



Headquarters  
New Zealand Defence Force  
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Wellington 6011  
NEW ZEALAND

18 Nov 21

**See Distribution List**

**CDF DIRECTIVE 26/2021**

**VACCINATION STATUS AS AN ENTRY REQUIREMENT TO CERTAIN DEFENCE AREAS**

#### **Authorities**

1. Issued by the Chief of Defence Force pursuant to section 25 of the Defence Act 1990.<sup>1</sup>

#### **Commencement**

2. This Directive commences at midnight Sunday 21 November 2021.

#### **Applicability**

3. For the purposes of this Directive, “workers” are defined as members of the Armed Forces, Civil Staff, NZDF contractors and their employees, subcontractors and their employees, and volunteer workers.
4. This Directive constitutes a general order to members of the Armed Forces and instructions to the Civil Staff and other workers employed for Defence Force purposes.
5. Workers and other persons (e.g. visitors), at a workplace are required to comply with the orders in this Directive in order for the NZDF to comply with its obligations under the Health and Safety at Work Act 2015 (HSWA) and regulations.<sup>2</sup>
6. Non-compliance with this Directive may result in disciplinary action being taken in accordance with the *Armed Forces Discipline Act 1971* or may result in possible sanctions in accordance with the Civil Staff Code of Conduct for workers who are members of the Civil Staff of the NZDF. Workers who are not members of the Civil Staff and other persons may be refused further access to Defence Areas for failure to comply with this Directive.

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<sup>1</sup> Issued to discharge the duties of the Chief of Defence Force as an officer of the Person Conducting a Business or Undertaking (PCBU) under the Health and Safety Work Act 2015.

<sup>2</sup> See Health and Safety at Work Act 2015 ss. 45(c) and 45(d): workers are required to comply with reasonable instructions given by the PCBU to comply with Act and to cooperate with any reasonable policy of the PCBU relating to the health and safety of the workplace notified to workers. Section 46(c): A person at a workplace must comply, as far as he or she is reasonably able, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with this Act or regulations.

**Scope**

7. This Directive applies to the Defence Areas prescribed in Annex A to this Directive (hereafter Prescribed Defence Areas).

**Context**

8. Auckland is experiencing a steady and expected rise in community COVID-19 cases. Despite public health control measures it is clear that prevalence of cases in the community is not subsiding and there is an increasing likelihood that COVID-19 will present in an NZDF workplace in Auckland.
9. Infection with COVID-19 can have serious consequences in some cases including serious long lasting health impacts and it is considered a hazard in the workplace that can result in a risk of harm.
10. Several control measures are in place to reduce the likelihood of COVID-19 entering the workplace, however it is assessed that despite these measures, with rising community cases COVID-19 is now a risk to workers in Defence Areas in Auckland.
11. Other than eliminating the hazard the next best measure available to reduce the potential harm from COVID-19, is the very effective available COVID-19 vaccination. Vaccinated personnel are much less likely to suffer serious illness and long term consequences from COVID-19 infection and vaccination is considered very effective protection from COVID-19.
12. There are no control measures equal to vaccination in terms of protecting the unvaccinated workers from harm in the workplace through infection from COVID-19 – other than by eliminating their risk of exposure, which means keeping the unvaccinated out of the workplace when the hazard presence increases.
13. Vaccinated persons also have a reduced likelihood of catching and transmitting COVID-19. Having vaccinated personnel in the workplace means that the likelihood of introducing and spreading the virus is less than if persons are unvaccinated.
14. While there are some other very important concurrent control measures for a workplace to reduce risk of transmission to surrounding vaccinated workers (masks, testing, symptom screening, distancing etc), the presence of an unvaccinated worker in the workplace when community risk is high increases the likelihood of the hazard being introduced through that unvaccinated worker. There is then an increasing workplace risk of vaccinated workers contracting COVID-19 from unvaccinated workers in the current Auckland environment.
15. An additional consideration is that NZDF workplace outputs will be significantly affected by any COVID-19 cases in its workforce. Regardless of the degree of illness experienced by the individual, they will be required to isolate, as will potential contacts, creating absences in the workplace. All of the control measures available to reduce the likelihood of COVID-19 infecting and being transmitted must be used to ensure workplaces remain safe and functional.

### Situation

16. Given the steady and expected rise in community COVID-19 cases in Auckland, it is now considered that unvaccinated workers are not sufficiently protected from the COVID-19 hazard and that unvaccinated workers now increase the risk of potential harm to themselves and others in the workplace.
17. Any NZDF workplace that has workers who share any communal space or location, at any time, for work duty, ablutions, security, accommodation and eating is considered an affected area and should have workers protected by vaccination status.
18. Commanders/managers/Officers in charge of Defence Areas must be enabled to discharge their obligations under the HSWA to keep all personnel as safe as possible from the viral hazard through limiting access to these NZDF areas to only those who have vaccination protection.
19. Accordingly, the purpose of this Directive is to ensure the health of workers by requiring that vaccination is a current condition of entry to those prescribed Defence Areas in regions where there is prevalence of COVID-19 in the community as detailed at annex A. This control measure adheres to the NZDF's duty of care to ensure the health and safety of its workers while at work.<sup>3</sup>

### Responsibilities

20. Officers in Charge of Prescribed Defence Areas:
  - a. are to display clearly visible signage at entry points advising that full vaccination is a condition of entry;
  - b. may only allow entry of the persons described at para 22 in cases of emergency or on the advice of the Chief Medical Officer and Director of Safety or their respective delegates. Advice on entry of such persons will be provided on a case-by-case basis to the responsible Officers in Charge.

### Coordinating Arrangements

21. **Orders.** Prescribed Defence Areas are places of work that require all workers and visitors to be vaccinated<sup>4</sup> as a condition of entry.
22. Workers and visitors who are not fully vaccinated must not enter Prescribed Defence Areas, without authority of the Officer in Charge of the Defence Area.
23. **Exemptions.** This Directive does not apply to:
  - a. Children under 12, until such time as a vaccine is available for children under 12. However, notwithstanding this, children under 12 are not permitted to access work areas and common areas on Prescribed Defence Areas such as gyms, swimming pools or other recreational facilities until they are vaccinated.

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<sup>3</sup> Health and Safety at Work Act 2015, sections 36 and 37(1).

<sup>4</sup> As defined in COVID-19 Public Health Response (Vaccinations) Order 2021 (the Order), clause 4: "*in relation to an affected person, means the person has received all of the doses of COVID-19 vaccine or combination of COVID-19 vaccines specified in the first column of the table in Schedule 3 [of the Order] administered in accordance with the requirements specified for that vaccine or combination of vaccines in the second column of that table.*"



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- b. Unvaccinated members of the Armed Forces who are seeking to enter a Prescribed Defence Area solely for the purpose of obtaining NZDF health care services.
  - c. A dependent or spouse of a member of the Armed Forces or Civil Staff who resides at a Defence house located on a Prescribed Defence Area, for the time that dependent or spouse is going to or from that place of residence.
  - d. Unvaccinated dependants or spouses are only permitted to access their place of residence in a Prescribed Defence Area to which this Directive applies and may not access other parts of the Prescribed Defence Area and are not permitted to use common areas on Prescribed Defence Areas such as gyms, swimming pools or other recreational facilities.
  - e. Emergency services (Police, Fire and Emergency NZ or Ambulance Service) wishing to enter a Prescribed Defence Area for emergency purposes, and persons exercising statutory rights or powers.
24. **Ascertaining vaccination status.** For the purposes of authorising entry onto a Prescribed Defence Area, security guards,<sup>5</sup> and other persons who have been issued an MD4 from the Officer in Charge of the Defence Area, responsible for controlling entry into Prescribed Defence Areas:
- a. are authorised to ask persons who seek to enter the Defence Area to disclose their vaccination status; and
  - b. must refuse entry to those persons who decline to disclose their vaccination status and to those persons who are not fully vaccinated, except with the express authority of the Officer in Charge of the Defence Area.
25. Security guards responsible for controlling entry into Prescribed Defence Areas are **not** authorised to:
- a. collect or record a person's vaccination status; or
  - b. ask for a person's vaccination status for any purpose other than for the purpose of authorising or refusing entry onto a Defence Area.
26. When the Government introduces vaccine passports, security guards and other persons who have been issued an MD4 are to require production of a vaccine passport as proof of vaccination. Failure of a person seeking entry to a Prescribed Defence Area to do so will result in the application of para 24. b.
27. Members of the Defence Force who consent to their vaccination data being added to their NZDF access swipe card and are vaccinated may access uncontrolled entry points to Prescribed Defence Areas.
28. Unvaccinated members of Civil Staff who are not able to work from home either temporarily or on a continuous basis because of the nature of their duties will continue to remain on paid special leave provided:

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<sup>5</sup> Either members of the Civil Staff or engaged as contractors (eg First Security)

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- a. they get their first dose of the vaccination within five days after this Directive takes effect; and
  - b. their second dose of the vaccination no later than 26 days after this Directive takes effect.
29. Paid special leave for unvaccinated members of the Civil Staff who fail to comply with para 28. a. and b. will cease on the 26<sup>th</sup> day after this Directive takes effect. Unvaccinated persons will then be invited to attend a meeting with their line manager and HRA to discuss their options and ongoing employment, given their inability to enter the Prescribed Defence Area which is their place of work by reason of this Directive.
30. Paid special leave for those unvaccinated members of the Civil Staff who comply with para 28 of this Directive who are unable to work from home, will continue until the 33<sup>rd</sup> day<sup>6</sup> after this Directive takes effect.

**Cancellation and disposal instructions**

31. This Directive will be cancelled when revoked or replaced.



**KR SHORT**  
Air Marshal  
Chief of Defence Force

**Annex:**

A. Defence Area

<sup>6</sup> The period of special leave for unvaccinated members of the Civil Staff who fail to comply with para 28. a. and b. will cease on the 26<sup>th</sup> day after this Directive takes effect. Unvaccinated persons will then be invited to attend a meeting with their line manager and HRA to discuss their options and ongoing employment, given their inability to enter the Prescribed Defence Area which is their place of work by reason of this Directive.

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**Defence Areas requiring fully vaccinated status as a requirement of entry**

**1. RNZN**

- a. Whangaparaoa Defence Area, Whangaparaoa Road, Whangaparaoa.
- b. Devonport Naval Base, Queens Parade, Devonport.
- c. Te Taua Moana Marae.
- d. Sea Safety Training Squadron.
- e. Narrow Neck, 130 Vauxhall Road, Devonport.
- f. Naval Museum (Torpedo Bay), 64 King Edward Parade, Devonport.
- g. Defence Ammunition Depot, Kauri Point, Onetaunga Road, Birkenhead.
- h. Great Barrier Island Naval Laboratory and Acoustic Range, Aotea Road, Great Barrier Island.
- i. Academic School, Triton Drive, Albany.

**2. RNZAF**

- a. South Kaipara Head Domestic Site, Trig Road, Kaipara.
- b. South Kaipara Head Air Weapons Range (impact area), South Head Road, Kaipara.
- c. RNZAF Base Auckland Whenuapai, Brigham Creek Road, Whenuapai.
- d. Dale/Bristol Road, Defence Communications Facility, Whenuapai.

**3. NZ Army**

- a. Papakura Military Camp, Grove Road, Papakura, Auckland.
- b. Ardmore Military Training Area, Petersens Road, Ardmore, Auckland.
- c. Arch Hill, Auckland.