



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

OIA-2024-5241

MT February 2024

[Redacted]
[Redacted]

Dear [Redacted]

I refer to your email of 19 December 2024 requesting, under the Official Information Act 1982 (OIA), the following information about contractors who were former New Zealand Defence Force (NZDF) personnel or staff:

Between 01.01.2018 and today:

How many individual contractors did NZDF hire that were previous employees of NZDF?

*Please provide the following additional information **in a spreadsheet**:*

- Length of time between past employment and contract: past employees within previous six months; within previous year; within previous two years; over two years*
- Position held previously as a permanent staffer*
- Position held as a contractor*
- Contract start and end date*
- Contract price*
- Contract duration in months*

This response addresses contractors/consultants who are centrally recorded in NZDF systems, and who were: previously NZDF Regular Force personnel or civilians; identified by matching a unique identifier; not contracted by a vendor. The following table shows the number of NZDF contractors/consultants between 1 January 2018 and 31 December 2024. This is broken down by the requested time periods.

| Employment Type | Time Between Past Employment and Contract | | | | Total |
|-----------------------|---|---------------|----------------|--------------|-------|
| | Within 6 Mths | Within 1 Year | Within 2 Years | Over 2 Years | |
| Contractor/consultant | 21 | 5 | 7 | 51 | 84 |

With respect to the other information you requested be provided in a spreadsheet, noting you were not seeking *the name or identifying information about the contractors*, combining all of that information would lead to the identification of individuals and their personal information. As a result, the attached spreadsheet provides the contract start and end dates, contract duration, and the period of absence from the NZDF before starting the contract for the 84 individuals. In some cases, this reflects multiple instances of re-joining the organisation as a contractor or consultant. The start date is the first instance of the

contractor or consultant recorded and the end date is the last instance recorded, the contract duration being the total length of time between those two dates.

With respect to contract prices, these range from \$2,400 to \$1,340,000. The average price is \$163,000, with the median being \$68,200. Further detail is withheld to protect privacy in accordance with section 9(2)(a) of the OIA. In this instance, the public interest does not outweigh the reason to withhold the personal information.

- *Does NZDF have any policy regarding hiring previous employees as contractors? If so, provide the details.*

Enclosed are copies of the relevant sections of Defence Force Order 3. These are Part 11, Chapter 8, Section E and Part 11, Chapter 8A, Section C.

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

GA Motley

Brigadier

Chief of Staff HQNZDF

Enclosures:

1. Extracts from Defence Force Order 3

Section E: Member of the Armed Forces Post-Departure Conflict of Interest Policy

Overview

Introduction 11.8.158

There is a potential for a conflict of interest, or the appearance of a conflict of interest, between the NZDF and former members of the Armed Forces, where the former member is employed in the private sector by organisations with which the NZDF does business. This policy outlines the NZDF policy in relation to the post-departure employment of former members of the Armed Forces.

Caution to be taken in business dealings with former NZDF members with these skills and knowledge 11.8.159

Particular care is to be taken when the NZDF conducts business with persons who, while a member of the Armed Forces, were involved in:

- (1) purchasing, procurement, disposal or tendering;
- (2) duties by which they gained knowledge about confidential procedures and criteria used within the NZDF which could allow anticipation or manipulation of NZDF decisions; or
- (3) duties by which they gained knowledge about the future intentions or development of the NZDF that could give an unfair advantage to those able to exploit those intentions or developments.

Where a former member of the Armed Forces tries to use previously gained NZDF knowledge or contacts for business advantage 11.8.160

CDF may direct that the NZDF will not conduct business with a former member of the Armed Forces where it becomes apparent that the former member is:

- (1) unfairly exploiting a position of advantage by using information gained while a member of the Armed Forces as described at paragraph 11.8.159 of this section, or
- (2) unfairly exploiting or attempting to exploit prior acquaintances or command relationships within the NZDF.

Recommendations to exclude a former member of the NZDF from a business relationship with the NZDF 11.8.161

Any recommendation to exclude a particular individual from NZDF business is to be subject to advice from the Director of Defence Legal Services before it is referred to the CDF for a decision.

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Overview, Continued

Non-recruitment clauses may be entered into in certain circumstances
11.8.162

In certain circumstances, when the NZDF has a specific interest to protect, a non-recruitment clause will be entered into with organisations with which the NZDF does business. Such specific interests include the possession of information of a type which will disadvantage the NZDF in its dealing with outside organisations. Non-recruitment clauses prevent either party from recruiting the members of the other organisation for a period of time or in certain circumstances. Due to the complexity of the law regarding restraints of trade, the Director of Defence Legal Services is to be consulted whenever such a clause is being considered.

Section C: NZDF Post-Separation Employment Policy

Overview

Introduction 11.8A.42

There is potential for a conflict of interest, or the appearance of a conflict of interest, between the NZDF and former NZDF members, where the former NZDF member is employed in the private sector by organisations with which the NZDF does business. This policy outlines the NZDF policy in relation to the post separation employment of former members of the Civil Staff.

Caution to be taken in business dealings with former NZDF members with these skills and knowledge 11.8A.43

Particular care is to be taken when the NZDF conducts business with persons who, while a member of the Civil Staff of the NZDF, were involved in:

- (1) purchasing, procurement, disposal or tendering,
- (2) duties by which they gained knowledge about confidential procedures and criteria used within the NZDF which could allow anticipation or manipulation of NZDF decisions, or
- (3) duties by which they gained knowledge about the future intentions or development of the NZDF that could give an unfair advantage to those able to exploit those intentions or developments.

Where a former member tries to use previously gained NZDF knowledge or contacts for business advantage 11.8A.44

CDF may direct that the NZDF will not conduct business with a former NZDF member where it becomes apparent that the former member is:

- (1) unfairly exploiting a position of advantage by using information gained while a member of the NZDF as described at 11.8A.42 of this section, or
- (2) unfairly exploiting or attempting to exploit prior acquaintances or command relationships within the NZDF.

Recommendations to exclude a former member from a business relationship with the NZDF 11.8A.45

Any recommendation to exclude a particular individual from NZDF business is to be subject to advice from the Director of Defence Legal Services before it is referred to the CDF for a decision.

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Overview, Continued

Non-recruitment clauses may be entered into in certain circumstances
11.8A.46

In certain circumstances, when the NZDF has a specific interest to protect, a non-recruitment clause will be entered into with organisations with which the NZDF does business. Such specific interests include the possession of information of a type which will disadvantage the NZDF in its dealing with outside organisations. Non-recruitment clauses prevent either party from recruiting the members of the other organisation for a period of time or in certain circumstances. Due to the complexity of the law regarding restraints of trade, the Director of Defence Legal Services is to be consulted whenever such a clause is being considered.

Released under the Official Information Act 1982

| Consultant / Contractor | Contract Start Date | Contract End Date | Contract Duration (Months) | Period of Absence |
|-------------------------|---------------------|-------------------|----------------------------|-------------------|
| Contractor/consultant | 30/09/2022 | 30/06/2029 | 81.0 | Over 2 Years |
| Contractor/consultant | 3/02/2022 | 17/01/2024 | 23.4 | Over 2 Years |
| Contractor/consultant | 24/05/2022 | 1/11/2024 | 29.3 | Within 2 Years |
| Contractor/consultant | 31/08/2020 | 19/12/2025 | 63.6 | Within 6 Months |
| Contractor/consultant | 27/02/2024 | 30/06/2025 | 16.1 | Within 6 Months |
| Contractor/consultant | 5/04/2018 | 3/04/2024 | 72.0 | Over 2 Years |
| Contractor/consultant | 28/08/2024 | 31/08/2029 | 60.1 | Over 2 Years |
| Contractor/consultant | 18/08/2022 | 7/08/2023 | 11.6 | Within 6 Months |
| Contractor/consultant | 25/08/2022 | 24/08/2026 | 48.0 | Over 2 Years |
| Contractor/consultant | 14/10/2024 | 18/10/2027 | 36.1 | Over 2 Years |
| Contractor/consultant | 14/04/2019 | 20/06/2019 | 2.2 | Over 2 Years |
| Contractor/consultant | 12/12/2019 | 30/06/2020 | 6.6 | Within 6 Months |
| Contractor/consultant | 8/07/2021 | 8/02/2022 | 7.1 | Within 6 Months |
| Contractor/consultant | 20/11/2017 | 26/06/2018 | 7.2 | Over 2 Years |
| Contractor/consultant | 19/04/2022 | 8/02/2024 | 21.7 | Over 2 Years |
| Contractor/consultant | 27/03/2023 | 12/06/2023 | 2.5 | Over 2 Years |
| Contractor/consultant | 24/03/2022 | 30/06/2026 | 51.2 | Within 6 Months |
| Contractor/consultant | 8/05/2023 | 8/05/2025 | 24.0 | Over 2 Years |
| Contractor/consultant | 18/09/2024 | 30/06/2025 | 9.4 | Within 6 Months |
| Contractor/consultant | 15/03/2021 | 30/06/2025 | 51.5 | Within 6 Months |
| Contractor/consultant | 8/07/2021 | 14/12/2021 | 5.2 | Within 6 Months |
| Contractor/consultant | 8/07/2021 | 14/12/2021 | 5.2 | Within 6 Months |
| Contractor/consultant | 8/11/2024 | 30/06/2025 | 7.7 | Over 2 Years |
| Contractor/consultant | 15/07/2024 | 31/12/2024 | 5.6 | Within 6 Months |
| Contractor/consultant | 8/07/2021 | 14/12/2021 | 5.2 | Within 6 Months |
| Contractor/consultant | 23/02/2024 | 25/07/2024 | 5.0 | Over 2 Years |
| Contractor/consultant | 3/10/2022 | 31/10/2023 | 12.9 | Over 2 Years |

Released under the Official Information Act 1982

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|-----------------------|------------|------------|------|-----------------|
| Contractor/consultant | 13/05/2022 | 29/03/2025 | 34.5 | Within 6 Months |
| Contractor/consultant | 22/03/2021 | 30/06/2022 | 15.3 | Within 1 Year |
| Contractor/consultant | 10/06/2024 | 30/04/2025 | 10.6 | Over 2 Years |
| Contractor/consultant | 22/02/2024 | 30/06/2025 | 16.2 | Over 2 Years |
| Contractor/consultant | 12/12/2018 | 2/06/2020 | 17.7 | Within 6 Months |
| Contractor/consultant | 23/07/2021 | 25/10/2021 | 3.1 | Over 2 Years |
| Contractor/consultant | 30/04/2024 | 20/05/2025 | 12.6 | Over 2 Years |
| Contractor/consultant | 20/11/2018 | 2/07/2021 | 31.4 | Over 2 Years |
| Contractor/consultant | 10/07/2023 | 30/09/2024 | 14.7 | Over 2 Years |
| Contractor/consultant | 24/09/2018 | 31/03/2020 | 18.2 | Within 1 Year |
| Contractor/consultant | 2/09/2024 | 31/08/2025 | 11.9 | Over 2 Years |
| Contractor/consultant | 16/02/2022 | 14/06/2022 | 3.9 | Within 6 Months |
| Contractor/consultant | 9/08/2018 | 21/07/2022 | 47.4 | Within 2 Years |
| Contractor/consultant | 16/05/2019 | 12/04/2023 | 46.9 | Within 1 Year |
| Contractor/consultant | 1/04/2021 | 30/06/2022 | 14.9 | Within 1 Year |
| Contractor/consultant | 23/01/2020 | 15/04/2021 | 14.7 | Within 2 Years |
| Contractor/consultant | 28/02/2023 | 17/12/2024 | 21.6 | Over 2 Years |
| Contractor/consultant | 19/10/2023 | 21/06/2024 | 8.1 | Over 2 Years |
| Contractor/consultant | 29/10/2024 | 3/10/2025 | 11.1 | Over 2 Years |
| Contractor/consultant | 24/05/2017 | 31/10/2018 | 17.2 | Over 2 Years |
| Contractor/consultant | 7/02/2023 | 31/12/2025 | 34.8 | Over 2 Years |
| Contractor/consultant | 9/08/2017 | 5/12/2018 | 15.9 | Over 2 Years |
| Contractor/consultant | 1/09/2021 | 23/02/2022 | 5.7 | Over 2 Years |
| Contractor/consultant | 26/06/2023 | 30/11/2023 | 5.2 | Over 2 Years |
| Contractor/consultant | 8/07/2021 | 11/03/2024 | 32.1 | Within 6 Months |
| Contractor/consultant | 7/10/2019 | 7/12/2020 | 14.0 | Over 2 Years |
| Contractor/consultant | 31/05/2023 | 15/10/2024 | 16.5 | Over 2 Years |
| Contractor/consultant | 16/11/2023 | 27/06/2024 | 7.4 | Over 2 Years |
| Contractor/consultant | 24/08/2017 | 2/03/2022 | 54.2 | Within 6 Months |

Released under the Official Information Act 1982

| | | | | |
|-----------------------|------------|------------|-------|-----------------|
| Contractor/consultant | 26/05/2023 | 5/12/2024 | 18.4 | Over 2 Years |
| Contractor/consultant | 18/03/2024 | 16/11/2025 | 20.0 | Over 2 Years |
| Contractor/consultant | 2/05/2019 | 10/10/2021 | 29.3 | Within 6 Months |
| Contractor/consultant | 5/07/2023 | 30/06/2024 | 11.9 | Within 2 Years |
| Contractor/consultant | 7/03/2018 | 7/05/2019 | 14.0 | Over 2 Years |
| Contractor/consultant | 6/03/2023 | 31/12/2025 | 33.9 | Over 2 Years |
| Contractor/consultant | 24/11/2022 | 1/07/2025 | 31.2 | Within 6 Months |
| Contractor/consultant | 16/05/2019 | 30/11/2022 | 42.5 | Over 2 Years |
| Contractor/consultant | 25/07/2019 | 1/04/2022 | 32.2 | Over 2 Years |
| Contractor/consultant | 6/10/2023 | 30/06/2025 | 20.8 | Over 2 Years |
| Contractor/consultant | 18/06/2019 | 30/06/2023 | 48.4 | Within 2 Years |
| Contractor/consultant | 6/09/2023 | 31/08/2025 | 23.8 | Over 2 Years |
| Contractor/consultant | 11/09/2023 | 20/09/2024 | 12.3 | Over 2 Years |
| Contractor/consultant | 16/12/2022 | 10/03/2028 | 62.8 | Over 2 Years |
| Contractor/consultant | 25/03/2020 | 2/05/2024 | 49.2 | Over 2 Years |
| Contractor/consultant | 17/02/2023 | 31/05/2024 | 15.4 | Within 2 Years |
| Contractor/consultant | 27/01/2023 | 30/06/2025 | 29.1 | Over 2 Years |
| Contractor/consultant | 25/02/2022 | 1/10/2025 | 43.2 | Over 2 Years |
| Contractor/consultant | 5/09/2023 | 31/12/2025 | 27.9 | Over 2 Years |
| Contractor/consultant | 6/12/2021 | 30/06/2023 | 18.8 | Within 1 Year |
| Contractor/consultant | 4/03/2019 | 30/06/2025 | 75.9 | Over 2 Years |
| Contractor/consultant | 26/10/2017 | 3/09/2020 | 34.3 | Over 2 Years |
| Contractor/consultant | 11/11/2019 | 25/11/2029 | 120.5 | Over 2 Years |
| Contractor/consultant | 2/09/2019 | 1/06/2025 | 69.0 | Within 2 Years |
| Contractor/consultant | 1/06/2022 | 30/06/2025 | 37.0 | Over 2 Years |
| Contractor/consultant | 16/06/2022 | 30/06/2025 | 36.5 | Within 6 Months |
| Contractor/consultant | 7/01/2021 | 30/06/2025 | 53.7 | Within 6 Months |