



Headquarters
New Zealand Defence Force
Defence House
Private Bag 39997
Wellington Mail Centre
Lower Hutt 5045
New Zealand

OIA-2023-4868

/Z December 2023



Dear 

I refer to your email of 16 November 2023 requesting, under the Official Information Act 1982 (OIA), all information that contributed to the Chief of Defence Force declaring Counter Terrorism Response an operational activity under section 7(5) of the Health and Safety at Work Act 2015 in 2018.

The Chief of Defence Force Declaration for Operational Activity: Counter Terrorism Response is renewed annually since the Health and Safety at Work Act 2015 came into force in 2016. A copy of a minute to the Chief of Defence Force advising of the renewal is enclosed. The signature of a New Zealand Defence Force (NZDF) member who signed on behalf of the Commander Joint Forces New Zealand is withheld in accordance with section 9(2)(k) of the OIA to avoid the malicious or inappropriate use of staff information, such as phishing, scams or unsolicited advertising. A copy of a note to the Minister of Defence is also enclosed. Where indicated, the name and contact details of a NZDF member are withheld, respectively, in accordance with section 9(2)(g)(i) of the OIA to maintain the effect conduct of public affairs through the free and frank expression of opinion and section 9(2)(a) of the OIA to protect privacy.

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

Enclosures:

1. Minute to the Chief of Defence Force, 12 June 2018
2. Note to the Minister of Defence, 28 June 2018

HEADQUARTERS JOINT FORCES NEW ZEALAND
Office of Commander Joint Forces New Zealand
MINUTE

12 Jun 18

CDF

RENEWAL OF CHIEF OF DEFENCE FORCE EXEMPTIONS FOR OPERATIONAL ACTIVITIES - HEALTH AND SAFETY AT WORK ACT 2015

1. Section 7(5) of the Health and Safety at Work Act empowers the Chief of Defence Force to declare certain activities exempt, subject to those activities meeting the criteria set out in the Act for an "operational activity".
2. Enclosures one and two contain renewals of the declarations for the Explosive Ordnance Disposal and Counter-Terrorism operational activities, which are due to expire 01 Jul 2018.
3. The Act requires that a declaration made by the Chief of Defence Force be made in writing. Further, the Chief of Defence Force is required to give written notice of the declaration to the Minister of Defence, provide a copy to the Regulator and publish it on an Internet site.

Recommendation

4. I recommend that you:
 - a. **Sign** the enclosed declarations in accordance with section 7(5) of the Health and Safety at Work Act 2015
 - b. **Note** the requirement to inform the Minister of Defence and publish the declaration.

s. 9(2)(k)

 **T. GALL**
MAJ GEN
COMJFNZ

Enclosures:

1. Chief of Defence Force's Declaration of Operational Activity: Explosive Ordnance Disposal
2. Chief of Defence Force's Declaration of Operational Activity: Counter-Terrorism



NEW ZEALAND DEFENCE FORCE
COVER SHEET

To accompany documents to the
Minister of Defence

Title:	RENEWAL OF CHIEF OF DEFENCE FORCE DECLARATIONS FOR OPERATIONAL ACTIVITIES - HEALTH AND SAFETY AT WORK ACT 2015		
NZDF File No.	NZDF Tracking # 2018-236 <i>(For OCDF Use Only)</i>		Minister's Tracking#: <i>(For Minister's office)</i>
Importance of the Issue:	<input type="checkbox"/> High	<input type="checkbox"/> Moderate	<input checked="" type="checkbox"/> Routine
Urgency for Attention/Sign-Off:	NOT URGENT		Request Ministerial response by: Not Required
Contacts:	Cdr s. 9(2)(g)(i)	Tel. s. 9(2)(a)	A/H s. 9(2)(a)
Purpose:	To advise you of the renewal of declarations for operational activities pursuant to the Health and Safety at Works Act 2015.		
Recommendations:	<p>I recommend that you:</p> <p>a. Note that a Chief of Defence Force declaration in accordance with section 7(5) of the Health and Safety at Work Act 2015 has been renewed for:</p> <p>(1) Explosive Ordnance Disposal specifically for improvised explosive device disposal including biological/chemical munitions disposal; and</p> <p>(2) Counter-terrorism response operations.</p>		
MOD/NZDF Consultation	Required/ Not required (provide reasons):		
Minister's comments:			
Minister's Action:	Signed / <u>Noted</u> / Agreed / Approved / Declined / Discussion required		
	Referred to:		
Signature:			Date: 1 August 2018

T.J. KEATING
Lieutenant General
Chief of Defence Force

Date: 28 June 2018



New Zealand
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NTM 2018-236

28 June 2018

Minister of Defence

RENEWAL OF CHIEF OF DEFENCE FORCE DECLARATIONS FOR OPERATIONAL ACTIVITIES - HEALTH AND SAFETY AT WORK ACT 2015

Purpose

1. The purpose of this note is to advise you of the renewal of declarations for operational activities pursuant to the Health and Safety at Work Act 2015.

Background

2. The Health and Safety at Work Act 2015 came into force on 4 April 2016. The Act provides for two mechanisms by which certain activities can be exempt from the Act. Firstly, an exemption is automatically invoked when certain conditions within section 7(4)(a)(i) or (ii) of the Act are met. Secondly, section 7(5) of the Act empowers the Chief of Defence Force to declare certain activities exempt subject to those activities meeting the criteria set out in the Act for an "operational activity".

Notification of Chief of Defence Force Declarations

3. The Act requires that a declaration made by the Chief of Defence Force be made in writing. Further, the Chief of Defence Force is required to give written notice of the declaration to the Minister of Defence, provide a copy to the Regulator and publish it on an Internet site. Enclosures one and two contain renewals of the declarations for the Explosive Ordnance Disposal and Counter-terrorism operational activities which were due to expire on 14 June 2018.

Recommendations

4. I recommend that you:

- a. **Note** that a Chief of Defence Force declaration in accordance with section 7(5) of the Health and Safety at Work Act 2015 has been renewed for:
 - (1) Explosive Ordnance Disposal specifically for improvised explosive device disposal including biological/chemical munitions disposal; and
 - (2) Counter-terrorism response operations.

T.J. KEATING

Lieutenant General
Chief of Defence Force

Enclosures:

1. Chief of Defence Force Declaration 001/2018 for Operational Activity: Explosive Ordnance Disposal
2. Chief of Defence Force Declaration 002/2018 for Operational Activity: Counter-Terrorism Response

Declaration No: 001/2018

by

Chief of Defence Force

for

Operational Activity pursuant to section 7(5) of the Health and Safety At Work Act 2015

I, Timothy James Keating, Lieutenant General, Chief of Defence Force, declare the following to be operational activity under section 7(5) of the Health and Safety at Work Act, with the consequence that the Health and Safety at Work Act 2015 does not apply to the members of the Armed Forces carrying out the following activity in New Zealand:

Class of Service or Activity: Explosive Ordnance Disposal – Improvised Explosive Device and Biological and Chemical Munitions Disposal

This declaration extends to any collective training to achieve operational level of capability for Explosive Ordnance Disposal – Improvised Explosive Device and Biological and Chemical Munitions Disposal undertaken by members of the Armed Forces.

This declaration terminates on 30 June 2019.

Dated at Wellington this 14th day of June 2018

Signed by _____

Timothy James Keating
Lieutenant General
Chief of Defence Force

Declaration No: 002/2018

by

Chief of Defence Force

for

Operational Activity pursuant to section 7(5) of the Health and Safety At Work Act 2015

I, Timothy James Keating, Lieutenant General, Chief of Defence Force, declare the following to be operational activity under section 7(5) of the Health and Safety at Work Act, with the consequence that the Health and Safety at Work Act 2015 does not apply to the members of the Armed Forces carrying out the following activity in New Zealand:

Class of Service or Activity: Counter Terrorism Response

This declaration extends to any collective training to achieve operational level of capability for Counter Terrorism Response undertaken by members of the Armed Forces.

This declaration terminates on ~~30~~ June 2019.

Dated at Wellington this  14th day of June 2018

Signed by _____

Timothy James Keating
Lieutenant General
Chief of Defence Force