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OIA-2023-4616

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Dear [REDACTED]

I refer to your email of 27 January 2023 requesting, under the Official Information Act 1982 (OIA), the following:

- Any communication, reports, documents, or memos relating to members of the white nationalist group Action Zealandia being employed by the NZDF?
- The notes or reports of any investigations held by NZDF into whether a member of the defence force was a current member of Action Zealandia at the time?
- Any communication, reports, documents, or memos related to the hiring of new members of the NZDF that had links to Action Zealandia before they joined?

Information within the scope of your request is associated with current investigations and matters before the Courts. In accordance with section 6(c) of the OIA, such information is withheld as its release would likely prejudice the right to a fair trial, compromise the ability for any existing or future investigations to be carried out, and speak to the capability of the New Zealand Defence Force (NZDF) to identify such behaviour.

Enclosed is a copy of Defence Force Order 3, Part 9, Chapter 1, that provides information on the NZDF policy regarding political activity. Members of the NZDF retain the rights of membership of New Zealand society. These include the right to vote, join political parties, hold political views, and to seek election to Parliament or a local body. There is a requirement, however, for members of the NZDF to maintain political neutrality while fulfilling the requirements of their role within the NZDF. Note, members of the NZDF are also required to achieve and maintain a security clearance. Information on the government's Protective Security Requirements is available online.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website, with your personal information removed.

Yours sincerely



AJ WOODS

Air Commodore
Chief of Staff HQNZDF

Enclosure:

1. Defence Force Order 3, Part 9, Chapter 1: Political Activity

Chapter 1: Political Activity

Overview

Introduction 9.1.1.

Members of the New Zealand Defence Force (NZDF) retain the rights of membership of New Zealand society. These rights provide the right to:

- (1) vote
- (2) join political parties
- (3) hold political views, and
- (4) to seek election to Parliament or to a local body.

The duty of service or employment relationship does not remove these rights.

However, there is a requirement for members of the NZDF to maintain, and importantly, to be seen to maintain political neutrality while fulfilling the requirements of their role within the NZDF. For members of the Armed Forces, duty of service places obligations on the individual that may be at odds with their personal beliefs and which will limit their ability to exercise their rights as citizens.

This chapter provides guidance to Commanders and members of the NZDF with regards to the conduct of political activity.

Contents 9.1.2.

This chapter contains the following sections:

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Section A: Background of the Order

Overview

Introduction 9.1.3.

The NZDF must remain politically neutral in order to serve New Zealand's national interests. Members of the Armed Forces 'serve' and are not employees. Members of the Civil Staff are employees whose actions are governed by:

- (1) the Code of Conduct
- (2) their employment agreement, and
- (3) NZDF policies.

The NZDF is tasked to provide services by the New Zealand Government and is an 'executive' component of Government. As such it must obey the dictates of Government without political bias. However, members of the NZDF, as citizens or permanent residents of New Zealand, have rights that military service, employment by the NZDF and the requirements of Government does not remove.

Contents 9.1.4.

This section contains the following topics:

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Scope of the Order

Delegation 9.1.5.	Commanders and managers are delegated the authority to implement this Order.
Application 9.1.6.	This Order applies to all members of the NZDF.
Cancellation 9.1.7.	This Order replaces DFO 4 <i>Defence Force Orders for Personnel Administration</i> Chapter 26, <i>Political Activities</i> , which is cancelled with effect approval of this Order.
Effective Date 9.1.8.	This Order is effective from 15 February 2010.
Point of contact 9.1.9.	The Director of Human Resources Policy and Research, DHR is the point of contact for this Order.
References 9.1.10.	The following references apply to this Order: <ol style="list-style-type: none">(1) State Services Commission Guidelines on the Standards of Integrity and Conduct in the State Sector.(2) Electoral Act 1993.(3) Citizen Initiated Referenda Act 1993.(4) Official Information Act 1982.

Intent of the Order

Intent of the Order 9.1.11.

The intent of this Order is to ensure the political neutrality of the NZDF and members of the NZDF, in order for the NZDF to fulfil its obligations to the New Zealand Government and the New Zealand people.

The impacts sought by this Order are:

- (1) maintaining the faith and trust of the New Zealand Government in the NZDF's ability to remain politically neutral, and
- (2) maintaining the NZDF's relationship with Government.

Principles to apply 9.1.12.

The following NZDF HR principles are to apply in the application of the Order.

Value	Application
Commitment	Commanders, managers and members of the NZDF commit to the rights of the individual member to stand for election and for the need of the NZDF to remain politically neutral.
Integrity	Members of the NZDF are open, honest and trustworthy in all that they do and that they conduct themselves with: <ul style="list-style-type: none"> • sincerity • reliability • loyalty • impartiality • unselfishness, and • consistency of approach.
Timeliness	Individuals considering entering politics, or becoming politically active, need to advise their intention at the earliest opportunity so that they can be advised of their obligations and responsibilities.

Continued on next page

Intent of the Order, Continued

**Command
Guidance**
9.1.13.

Employment or service with the NZDF does not remove the right to exercise the rights and entitlements that membership of New Zealand society bestows. Exercising these rights is encouraged and supported, but needs to be tempered against:

- (1) the employment or service relationship with the NZDF
- (2) the role the individual member fulfils
- (3) the requirement to use the chain of command, and
- (4) the function and place that the NZDF holds within New Zealand society.

**NZDF support
of participation
in political
activity**
9.1.14.

Where a member of the NZDF indicates a desire, or intent, to participate in political activity either as an active supporter or to stand for election, commanders and managers should counsel the individual as to their obligations, impacts of actions and should cover potential issues and risks that may arise, so that the individual and the NZDF are protected.

Section B: The Policy

Overview

Introduction
9.1.15.

This section outlines the policy components of the Political Activity policy.

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9.1.16.

This section contains the following topic:

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NZDF Policy on Political Activity

Policy
9.1.17.

Members of the NZDF are to ensure that when exercising their right to participate in political activities, they conduct themselves in a manner is seen to remain politically neutral.

Section C: General Provisions

Overview

Introduction
9.1.18.

This section provides the general provisions covering political activity within the NZDF.

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9.1.19.

This section contains the following topics:

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Political Neutrality

Political neutrality
9.1.20.

Members of the NZDF must ensure that they, and the NZDF, not only maintain the confidence of the Minister of Defence, but that the same relationship can be maintained with future Ministers. To do this, members of the NZDF must be politically neutral and must perform their roles professionally and without bias towards one political party or another.

Exercising judgement
9.1.21.

Members of the NZDF must exercise judgement as to whether, when or how to express their political and personal views. For example they are not to:

- (1) express their personal views in a manner that could be taken as a comment in their official capacity;
- (2) indulge in personal attacks on Members of Parliament;
- (3) criticise government policy with which they have been professionally involved, or which they are required to implement
- (4) reveal advice or information given to Ministers, except advice that may be 'officially released' e.g. through the Official Information Act, or as a public statement made by a Minister; or
- (5) disclose information they are not authorised to disclose.

In case of doubt guidance is to be sought from a superior.

Members of the Armed Forces not to assume a public role
9.1.22.

Members of the Armed Forces are not to assume a public role in support of a political party while:

- (1) they remain an active member of the Armed Forces,
 - (2) they are on duty, and/or
 - (3) they are wearing uniform.
-

Wearing of party emblems
9.1.23.

Members of the Armed Forces are not to wear any party emblems, ribbons or other political badges on uniform.

Provision of Support to Candidates

Political meetings 9.1.24.

Reasonable opportunities are to be granted to members of the Armed Forces to hear the candidate's public addresses, providing there is no interference with military duties. Where practicable, civilian dress should be worn.

Note: Members of the Armed Forces in uniform are not to take an active part in the proceedings of political meetings.

Political meetings are not normally to be held within Service working areas.

Provision of facilities 9.1.25.

Candidates, either local body or national level, requesting permission to hold electoral meetings during an election campaign are to be advised to seek the use of a suitable public building. Where suitable facilities are not available within a reasonable distance, appropriate camp or base facilities may be made available at normal charges.

Where a Member of Parliament, representing an area or group in which a military camp or base is located, requests the temporary use of a room to interview constituents, efforts are to be made to assist.

Posting of political notices 9.1.26.

An officer in command of a defence area may permit the posting of advertising notices on unit notice boards.

Canvassing 9.1.27.

With the permission of the officer in charge of a defence area, civilians may, on behalf of an official candidate, carry out canvassing activities in service housing areas located within a defence area.

This provision does not extend to holding political meetings and does not apply to Service housing areas located outside defence areas.

Section D: Members of the NZDF Standing as Candidates for Elections

Overview

Introduction
9.1.28.

This section covers members of the Armed Forces who stand for election.

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This section contains the following topics:

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Candidature for Parliament or Local Bodies

Candidates for Parliament

9.1.30.

When members of the NZDF are aware that they are to be nominated as a candidate for a parliamentary election, they are to:

- (1) notify their unit commander or manager, who is to advise the appropriate single Service Chief, and CPO.
- (2) be placed on Annual Leave (AL) or Leave Without Pay (LWOP) or a leave of absence commencing from nomination day. If the nomination as a candidate is accepted they are to remain on leave until the first day after polling day, unless the nomination is withdrawn before this time, and
- (3) actively pursue the candidature only during the period of leave.

Members of the Armed Forces who have advised of their intention to stand for election to Parliament and are actively electioneering may be required to proceed on AL, LWOP or leave of absence at any time prior to nomination day. Any balance of AL due to Regular members of the Armed Forces is to be taken before commencing any period of LWOP.

While on leave in connection with the candidacy, members of the Armed Forces shall not carry out any Service duties or receive any salary except for that due for any period of AL.

Refer: *State Services Commission Guidelines on the Standards of Integrity and Conduct in the State Sector.*

Withdrawal of candidature

9.1.31.

Candidates for election to Parliament are entitled to withdraw their nomination up to noon on nomination day. A member of the Armed Forces who withdraws their candidature may resume duty on the next working day following their withdrawal.

As withdrawal is not permitted after noon on nomination day, members of the Armed Forces who signify after this time that they will not contest the election for which they have been nominated, may not resume duty until the first day after polling day.

Candidates for Local Body elections

9.1.32.

Members of the Armed Forces standing for election to a local body are to notify their unit commander, who is to advise their appropriate single Service Chief, and CPO.

Where there is a full time commitment to the local body election, the same general provisions as for election to Parliament are to apply.

Successful Election to Parliament

Successful election

9.1.33.

If a member of the NZDF is elected a Member of Parliament, the following are to occur effective at election day or on a day on which the result of the poll is declared, whichever comes last:

If the member of the NZDF is ...	then...
Regular Force	The member's service is terminated by statute under s.53 of the Electoral Act 1993. The member shall be deemed to have been released at own request without having given the prescribed notice, and all conditions relating to this form of release are to apply.
Territorial Force	A Territorial Force member may continue to serve in the NZDF, but will not be called up for service during their tenure as a Member of Parliament.
Civil Staff	The member is to request LWOP or is to resign.

Unsuccessful Election to Parliament

Resuming duty
9.1.34. Members of the Armed Forces who, having stood for election to Parliament, are not elected may resume duty on the first working day following polling day, or on the day on which the result of the poll is declared, whichever comes last.

Reinstatement
9.1.35. If the member of the NZDF elects to be reinstated, this reinstatement will be deemed to have occurred on the date that the application is submitted to the appropriate single Service Chief. Posting and employment of the member shall as far as practical match the posting and employment that member was in prior to their release, however the final decision on posting and employment is at the discretion of the Service Chief concerned, or the CDF for members of the Civil Staff.

In cases where a member of the Armed Forces is reinstated into the NZDF, any rights and benefits (apart from salary) that rely on continuous service shall be deemed to be unbroken by absences between the dates of release, or discharge, and reinstatement.

Section E: Visits to Military Establishments by Ministers of Parliament or Official Parliamentary Candidates

Overview

Introduction
9.1.36.

This section provides the provisions when visits to military establishments are requested by Ministers or candidates.

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Requests for Visits

Requests for visits by Members of Parliament

9.1.38.

Requests by Members of Parliament for visits to military establishments, for the purpose of familiarisation or briefing, are to be directed to the Minister of Defence for approval.

Following approval by the Minister, arrangements for the visit are to be coordinated by HQNZDF.

Political meetings and electioneering

9.1.39.

This provision applies to familiarisation or briefing visits only and does not negate the rules set out in this Order concerning political meetings and electioneering.

Requests for visits leading up to a General Election

9.1.40.

During the run-up to a general election or a Parliamentary by-election, official candidates may also seek visits to military establishments for familiarisation or briefings on the same basis as Members of Parliament. Such requests are to be handled in the manner prescribed in paragraph 9.1.38., *Requests for visits by Members of Parliament*.

Section F: Citizen Initiated Referenda

Overview

Introduction

9.1.41.

The Citizen Initiated Referenda Act establishes a process that allows persons, or organisations, to initiate a non-binding national referendum on a subject of their choice. This is provided that 10% of registered voters sign a petition in support of the question.

The Clerk of the House of Representatives determines the precise wording of the proposal. They must ensure the question clearly conveys the purpose and effect of the proposal.

The promoter has 12 months in which to collect the necessary signatures to cause a national referendum to be held.

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9.1.42.

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NZDF Participation in a Referendum

**NZDF
coordination**
9.1.43.

The Director Coordination, HQNZDF, is responsible for dealing with any requests to the NZDF from the Clerk of the House of Representatives for assistance.

Any assistance provided is to focus on ensuring the question clearly conveys the purpose and effect of the proposal. Comments on relative merit of the proposal are to be avoided.

**Advice to the
Minister of
Defence**
9.1.44.

The Minister of Defence is to be informed of requests received by the NZDF from the Clerk for assistance.

The Minister is to be shown the proposed response.

**Rights to use
referendum**
9.1.45.

Members of the NZDF have the same rights to use the referendum process as any other member of New Zealand society.

Members of the Armed Forces are to ensure their participation does not bring them into conflict with their primary duty of serving the Government in a politically neutral manner.

Care is needed on the part of senior members of the Armed Forces where a referendum relates to policies with which personnel may have been professionally associated.
