



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Foreign Affairs, Defence and Trade Committee
Komiti Whiriwhiri Take Aorere, Take Waonga, Take Tauhoko

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Defence (Workforce) Amendment Bill

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Contents

Recommendation.....	3
About the bill.....	3
Legislative scrutiny.....	4
Submissions received on the bill.....	4
Reasons for our recommendation.....	5
Difference between provisions that relate to NZDF civilian personnel and provisions that relate to all public service employees.....	5
Green Party of Aotearoa New Zealand differing view.....	6
Appendix.....	7

Defence (Workforce) Amendment Bill

Recommendation

The Foreign Affairs, Defence and Trade Committee has examined the Defence (Workforce) Amendment Bill and recommends that the bill proceed without amendment.

About the bill

The Defence (Workforce) Amendment Bill aims to help the Chief of Defence Force manage staffing when New Zealand Defence Force (NZDF) civilian staff go on strike or take other industrial action, and simplify the process for use of the Armed Forces when public service employees do so. The bill would amend section 9 of the Defence Act 1990, which applies to the use of the Armed Forces to provide public services or assist the civil power. This includes instances where military personnel may be required to temporarily undertake the duties of NZDF civilian staff or public service employees who are undertaking industrial action.

Under the current Act, the Minister of Defence can authorise military personnel to temporarily undertake the duties of NZDF civilian staff or public service employees for up to 14 days. Extending an authorisation beyond this requires a resolution of Parliament. Between late 2024 and early 2025, industrial action by NZDF civilian staff coincided with Parliament's Christmas and New Year recess. The Minister of Defence told us that the process highlighted some practical challenges with the authorisation process under the current Act.

In the case of NZDF civilian staff undertaking industrial action, the bill would amend section 9 of the Act to remove the requirement for Parliament to approve an extension of an authorisation beyond 14 days. The Minister of Defence would instead be required to set a time frame when making an authorisation. For example, the Minister could authorise military personnel to conduct civilian staff duties for 30 days. The Minister would be required to inform Parliament that an authorisation has been made and provide the reasons for it, but would not need to seek Parliament's approval to replace NZDF civilian staff for longer than 14 days.

In the case of public service employees undertaking industrial action, the Minister of Defence would be able to make an authorisation for up to 30 days (rather than 14 under the current Act). Extending this any further would still require a resolution of Parliament. Should the authorisation be due to lapse during a period when Parliament is not sitting, it would automatically extend until the next sitting day.

The bill would insert a new section 9A into the Act. This would expand the reasons for which the Minister of Defence could make an authorisation for military personnel to undertake the duties of NZDF civilian staff, in addition to the current grounds of health or safety, to include:

- national security

- the ability or readiness (or both) of the Armed Forces to perform specific operational activities (whether within New Zealand or offshore) that are integral to core defence outputs.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Submissions received on the bill

A full summary of submissions, along with comments from our advisers, is available in the departmental report on the bill, published on the Parliament website. We summarise some of the main themes from submissions on the bill below.

Impact on parliamentary oversight

Some submitters were concerned about how the bill would affect the balance between parliamentary oversight and executive power. Their concerns related to:

- removal of the requirement for the House to approve an authorisation extending beyond 14 days in the case of industrial action by NZDF civilian staff
- lengthening of the authorisation from 14 to 30 days, or longer when Parliament is not sitting, in the case of industrial action by public service employees.

Some submitters consider that these changes would weaken democratic accountability and oversight over the use of the military. They argued that limiting Parliament's ability to scrutinise decisions would unreasonably expand the Minister of Defence's powers in relation to industrial disputes. Submitters wondered about the precedent this would set, and the potential for greater military interference in civil society in the future.

Some submitters suggested amending the bill to maintain a set time limit on authorisations as a check on executive power.

Impact on collective bargaining and industrial action

Some submitters expressed concerns about the negative effect the changes would have on collective bargaining by NZDF civilian staff and public service employees. In their view, the bill was "intended to strengthen NZDF's bargaining position as an employer" and the changes would make it harder for staff to seek improvements to pay and working conditions.

Use of terms with broad definitions

We heard from several submitters that some terms used in the bill were too broad and could apply to a wide range of scenarios. They raised concerns about potential for the bill to be misinterpreted and misused. The terms that most submitters referred to in this context were "national security", "core defence outputs", and "sensitive information". Some submitters suggested that these terms should be defined in the bill.

Other issues raised

Some submitters were concerned that the changes could negatively affect NZDF staff morale. They reported that some military personnel had previously indicated they were not comfortable undertaking the work of NZDF civilian staff and potentially undermining their colleagues' collective bargaining process. They were also concerned about wellbeing and potential for burnout, if military personnel were covering additional workloads.

In addition, some submitters raised concerns about the bill's interaction with New Zealand's international obligations. They referred specifically to International Labour Organization (ILO) Conventions 87 and 98, which relate to freedom of association and the right to strike, and the ability to organise and collectively bargain. However, we understand that Convention 87 does not apply and the bill is compliant with Convention 98.

Reasons for our recommendation

We have carefully considered the issues and concerns raised by submitters. It is important to strike the right balance between protecting New Zealand's national security and operational readiness in a challenging and dynamic environment, and safeguarding the right of NZDF civilian staff and public service staff to take industrial action. On balance, a majority of our members consider that the changes proposed in the bill are pragmatic and would ensure that the NZDF is ready and able to perform its duties effectively. We therefore recommend that the bill proceed without amendments.

The view of a majority of our members is that collective bargaining would not be particularly affected by these changes. Industrial action would still impose a cost to the NZDF through disruption and redeployment of the workforce. We consider that a risk to NZDF civilian or military morale would be one of those disruptions, which cannot be addressed by amending this bill.

We considered the constitutional implications of removing the requirement for Parliament to extend the authorisation of the deployment of military personnel to replace their civilian colleagues. The majority of us consider it sufficient for the House to be notified. The majority of us think it is important that the Chief of Defence Force be able to redeploy his workforce as he sees fit.

We considered including definitions in the bill for some of the terms that submitters felt were too broad. We also considered including a list of specific roles that the NZDF could be authorised to perform under the bill. On balance, the majority of us consider that in both cases a degree of flexibility is preferable, to ensure the legislation remains fit for purpose in the dynamic defence environment.

Difference between provisions that relate to NZDF civilian personnel and provisions that relate to all public service employees

We note that not all submitters understood the different effects that the bill would have on the two groups of employees it would affect. We think some submitters were especially concerned about removal of the requirement for Parliament to approve extensions to authorisations, and may have been under the impression that this applied to industrial action by public service employees.

In fact, the removal of the requirement for the House to approve an extension would apply only to NZDF civilian staff.

The bill would increase the period for which the Minister of Defence can authorise military personnel to undertake the duties of public service employees without a resolution of Parliament. The bill would increase this from 14 to 30 days.

Green Party of Aotearoa New Zealand differing view

The Green Party opposes this bill.

This bill weakens the right to strike by allowing striking civilian staff to be replaced with uniformed personnel, not just when there is a risk to health and safety or when there is a threat to national security, but in effectively any circumstance.

Workers engaging in lawful strikes are entitled to take effective industrial action. It is an important bargaining tool and a legitimate expression of the industrial power of working people.

The ability for the Government to replace striking workers with uniformed personnel will always be controversial and should only be used in the rarest of occasions, if ever. That is why the law currently provides for clear limitations and democratic guardrails, including parliamentary approval for extended use of uniformed personnel to fill civilian roles during industrial action. This bill expands the powers of the Minister and weakens Parliament oversight by allowing the use of uniformed personnel in this way indefinitely without parliamentary approval.

The Minister of Defence would have broad powers to replace civilian staff with uniformed personnel. The bill's expansion of the justified grounds to replace civilian staff with uniformed personnel to include "specific operational activities that are integral to core defence outputs" could not be vaguer. Any activity performed by civilian staff is likely to be related to "core defence outputs" in some way. This is an extremely low bar for inherently controversial strike-breaking action.

The Ministry of Defence did not recommend such a broad and expansive scope, and instead recommended a higher threshold such that the use of uniformed personnel was allowed only if necessary to avoid prejudicing either national security or the ability of the New Zealand Defence Force to respond to a potential emergency or crisis.

The Greens recognise that no worker takes industrial action lightly. It is an option of last resort when all other efforts have been exhausted. Civilian staff of the New Zealand Defence Force deserve fair pay and conditions, just as any other worker. They face the same cost of living crisis under this Government that all workers do.

If the work that civilian staff do is so valuable and integral that it justifies such extraordinary strike-breaking interventions, then the Government should instead just recognise that valuable and integral work with the fair pay and conditions that civilian staff would be striking for.

Appendix

Committee procedure

The Defence (Workforce) Amendment Bill was referred to this committee on 16 September 2025. The House instructed us to report the bill back no later than 17 January 2026. We invited the Minister of Defence to provide an oral submission on the bill. She did so on 18 September 2025.

We called for written submissions on the bill with a closing date of 5 October 2025. We received and considered submissions from 37 interested groups and individuals. We heard oral evidence from three submitters. We received advice on the bill from the Ministry of Defence and the New Zealand Defence Force. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office was available to assist with legal drafting.

Committee members

Tim van de Molen (Chairperson)
Tim Costley
Hon Peeni Henare
Dana Kirkpatrick
Laura McClure
Hon Damien O'Connor
Teanau Tuiono

Related resources

The documents that we received as advice and evidence are available on the [Parliament website](#).