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New Zealand Defence Force  
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OIA-2022-4571

15 December 2022

Drew Mackenzie-Kay  
[fyi-request-21148-ef24ff3a@requests.fyi.org.nz](mailto:fyi-request-21148-ef24ff3a@requests.fyi.org.nz)

Dear Drew Mackenzie-Kay

I refer to your email of 18 November 2022 requesting, under the Official Information Act 1982 (OIA), the following:

1. *Confirmation of any Defence Force aircraft flight movements where Tim Costley was the pilot in command, a member of flight crew, or carried as a passenger on the following dates (which correspond with National Party Events):*
  - *7,8,9 and 10 May 2021, with Napier being the arrival or departure location*
  - *6, 7, 8 and 9 August 2021, with Auckland being the arrival or departure location*
  - *4, 5, 6, 7, 8, and 9 August 2022, with Christchurch being the arrival or departure location*
2. *Details of the aircraft involved, the operational purpose and approvals of any relevant flight movements noted above*
3. *If carried as a passenger on any flight movement noted above, whether Tim Costley was 'on duty' or not*
4. *The estimated hourly running cost for each flight movement outlined above*
5. *Whether Tim Costley was approved (and by who) to appear at the following day-time events as a representative of the airforce, and whether he took paid or unpaid 'leave' or not:*
6. *All information relating to protocols or how conflicts of interest between Tim Costley's role as a National party Office holder / candidate and his role within the airforce are to be managed.*
7. *Confirmation of the applicable parts of the Defence Force Code of Conduct to service people engaging in political activities, namely whether:*
  - a) *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*
  - b) *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*
  - c) *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; d. Members of the Armed Forces in uniform are not to take an active part in the proceedings of political meetings.*

- d) 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.*
8. *Whether the NZDF has completed an assessment or ongoing monitoring of Tim Costley's compliance with any Code of Conduct obligations, particularly given public comments made on social media platforms by the service person about local MP Terisa Ngobi, the Labour Party and Government policy.*

Tim Costley was not present in any capacity on Royal New Zealand Air Force (RNZAF) flights to Napier from 7 to 10 May 2021. With respect to RNZAF flights from 6 to 9 August 2021, the named officer flew as Pilot in Command on an authorised flight in a T-6 Texan II to RNZAF Base Auckland (Whenuapai) on 6 August 2021 to maintain his pilot currency requirements. The return flight on 9 August 2021 was an authorised continuation training flight. These flights were authorised by the named officer's immediate one-up in command, Group Captain Robert Shearer.

While in Whenuapai, the named officer performed an additional duty of familiarising Rescue Fire Services with the hazards associated with the T-6 Texan II aircraft. The named officer was not involved in any RNZAF flight movements to Christchurch from 4 to 9 August 2022.

The long-run hourly cost for a T-6 Texan II is approximately \$3,300. This cost includes workshop maintenance but does not include personnel salaries, depreciation and capital charges.

The political activity of active NZDF personnel is covered by Defence Force Order 3, Part 9, Chapter 1. Members of the NZDF retain the right of membership in New Zealand society. This includes the right to vote, join political parties, and hold political views and to seek election to Parliament or to a local body. There is a requirement, however, for NZDF members to maintain political neutrality while fulfilling the requirements of their role within the NZDF. Information regarding the activities of the named officer while on leave or not on duty is personal information and is withheld to protect privacy in accordance with section 9(2)(a) of the OIA. Note, the named officer was not an electorate officeholder for a political party or nominated as a candidate for a parliamentary election during the time of the events you have identified.

Of those events, the named officer was authorised by the Base Commander Ohakea to attend the following while on duty as a representative of the RNZAF: 16 November 2021 – University of Otago MBA presentation; 4 or 5 August 2021 – Levin Probus presentation & Kapakapanui school; 17 May 2021 – Rebus Levin. The named officer made presentations at the respective events on leadership, the RNZAF, careers within the RNZAF, and the RNZAF's role in the community.

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](http://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.

Yours sincerely



**AJ WOODS**

Air Commodore

Chief of Staff HQNZDF

**Enclosure:**

1. DFO 3, Part 9, Chapter 1