



Royal Commission of Inquiry into COVID-19 Lessons

New Zealand Defence Force Narrative

Observations and Implications

Prepared in February 2024

EXECUTIVE SUMMARY

- The inherent skills, competencies and adaptability of New Zealand Defence Force (NZDF) personnel responding to a national crisis was a key strength in the pandemic response.
- However, the other side to this commitment was the ongoing adverse effects on the NZDF workforce and military capability.
- NZDF's inability to offer feedback to the legislative drafting process meant that legislation did not always account for certain aspects unique to the NZDF environment.
- Future pandemic responses would benefit from properly exercised scenarios across all relevant government departments with sufficient rigor to ensure contingency plans can be executed and operationalised.
- The NZDF is set up to execute tasks on behalf of the Government as part of the response stage, but is not suitable for prolonged support of a national emergency. Extended periods spent in the recovery stage have long-lasting and dire effects on the NZDF's outputs.

INTRODUCTION

1. On 25 October 2022, Cabinet agreed to establish an inquiry into New Zealand's preparedness for a future pandemic, under the Inquiries Act 2013, and that it would be established as a Royal Commission.
2. On 5 December 2022, Cabinet agreed to the Royal Commission's terms of reference, and appointed Professor Antony Blakely as the Royal Commission's Chair, and Hon Hekia Parata and John Whitehead as its members.
3. The terms of reference state that the purpose of the Royal Commission is to strengthen Aotearoa New Zealand's preparedness for, and response to, any future pandemic by identifying those lessons learned from New Zealand's response to COVID-19 that should be applied in preparation for any future pandemic.
4. As part of its response to the Royal Commission, the New Zealand Defence Force (NZDF) has agreed to provide an overarching narrative around the themes evident from the NZDF COVID-19 response as they relate to readiness for another event and others considered relevant to the Commission's terms of reference.

BACKGROUND

5. For New Zealand, the COVID-19 event was unprecedented in modern times eclipsing other international pandemics experienced in recent history.
6. COVID-19 Alert Level 4 affected the whole of the NZDF across all Defence Areas, functions and outputs. All personnel, except essential workers, were required by the Government of NZ to stay home and isolate for five weeks under Alert Level 4.
7. The overall COVID-19 pandemic and its effects on New Zealand and the NZDF were profound. The NZDF stepped up as part of an All of Government (AOG) response with a significant commitment over a prolonged period. While maintaining the capacity to respond quickly in an austere, uncertain and constrained environment to protect NZ interests domestically and abroad, certain parts of the NZDF were stretched to the point of collapse with adverse effects on the workforce, capability, capacity and regeneration presenting a challenge that will take years to address.

PURPOSE

8. The purpose of this narrative is to consolidate NZDF observations as they relate to the NZDF COVID-19 response, to address the Royal Commission Terms of Reference (TOR).

SCOPE

9. This narrative outlines the NZDF response to COVID-19 through key events and actions mapped against necessary context and themes where appropriate. The primary lens is from an external facing perspective complemented by relevant NZDF internal operational or tactical perspectives. The key themes have been consolidated, summarised and are within the scope of the TOR.

CONTEXT

10. The NZDF managed its COVID-19 response in step with Government direction which was initially based off the NZ Influenza Pandemic 6 Stage Plan. The NZDF operational response was based off Joint Service Plan AWHINA, a standing NZDF contingency response plan for civil emergency.
11. Although Joint Service Plan AWHINA was not developed for a pandemic contingency, it did provide a good basis from which to test and adjust the NZDF response and adapt it to the prevailing situation and conditions. The maintenance of a range of contingency plans, standard operating procedures and policies assisted with the consideration of key planning information in a timely manner. This fact, alongside having staff trained in operational planning and response capability resulted in the NZDF being able to contribute effectively to the AOG response.

THE NZDF RESPONSE COMMITMENT AND MANAGEMENT

12. The NZDF established and maintained a commitment to the AOG COVID-19 response throughout all stages of the pandemic. More than 6,400 NZDF personnel served on Operation Protect¹ between 1 February 2020 and 31 May 2022. Almost all trades from all

¹ The name of the NZDF direct operation in support of the AOG response to COVID-19.

Services (Navy, Army and Air Force) were involved and most staff completed multiple rotations.

13. The NZDF helped facilitate the return of more than 228,000 people to New Zealand. The Managed Isolation and Quarantine (MIQ) system, through a network of managed isolation facilities, allowed New Zealand time to learn about the virus, eradicate early outbreaks, put infection prevention and control protocols in place, get vaccinated and boosted, and enjoy a sense of normality during periods of the pandemic.
14. The downsizing of MIQ on 10 March 2022 marked the end of the largest NZDF operational commitment of personnel in more than 50 years.

KEY NZDF RESPONSE COMPONENTS

MIQ

15. Even before the creation of MIQ, around 120 NZDF planning and logistics staff were attached to the Government's COVID-19 response teams. At an NZDF training facility on Whangaparaoa Peninsula, 64 campervans were used to create New Zealand's first quarantine facility in modern times, and 157 returnees, ranging from children to the elderly, were welcomed from Wuhan, China. This soon evolved to the concept of hotels being used as isolation centres where returnees isolated for two weeks.
16. The NZDF had initially provided some 300 personnel to assist with the management of MIQ in August 2020, however further direction from Government saw the NZDF have greater involvement. This was due mostly to the loss of public confidence in contracted civilian security services at the MIQ, together with facilitating the work of Government teams in managing guests, and support to medical and logistic services.
17. On 20 August 2020, the NZDF started security tasks at two MIQ in the Auckland region which quickly increased over a six week period to 32 facilities located in Auckland, Hamilton, Rotorua, Wellington and Christchurch. At any one time, more than 1,200 NZDF personnel were working on the pandemic response.
18. The NZDF provided essential input to the nationwide MIQ system. It provided staff for leadership, planning, and administration of the four aspects of the MIQ system:
 - **Managed Isolation and Quarantine Headquarters (MIQ HQ).** MIQ HQ provided strategy and policy, operations and planning, coordination, logistics, and communications and public engagement. While the Ministry of Business, Innovation and Employment (MBIE) was the lead agency for MIQ, a rotation of senior military officers filled the role of Joint Head of MIQ.
 - **Regional Isolation and Quarantine Coordination Centres (RIQCC Auckland, Rotorua, and Christchurch).** RIQCC directly supported allocating returnees to facilities, assisting arrivals, processing entries to New Zealand, providing transport to facilities, and managing stays. They also engaged with local iwi and communities. Senior NZDF personnel were seconded into leadership roles with reporting lines to MBIE.
 - **Managed Isolation Facility Management.** Facilities were assigned an NZDF officer as manager, supported by a coordinator, and two assistants. Their primary

responsibilities were ensuring facilities functioned smoothly while maintaining high standards of security and cross-infection control. MIQ managers also liaised between returnees, various other government agencies, hotel management, and staff.

- **Managed Isolation Facility Security.** The NZDF provided security at the facilities. This involved three rotating shifts per day over a six-week deployment per contingent. The NZDF provided security of the facility for returnees and visitors, including contractors, maintenance workers, and suppliers.

19. The early NZDF approach to resourcing Operation Protect commitments had been to take a proportion of personnel in a 'horizontal slice' from across uniformed personnel. In that way, multiple NZDF capabilities were reduced by a proportion, but no *complete* capability had been lost through re-prioritising personnel to Operation Protect. This preserved the widest range of capability options, albeit at reduced capacity.
20. After reviewing the plan to meet the increased demand, it was determined that the numbers committed to Operation Protect had reached a tipping point where the next planned increases in personnel demand would require a 'vertical' slice through the organisation in order to sustain the requirement. That is, an entire NZDF capability – such as the ability to provide air transport, or maritime patrol – would be halted.

Border control and checkpoints

21. The Government direction to close our borders was applicable to the maritime and air domains with each being managed in order to regulate entry into the country.
22. Initially, the number of NZDF personnel working in border support roles was very small with numbers subsumed into those personnel activated to coordinate the national response. Eventually, the number of NZDF personnel in direct support to the NZ Customs Service conducting maritime security and border monitoring at ports throughout the country increased to 80.
23. With the need to regulate movement across the borders north and south of Auckland in August 2021, NZ Police requested NZDF support regional cordon staffing levels and assist with road check points in and out of the Auckland area.
24. The activation of Operation Highroad commenced on 1 September 2021 with around 50 personnel assigned. Initially, the deployment was for three weeks but the lockdown of Auckland lasted for circa ten weeks and it was necessary to support Operation Highroad for much longer than first directed.

Support to the Pacific Vaccination Programme

25. The NZDF were tasked with undertaking delivery and distribution of vaccines and equipment in order to facilitate the rollout of COVID-19 vaccines to Pacific countries recognised as part of the Polynesian Health Corridor programme.
26. Formal requests for support were received from Tokelau and the Northern Cook Islands through the Ministry of Health (MoH). The intended purpose of the operation was to

enable the whole of government effort to support Pacific Island states to build resilience against the COVID-19 pandemic.

27. The operation was undertaken by HMNZS Wellington with a SH2-G Seasprite helicopter, and associated personnel, including a NZ Army pharmacist. Each stop was conducted under contactless rules in order to prevent any contamination of cargo or human contact with the local populations.

MAIN CHALLENGES FOR NZDF

Legal involvement

28. When responding in an emergency situation, the NZDF often has unique requirements which need to be taken into consideration from a legal perspective in order to be able to fully respond to requests made by the Government.
29. Throughout the pandemic, the NZDF legal team participated in AOG legal meetings. This provided the opportunity to share experiences and get early awareness of legislative developments. Although some legislative instruments did not apply to members of the NZDF when in the course of their duties (such as s 70 orders under the Health Act 1956), the NZDF was able to rely on its internal orders framework and military justice system to ensure alignment of NZDF activities and personnel with the overarching AOG response settings.
30. While these AOG meetings were extremely valuable, they did not always translate into being able to provide feedback to the legislative drafting process. This meant that legislation did not always account for certain aspects unique to the NZDF environment. With both the air and maritime border, there was confusion around the delineation between the border in a 'civilian' sense, and the 'military' border when it came to the movement of ships and aircraft.
31. An example of this was applying the maritime and air border orders to Royal New Zealand Air Force (RNZAF) Base Auckland, RNZAF Base Ohakea and the Devonport Naval Base. These three NZDF bases are not only air and maritime ports of entry, but also the workplace and domicile of a significant number of personnel who are not members of flight or ship crew.
32. The close living and working environment at these bases presented additional implementation challenges that may have been avoided if accounted for during the drafting phase. The NZDF had to address the situation of personnel who worked with front line personnel and could create a vector path and could potentially result in operations being affected.
33. The Defence Act 1990 provides the purposes for which the NZDF is raised, which includes the provision of any public service within certain limitations. Under this legislation, the NZDF was able to provide support to the AOG response without requiring additional legislative authority. Nonetheless, from August 2020, with the increasing commitment of the NZDF to the MIQ facilities, additional authority was provided to members of the

Armed Forces through authorisations issued by the Director-General under s 18 of the COVID-19 Public Health Response Act 2020.

34. Reflecting the constitutional position and restrictions of s 9 of the Defence Act 1990, these additional powers were limited in scope, such as the power to give directions to members of the public for them to return to their rooms in an MIQ facility. These authorisations did not include the power to use force, for example to restrain a member of the public from leaving an MIQ facility.
35. Accordingly, the NZDF's successful management of the MIQ facilities was achieved through soft skills and the maintenance of public trust rather than through the ability to compel compliance. Should a future occurrence of MIQ facilities or similar be needed where members of the public are not so acquiescent, greater reliance on NZ Police or greater legislative authorisations may be required.
36. In cases of emergency when it becomes necessary for members of the Armed Forces to exercise any power of a member of the Police, Armed Forces members are afforded the same civil and criminal protections as constables (Defence Act s 9(6)). However, when performing any other public service under s 9(1), such as all those services performed during Operation Protect, members of the Armed Forces are not provided any additional immunities or protections. This means NZDF personnel could be held personally liable for damage to property, as an example. Further consideration may be warranted on whether members of the Armed Forces should be provided some protections when performing any public service or providing support to the civil power under Defence Act s 9(1).
37. RNZAF operations overseas during the pandemic were extremely challenging. There were legislative requirements to adhere to, which changed rapidly at times and were difficult to operationalise. Specific policies around mask use, disinfectant regimes, vaccination and testing requirements, border arrival procedures and so on were changing more quickly than stocks and supplies could be sourced to implement them. Getting one source of truth for isolation requirements on return to New Zealand for NZDF aircrew and/or passengers was also a challenge. The NZDF had to try to interpret NZ legislation at the coal face, because as an international point of entry, NZDF bases were effectively a 'border' during the pandemic.
38. The Royal New Zealand Navy (RNZN) had to work around the impacts of the borders being closed and was not afforded any exemptions. Initially this was a 21-day isolation period, but this was reduced for ships deployed after the initial COVID-19 phases to 14 days.
39. RNZN ships were eventually granted the ability to serve out mandated (14 days of being COVID-free) isolation periods at sea on passage from previous overseas locations, in lieu of having to place the entire crew into a MIF, so long as confirmation testing was also conducted prior to releasing sailors back into New Zealand. There were no cases of returning RNZN personnel entering NZ with COVID-19 from ships.

40. During the subsequent Auckland-only lockdowns, managing RNZN ship movements was more challenging as ships operating to and from Auckland had to extend their patrols beyond 14 days, despite not having visited any other ports in New Zealand or offshore.
41. In future, it would be beneficial for military movements of aircraft and ships to be taken into account by legislation when assessing border restrictions. This would allow for clearer planning and wider response options.

Protection of the Force – Health, Safety and Wellbeing

42. Safety of staff was always at the centre of the NZDF response. The NZDF needed to look after its workforce so that it could look after others. It is also a legal requirement under the Health and Safety at Work Act (HSWA) that, as far as reasonably practicable, personnel need to be consulted and their views taken into account with anything where their safety is affected. With an understandable focus on mandate compliance and protecting the force, this engagement was often direct and one-way.
43. In future, an emphasis on worker participation and engagement needs to be highlighted as a key factor when developing policy or process in the management of safety in the workplace. Processes need to allow for short timeframes when the NZDF is an essential service for the Government and a pandemic threat is rapidly escalating. Also, while the NZDF in practice became an essential service, it was not officially listed as one. This created ambiguity related to requirements for NZDF civilian workers such as being physically present at the workplace to conduct support tasks.
44. In addition, in the early stages of the pandemic it was not clear if WorkSafe NZ considered COVID-19 illness a notifiable illness or not under the HSWA. Clear guidance for any future pandemics would be helpful for those workplaces being the first to have workers exposed.
45. Early informal networks between Defence Health and Ministry of Health/health sector contacts were very useful to enable Defence Health to get ahead of, and influence, some of the evolving issues. Formal allocation of a staff member in Defence Health as a liaison officer to the National Health Command Centre along with NZDF Chief Medical Officer engagement with contingency planning proved invaluable engagements to inform a contextualised response for NZDF.
46. While pandemic threat has been on the national hazard register for some years, limited effective AOG exercising of the scenario has been conducted. Infectious disease has historically been a huge challenge for military organisations and the NZDF has experienced previous significant operational effects from infectious disease outbreaks, without perhaps optimising the lesson learned post these incidents. Every operational output remains vulnerable to this type of health threat. As an organisation, the NZDF relies on training in group environments, often in close proximity to each other, and this becomes very challenging in a pandemic scenario.

47. A key lesson for future pandemic planning is that there is a real need to properly exercise scenarios at the AOG level with sufficient rigor to ensure that contingency plans are actually able to be executed and operationalised.
48. 'Policy plans' proved to be of limited use. Practical and pragmatic execution that were flexible and easy to understand were key. This comment would apply to any risks and contingencies, not just pandemics.

Responding to outputs

49. The increased response levels of NZDF personnel necessitated that specific NZDF capabilities or outputs would need to be paused and personnel re-prioritised. This resulted in the suspension of specific response options available to the Government. The NZDF only had the ability to respond to small localised emergencies and this capability was being 'challenged' on a daily basis by a range of equipment, personnel, and external factors.
50. Support to the West Coast flooding in July 2021 was an example of the limited capacity of the NZDF to respond to emergencies. The NZDF responded by providing five troop-carrying vehicles and 25 personnel from Burnham Military Camp. Six liaison officers were also provided, an NH90 Helicopter, and seven catering staff and a field kitchen to support other responders.
51. Although this was an appropriate and credible response in the circumstances, it was not large, and the Army personnel dispatched from Burnham were fortuitously available only because they were in between rotations of staff for MIQ duty. Had the floods struck at a different time in the MIQ staffing cycle, these personnel would not have been available to respond, creating the potential for a more ad-hoc lag response.
52. With respect to regional response options, the HMNZS Canterbury, Manawanui, and Otago were unavailable, leaving HMNZS Wellington (also delivering vaccines to the Pacific) as the NZDF's only readily available maritime response option. Similarly, the third quarter of 2021 would see only one to two C-130H Hercules aircraft available to respond to a regional emergency, and no Boeing B757 aircraft.
53. Key lessons for future pandemic response would include the consideration and implementation of other options for building and sustaining a MIQ workforce with a long term focus. This would not only be more cost effective, but would reduce the impact on NZDF outputs and future viability.
54. Government agencies would also benefit for having more on awareness of other responsibilities of NZDF. The continual draw on personnel across operational bases that continued to work under COVID provisions supporting outputs meant personnel had to keep working their day jobs, but were required to also be available for Operation Protect rosters. It was felt that outside agencies had little awareness of the requirement of enabling staff to support frontline non-Operation Protect operations, such as disaster response.

55. Simply put, the existence of a pandemic did not mean that natural disasters stopped, or security risks halted, while we dealt with the pandemic, and the NZDF's requirement to respond to such events remained.

Long-term flow on effects

56. The turning off of NZDF response options for the Government was further compounded by the fact that the NZDF had already delayed or slowed trade training, cancelled courses (approximately 130 in total by August 2021) and concentrated on individual and small unit training only. It was indicated to the Government at the time that further reductions would have a long-term impact on future capability, including having insufficient trained personnel to operate the new and upgraded platforms being acquired: ships, aircraft and vehicles, and with associated impacts on professional development, progression and promotion.
57. Exacerbating these issues was the emergence of a new threat with data indicating that attrition rates (resignations) within the NZDF were rising. Exit surveys were beginning to show some departing personnel affected by dissatisfaction with repeated deployments on Operation Protect, a role unrelated to their core trades and professions. Other personnel expressed concern over the adverse impact upon their career progression of delayed or cancelled training programs, and consequently the impact on their remuneration.
58. Overlaid on top of these trends was the growing economy, a time when, historically, NZDF attrition rises as adaptable and skilled military personnel seek opportunities in the civilian sector. The concurrent skilled labour shortage associated with border restrictions had heightened this external 'pull' and the NZDF was experiencing worrying attrition in particular trades. Such rates of attrition has had a direct impact upon NZDF's capabilities – for example, in the skilled personnel needed to respond to a natural disaster, or to our routine support to Scott Base through Operation Antarctica. No single issue drove personnel attrition, but collectively these issues grew and outputs were and remain degraded by multiple factors.

LESSONS LEARNED

59. The dynamics of working in a MIQ were unique and close interaction with civilians from other agencies and all walks of life had to be managed in a very different fashion as they were not under the direct authority of the military. Further analysis identified the importance of interpersonal and communications skills in a task that was personality driven rather than processed through the NZDF traditional command hierarchy. What transpired was greater recognition of the importance of NZDF junior ranks/management, the importance of female authority and representation in the MIQs and constant relationship management were key elements when interacting with the public.
60. Also part of the learning process in an AOG environment was the establishment and maintenance of key relationships, strategic processes and information pathways. The transfer of NZDF staff (liaison, planning, subject matter experts and so on) assisted with this but these were not always effective. Local requests for support at times got lost between agencies and some tasks required interpretation/translation of Other Government Agency (OGA) language before they could be planned or resourced

effectively. One example was the use of similar terms with very different requirements such as; '*vehicle check points*' and '*road blocks*'; the former being used by the NZDF as a descriptor for Operation Highroad² activities and the other by OGA for the same activity.

61. NZDF staff live, work and launch operations and support from a network of Bases, Camps and other facilities across New Zealand. These facilities and some of the staff and civilian contractors who occupy and sustain these are by virtue of this function essential/critical workers. Throughout the pandemic response, a range of opinions – from political commentators to media – routinely suggested Camps and Bases could be used to house returnees, rather than hotels. These suggestions were often reported in the media and various commentators questioned the viability of the option.
62. The lesson for a future AOG response is that NZDF has limited “empty” accommodation stocks. Furthermore there needs to be an awareness that the majority of accommodation is not suitable for family groups, is often not to a contemporary standard, not suitable for mixed gender accommodation, or in locations that many people would use. It should also be understood that NZDF cannot displace or evict NZDF personnel who are the existing tenants of much of the NZDF’s accommodation.

Regeneration

63. Following the downsizing of MIQ in March 2022, the NZDF reoriented towards regenerating readiness and sustainment. These are required for the NZDF to deliver timely and effective responses to security events in the strategic area of immediate interest. The NZDF has been developing plans and generating activities for raising readiness levels across the range of military responses required by government.
64. The cost/benefit of an extended NZDF domestic response in non-core roles needs to be considered, against the long-term output (reduction) cost (limited response options and a reduced ability for concurrent operations for a protracted period into the future) and financial implications for regenerating capabilities. This is not to say that a commitment to an extended domestic response would not happen, but more so that the down-stream effects are understood.
65. The NZDF’s prolonged deployment to Operation Protect had substantial effects, including on the NZDF’s readiness to respond to other events, and the ability of the NZDF to maintain basic levels of military training and preparation for larger collective capabilities. There have also been significant impacts on the NZDF morale and its ability to attract and retain service personnel.

SUMMARY

66. The NZDF response to COVID-19 has re-iterated the importance of preparation and planning in order to be able to maintain the required level of readiness, resilience and continuity in a time of emergency, national disaster or in times of major disruption. The need to maintain a relatively flexible response while maintaining other global and

² Operation name for the assistance to NZ Police in staffing vehicle check points.

domestic operations and outputs was an essential element of the NZDF response to this unprecedented crisis.

67. Key essential functions and outputs were maintained throughout the crisis and the NZDF was able to quickly pivot focus across a range of support areas. The inherent skills, competencies and adaptability of NZDF staff to respond in a crisis and assist the government and OGAs was highlighted as a key strength. The other side to this commitment has been the ongoing adverse effects on the NZDF workforce and military capability.
68. The NZDF has identified that the lessons learned from this event will enable improved continuity planning, flexibility, greater resilience and continuous improvement in the areas of readiness and response.
69. The NZDF successfully conducted its duties thanks to the goodwill and compliance of the majority of members of the public to follow Government rules. Should the NZDF be required in a similar role in the future, with a population base that is less compliant, then further support from other areas such as NZ Police may be required.
70. Another key lesson to be learned from the NZDF's role in the COVID-19 pandemic response is the time and expense of the recovery following an event is significant. The NZDF is set up to respond and execute tasks on behalf of the Government as part of the response stage, however the NZDF is not suitable for prolonged support of a national emergency.
71. It is important that any future pandemic response plan takes into account the downstream effects – in terms of cost and degradation of the NZDF – to have NZDF assigned to the recovery stage for such a prolonged period.