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New Zealand Defence Force
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New Zealand

OIA-2025-5410

18th

June 2025

[REDACTED]

[REDACTED]

Dear [REDACTED]

I refer to your emails of 25 and 27 May 2025, to the Ministry of Defence and the New Zealand Defence Force (NZDF) respectively, asking *'Is COVID-19 vaccination (including booster) currently mandatory for new recruits, or is there any flexibility in this policy? Your requests have been considered in accordance with the Official Information Act 1982 (OIA).*

All members of the Armed Forces are required to have COVID-19 vaccinations. The Chief of Defence Force (CDF) has always been consistent in reiterating that members of the Armed Forces are required to meet individual readiness requirements, which include vaccinations as specified in the NZDF Vaccination Schedule. The schedule requires vaccinations against a range of diseases such as Measles, Polio, Hepatitis, Diphtheria, Tetanus, and COVID-19.

While there have been a number of court cases relating to COVID-19 management, these cases do not affect the NZDF's Vaccination Schedule or the requirement for members of the Armed Forces to meet individual readiness requirements. A High Court judgment in 2022, which led to the revocation of the COVID-19 Public Health Response (Specified Work Vaccination) Order 2021, did not prevent the CDF (or other employers) from setting and maintaining their own internal vaccination policies.

More recently, the Supreme Court unanimously allowed the NZDF's appeal in *CDF v Four Members*. While the genesis of this case was the NZDF's COVID-19 vaccination requirements, the core issue before the Supreme Court was how much room the Courts should give CDF (and by extension, other commanders) to make decisions relating to the NZDF's preparation for and delivery of, operational outputs, when those decisions limit rights under the Bill of Rights Act.

CDF decision-making relating to conditions of service, discipline, and operational effectiveness is frequently rights limiting. This case therefore had significant strategic and long-term implications for CDF's ability to effectively command and deploy uniformed personnel.

The Supreme Court held that while Courts must be prepared to carefully scrutinise CDF decision-making that limits rights under the Bill of Rights Act, CDF commands the armed forces and is likely to be in a much better position than a Court to evaluate the relevant considerations on operational effectiveness and military discipline. In light of CDF's status and experience, the Supreme Court considered that the Court of Appeal gave an insufficient

margin of appreciation to his decision-making on whether the relevant orders were reasonable.

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

GA Motley

Brigadier

Chief of Staff HQNZDF