (but are not limited to):
- 29.1. activities related to defending New Zealand and our strategic interests (e.g. activities that respond to Government defence priorities);

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<sup>4</sup> Defence Act 1990, s 9(8).

<sup>5</sup> Defence Act 1990, s 9(2) and 9(8).

- 29.2. responding to expected or unexpected events (within New Zealand or elsewhere) where military capacity is required to intervene (e.g. a foreign military vessel enters New Zealand's exclusive economic zone without notification, and military capability is required to confirm its intentions);
- 29.3. tasks that are required to meet obligations under security treaties, agreements or arrangements, including for the purposes of the United Nations (e.g. monitoring United National sanctions against North Korea, or providing disaster relief in the Pacific);
- 29.4. training activities (e.g. undertaking training with Police to ensure joint readiness for a siege or terrorist attack if it occurs); or;
- 29.5. activities that support critical continuity and emergency management (e.g. supporting New Zealand agencies in responding to a disaster like Cyclone Gabrielle).
30. Changes would not apply to civilian staff who support the NZDF in the delivery of functions that are not integral to core defence outputs. For example, the Minister of Defence would not be able to authorise military personnel to conduct the everyday (or business as usual) work of civilian staff who work at the New Zealand Defence College, Human Resources Service Centre, Defence Shared Services Group call centres and mail room, or those who support the maintenance and operation of defence estate infrastructure, personnel archives and medals, and defence libraries.
31. Current requirements relating to safety and health would still apply. This means the Minister of Defence will still be able to authorise military personnel to conduct the work of NZDF civilian staff if it is necessary for the work to be performed for reasons of safety or health.
32. I also propose the removal of the 14 day expiry on an authorisation for military personnel to conduct the work of NZDF civilian staff. This would remove the requirement to pass a resolution in the House to extend an authorisation for these purposes. An authorisation must be required for one of the reasons set out in legislation for so long as it remains in place. If it continues beyond a period considered necessary for these reasons, the decision to continue the authorisation (or failure to discontinue the authorisation) may be challenged for being unreasonable, and therefore unlawful, in judicial review proceedings.
33. As a way to provide transparency about an authorisation, I propose that the Minister of Defence be required to notify Parliament and relevant stakeholders<sup>6</sup> of an authorisation (without sharing sensitive information).

*This approach will best support the CDF to manage their workforce*

34. I recommend this approach as it best supports the CDF in managing their workforce in a wider range of circumstances, and reduces the risk of the NZDF failing to deliver on government agreed outputs. It also ensures that the use of military personnel to conduct the work of civilian staff taking industrial action, is limited to circumstances which, in my view, have the most significant impact on the NZDF's most essential functions and duties.

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<sup>6</sup> Relevant stakeholders include (but are not limited to) unions, and NZDF civilian staff who are union members.



35.

*Impact on preserving the right of civilian staff to take industrial action*

36. I acknowledge that this change will impact the bargaining power of NZDF civilian staff in that it will provide the NZDF with a greater ability to backfill roles when civilian staff are taking industrial action. But I also expect that industrial action will still have a considerable impact on NZDF operations. This is because members not ordinarily trained to perform the duties of civilian staff will be required to step into these roles (where it is safe to do so), while work that would otherwise be performed by military personnel would not be delivered, or the resources of the NZDF will be stretched in order to fulfil all relevant military and civilian related duties.
37. I also acknowledge that removing the requirement to seek House approval may be viewed as the removal of an important check on Ministerial power. The requirement to seek approval is, however, considerably onerous compared to similar authorisations. For example, no other agencies are required to seek approval from the House when employing or engaging people to perform the work of their own employees taking industrial action, even if for an extended duration. I consider it reasonable to provide greater flexibility when an organisation is responding to industrial action within their own agency.
38. The requirement to extend an authorisation also neglects how industrial relations have changed over the last 25 years. The introduction of the Employment Relations Act 2000 has greatly reduced the number of people deciding to take industrial action due to tools such as early mediation. This means that when employment disagreements do occur, industrial action (and any response to it) is a last resort, can signal a significant breakdown in relations, and suggests industrial action (in an NZDF context at least) will last longer than 14 days. This means we need more practical tools to support our response to industrial action when this creates considerable risk.

*Proposed changes for military personnel conducting the work of public service employees taking industrial action*

39. Parts of the challenges I have outlined above also apply when military personnel are authorised by the Minister of Defence to conduct the work of public service employees outside of the NZDF.
40. To respond to this, I propose to change the expiry date of this type of authorisation from 14 days to 30 days. I also propose to clarify that if an authorisation is expected to expire (when military personnel are authorised to conduct the work of public

service employees) when the House is adjourned, that authorisation will be automatically extended to a time where the House is next sitting.

41. This process would continue to require a House resolution before an extension to an authorisation can be granted, and would only be applicable when it is necessary for the work to be performed for reasons of safety or health. I consider such a process necessary to ensure that military personnel only conduct the work of public service employees where it is justified, and for a period that is appropriate in the circumstances.
42. This approach has a higher threshold than what is being applied to the NZDF, because changes that apply to the NZDF occur within the same organisation. When military personnel are conducting the work of public service employees outside of the NZDF, there should be a different process to ensure this only occurs when it is critical/essential for the safety and health of those involved, and the public.
43. The changes I am proposing would ensure that decisions to provide additional support to agencies who really need it are not unnecessarily restricted by the availability of Parliament.

#### **Implementation**

44. Should Cabinet agree to these proposals, I anticipate providing drafting instructions to the Parliamentary Counsel Office in June 2025. I anticipate that a Bill will be introduced to the House in August/September. s9(2)(f)(iv)

#### **Cost-of-living Implications**

45. The proposed changes do not have an impact on the cost of living.

#### **Financial Implications**

46. There are no financial implications arising from this paper.

#### **Legislative Implications**

47. I have sought agreement to include a Defence (Workforce) Amendment Bill on the 2025 Legislative Programme s9(2)(f)(iv)

#### **Impact Analysis**

##### ***Regulatory Impact Statement***

48. The regulatory impact analysis requirements apply to the proposal in this paper and a regulatory impact statement (RIS) has been prepared and attached. An independent panel reviewed the RIS, and confirmed it partially meets the quality assurance criteria.
49. The panel's assessment found the analysis of the preferred option (3B) underestimates the dilution of bargaining power of NZDF civilian staff compared to option 3A. The panel also noted that the RIS has not been consulted with all key affected parties. The panel recommended consideration be given to how NZDF civilian staff will be notified of the changes to ensure they are able to provide feedback via the Select Committee process, and how any issues raised will be addressed within the overall process.



## ***Climate Implications of Policy Assessment***

50. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to these proposals, as the threshold of significance is not met.

## ***Population Implications***

51. The proposal will have an impact on NZDF civilian staff and some public service employees who are union members, as their bargaining power may be impacted.
52. I consider this reasonable because the proposal will support continuity of NZDF outputs and the public service more generally which will benefit the population as a whole.

## ***Human Rights***

53. I note that the International Labour Organisation Committee on Freedom of Association recognises the Armed Forces and its activities as an essential service. I consider this applies to the types of activities I have highlighted.

## ***Use of External Resources***

54. No external resources were used in the development of this paper.

## ***Consultation***

55. The following agencies have been consulted on this paper: Ministry of Business, Innovation and Employment, Public Service Commission, Ministry of Justice, the Department of the Prime Minister and Cabinet, Department of Corrections, Government Communications Security Bureau, and New Zealand Security Intelligence Service. Agencies were largely supportive of proposed changes, and feedback has been incorporated into the paper.

## ***Communications and Proactive Release***

56. Due to the sensitivities surrounding this work, I do not propose to make any announcements or release this paper proactively until Cabinet has agreed to introduce a bill into the House.

## ***Recommendations***

The Minister of Defence recommends that the Committee:

1. **agree** that the Minister may authorise military personnel to conduct the work of NZDF civilian staff who are taking industrial action, where this work is required to avoid prejudicing:
  - national security;
  - the ability and/or readiness of the Armed Forces to perform specific operational activities integral to core defence outputs; or
  - if it is necessary for the work to be performed for reasons of safety or health;

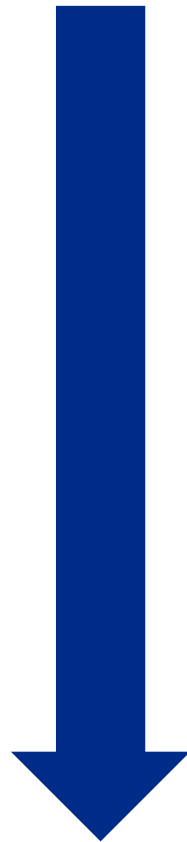
2. **note** that the Minister would not be able to authorise the Armed Forces to conduct the work of NZDF civilian staff taking industrial action if they perform activities that fall outside of the criteria outlined in recommendation 1, such as working for the New Zealand Defence College;
3. **agree** to remove the requirement for the House of Representatives to pass a resolution before extending an authorisation for military personnel to conduct the work of civilian staff inside the NZDF;
4. **note** that an authorisation relating to NZDF civilian staff can be challenged for being unreasonable, and therefore unlawful, in judicial review proceedings;
5. **agree** to require the Minister to notify Parliament and relevant stakeholders of an authorisation, without sharing sensitive information;
6. **agree** to change the expiry date of an authorisation (outside of the NZDF) from 14 days to 30 days;
7. **agree** to clarify that if an authorisation (that applies outside of the NZDF) is expected to expire when the House is adjourned, that authorisation will be automatically extended to a time where the House is next sitting;
8. **note** that the RIS partially meets the quality assurance criteria;
9. **invite** the Minister of Defence to issue drafting instructions to the Parliamentary Counsel Office to progress these decisions;
10. **authorise** the Minister of Defence to take further detailed policy decisions for the purposes of drafting legislation, subject to those details being consistent with the overall direction of this paper and following consultation with relevant Ministers; and
11. 

s9(2)(f)(iv)

Authorised for lodgement

Hon Judith Collins KC  
**MINISTER OF DEFENCE**

## Appendix 1: Summary of how military personnel are currently authorised to conduct the work of public service employees/ NZDF civilian staff taking industrial action



Public service employees (outside the NZDF) or NZDF civilian staff decide to take industrial action.

Minister of Defence provides written authorisation for the Armed Forces to conduct the work of employees/staff taking industrial action, specifying the part(s) of the Armed Forces that may be used and service(s) that may be provided.<sup>8</sup>

Minister of Defence informs the House of Representatives of the authorisation, and provides a copy of the written authorisation.<sup>9</sup>

Written authorisation expires after 14 days.<sup>10</sup>

If this time period needs to be extended, the House of Representatives must pass a resolution to extend an authority for a specified period.<sup>11</sup>

If Parliament is dissolved or expired, the Governor-General can extend an authorisation by proclamation approved in Executive Council for a specified period.<sup>12</sup>

Authorisation ends when it is no longer reasonable or appropriate for the Armed Forces to conduct the work of staff taking industrial action.

<sup>8</sup> Defence Act 1990, s 9(2).

<sup>9</sup> Defence Act 1990, s 9(7).

<sup>10</sup> Defence Act 1990, s 9(8).

<sup>11</sup> Defence Act 1990, s 9(8)(a).

<sup>12</sup> Defence Act 1990, s 9(8)(b).

**Appendix 2: Summary of how military personnel would be authorised to conduct the work of NZDF civilian staff under proposed changes**



NZDF civilian staff decide to take industrial action.

Minister of Defence provides authorisation for the Armed Forces to conduct the work of NZDF civilian staff.

Minister of Defence informs Parliament and relevant stakeholders of decision to authorise the Armed Forces to conduct the work of NZDF civilian staff.

There is no requirement to share information about the parts of the Armed Forces that will be used, or the services that will be provided in the notification

If NZDF civilian staff consider that the authorisation was unlawful, they may challenge this at the Employment Relations Authority, or by seeking a judicial review of the authorisation.

Authorisation ends when it is no longer reasonable or necessary to continue.



# Cabinet Business Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Proposed Changes to Support the Chief of Defence Force in Managing their Workforce

**Portfolio**                      **Defence**

On 30 June 2025, the Cabinet Business Committee:

- 1        **agreed** that the Minister of Defence may authorise military personnel to conduct the work of New Zealand Defence Force (NZDF) civilian staff who are taking industrial action, where this work is required to avoid prejudicing:
  - 1.1      national security;
  - 1.2      the ability and/or readiness of the Armed Forces to perform specific operational activities integral to core defence outputs; or
  - 1.3      if it is necessary for the work to be performed for reasons of safety or health;
- 2        **noted** that the Minister of Defence would not be able to authorise the Armed Forces to conduct the work of NZDF civilian staff taking industrial action if they perform activities that fall outside of the criteria outlined in paragraph 1 above, such as working for the New Zealand Defence College;
- 3        **agreed** to remove the requirement for the House of Representatives to pass a resolution before extending an authorisation for military personnel to conduct the work of civilian staff inside the NZDF;
- 4        **noted** that an authorisation relating to NZDF civilian staff can be challenged for being unreasonable, and therefore unlawful, in judicial review proceedings;
- 5        **agreed** that the Minister of Defence be required to notify Parliament and relevant stakeholders of an authorisation, without sharing sensitive information;
- 6        **agreed** to change the expiry date of an authorisation (outside of the NZDF) from 14 days to 30 days;
- 7        **agreed** to clarify that if an authorisation (that applies outside of the NZDF) is expected to expire when the House is adjourned, that authorisation will be automatically extended to a time where the House is next sitting;

8        s9(2)(f)(iv)

- 9 **invited** the Minister of Defence to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 10 **authorised** the Minister of Defence to make further detailed policy decisions for the purposes of legislative drafting, subject to those details being consistent with the overall direction of the policy set out in the paper under CBC-25-SUB-0036 and following consultation with relevant Ministers.

Rachel Clarke  
Committee Secretary

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**Present:**

Hon David Seymour (Chair)  
Rt Hon Winston Peters  
Hon Nicola Willis  
Hon Chris Bishop  
Hon Simeon Brown  
Hon Shane Jones  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Louise Upston  
Hon Judith Collins KC

**Officials present from:**

Office of the Prime Minister  
Department of the Prime Minister and Cabinet

Released by the Minister of Defence



## **DEFENCE (WORKFORCE) AMENDMENT BILL: APPROVAL FOR INTRODUCTION**

### **Proposal**

1. This paper seeks approval for the introduction of the Defence (Workforce) Amendment Bill (the Bill).

### **Policy**

2. The Bill comprises targeted amendments to the Defence Act 1990 (the Act). The amendments will support the Chief of Defence Force (CDF) in managing their workforce when New Zealand Defence Force (NZDF) civilian staff take industrial action [*CBC-25-MIN-0036 and CAB-25-MIN-0228 refers*].
3. The Bill includes seven policy changes:
  - 3.1. introduce a new process for the Minister of Defence to authorise the Armed Forces to conduct the work of NZDF civilian staff<sup>1</sup> who are taking industrial action. This would only apply when there are reasonable grounds to believe:
    - 3.1.1. an authorisation is needed to avoid prejudicing:
      - national security; or
      - the ability and/or readiness of the Armed Forces to perform specific operational activities that are integral to core defence outputs; or
    - 3.1.2. it is necessary for the work to be performed for reasons of safety or health<sup>2</sup>;
  - 3.2. require that an authorisation must be in writing, specifying the part(s) of the Armed Forces that may be used, the work that may be provided, and the timeframe that the authorisation will last for;
  - 3.3. remove the 14 day expiry on Ministerial authorisations for the Armed Forces to conduct the work of NZDF civilian staff, and replace this with a requirement to specify when the authorisation will end<sup>3</sup>;
  - 3.4. require that the Minister of Defence notify Parliament (without sharing sensitive information) of an authorisation;
  - 3.5. require that the CDF notify NZDF civilian staff (and their union) if the Armed Forces have been authorised to conduct their work during industrial action; and

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<sup>1</sup> This new process would not apply to employees outside of the NZDF.

<sup>2</sup> For "reasons of safety or health" reflects existing requirements under s 97(4)(a) of the Employment Relations Act 2000.

<sup>3</sup> This change would remove the requirement to pass a resolution in the House to extend the period of an authorisation.

3.6. introduce the following procedural changes when the Armed Forces are authorised to conduct the work of public service employees outside of the NZDF:

3.6.1. increase the number of days the Minister of Defence may authorise the Armed Forces to conduct the work of public service employees (outside of the NZDF), from 14 days to 30 days<sup>4</sup>; and

3.6.2. clarify that if an authorisation expires (when the Armed Forces are authorised to conduct the work of public service employees) while the House is adjourned, that authorisation will automatically be extended to the next sitting date.

## Impact analysis

4. A regulatory impact analysis (RIS) was prepared in accordance with the necessary requirements, and was submitted when I sought Cabinet committee approval of the policies relating to the Bill [CBC-25-MIN-0228]. The RIS analysis requirements apply to the proposed amendments in this Bill.

## Compliance

5. The proposed legislation complies with:

5.1. the principles of the Treaty of Waitangi;

5.2. the principles and guidelines set out in the Privacy Act 2020; and

5.3. relevant international standards and obligations.

6. At this stage, I am not aware of any issues regarding compliance with the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. s6(a)

7. A report from the Ministry of Justice on whether any provisions of the Bill appear to limit the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 will be provided at the time this paper is being considered.

8. The Bill is compliant with the 2021 Legislative Design and Advisory Committee (LDAC) guidelines. However, the guidelines encourage having an adequate pathway to appeal a statutory decision, in a way that enables the merits of a decision to be re-examined via a thorough assessment. While the proposed Bill does not specify its own appeal process in this regard, it does not restrict challenge via judicial review.

## Consultation

9. The following agencies have been consulted on this paper: Ministry of Business, Innovation and Employment, Public Service Commission, the Department of the

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<sup>4</sup> This process would continue to require a House resolution to extend a Ministerial authorisation beyond 30 days. These authorisations would only be able to occur when it is necessary for the work to be performed for reasons of safety or health.

Prime Minister and Cabinet, Ministry of Justice, Department of Corrections, Government Communications Security Bureau, and New Zealand Security Intelligence Service. Agencies either expressed support for the changes, or advised they had no comments. Relevant comments from agencies have also been incorporated into this paper.

### **Binding on the Crown**

10. As the Defence Act 1990 binds the Crown, so too will this Bill.

### **Creating new agencies or amending law relating to existing agencies**

11. The legislation does not create any new agency.

### **Allocation of decision-making powers**

12. The Bill does not affect the allocation of decision-making powers between the executive, the courts and tribunals.

### **Associated regulations**

13. Regulations will not be needed to bring the Bill into operation.

### **Definition of Minister/department**

14. The Bill does not contain a definition of a Minister, or chief executive of a department (or equivalent position), or a ministry/department.

### **Commencement of legislation**

15. The Bill will come into force by early 2026.

### **Parliamentary stages**

16. I propose for this Bill to be introduced on 26 August 2025, s9(2)(f)(iv)

17. s9(2)(f)(iv)

### **Proactive release**

18. I propose to proactively release this paper, the policy paper, and related minutes following introduction of the Bill, subject to any appropriate redactions.

### **Recommendations**

I recommend that the Committee:

1. **note** that Cabinet agreed to amend the Defence Act 1990 to support the Chief of Defence Force (CDF) in managing their workforce when NZDF civilian staff take industrial action;

2. **note** that the Bill amends the Defence Act 1990 to:
- 2.1. enable the Minister of Defence to authorise military personnel to conduct the work of NZDF civilian staff who are taking industrial action, when there are reasonable grounds to believe:
- 2.1.1. an authorisation is needed to avoid prejudicing:
- national security; or
  - the ability and/or readiness of the Armed Forces to perform specific operational activities that are integral to core defence outputs; or
- 2.1.2. it is necessary for the work to be performed for reasons of safety or health;
- 2.2. require that an authorisation must be in writing, specifying the part(s) of the Armed Forces that may be used, the work that may be provided and the timeframe that the authorisation will last for;
- 2.3. remove the 14 day expiry on authorisations for the Armed Forces to conduct the work of NZDF civilian staff;
- 2.4. require that the Minister of Defence notify Parliament (without sharing sensitive information) of an authorisation;
- 2.5. require that the CDF notify NZDF civilian staff (and their union) if the Armed Forces have been authorised to perform their work during industrial action; and
- 2.6. introduce the following procedural changes:
- 2.6.1. increase the number of days the Minister of Defence may authorise the Armed Forces to conduct the work of public service employees (outside of the NZDF), from 14 days to 30 days;
- 2.6.2. clarify that if an authorisation expires (when the Armed Forces are authorised to conduct the work of public service employees) when the House is adjourned, that authorisation will automatically be extended to the next sitting date;
3. **approve** the Defence (Workforce) Amendment Bill for introduction, subject to final approval of the Government caucus and sufficient support in the House of Representatives;
4. **agree** that the Bill will be introduced on 26 August 2025;
5. **agree** that the Government propose that the Bill be:
- 5.1. s9(2)(f)(iv)
- 5.2.

Authorised for lodgement

Hon Judith Collins KC  
**MINISTER OF DEFENCE**



# Cabinet Legislation Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Defence (Workforce) Amendment Bill: Approval for Introduction

**Portfolio**                      **Defence**

On 21 August 2025, the Cabinet Legislation Committee:

- 1        **noted** that in June 2025, the Cabinet Business Committee agreed to amend the Defence Act 1990 (the Act) to support the Chief of Defence Force (CDF) in managing their workforce when New Zealand Defence Force (NZDF) civilian staff take industrial action [CBC-25-MIN-0036];
- 2        **noted** that the Defence (Workforce) Amendment Bill (the Bill) amends the Act to:
  - 2.1        enable the Minister of Defence to authorise military personnel to conduct the work of NZDF civilian staff who are taking industrial action, when there are reasonable grounds to believe:
    - 2.1.1        an authorisation is needed to avoid prejudicing:
      - 2.1.1.1        national security; or
      - 2.1.1.2        the ability and/or readiness of the Armed Forces to perform specific operational activities that are integral to core defence outputs; or
    - 2.1.2        it is necessary for the work to be performed for reasons of safety or health;
  - 2.2        require that an authorisation must be in writing, specifying the part(s) of the Armed Forces that may be used, the work that may be provided and the timeframe that the authorisation will last for;
  - 2.3        remove the 14-day expiry on authorisations for the Armed Forces to conduct the work of NZDF civilian staff;
  - 2.4        require that the Minister of Defence notify Parliament (without sharing sensitive information) of an authorisation;
  - 2.5        require that the CDF notify NZDF civilian staff (and their union) if the Armed Forces have been authorised to perform their work during industrial action;

2.6 introduce the following procedural changes:

- 2.6.1 increasing the number of days the Minister of Defence may authorise the Armed Forces to conduct the work of public service employees (outside of the NZDF), from 14 days to 30 days;
- 2.6.2 clarifying that if an authorisation expires (when the Armed Forces are authorised to conduct the work of public service employees) when the House is adjourned, that authorisation will automatically be extended to the next sitting date;

3 **approved** the Defence (Workforce) Amendment Bill [PCO 27058/7.0] for introduction;

4 **agreed** that the Bill will be introduced by 26 August 2025;

5 **agreed** that the Government propose that the Bill be:

5.1 s9(2)(f)(iv)

5.2

Tom Kelly  
Committee Secretary

**Present:**

Hon David Seymour  
Rt Hon Winston Peters  
Hon Chris Bishop (Chair)  
Hon Paul Goldsmith  
Hon Brooke van Velden  
Hon Shane Jones  
Hon Judith Collins KC  
Hon Tama Potaka  
Hon Simon Watts  
Hon Nicole McKee  
Hon Casey Costello  
Hon Chris Penk  
Hon James Meager  
Hon Andrew Hoggard  
Stuart Smith, MP  
Todd Stephenson, MP  
Jamie Arbuckle, MP

**Officials present from:**

Officials Committee for LEG  
Office of the Leader of the House  
Office of the Minister of Defence