



20 July 2023



Ref: OIA-2022/23-0934

Dear 

**Official Information Act for correspondence regarding OIA requests involving Rt Hon Christ Hipkins from May to June 2022**

Thank you for your follow-up Official Information Act 1982 (the Act) request received on 19 May 2023. You requested:

*“Copies of correspondence to or from DPMC and/or the Prime Ministers Office (PMO), regarding OIA requests involving Minister Chris Hipkins, for the period between May 2022 and June 2022. In particular, instances where Minister Hipkins (or staff) has consulted the PMO regarding OIA requests involving his departments.”*

On 19 June 2023, we wrote to you extending the time limit for response by 22 working days, to 20 July 2023. The additional time was sought because your request necessitated a search through a large quantity of information, and to complete consultations before a final decision could be made on your request.

I would like to provide you some context to assist you to understand our response. The Department of the Prime Minister and Cabinet (DPMC) provides administrative assistance to several Ministers across a range of portfolio matters. DPMC may also respond to OIAs received directly, which include matters of interest for the Ministers, and therefore involve some communication with the offices. Where we support Ministers, we refer to these requests internally as Ministerial Official Information Act requests (MOIAs). Departmental Information Act requests are referred to as DOIAs.

During May and June 2022, DPMC responded to 10 MOIA requests in the COVID-19 Response portfolio. In addition, DPMC responded to 103 DOIAs during this time. Of which, we believe there were 33 DOIAs, which likely included engagement with PMO and/or Minister Hipkins' office.

I have enclosed all relevant documentation relating to eight of the MOIAs identified as being in scope of your request. The other two MOIAs were found not to contain correspondence relevant to your request. Some information is withheld under section 9(2)(a) to protect the privacy of individuals, and under section 9(2)(g)(i) to protect the free and frank expression of opinion between officials. Where information is withheld, I have considered the public interest and determine this does not outweigh the protected interests. Where correspondence included draft responses, I have included the final, signed response and withheld the draft under section 9(2)(g)(i).

I regret that following collation of the material for the MOIAs, we have determined that the effort involved to collate the relevant information for the DOIAs would amount to substantial collation which would amount to an administrative burden. We do not believe imposing a

charge would assist us. After careful consideration, we have determined not to consult you prior to making this decision. As we have already collated the material for the MOIA responses, and we are providing this, we do not believe consulting you would assist in this instance as we are providing as much as reasonable at this time.

The steps involved in collating the material are: accessing each DOIA record in our workflow system, opening the document where actions are recorded, then opening all emails saved into that document, and reviewing each chain to identify those involving interaction with Minister Hipkins or PMO. Following those steps, all relevant emails would need to be saved and converted to PDF format, to be combined into one document, which we could then assess for release. In the circumstances, your request, in so far as it relates to DOIAs where we may have consulted, is declined under section 18(f) – the information cannot be made available without substantial collation.

We have collated the information within scope in respect of the eight Ministerial OIAs referenced earlier.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information this released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Clare Ward  
**Executive Director**  
**Strategy, Governance and Engagement**

**From:** [Information \[DPMC\]](#)  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Cc:** [Information \[DPMC\]](#)  
**Subject:** MOIA Reply:OIA0687:[Schooner] Documents relating to proof of vaccination for non-NZ citizens  
**Date:** Tuesday, 3 May 2022 4:37:17 pm  
**Attachments:** [image001.png](#)  
[MOIA REPLY \[Schooner\].pdf](#)  
[4536554 MOIA Reply \(OIA0687\) \(OIA-2021\\_22-1245\) \[Schooner\] Documents relating to proof of vaccination for non-NZ citizens \(Chuck Schooner\).DOCX](#)  
[FW OIA22-065 Re Your Official Information Act request - REF OIA0687.msg](#)

---

[IN-CONFIDENCE]

Kia ora,

Please see attached for review:

Signed Briefing from Cheryl Barnes  
Draft Response Letter – in word  
Copy of original request documents.

This is due to the requester on the **13 May 2022**.

Ngā mihi,

s9(2)(a)  
Ministerial Coordinator, Ministerial and Business Services  
Strategy, Governance and Engagement  
Department of the Prime Minister and Cabinet

P s9(2)(a)  
E



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# Briefing

## OFFICIAL INFORMATION ACT REQUEST: CHUCK SCHOONER

<b>To: Minister for COVID-19 Response (Hon Chris Hipkins)</b>			
<b>Date</b>	3/05/2022	<b>OIA Numbers</b>	MIN: OIA0687 DPMC: OIA-2021/22-1245
<b>Deadline</b>	13 May 2022	<b>Briefing Number</b>	DPMC-2021/22-2006


### Purpose

This briefing attaches a draft response, for your consideration and signature, to the Official Information Act 1982 (the Act) request you received from Chuck Schooner on 12 April 2022.

### Recommendation

It is recommended that you:

- |   |                 |
|---|-----------------|
| 1. <b>Sign</b> the attached letter to Chuck Schooner. | <b>YES / NO</b> |
|---|-----------------|



Cheryl Barnes  
Deputy Chief Executive, COVID-19 Response

---

3/5/2022

Hon Chris Hipkins  
Minister for COVID-19 Response

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...../...../2022



**Contact for telephone discussion if required:**

Name	Position	Telephone		1st contact
Cheryl Barnes	Deputy Chief Executive, COVID-19 Response	N/A	s9(2)(a)	✓
s9(2)(a)	Senior Ministerial Advisor	s9(2)(a)	N/A	

**Minister's office comments:**

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

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# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



16 May 2022

Chuck Schooner  
fyi-request-18907-09d99746@requests.fyi.org.nz

Ref: OIA0687

Dear Chuck Schooner

## Official Information Act request for documents relating to proof of vaccination for non-New Zealand citizens

Thank you for your Official Information Act 1982 (the Act) request, transferred to this office on 12 April 2022. You requested:

*“ Just a follow up on this - as per Government policy*

- non-New Zealand citizens including New Zealand permanent residents need proof of vaccination to enter NZ*
- non-New Zealand citizens who are transiting New Zealand require proof of vaccination*
- foreign air crew arriving in New Zealand require proof of vaccination*

*Proof of vaccination is not required for refugees or people entering from Ukraine amongst other groups - can you please provide all documentation collaborating with The Ministry of Health relating to the following*

- Documents, reporting, risk assessments and recommendations as to why the above groups are required to have proof of vaccination - is it a perceived higher risk? Please provide the public health recommendation for this group of people requiring vaccination*
- Documents, reporting, risk assessments and recommendations as to why refugees and people from Ukraine ARE NOT required to have proof of vaccination - is it a perceived lower risk? Please provide the public health recommendation for this group of people and why they don't require vaccination.*

*If the above has not been done then why not? Surely refugees and people from Ukraine would then fall under the category of non-New Zealand citizens entering in New Zealand who require vaccination.”*

As you will be aware, since 1 November 2021, vaccination requirements have been in place for non-New Zealand citizens entering New Zealand by air. Unlike other travellers, New Zealand citizens have a right to enter New Zealand under the New Zealand Bill of Rights Act 1990. That right does not extend to Permanent Residents of New Zealand.

Vaccination has played a key role in our COVID-19 response. Vaccination helps protect travellers against severe illness (or death). Vaccination requirements also help to reduce the pressure on our health system. In keeping with the Government's longstanding

approach to the COVID-19 response, border settings, including vaccination requirements, are kept under constant review and informed by public health advice.

On Tuesday 3 May 2022, I announced that the Government is broadening the ability for residence class visa holders to re-enter New Zealand by allowing these visa holders who are not vaccinated against COVID-19 entry to New Zealand from 6 May 2022.

This broadened criteria for return is being enabled initially by the Director-General of Health signing a class exemption which allows unvaccinated travellers holding either a Permanent Resident Visa or a Resident Visa, and Australian citizens ordinarily resident in New Zealand, to enter the country. This class exemption will not prevent people in other groups from continuing to apply for exemptions based on their individual circumstances.

Currently, travellers entering New Zealand by air must have proof of vaccination unless they:

- are a New Zealand citizen
- have a New Zealand residence class visa
- are an Australian citizen ordinarily resident in New Zealand
- are a child aged 16 years and under
- cannot be vaccinated for medical reasons —electronic or paper evidence from a health practitioner is required
- are a refugee arriving in New Zealand for the first time
- are a citizen of Afghanistan and they are being evacuated
- are arriving from Antarctica
- have been granted a visa under the 2022 Special Ukraine Visa Policy; or if they are or were ordinarily resident in Ukraine at any point on or after 1 January 2022.

With regard to your request for certain documents, the following three documents have been identified as being within scope of this part of your request. These documents will be published shortly on the Unite Against COVID-19 website:

<https://covid19.govt.nz/about-our-covid-response/proactive-releases/border/>

<b>Date</b>	<b>Title</b>
10 September 2021	<i>Advice on Requiring Non-New Zealand citizens entering managed isolation facilities to be vaccinated</i>
4 October 2021	<i>Cabinet Minute: COVID-19 Vaccination requirements for non-New Zealand citizens entering New Zealand</i>
14 March 2022	<i>Cabinet Paper: Reconnecting New Zealanders: Further Changes to International Border Settings</i>

This part of your request is therefore refused under section 18(d) of the Act as the information requested is soon to be publicly available.

I am advised that the Department of the Prime Minister and Cabinet (DPMC) does not undertake risk assessments or provide public health recommendations regarding the requirement for non-New Zealand citizens to be vaccinated before being able to enter New Zealand. Public health advice on this issue is provided by the Ministry of Health and I understand you have sent this same request to the Ministry.

Additionally, I am advised that DPMC does not undertake risk assessments or provide public health recommendations which outline or ascertain the risk of those granted a 2022 Special Ukraine visa or refugees who are unvaccinated against COVID-19.

New Zealand's resettlement of quota refugees reflects the Government's commitments and contribution to global humanitarian crises. Quota refugees have been granted exemptions from vaccination requirements on humanitarian grounds due to their specific circumstances such as not having access to vaccines approved by the New Zealand Government and the urgency in which they had to travel to New Zealand.

I am advised that my colleague, Minister Faafoi in his response to your initial request dated 17 March 2022 confirmed details of the 2022 Special Ukraine visa category are contained within a Cabinet paper which is soon to be proactively released by the Ministry of Business, Innovation and Employment. This part of your request therefore is also refused under section 18(d) of the Act, as the information requested will soon be publicly available.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely



**Chris Hipkins**  
**Minister for COVID-19 Response**

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**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** [Information \[DPMC\]](#)  
**Subject:** FW: Letter from Hon Chris Hipkins - OIA0687  
**Date:** Tuesday, 17 May 2022 3:48:26 pm  
**Attachments:** [image001.png](#)  
[OIA0687 - Chuck Schooner.pdf](#)

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Copy of final response for your records.

s9(2)(a)

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**From:** C Hipkins (MIN)  
**Sent:** Tuesday, 17 May 2022 3:48 PM  
**To:** Chuck Schooner <[fyi-request-18907-09d99746@requests.fyi.org.nz](mailto:fyi-request-18907-09d99746@requests.fyi.org.nz)>  
**Subject:** Letter from Hon Chris Hipkins - OIA0687

Dear Chuck,

Please find attached letter from Hon Chris Hipkins in response to your email of 12 April 2022.

Kind regards,

Office of Hon Chris Hipkins  
Minister for COVID-19 Response | Minister of Education | Minister for Public Service | Leader of the House

Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

**From:** K Faafoi (MIN)  
**Sent:** Tuesday, 12 April 2022 9:24 AM  
**To:** Chuck Schooner <[fyi-request-18907-09d99746@requests.fyi.org.nz](mailto:fyi-request-18907-09d99746@requests.fyi.org.nz)>  
**Cc:** C Hipkins (MIN) <[c.hipkins@ministers.govt.nz](mailto:c.hipkins@ministers.govt.nz)>  
**Subject:** RE: OIA22-065 Re: Your Official Information Act request

Dear Chuck

On behalf of Hon Kris Faafoi, Minister of Justice, Minister of Immigration, and Minister for Broadcasting and Media I acknowledge receipt of your email requesting information under Section 12 of the Official Information Act 1982.

Your request has been transferred under Section 14 of the Official Information Act 1982 on 12 April 2022 to Hon Chris Hipkins office as the information you seek is not held by us.

Kind regards,

### Office of Hon Kris Faafoi

Minister of Justice | Minister of Immigration | Minister for Broadcasting and Media  
Executive Wing | Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand



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*Please note information about meetings related to the Ministers' portfolios will be proactively released (this does not include personal or constituency matters). For each meeting in scope, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio. If you attend a meeting with the Minister on behalf of an organisation, the name of the organisation will be released. If you are a senior staff member at an organisation, or meet with the Minister in your personal capacity, your name may also be released. The location of the meeting will be released, unless it is a private residence. The proactive release will be consistent with the provisions in the Official Information Act, including privacy considerations. Under the Privacy Act 2020 you have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, or are concerned about the release of your information in the meeting disclosure, please contact the sender. You can read more about the proactive release policy at <https://www.dia.govt.nz/Proactive-Releases#MS>*

-----Original Message-----

From: Chuck Schooner [<mailto:fyi-request-18907-09d99746@requests.fyi.org.nz>]

Sent: Monday, 11 April 2022 11:50 AM

To: K Faafoi (MIN) <[k.faafoi@ministers.govt.nz](mailto:k.faafoi@ministers.govt.nz)>

Subject: OIA22-065 Re: Your Official Information Act request

Dear K Faafoi (MIN),

Just a follow up on this - as per Government policy

- non-New Zealand citizens including New Zealand permanent residents need proof of vaccination to enter NZ
- non-New Zealand citizens who are transiting New Zealand require proof of vaccination
- foreign air crew arriving in New Zealand require proof of vaccination

Proof of vaccination is not required for refugees or people entering from Ukraine amongst other groups - can you please provide all documentation collaborating with The Ministry of Health relating to the following

- Documents, reporting, risk assessments and recommendations as to why the above groups are required to have proof of vaccination - is it a perceived higher risk? Please provide the public health recommendation for this group of people requiring vaccination
- Documents, reporting, risk assessments and recommendations as to why refugees and people from Ukraine ARE NOT required to have proof of vaccination - is it a perceived lower risk? Please provide the public health recommendation for this group of people and why they don't require vaccination.

If the above has not been done then why not? Surely refugees and people from Ukraine would then fall under the category of non-New Zealand citizens entering in New Zealand who require

vaccination.

Yours sincerely,

Chuck Schooner

-----Original Message-----

Kia ora Chuck,

Please find attached a response to your Official Information Act request.

Ngâ mihi

s9(2)(a)

Private Secretary (Ministerial Servicing - Immigration) | Office of Hon Kris Faafoi MP

Minister of Justice, Minister of Broadcasting and Media, Minister of Immigration

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

Authorised by Hon Kris Faafoi MP, Parliament Buildings, Wellington 6011

Email disclaimer:

Please note information about meetings related to the Ministers' portfolios will be proactively released (this does not include personal or constituency matters).

For each meeting in scope, the summary would list:

date, time (start and finish), brief description, location, who the meeting was with, and the portfolio. If you attend a meeting with the Minister on behalf of an organisation, the name of the organisation will be released. If you are a senior staff member at an organisation, or meet with the Minister in your personal capacity, your name may also be released. The location of the meeting will be released, unless it is a private residence. The proactive release will be consistent with the provisions in the Official Information Act, including privacy considerations. Under the Privacy Act 1993 you have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, or are concerned about the release of your



information in the meeting disclosure, please contact the sender. You can read more about the proactive release policy at [1]<https://www.dia.govt.nz/Proactive-Releases#MS>

Please note that any acceptance of an invitation is conditional upon leave being granted.

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#### References

##### Visible links

1. <https://www.dia.govt.nz/Proactive-Releases#MS>

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Please use this email address for all replies to this request:

[fyi-request-18907-09d99746@requests.fyi.org.nz](mailto:fyi-request-18907-09d99746@requests.fyi.org.nz)

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<https://fyi.org.nz/help/officers>

If you find this service useful as an Official Information officer, please ask your web manager to link to us from your organisation's OIA or LGOIMA page.

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Released under the Official Information Act 1982

**From:** [Information \[DPMC\]](#)  
**To:** s9(2)(a): Office of the Prime Minister  
**Cc:** [Information \[DPMC\]](#)  
**Subject:** MOIA Reply PMO 2022-143: s9(2)(a) Unvaccinated Permanent Residents entry to NZ  
**Date:** Friday, 6 May 2022 3:32:53 pm  
**Attachments:** [image001.png](#)  
[MOIA REPLY OIA-2021\\_22-1270 Filenote s9\(2\)\(a\) Unvaccinated Permanent Residents entry to NZ\(Rob s9\(2\)\(a\) pdf](#)  
[4536961 MOIA Reply \(PMO 2022-143\) \(OIA-2021\\_22-1270\) s9\(2\)\(a\) Unvaccinated Permanent Residents entry to NZ s9\(2\)\(a\) DOCX](#)  
[FW OIA request - legal rights for traveller and Permanent Residents.msg](#)

[IN-CONFIDENCE]

Kia ora,

Please see attached for review:

- Signed Briefing from Ruth Fairhall
- Draft Response Letter – in word
- Copy of original request documents.

This is due to the requester on the **20 May 2022**.

Ngā mihi,

s9(2)(a)

Ministerial Coordinator, Ministerial and Business Services  
Strategy, Governance and Engagement  
Department of the Prime Minister and Cabinet

P s9(2)(a)  
E



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**Briefing for Draft Reply to OIA Request**

<b>TO:</b>	<i>PMO Chief of Staff</i>	Raj Nahna
	<i>PMO Deputy Chief of Staff</i>	s9(2)(a)
	<i>PMO Private Secretary (Executive Support)</i>	s9(2)(a)
<b>FROM:</b>	<i>DPMC Ministerial Services Contact</i>	s9(2)(a) Senior Ministerial Advisor s9(2)(a)

<b>PMO OIA Number:</b>	PMO 2022-143
<b>OIA Title</b>	Request for legal order which
<b>Requestor:</b>	<i>Name</i> s9(2)(a)
	<i>Organisation / Business</i> Individual
<b>Due to Requestor:</b>	20 May 2022
<b>Due to PMO:</b>	13 May 2022

<b>Attachments:</b>
<ul style="list-style-type: none"> <li>Request.</li> <li>Draft response letter (for signature).</li> </ul>

<b>Consulted With:</b>
<ul style="list-style-type: none"> <li>COVID-19 Group s9(2)(a)</li> <li>s9(2)(a) (Private Secretary – Minister for COVID-19 Response)</li> <li>PMO s9(2)(a)</li> </ul>

<b>Comments on draft reply:</b>
s9(2)(g)(i)

Cleared for submission to PMO by:

**ELT Member** .....  
Ruth Fairhall  
**Head of Strategy and Policy, COVID-19 Group**

5/5/2022

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**From:** [J Ardern \(MIN\)](#)  
**To:** s9(2)(a)  
**Subject:** Your OIA Request - PMO 2022-143  
**Date:** Monday, 9 May 2022 10:27:25 am  
**Attachments:** [09.05.2022 Letter to s9\(2\)\(a\)](#) [PMO 2022-143.pdf](#)

---

Tēnā koe,

On behalf of Raj Nahna, I **attach** a letter in response to your OIA request.

Ngā mihi,

**Private Secretary (Executive Support)**

**Office of the Prime Minister**

Authorised by Rt. Hon Jacinda Ardern MP, Parliament Buildings, Wellington

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# Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister for Child Poverty Reduction

Minister Responsible for Ministerial Services

Associate Minister for Arts, Culture and Heritage



s9(2)(a)

Ref: PMO 2022-143

Tēnā koe s9(2)(a)

## Official Information Act request regarding entry requirements for unvaccinated permanent residents entering New Zealand

Thank you for your Official Information Act 1982 (the Act) request, received on 21 April 2022. You requested:

*“the release of the legal order made around the decision to restrict permanent residents from reentering NZ who are and not vaccinated.”*

Following acknowledgement of your initial request, you clarified your request to ask specifically for:

*“(...) the legal details on why discrimination is being applied to allow NZ Citizens whom are not vaccinated to freely travel but why NZ Residents who have been in this country for over 40 years and paying taxes are being discriminated against simply because of their citizenship status (...)”*

We note that the information you have requested is more closely connected to the functions of the Minister for COVID-19 Response, Hon Chris Hipkins. Normally, we would transfer your request to that Minister under section 14(b)(ii) of the Act, however, as you also sent your request to that Office, we instead refer you to that Minister's response.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Ngā mihi nui,

Raj Nahna  
Chief of Staff

**From:** [Information \[DPMC\]](#)  
**To:** s9(2)(a): Office of the Minister for COVID-19  
**Cc:** [Information \[DPMC\]](#)  
**Subject:** MOIA Reply; C-19 OIA 2021-052; s9(2)(a) (C19) Unvaccinated Permanent Residents entry to NZ  
**Date:** Friday, 6 May 2022 3:25:15 pm  
**Attachments:** [image001.png](#)  
[MOIA Reply \(C-19 OIA 2021-052\) \(OIA-2021-22-1295\) s9\(2\)\(a\) \(C19\) Unvaccinated Permanent Residents entry to NZ s9\(2\)\(a\) .pdf](#)  
[4539025 MOIA Reply \(C-19 OIA 2021-052\) \(OIA-2021-22-1295\) s9\(2\)\(a\) \(C19\) Unvaccinated Permanent Residents entry to NZ s9\(2\)\(a\) .DOCX](#)  
[FW MOIA Request OIA-202122-1270:PMO 2022-143 s9\(2\)\(a\) Unvaccinated Permanent Residents entry to NZ.msg](#)

~~[IN CONFIDENCE]~~

Kia ora,

Please see attached for review:

- Signed Briefing from Ruth Fairhall
- Draft Response Letter – in word
- Copy of original request documents.

This is due to the requester on the **20 May 2022**.

Ngā mihi,

s9(2)(a)

Ministerial Coordinator, Ministerial and Business Services  
 Strategy, Governance and Engagement  
 Department of the Prime Minister and Cabinet

P s9(2)(a)  
 E



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# Briefing

## OFFICIAL INFORMATION ACT REQUEST: s9(2)(a)

To: Minister for COVID-19 Response  
(Hon Chris Hipkins)

<b>Date</b>	[Date Sent]	<b>OIA Numbers</b>	MIN: C-19 OIA 2021-052 DPMC: OIA-2021/22-1295
<b>Deadline</b>	20 May 2022	<b>Briefing Number</b>	DPMC-2021/22-2057


### Purpose

This briefing attaches a draft response, for your consideration and signature, to the Official Information Act 1982 (the Act) request you received from s9(2)(a) on 21 April 2022.

### Recommendation

It is recommended that you:

1. Sign the attached letter to s9(2)(a) YES / NO



Ruth Fairhall  
Head of Strategy and Policy  
COVID-19 Group

---

05/05/2022

Hon Chris Hipkins  
Minister for COVID-19 Response

---

...../...../2022



**Contact for telephone discussion if required:**

Name	Position	Telephone		1st contact
Ruth Fairhall	Head of Strategy and Policy, COVID-19 Group	N/A	s9(2)(a)	✓
s9(2)(a)	Senior Ministerial Advisor	s9(2)(a)	N/A	

**Minister's office comments:**

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

Released under the Official Information Act 1982

# OFFICIAL INFORMATION ACT REQUEST: s9(2)(a)

## Background

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1. On 21 April 2022 you received a request under the Official Information Act 1982 (the Act) from s9(2)(a). The initial request asked for:

*"I'm lodging an OIA for the release of the legal order made around the decision to restrict permanent residents from reentering NZ who are and not vaccinated"*

2. Following acknowledgement of this request, the requester requested additional information:

*"(...) the legal details on why discrimination is being applied to allow NZ Citizens whom are not vaccinated to freely travel but why NZ Residents who have been in this country for over 40 years and paying taxes are being discriminated against simply because of their citizenship status (...)"*


3. This request was received by both your office and by the Prime Minister's Office. It was agreed that your office would respond and the Prime Minister's reply refer to this response [PMO 2022-143 refers].

4. A response to the request is due by 20 May 2022.

## Approach

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s9(2)(g)(i)



## Communications

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s9(2)(g)(i)



## Consultation

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9 Consultation has been undertaken with the Prime Minister's Office regarding the approach to this request.

<b>Attachments:</b>		
<b>Attachment A:</b>		Proposed response to s9(2)(a)

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# ATTACHMENT A

Proposed response to s9(2)(a) [REDACTED]

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Released under the Official Information Act 1982

Released under the Official Information Act 1982

Released under the Official Information Act 1982

**From:** s9(2)(a): Office of the Minister for COVID-19  
**To:** [Information \[DPMC\]](#)  
**Subject:** FW: Letter from Hon Chris Hipkins - CHOIA0705  
**Date:** Tuesday, 17 May 2022 4:27:28 pm  
**Attachments:** [CHOIA0705 - s9\(2\)\(a\) pdf](#)

---

Copy of final response for your records.

s9(2)(a)

---

**From:** C Hipkins (MIN)  
**Sent:** Tuesday, 17 May 2022 4:25 PM  
**To:** s9(2)(a)  
**Subject:** Letter from Hon Chris Hipkins - CHOIA0705

Dear s9(2)(a)

Please find attached letter from Hon Chris Hipkins in response to your email of 21 April 2022.

Kind regards,

Office of Hon Chris Hipkins  
Minister for COVID-19 Response | Minister of Education | Minister for Public Service | Leader of  
the House  
Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

---

Released under the Official Information Act 1982



# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



17 May 2022

s9(2)(a)

Ref: CHOIA0705

Dear s9(2)(a)

## Official Information Act request regarding entry requirements for unvaccinated permanent residents entering New Zealand

Thank you for your Official Information Act 1982 (the Act) request, received on 21 April 2022. You have requested:

*“the release of the legal order made around the decision to restrict permanent residents from reentering NZ who are and not vaccinated.”*

Following acknowledgement of your initial request, you clarified your request to ask specifically for:

*“(...) the legal details on why discrimination is being applied to allow NZ Citizens whom are not vaccinated to freely travel but why NZ Residents who have been in this country for over 40 years and paying taxes are being discriminated against simply because of their citizenship status (...)”*

As you will be aware, since 1 November 2021, vaccination requirements have been in place for non-New Zealand citizens entering New Zealand by air.

The legal order which outlines this requirement is the COVID-19 Public Health Response (Air Border) 2021 which is publicly available on the New Zealand legislation website: <https://www.legislation.govt.nz/regulation/public/2021/0427/latest/LMS577674.html>

Unlike other travellers, New Zealand citizens have a right to enter New Zealand under the New Zealand Bill of Rights Act 1990. That right does not extend to Permanent Residents of New Zealand.

Vaccination has played a key role in our COVID-19 response. Vaccination helps protect travellers against severe illness (or death). Vaccination requirements also help to reduce the pressure on our health system. In keeping with the Government's longstanding approach to the COVID-19 response, border settings, including vaccination requirements, are kept under constant review and informed by public health advice.

On Tuesday 3 May 2022, I announced that the Government is broadening the ability for residence class visa holders to re-enter New Zealand by allowing these visa holders who are not vaccinated against COVID-19 entry to New Zealand from 6 May 2022.

This broadened criteria for return is being enabled initially by the Director-General of Health signing a class exemption which allows unvaccinated travellers holding either a Permanent Resident Visa or a Resident Visa, and Australian citizens ordinarily resident in New Zealand, to enter the country.

This class exemption will not prevent people in other groups from continuing to apply for exemptions based on their individual circumstances.

Currently, travellers entering New Zealand by air must have proof of vaccination unless they:

- are a New Zealand citizen
- have a New Zealand residence class visa
- are an Australian citizen ordinarily resident in New Zealand
- are a child aged 16 years and under
- cannot be vaccinated for medical reasons —electronic or paper evidence from a health practitioner is required
- are a refugee arriving in New Zealand for the first time
- are a citizen of Afghanistan and they are being evacuated
- are arriving from Antarctica
- have been granted a visa under the 2022 Special Ukraine Visa Policy; or if they are or were ordinarily resident in Ukraine at any point on or after 1 January 2022.

Further information regarding the reopening of New Zealand's borders and vaccination requirements for travellers are detailed in the Cabinet paper: *Reconnecting New Zealanders: Further Changes to International Border Settings* which will be published in due course on the Unite Against COVID-19 website which is accessible via the following link: <https://covid19.govt.nz/about-our-covid-19-response/proactive-releases/>

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely



**Chris Hipkins**  
**Minister for COVID-19 Response**

**From:** [Information \[DPMC\]](#)  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Cc:** [Information \[DPMC\]](#)  
**Subject:** MOIA Reply; OIA0703; DPMC-2021/22-2121: s9(2)(a) Advice received regarding unvaccinated permanent residents entering NZ  
**Date:** Friday, 13 May 2022 2:36:50 pm  
**Attachments:** [image001.png](#)  
[MOIA REPLY s9\(2\)\(a\) pdf](#)  
[4542730 MOIA Reply \(OIA0703\) \(OIA-2021\\_22-1285\) s9\(2\)\(a\) Advice received regarding unvaccinated permanent residents entering NZ s9\(2\)\(a\) DOCX](#)  
[FW Oia - unvaccinated permanent residents - OIA0703 - Due 24 May.msg](#)

[IN CONFIDENCE]

Kia ora,

Please see attached for review:

- Signed Briefing from Cheryl Barnes
- Draft Response Letter – in word
- Copy of original request documents.

This is due to the requester on the **24 May 2022**.

Ngā mihi,

s9(2)(a)

Ministerial Coordinator, Ministerial and Business Services  
 Strategy, Governance and Engagement  
 Department of the Prime Minister and Cabinet

P s9(2)(a)  
 E



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# Briefing

## OFFICIAL INFORMATION ACT REQUEST:

s9(2)(a)

To: Minister for COVID-19 Response  
(Hon Chris Hipkins)

<b>Date</b>	13/05/2022	<b>OIA Numbers</b>	MIN: OIA0703 DPMC: OIA-2021/22-1285
<b>Deadline</b>	24 May 2022	<b>Briefing Number</b>	DPMC-2021/22-2121

### Purpose

This briefing attaches a draft response, for your consideration and signature, to the Official Information Act 1982 (the Act) request you received from s9(2)(a) of the National Party on 26 April 2022.

### Recommendation

It is recommended that you:

1. **Sign** the attached letter to s9(2)(a) YES / NO

Cheryl Barnes

**Cheryl Barnes**  
**Deputy Chief Executive, COVID-19 Response**

---

13/05/2022

Hon Chris Hipkins  
**Minister for COVID-19 Response**

---

...../...../2022

Contact for telephone discussion if required:

Name	Position	Telephone		1st contact
Cheryl Barnes	Deputy Chief Executive, COVID-19 Response	N/A	s9(2)(a)	✓
s9(2)(a)	Senior Adviser	s9(2)(a)	N/A	

Minister's office comments:

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

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**From:** s9(2)(a) [DPMC]  
**To:** Information [DPMC]  
**Subject:** FW: Letter from s9(2)(a) - OIA0703  
**Date:** Wednesday, 25 May 2022 10:09:42 am  
**Attachments:** OIA0703 - s9(2)(a) .pdf

---

For filing

Ngā mihi

s9(2)(a)

Ministerial Advisor  
Strategy, Governance and Engagement  
Department of the Prime Minister and Cabinet

P s9(2)(a)

E s9(2)(a)

---

**From:** s9(2)(a): Office of the Minister for COVID-19 Response

**Sent:** Wednesday, 25 May 2022 9:56 am

**To:** s9(2)(a) [DPMC] s9(2)(a)

**Subject:** FW: Letter from s9(2)(a) - OIA0703

For DPMC's records.

---

**From:** C Hipkins (MIN)

**Sent:** Wednesday, 25 May 2022 9:50 AM

**To:** s9(2)(a)

**Cc:** s9(2)(a)

**Subject:** Letter from s9(2)(a) - OIA0703

Dear s9(2)(a)

Please find attached letter from Hon Chris Hipkins in response to your email of 26 April 2022.

Kind regards,

Office of Hon Chris Hipkins

Minister for COVID-19 Response | Minister of Education | Minister for Public Service | Leader of  
the House

Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

---

**From:** s9(2)(a)

**Sent:** Tuesday, 26 April 2022 10:40 AM

**To:** C Hipkins (MIN) <c.hipkins@ministers.govt.nz>

**Cc:** s9(2)(a)

**Subject:** Oia - unvaccinated permanent residents

Hi

Under the oia I seek all advice to minister hipkins relating to the issue of unvaccinated NZ permanent residents entering NZ, since 1 January 2022, from either Ministry of Health, Mbie, or any other agency.

Thanks

s9(2)(a)

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

Released under the Official Information Act 1982



# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



24 May 2022

s9(2)(a)

Ref: OIA0703

Dear s9(2)(a)

## Official Information Act request relating to advice received regarding unvaccinated permanent residents entering New Zealand

Thank you for your Official Information Act 1982 (the Act) request, received on 26 April 2022. You requested:

*"Under the oia I seek all advice to minister hipkins relating to the issue of unvaccinated NZ permanent residents entering NZ, since 1 January 2022, from either Ministry of Health, Mbie, or any other agency."*

The advice you have requested which has been provided to my office by the Department of the Prime Minister and Cabinet will soon be publicly available on the Unite Against COVID-19 website- <https://covid19.govt.nz/about-our-covid-19-response/proactive-releases/>

Date	Document Description
18 Jan 2022	DPMC-2021/22-1201 COVID-19 Vaccination Requirements for Non-Citizens entering New Zealand by air
14 Mar 2022	Reconnecting New Zealanders: Further Changes to International Border Settings [CAB-22-MIN-0072]

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the Act – the information requested will soon be publicly available.

One further document provided to my office by the Ministry of Health has been identified as within scope of this topic although it was received after the date of your request.

Date	Document Description
27 April 2022	Briefing: Review of pre-departure testing and vaccination requirements for arrivals to New Zealand

Nevertheless, I have decided to release this document subject to any redactions required and it is currently being prepared for release. It will be sent to you on or before 7 June 2022.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely

**Chris Hipkins**  
Minister for COVID-19 Response

**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** [Information \[DPMC\]](#)  
**Cc:** s9(2)(a) [\[DPMC\]](#); s9(2)(a)  
**Subject:** FW: OIA - pre-departure testing advice - OIA0723  
**Date:** Wednesday, 18 May 2022 4:34:49 pm

---

Hi team

Can I please commission a response to this OIA request from s9(2)(a) please?

Thanks

s9(2)(a)

---

**From:** C Hipkins (MIN)  
**Sent:** Wednesday, 18 May 2022 2:55 PM  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
s9(2)(a) [@parliament.govt.nz](#); s9(2)(a) [@parliament.govt.nz](#)  
**Cc:** s9(2)(a) [@parliament.govt.nz](#); s9(2)(a) [@parliament.govt.nz](#)  
[@parliament.govt.nz](#); s9(2)(a) [@parliament.govt.nz](#); s9(2)(a) [@parliament.govt.nz](#)  
**Subject:** FW: OIA - pre-departure testing advice - OIA0723

FYA – OIA0723 Due date 16 June 2022

---

**From:** s9(2)(a)  
**Sent:** Wednesday, 18 May 2022 2:42 PM  
**To:** C Hipkins (MIN) <[c.hipkins@ministers.govt.nz](mailto:c.hipkins@ministers.govt.nz)>  
**Cc:** s9(2)(a)  
**Subject:** OIA - pre-departure testing advice

Hi Minister


In your appearance before Health Committee you made mention of various pieces of advice regarding pre-departure testing that you'd received recently.

Under the OIA I seek that advice please.

s9(2)(a)



s9(2)(a)



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Released under the Official Information Act 1982

**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** s9(2)(a) [DPMC]  
**Subject:** RE: query if briefing is scheduled to be proactively released?  
**Date:** Tuesday, 7 June 2022 4:35:13 pm  
**Attachments:** [image001.png](#)

Kia ora s9(2)(a)

Yes but probably not till the end of July. The briefing titles for May will be published at the end of June and the briefings themselves are expected to be proactively published soon after by agencies.

Ngā mihi

s9(2)(a)

Private Secretary, COVID-19 Response  
Chris Hipkins

Minister for COVID-19 Response

waea pūkoro: s9(2)(a)

īmēra: s9(2)(a)

**From:** s9(2)(a) [DPMC] s9(2)(a)

**Sent:** Tuesday, 7 June 2022 4:08 PM

**To:** s9(2)(a): Office of the Minister for COVID-19 Response

**Subject:** query if briefing is scheduled to be proactively released?

[IN-CONFIDENCE]

Good afternoon s9(2)(a)

Can you please confirm that this briefing below is scheduled to be proactively released?

We have 4 briefings within scope of an OIA request, but the other 3 are shortly to be proactively released so we can refuse 18(d).

4.	9 May 2022	Briefing: Reconnecting New Zealanders: Future Border Settings Across Air and Maritime DPMC-2021/22-2106
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Thank you for your assistance

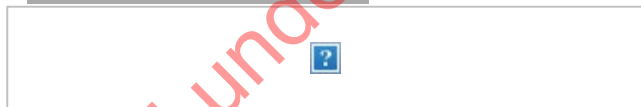
Ngā mihi

s9(2)(a)

Senior Advisor, Ministerial Services  
Strategy, Governance and Engagement  
Department of the Prime Minister and Cabinet

P s9(2)(a)

E



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**From:** [Information \[DPMC\]](#)  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Subject:** MOIA Reply OIA-2021/22-1352;CHOIA0723;DPMC-2021/22-2196:s9(2)(a) Advice regarding pre-departure testing  
**Date:** Thursday, 9 June 2022 11:37:00 am  
**Attachments:** [4558754 MOIA REPLY OIA-2021 22-1352 Filenote s9\(2\)\(a\) Advice regarding pre-departure testing\(s9\(2\)\(a\) pdf](#)  
[4550889 MOIA Reply \(CHOIA0723\) \(OIA-2021 22-1352\) s9\(2\)\(a\) Advice regarding pre-departure testing s9\(2\)\(a\) DOCX](#)  
[FW OIA - pre-departure testing advice - OIA0723.msg](#)

---

[IN CONFIDENCE]

Kia ora,

Please see attached for review:

Signed Briefing from Ruth Fairhall  
Draft Response – in word  
Copy of original request documents.

This is due to the requester on the **16 June 2022**.

Ngā mihi,

s9(2)(a)

Kaitohutohu Paetahi | Graduate Advisor, Ministerial and Business Services  
Strategy, Governance and Engagement  
Te Tari o te Pirimia me te Komiti Mautua | Department of the Prime Minister and Cabinet

P s9(2)(a)

E

L Level 8, TSB House, 147 Lambton Quay, Wellington

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**Briefing for Draft Reply to COVID-19 Response OIA Requests**

<b>TO:</b>	<i>Minister for COVID-19 Response (Private Secretary)</i>	s9(2)(a)
<b>FROM:</b>	<i>DPMC Ministerial Services Contact</i>	
<b>CHOIA OIA Number:</b>	CHOIA0723	
<b>OIA Title</b>	None	
<b>Requestor:</b>	<i>Name</i>	s9(2)(a)
	<i>Organisation / Business</i>	
<b>Due to Minister's office:</b>	9 June 2022	
<b>Due to Requestor:</b>	16 June 2022	
<b>Attachments:</b>		
<ul style="list-style-type: none"> <li>• Request.</li> <li>• Draft response letter (for signature).</li> </ul>		
<b>Consulted With:</b>		
<ul style="list-style-type: none"> <li>• COVID-19 Response team</li> <li>• Minister for COVID-19 Response's office s9(2)(a)</li> </ul>		
<b>What are the key risks to this information being withheld or released and what are the mitigations?</b>		

s9(2)(g)(i)

**Cleared for submission to Office of Minister for COVID-19 Response by:**

**ELT Member** .....  
Ruth Fairhall  
**Deputy Chief Executive, COVID-19 Response**

9/60/2022

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# Hon Dr Ayesha Verrall

Minister for COVID-19 Response  
Minister of Research, Science and Innovation  
Minister for Seniors  
Associate Minister of Health



27 JUN 2022

s9(2)(a)

Ref: CHOIA0723

Dear s9(2)(a)

## Official Information Act request relating to advice regarding pre-departure testing

Thank you for your Official Information Act 1982 (the Act) request to the former Minister for COVID-19 Response, received by his office on 18 May 2022. You requested:

*" In your appearance before Health Committee you made mention of various pieces of advice regarding pre-departure testing that you'd received recently. "*

In response to your question, the following documents have been identified as in scope of your request:

Item	Date	Document Description	Decision
1.	17 December 2021	Review of Very High-Risk Countries: Southern Africa and Papua New Guinea	Refuse 18(d)
2.	22 December 2021	Further Advice on Updated Pre-Departure Testing Requirements	Refuse 18(d)
3.	6 May 2022	Overseas Trends in Pre-Departure Testing Requirements	Refuse 18(d)
4.	9 May 2022	Briefing: Reconnecting New Zealanders: Future Border Settings Across Air and Maritime	Refuse 18(d)
5	27 April 2022	Review of pre-departure testing and vaccination requirements for arrivals to New Zealand	Refuse 18(d)

Documents 1-4 will soon be publicly available on the Unite Against COVID-19 website and document 5 will soon be available on the Ministry of Health website. I have therefore refused your request for these documents under section 18(d) of the Act as the information requested is or will soon be publicly available.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely

Hon Dr Ayesha Verrall  
Minister for COVID-19 Response

**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** Information [DPMC]  
**Cc:** s9(2)(a) [DPMC]  
**Subject:** FW: Official Information request - Reasons for continuation of Covid-19 (all legislature) beyond 30 June 2022 - OIA0711  
**Date:** Monday, 9 May 2022 9:32:41 am

---

Hi team

Can I please commission a draft response to this request to the Minister under the Official Information Act?

Thanks

s9(2)(a)  
 Private Secretary, COVID-19 Response  
 Office of Hon Chris Hipkins  
 Minister for COVID-19 Response  
 waea pūkoro: s9(2)(a)  
 īmēra: s9(2)(a)

-----Original Message-----

**From:** C Hipkins (MIN)  
**Sent:** Monday, 9 May 2022 9:05 AM  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Cc:** s9(2)(a) @parliament.govt.nz; s9(2)(a)  
 s9(2)(a) @parliament.govt.nz  
**Subject:** FW: Official Information request - Reasons for continuation of Covid-19 (all legislature) beyond 30 June 2022 - OIA0711

FYA - OIA0711 Due Date - 3 June

-----Original Message-----

**From:** s9(2)(a)  
**Sent:** Sunday, 8 May 2022 2:58 PM  
**To:** C Hipkins (MIN) <c.hipkins@ministers.govt.nz>  
**Subject:** Official Information request - Reasons for continuation of Covid-19 (all legislature) beyond 30 June 2022

Dear Chris Hipkins,

As it is now clear that the rest of the world has, or is in a state of repeal of the Covid emergency powers (and New Zealand has "caught up" with the level of infection and endemicity is being discussed) what criteria remain here that require the citizens of this country to have not have the same repeal process made by 30 June 2022 (as communicated previously) and why it should be held back until the end date set in May 2023.

Yours faithfully,

s9(2)(a)

---

This is an Official Information request made via the FYI website.

Please use this email address for all replies to this request:

s9(2)(a)

Is c.hipkins@ministers.govt.nz the wrong address for Official Information requests to Chris Hipkins? If so,



please contact us using this form:

s9(2)(a)

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s9(2)(a)

If you find this service useful as an Official Information officer, please ask your web manager to link to us from your organisation's OIA or LGOIMA page.

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**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** s9(2)(a) [DPMC]  
**Subject:** RE: Official Information request - Reasons for continuation of Covid-19 (all legislature) beyond 30 June 2022 - OIA0711  
**Date:** Thursday, 26 May 2022 2:13:40 pm

---

Kia ora s9(2)(a)

No problem with that approach.

Ngā mihi

s9(2)(a)

Private Secretary, COVID-19 Response

Office of Hon Chris Hipkins  
Minister for COVID-19 Response  
waea pūkoro: s9(2)(a)  
īmēra: s9(2)(a)

-----Original Message-----

**From:** s9(2)(a) [DPMC] s9(2)(a)  
**Sent:** Thursday, 26 May 2022 1:46 PM  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Subject:** RE: Official Information request - Reasons for continuation of Covid-19 (all legislature) beyond 30 June 2022 - OIA0711

[UNCLASSIFIED]

Kia ora s9(2)(a)

I was advised by the relevant team to extend this OIA by 10 working days, aiming for responding ASAP though. We will send across the extension letter by tomorrow if you are happy about this?

Thanks!  
Kelly

-----Original Message-----

**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Sent:** Monday, 9 May 2022 9:33 am  
**To:** Information [DPMC] <information@dpmc.govt.nz>  
**Cc:** s9(2)(a) [DPMC] s9(2)(a)  
**Subject:** FW: Official Information request - Reasons for continuation of Covid-19 (all legislature) beyond 30 June 2022 - OIA0711

Hi team

Can I please commission a draft response to this request to the Minister under the Official Information Act?

Thanks

s9(2)(a)

Private Secretary, COVID-19 Response Office of Hon Chris Hipkins Minister for COVID-19

Response waea pūkoro: s9(2)(a)  
īmēra: s9(2)(a)

-----Original Message-----

From: C Hipkins (MIN)

Sent: Monday, 9 May 2022 9:05 AM

To: s9(2)(a): Office of the Minister for COVID-19 Response

Cc: s9(2)(a) @parliament.govt.nz; s9(2)(a)

s9(2)(a) @parliament.govt.nz

Subject: FW: Official Information request - Reasons for continuation of Covid-19 (all legislature) beyond 30 June 2022 - OIA0711

FYA - OIA0711 Due Date - 3 June

-----Original Message-----

From: s9(2)(a)

Sent: Sunday, 8 May 2022 2:58 PM

To: C Hipkins (MIN) <c.hipkins@ministers.govt.nz>

Subject: Official Information request - Reasons for continuation of Covid-19 (all legislature) beyond 30 June 2022

Dear Chris Hipkins,

As it is now clear that the rest of the world has, or is in a state of repeal of the Covid emergency powers (and New Zealand has "caught up" with the level of infection and endemicity is being discussed) what criteria remain here that require the citizens of this country to have not have the same repeal process made by 30 June 2022 (as communicated previously) and why it should be held back until the end date set in May 2023.

Yours faithfully,

s9(2)(a)

-----  
This is an Official Information request made via the FYI website.

Please use this email address for all replies to this request:

s9(2)(a)

Is c.hipkins@ministers.govt.nz the wrong address for Official Information requests to Chris Hipkins? If so, please contact us using this form.

s9(2)(a)

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s9(2)(a)

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**From:** [Information \[DPMC\]](#)  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Cc:** [Information \[DPMC\]](#)  
**Subject:** MOIA Extension OIA-2021/22-1322;OIA0711;DPMC-2021/22-2231 s9(2)(a) Concerns regarding COVID-19 legislation  
**Date:** Friday, 27 May 2022 4:33:46 pm  
**Attachments:** [image001.png](#)  
[MOIA\\_EXTN\\_OIA-2021\\_22-1322\\_Filenote\\_s9\(2\)\(a\)\\_Concerns\\_regarding\\_COVID-19\\_legislation\\_s9\(2\)\(a\).pdf](#)  
[4555181\\_MOIA\\_Extension\\_\(OIA0711\)\\_\\_\(OIA-2021\\_22-1322\)\\_s9\(2\)\(a\)\\_Concerns\\_regarding\\_COVID-19\\_legislation\\_s9\(2\)\(a\)](#)  
[FW\\_Official\\_Information\\_request\\_-\\_Reasons\\_for\\_continuation\\_of\\_Covid-19\\_\(all\\_legislature\)\\_beyond\\_30\\_June\\_2022\\_-\\_OIA0711.msg](#)

---

[IN-CONFIDENCE]

Kia ora,

Please see attached for review:

Signed Briefing from Ruth Fairhall  
Draft Extension Letter – in word  
Copy of original request documents.

This is due to the requester on the **3 June 2022**.

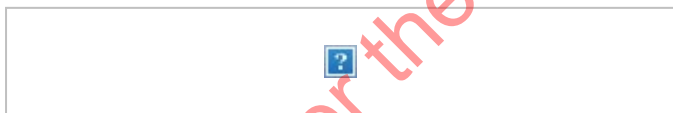
Ngā mihi,

s9(2)(a)

Ministerial Coordinator, Ministerial and Business Services  
Strategy, Governance and Engagement  
Department of the Prime Minister and Cabinet

P s9(2)(a)

E s9(2)(a)



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**Briefing for Draft Extension to COVID-19 Response OIA Requests**

<b>TO:</b>	<i>Minister for COVID-19 Response (Private Secretary)</i>	s9(2)(a)
<b>FROM:</b>	<i>DPMC Ministerial Services Contact</i>	s9(2)(a) Senior Ministerial Adviser s9(2)(a)
<b>CHOIA OIA Number:</b>	OIA0711	
<b>OIA Title</b>	COVID-19 legislation	
<b>Requestor:</b>	<i>Name</i>	s9(2)(a)
	<i>Organisation / Business</i>	
<b>Due to Minister's office:</b>	3 June 2022	
<b>Due to Requestor:</b>	27 May 2022	
<b>Extended due date</b>	20 June 2022	
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>Request.</li> <li>Draft extension letter (for signature).</li> </ul>	
<b>Consulted With:</b>	<ul style="list-style-type: none"> <li>COVID-19 Group (Kohu Douglas, Kay Baxter and s9(2)(a))</li> <li>Minister Hipkins' Office s9(2)(a)</li> </ul>	
<b>Comments on draft reply</b>	<ul style="list-style-type: none"> <li>s9(2)(g)(i)</li> </ul>	

Cleared for submission to Office of Minister for COVID-19 Response by:

ELT Member .....  
Ruth Fairhall  
Deputy Chief Executive  
COVID-19 Response

27/05/2022

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**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Subject:** MOIA Reply OIA-2021/22-1322;OIA0711;DPMC-2021/22-2212:s9(2)(a) Concerns regarding COVID-19 legislation  
**Date:** Friday, 10 June 2022 11:04:00 am  
**Attachments:** [\[Signed\] MOIA Reply \(OIA0711\) \(OIA-2021\\_22-1322\) s9\(2\)\(a\) .pdf](#)  
[4553014 MOIA Reply \(OIA0711\) \(OIA-2021\\_22-1322\) s9\(2\)\(a\) Concerns regarding COVID-19 legislation](#)  
[s9\(2\)\(a\) DOCX](#)  
[ormation request - Reasons for continuation of Covid-19 \(all legislature\) beyond 30 June 2022 - OIA0711.msg](#)

---

~~[IN CONFIDENCE]~~

Kia ora,

Please see attached for review:

Signed Briefing from Ruth Fairhall  
Draft Response Letter – in word  
Copy of original request documents.

This is due to the requester on the **20 June 2022**.

Ngā mihi,

s9(2)(a)

Kaitohutohu Paetahi | Graduate Advisor, Ministerial and Business Services  
Strategy, Governance and Engagement  
Te Tari o te Pirimia me te Komiti Mautua | Department of the Prime Minister and Cabinet

P s9(2)(a)

E

L Level 8, TSB House, 147 Lambton Quay, Wellington

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# Briefing

## OFFICIAL INFORMATION ACT REQUEST:

s9(2)(a)

<b>To: Minister for COVID-19 Response (Hon Chris Hipkins)</b>			
<b>Date</b>	10/06/2022	<b>OIA Numbers</b>	MIN: OIA0711 DPMC: OIA-2021/22-1322
<b>Deadline</b>	20 June 2022	<b>Briefing Number</b>	DPMC-2021/22-2212


### Purpose

This briefing attaches a draft response, for your consideration and signature, to the Official Information Act 1982 (the Act) request you received from s9(2)(a) on 8 May 2022.

### Recommendation

It is recommended that you:

1. **Sign** the attached letter to s9(2)(a) **YES / NO**

 Ruth Fairhall <b>Deputy Chief Executive, COVID-19 Response</b>
10/06/2022

Hon Chris Hipkins <b>Minister for COVID-19 Response</b>
...../...../2022



**Contact for telephone discussion if required:**

Name	Position	Telephone		1st contact
Ruth Fairhall	Deputy Chief Executive, COVID-19 Response	s9(2)(a)	s9(2)(a)	✓
s9(2)(a)	Senior Adviser, Ministerial and Business Services	s9(2)(a)	N/A	

**Minister's office comments:**

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

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# OFFICIAL INFORMATION ACT REQUEST:

s9(2)(a)

## Background

1. On 8 May 2022 you received a request under the Official Information Act 1982 (the Act) from s9(2)(a) The request was:

*“As it is now clear that the rest of the world has, or is in a state of repeal of the Covid emergency powers (and New Zealand has "caught up" with the level of infection and endemicity is being discussed) what criteria remain here that require the citizens of this country to have not have the same repeal process made by 30 June 2022 (as communicated previously) and why it should be held back until the end date set in May 2023.”*

2. As agreed with your office, the time frame for responding to the request was extended by 10 working days and a response to the request is due by 20 June 2022.

## Approach

s9(2)(g)(i)

## Information publicly available

s9(2)(g)(i)

Item	Date	Document/Website Description	Website address
1.	10 Oct 2021	Update on Future COVID-19 Domestic Response Framework	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Update-on-future-COVID-19-domestic-response-framework.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Update-on-future-COVID-19-domestic-response-framework.pdf</a>

Item	Date	Document/Website Description	Website address
2.	19 Oct 2021	Targets for Transition to the COVID-19 Protection Framework	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Targets-for-Transition-to-the-COVID-19-Protection-Framework.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Targets-for-Transition-to-the-COVID-19-Protection-Framework.pdf</a>
3.	20 Oct 2021	COVID-19 Protection Framework Settings	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Protection-Framework-Settings.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Protection-Framework-Settings.pdf</a>
4.	15 Nov 2021	COVID-19: Transition to the COVID-19 Protection Framework and the Auckland Alert Level Boundary	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Transition-to-the-COVID-19-Protection-Framework-and-the-Auckland-Alert-Level-Boundary.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Transition-to-the-COVID-19-Protection-Framework-and-the-Auckland-Alert-Level-Boundary.pdf</a>
5.	22 Nov 2021	COVID-19: Implementing the COVID-19 Protection Framework	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Implementing-the-COVID-19-Protection-Framework.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Implementing-the-COVID-19-Protection-Framework.pdf</a>
6.	29 Nov 2021	COVID-19 Response: 29 November Review of COVID-19 Protection Framework Settings for New Zealand	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Review-of-COVID-19-Protection-Framework-Settings-for-New-Zealand.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Review-of-COVID-19-Protection-Framework-Settings-for-New-Zealand.pdf</a>

## Communications

s9(2)(g)(i)

Attachments:	
Attachment A:	Proposed response to s9(2)(a)

# ATTACHMENT A

Proposed response to s9(2)(a) [REDACTED]

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# Hon Dr Ayesha Verrall

Minister for COVID-19 Response  
Minister of Research, Science and Innovation  
Minister for Seniors  
Associate Minister of Health



27 JUN 2022

s9(2)(a)

Ref: OIA0711

Dear s9(2)(a)

## Official Information Act request relating to COVID-19 legislation

Thank you for your Official Information Act 1982 (the Act) request to Hon Chris Hipkins, which was received on 8 May 2022. Your request was:

*"As it is now clear that the rest of the world has, or is in a state of repeal of the Covid emergency powers (and New Zealand has "caught up" with the level of infection and endemicity is being discussed) what criteria remain here that require the citizens of this country to have not have the same repeal process made by 30 June 2022 (as communicated previously) and why it should be held back until the end date set in May 2023."*

The time frames for responding to your request were extended under section 15A of the Act by 10 working days because consultation was required before a decision could be made on your request. Following this extension, I am now in a position to respond.

An Epidemic Preparedness Notice came into force on 25 March 2020 in response to the initial outbreak of COVID-19. This Notice must be renewed every three months and is based on whether the Prime Minister is satisfied that the effects of the outbreak of COVID-19 are likely to significantly disrupt, or continue to significantly disrupt, essential government and business activity in New Zealand. As such, the Epidemic Preparedness Notice has been renewed every three months with the most recent renewal on 17 March 2022. You can find more information on the relevant Epidemic Preparedness Notice at: <https://www.health.govt.nz/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-epidemic-notice-and-orders#epidemic>

Additionally, New Zealand's COVID-19 domestic outbreak is currently tracking behind most other countries. While it may be more appropriate in light of their domestic situations for other countries to ease restrictions faster than New Zealand, New Zealand needs to review its settings in light of its own domestic situation. This is to balance the impact of public health restrictions on New Zealanders and their communities against the need to minimise the spread of COVID-19 given the health, economic and social impacts of widespread community transmission.

As you are aware, the government assessed alternative strategies to help New Zealand transition from an elimination strategy, and the COVID-19 Protection Framework signalled our next step in managing COVID-19. Information related to the development of the Framework, set out in the table below, has been proactively released on the Unite Against COVID-19 website:



Item	Date	Document/Website Description	Website address
1.	10 Oct 2021	Update on Future COVID-19 Domestic Response Framework	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Update-on-future-COVID-19-domestic-response-framework.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Update-on-future-COVID-19-domestic-response-framework.pdf</a>
2.	19 Oct 2021	Targets for Transition to the COVID-19 Protection Framework	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Targets-for-Transition-to-the-COVID-19-Protection-Framework.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Targets-for-Transition-to-the-COVID-19-Protection-Framework.pdf</a>
3.	20 Oct 2021	COVID-19 Protection Framework Settings	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Protection-Framework-Settings.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Protection-Framework-Settings.pdf</a>
4.	15 Nov 2021	COVID-19: Transition to the COVID-19 Protection Framework and the Auckland Alert Level Boundary	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Transition-to-the-COVID-19-Protection-Framework-and-the-Auckland-Alert-Level-Boundary.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Transition-to-the-COVID-19-Protection-Framework-and-the-Auckland-Alert-Level-Boundary.pdf</a>
5.	22 Nov 2021	COVID-19: Implementing the COVID-19 Protection Framework	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Implementing-the-COVID-19-Protection-Framework.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/COVID-19-Implementing-the-COVID-19-Protection-Framework.pdf</a>
6.	29 Nov 2021	COVID-19 Response: 29 November Review of COVID-19 Protection Framework Settings for New Zealand	<a href="https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Review-of-COVID-19-Protection-Framework-Settings-for-New-Zealand.pdf">https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-December-2021/Vaccine-Certificates-and-CPF/Review-of-COVID-19-Protection-Framework-Settings-for-New-Zealand.pdf</a>

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Further information related to the development of our approach to reconnecting New Zealanders with the world is publicly available on [www.covid19.govt.nz/about-our-covid-19-response/proactive-releases/](http://www.covid19.govt.nz/about-our-covid-19-response/proactive-releases/).

Accordingly, I have refused your request for this part under section 18(d) of the Act, as the information requested is, or will soon be, publicly available.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely



Hon Dr Ayesha Verrall  
**Minister for COVID-19 Response**

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**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** Information [DPMC]  
**Cc:** s9(2)(a) [DPMC]; s9(2)(a) [DPMC]  
**Subject:** FW: OIA request - NZHerald  
**Date:** Tuesday, 24 May 2022 2:53:20 pm

---

Hi team

OIA request please. The Ministry of Education will lead so if DPMC could please provide any documents within scope?

Thanks

s9(2)(a)

---

**From:** s9(2)(a)  
**Sent:** Tuesday, 24 May 2022 11:19 AM  
**To:** s9(2)(a) [parliament.govt.nz](mailto:parliament.govt.nz)>  
**Subject:** OIA request - NZHerald

Kia ora s9(2)(a) hope you're well. An OIA request for the minister below - I can't find any of this proactively released online, but happy to be directed to it if I'm wrong.

Under the OIA I am requesting a copy of all advice provided to Minister Hipkins - in both his positions as Covid-19 Response Minister & Education Minister - which informed the decision to not require masking in schools or other education facilities when the country moved to the Orange traffic light setting in April.

This includes any formal and informal advice from independent groups, Government agencies e.g. the Ministries of Health & Education, health advisory groups, principals' groups, etc. It should also include any advice the Minister may have considered but decided not to follow.

Can this information please be provided in an electronic, searchable format. Thanks!

As always, let me know if you need any clarification.

Ngā mihi nui,

s9(2)(a)

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**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** s9(2)(a) [DPMC](#)  
**Subject:** est - NZHerald - Ref: OIA0729  
**Date:** Tuesday, 14 June 2022 1:07:39 pm

---

FYI

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**From:** Grace McFarlane

**Sent:** Friday, 3 June 2022 11:04 AM

**To:** s9(2)(a) @parliament.govt.nz; s9(2)(a)

s9(2)(a) @parliament.govt.nz; s9(2)(a)

s9(2)(a) @parliament.govt.nz; s9(2)(a) @parliament.govt.nz; s9(2)(a)

s9(2)(a): Office of the Minister for COVID-19 Response s9(2)(a) @parliament.govt.nz

**Subject:** FYI: OIA request s9(2)(a) Ref: OIA0729

Kia ora,

FYI this OIA has been clarified to formal advice only, and is now due by 5 July.

Ngā mihi,

s9(2)(a)

s9(2)(a)

Private Secretary - Education

Office of Hon Chris Hipkins | Minister of Education

M: s9(2)(a) | T: s9(2)(a) | E: s9(2)(a)

---

**From:** s9(2)(a)

**Sent:** Friday, 3 June 2022 6:12 AM

**To:** C Hipkins (MIN) <[c.hipkins@ministers.govt.nz](mailto:c.hipkins@ministers.govt.nz)>

**Subject:** Re: OIA request - NZHerald - Ref: OIA0729

Hi s9(2)(a)

Fair point! Let's limit it to formal advice from all groups.

Thanks very much.

Ngā mihi nui,

s9(2)(a)

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**From:** C Hipkins (MIN) <[c.hipkins@ministers.govt.nz](mailto:c.hipkins@ministers.govt.nz)>

**Sent:** 02 June 2022 17:09

**To:** s9(2)(a)

**Subject:** RE: OIA request - NZHerald - Ref: OIA0729

Dear s9(2)(a)

Thank you for your email of 24 May 2022 to Hon Chris Hipkins requesting the following information:

- 1. Under the OIA I am requesting a copy of all advice provided to Minister Hipkins - in both his positions as Covid-19 Response Minister & Education Minister - which informed the decision to not require masking in schools or other education facilities when the country moved to the Orange traffic light setting in April.*
- 2. This includes any formal and informal advice from independent groups, Government agencies e.g. the Ministries of Health & Education, health advisory groups, principals' groups, etc. It should also include any advice the Minister may have considered but decided not to follow.*

*Can this information please be provided in an electronic, searchable format.  
Thanks!*

Your request has been considered under the Official Information Act 1982 (the Act).

The second part of your request relating to informal correspondence, as currently worded, is very broad in nature and scope. As it stands, your request would include a search through all correspondence the Minister has received, identifying the correspondence relating to masks in schools, determining if any of those pieces of correspondence included advice about the use of masks in schools and if so, if the correspondent was part of any independent group.

This part of your request would cover a large quantity of information, which would require a substantial amount of time to collate and identify which information is in scope. As such, it is likely that this aspect of your request, as it currently stands, would be refused under section 18(f) of the Act as the information requested cannot be made available without substantial collation or research.

Our office have identified that it would be possible to answer your request related to formal advice only, as such advice is able to easily be identified by topic. If you would like to clarify your request relating to informal advice further (such as by limiting it to communications from a specified range of individuals or organisations), we may be able to provide an answer.

Kind regards

s9(2)(a)

**Office of Hon Chris Hipkins**

Minister of Education

Parliamentary Buildings, Private Bag 18041, Wellington 6160, New Zealand

---

**From:** C Hipkins (MIN)  
**Sent:** Tuesday, 24 May 2022 4:11 PM  
**To:** s9(2)(a)  
**Subject:** RE: OIA request - s9(2)(a) Ref: OIA0729

Dear s9(2)(a)

On behalf of Hon Chris Hipkins, Minister of Education and COVID-19 Response, I acknowledge the receipt of your email of 24 May 2022 requesting the following information:

- *a copy of all advice provided to Minister Hipkins - in both his positions as Covid-19 Response Minister & Education Minister - which informed the decision to not require masking in schools or other education facilities when the country moved to the Orange traffic light setting in April.*
- *This includes any formal and informal advice from independent groups, Government agencies e.g. the Ministries of Health & Education, health advisory groups, principals' groups, etc. It should also include any advice the Minister may have considered but decided not to follow.*
- *Can this information please be provided in an electronic, searchable format.*

Your request will be responded to under the provisions of the Official Information Act 1982.

Kind regards

s9(2)(a)

**Office of Hon Chris Hipkins**

Minister of Education  
Parliamentary Buildings, Private Bag 18041, Wellington 6160, New Zealand

---

**From:** s9(2)(a)  
**Sent:** Tuesday, 24 May 2022 11:19 AM  
**To:** s9(2)(a) <[s9\(2\)\(a\)@parliament.govt.nz](mailto:s9(2)(a)@parliament.govt.nz)>  
**Subject:** OIA request - s9(2)(a)

Kia ora s9(2)(a) hope you're well. An OIA request for the minister below - I can't find any of this proactively released online, but happy to be directed to it if I'm wrong.

Under the OIA I am requesting a copy of all advice provided to Minister Hipkins - in both his positions as Covid-19 Response Minister & Education Minister - which informed the decision to not require masking in schools or other education facilities when the country moved to the Orange traffic light setting in April.


This includes any formal and informal advice from independent groups, Government agencies e.g. the Ministries of Health & Education, health advisory groups, principals' groups, etc. It should also include any advice the Minister may have considered but decided not to follow.

Can this information please be provided in an electronic, searchable format. Thanks!


As always, let me know if you need any clarification.

Ngā mihi nui,

s9(2)(a)

A rectangular grey box redacting the signature and name of the sender.

s9(2)(a)

A large rectangular grey box redacting the majority of the page's content.

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s9(2)(a)

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**From:** OCU  
**To:** s9(2)(a) [DPMC]  
**Subject:** MOT RESPONSE - CONSULT - OIA - DPMC - MASKS - DUE 28 June  
**Date:** Thursday, 23 June 2022 1:38:18 pm  
**Attachments:** [image001.png](#)

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Kia ora s9(2)(a)

Thank you for the opportunity to comment. MoT is happy with releasing para 25, and don't propose any other redactions.

Ngā mihi nui,

s9(2)(a)

Kaitohutohu - Tuhinga Okawa | Advisor, Official Correspondence

---

**From:** s9(2)(a) [DPMC] s9(2)(a)

22 June 2022 3:39 pm

**To:** OCU <[ocu@transport.govt.nz](mailto:ocu@transport.govt.nz)>; OIA Requests <[oiagr@health.govt.nz](mailto:oiagr@health.govt.nz)>;  
[uia.mailbox@education.govt.nz](mailto:uia.mailbox@education.govt.nz)

**Cc:** Information [DPMC] <[information@dpmc.govt.nz](mailto:information@dpmc.govt.nz)>

**Subject:** OIA consultation

[IN-CONFIDENCE]

Hi all,

As you may be aware the Minister for COVID-19 response has received an OIA request for advice provided to the Minister informing the decision to not require masking in schools or other education facilities at Orange of the CPF. DPMC intends to provide the attached briefing but would like to consult with your agencies before we send this to MO. Can you please let us of any comments you might have on this information and our proposed redactions?

MOT – we would like your feedback on whether you agency is happy for para 25 to be released in particular.

Kindly appreciated if you could please provide any comments by 28 June.

Ngā mihi,

s9(2)(a)

Ministerial Advisor, Ministerial Services  
Strategy, Governance and Engagement  
Department of the Prime Minister and Cabinet

P s9(2)(a)

E

s9(2)(a)

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**From:** s9(2)(a)  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Cc:** [Information \[DPMC\]](#)  
**Subject:** C-19 OIA 2021-053 s9(2) Masks in schools  
**Date:** Wednesday, 29 June 2022 4:57:00 pm  
**Attachments:** [image001.png](#)  
[4571119\\_MOIA\\_REPLY\\_OIA-2021\\_22-1368\\_Filenote\\_s9\(2\)\(a\)\\_Masks\\_in\\_schools\\_s9\(2\)\(a\)](#)  
[4568995\\_C-19\\_OIA\\_2021-053 - AUDIT - DO NOT RELEASE.PDF](#)  
[4571497\\_C-19\\_OIA\\_2021-053 - RELEASE DOCUMENT.PDF](#)

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~~[IN CONFIDENCE]~~

Hi s9(2)(a)

Please find attached:

- Coversheet of DPMC's portion of this response (approved but unsigned by DCE COVID-19 Group)
- Information proposed for release (including Audit version)

Thanks,

s9(2)(a)

Ministerial Advisor, Ministerial Services  
Strategy, Governance and Engagement  
Department of the Prime Minister and Cabinet

P s9(2)(a)  
E



Released under the Official Information Act 1982



**DEPARTMENT OF THE  
PRIME MINISTER AND CABINET**  
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

<b>TO:</b>	<i>Minister for COVID-19 Response (Private Secretary)</i>	s9(2)(a)
<b>FROM:</b>	<i>DPMC Ministerial Services Contact</i>	
<b>CHOIA OIA Number:</b>	C-19 OIA 2021-053	
<b>OIA Title</b>	s9(2)(a) <b>Masks in schools</b>	
<b>Requestor:</b>	<b>Name</b> s9(2)(a) <b>Organisation / Business</b> s9(2)(a)	
<b>Due to Minister's office:</b>	28 June 2022	
<b>Due to Requestor:</b>	5 July 2022	
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Request.</li><li>• Documents for release (including audit versions).</li></ul>	
<b>Consulted With:</b>	<ul style="list-style-type: none"><li>• DPMC COVID-19 Policy s9(2)(a), Policy Advisor)</li><li>• DPMC Legal (Annabel Ritchie, Chief Legal)</li><li>• MoH, MoE, MoT</li></ul>	
<b>What are the key risks to this information being withheld or released and what are the mitigations?</b>	s9(2)(g)(i)	
<b>Comments on draft response</b>	s9(2)(g)(i)	

Released under the Official Information Act 1982



**DEPARTMENT OF THE  
PRIME MINISTER AND CABINET**  
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

Cleared for submission to Office of Minister for COVID-19 Response by:

**ELT Member** .....

Ruth Fairhall

**Deputy Chief Executive  
COVID-19 Response**

...../...../.....

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~~(IN CONFIDENCE)~~

**DEPARTMENT OF THE  
PRIME MINISTER AND CABINET**  
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

## Briefing: Proposed masking and education amendments to the COVID-19 Protection Framework Order

<b>Date:</b>	8 April 2022	<b>Report No:</b>	DPMC-2021/22-1879
		<b>Security Level:</b>	IN-CONFIDENCE
		<b>Priority level</b>	HIGH

	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	agree/disagree to recs	11/04/2022

Name	Position	
Kay Baxter	Policy Manager	s9(2)(a)
Beth Hampton	Senior Policy Advisor	s9(2)(a)

### Minister's Office

**Status:**

Signed

Withdrawn

**Comment for agency**

**Attachments:** Yes/No

# Briefing

## Proposed masking and education amendments to the COVID-19 Protection Framework Order

To: Hon Chris Hipkins, Minister for COVID-19 Response			
Date	8/04/2021	Security Level	[IN-CONFIDENCE]

### Purpose

1. This briefing seeks to clarify how vaccination requirements should apply to secondary students accessing workplace-based learning in light of the removal of some vaccine-mandate requirements from the COVID-19 Protection Framework; to extend medical grade face masking requirements for vaccine-mandate workers so that they apply at Orange as well as Red; and to confirm that delivery drivers should not be required to wear masks at Orange.

### Recommendations

We recommend you:

1. **note** that the Ministry of Education considers that a secondary school student involved in a specific workplace-based element as part of a programme of learning (e.g. work experience) should be required to meet workplace vaccination policies, whether these policies are imposed by Government or by the business or tertiary education provider themselves (following a workplace health and safety risk assessment);
2. **note** that based on current drafting in the COVID-19 Public Health Response (Protection Framework) Order 2021, a tertiary education provider or business offering workplace-based learning for secondary students as part of a programme of learning would only be able to deny the secondary student access if the vaccination requirement is Government-mandated;
3. **note** that while it is anticipated that there will only be limited circumstances where continuation of an employer vaccination requirement would be justifiable, tertiary providers and businesses may still have specific roles or areas on-site where such requirements are still needed, based on a workplace health and safety risk assessment;
4. **agree** that where a tertiary provider or business requires a worker to be vaccinated for a specific role (based on an up-to-date workplace health and safety risk assessment), they may deny access to that workplace for unvaccinated secondary school students involved in work experience as part of a programme of learning;

YES / NO

Briefing: PROPOSED MASKING AND EDUCATION AMENDMENTS TO THE COVID-19 PROTECTION FRAMEWORK ORDER	DPMC-2021/22-1879
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5. **note** that workers carrying out “vaccine-mandate” work are required to wear medical grade face-coverings at Red when working with members of the public, customers or clients or on the parts of premises that are open to the public;
6. **note** that Cabinet agreed to carry over the requirement at Red for specified public-facing workers to wear medical grade masks to Orange;
7. **note** that recommendation 6 has been given effect to via applying the medical grade requirement in instances where the Order previously specified a requirement for the affected worker to wear a mask at Orange (for example, food and drink workers);
8. **note** that the Order does not currently specify mask requirements for vaccine-mandate workers at Orange;
9. **agree** to require “vaccine mandate” workers, when working with members of the public, customers or clients or on the parts of premises that are open to the public, to wear medical grade face masks at Orange;


**YES / NO**

10. **note** that delivery drivers undertaking close proximity deliveries are currently required to wear a face covering at Red but no decision has been made regarding requirements at Orange;
11. **note** that public health advice does not support requiring delivery drivers to wear face coverings for close proximity deliveries at Orange;
12. **agree** there should be no requirement for delivery drivers undertaking close proximity deliveries to wear face coverings at Orange;

**YES / NO**

13. **agree** to the Department of Prime Minister and Cabinet instructing the Parliamentary Counsel Office to draft amendments to the COVID-19 Public Health Response (Protection Framework) Order 2021 to give effect to the recommendations above;

**YES / NO**

  
Kay Baxter  
**Policy Manager**

8/4/2022

Hon Chris Hipkins  
**Minister for COVID-19 Response**

...../...../2022

## Clarification of ability to deny access to workplace-based learning for secondary students based on vaccination status

---

### *Background*

1. The rules in the COVID-19 Public Health Response (Protection Framework) Order 2021 (the Order) relating to vaccinations for secondary-tertiary students undertaking workplace-based learning (e.g. work experience) are framed around government mandated vaccination requirements under the COVID-19 Public Health Response (Vaccinations) Order 2021. This means that a tertiary education provider offering workplace-based learning for secondary students as part of their programme of learning can currently deny the secondary student access based on vaccination status only if the vaccination requirement is Government-mandated.
2. Since the amendment on 4 April 2022, the Government-imposed vaccine mandate has been limited to workers in health and disability, prisons and border and MIQ. Food and drink and close proximity workers are no longer vaccine-mandated workers. Tertiary education providers and businesses cannot currently deny access to secondary students if they choose to impose their own vaccination requirement for that specific role or workplace (e.g. to work in a café or hair salon). The Ministry of Education considers that this is inconsistent with the general education policy position related to vaccination status affecting access to learning.

### *Overview of education policy position*

3. Government policy is that, in general, secondary students are entitled to access their programme of learning regardless of vaccination status. This means secondary school students should generally not be denied access to a tertiary education facility or business premises, based on their vaccination status. The Ministry of Education's policy position is that workplace-based learning such as work experience in a café or hair salon is the notable exception if that workplace is subject to a vaccination requirement. This means that secondary school students may be denied access to a tertiary facility or a business if that student is involved in workplace-based tertiary learning and that workplace is subject to a vaccination requirement (either imposed by government – e.g. the health and disabilities workforce – or by the tertiary provider or business – e.g. in a café or hair salon).
4. This ability to deny access is intended to apply to any work experience undertaken by secondary students. This includes both where the workplace-based element occurs onsite at a tertiary provider or at a business (not onsite at a tertiary provider). This ensures consistency with public health advice around the level of risk for workplaces where a vaccination requirement exists, based on a government mandate or a business' workplace health and safety risk assessment.
5. This policy position means that some secondary-tertiary students need to be vaccinated (or hold a vaccine exemption as defined in the Vaccinations Order) to participate in certain work-experience programmes. This covers a sub-set of work-based secondary-tertiary programmes, such as those in health and disability services. The requirement for tertiary providers and businesses in general not to deny entry on vaccination grounds would stand for:
  - classroom-based learning onsite at tertiary premises; and
  - work-based secondary-tertiary programmes that are not covered by vaccination requirements (both onsite and offsite of tertiary premises).

With respect to the vaccine exemption, we expect this would largely relate to temporary medical exemptions, for example if the secondary student has recently recovered from COVID-19 illness.

*Proposal to amend Order*

6. Government vaccination requirements for the tertiary education sector and most businesses were removed at 11:59pm 4 April. The Government-imposed vaccine mandate is now limited to workers in health and disability, prisons and border and MIQ. Based on the updated guidance by Employment New Zealand and WorkSafe, we expect there will be limited circumstances where a voluntary continuation of an employer vaccination requirement would be justifiable. Nonetheless, tertiary education providers and businesses may implement such requirements (possibly for specific work-experience roles or areas onsite) where they continue to be supported by an updated workplace health and safety risk assessment.
7. We propose that amendments be made to the Order to ensure that where a tertiary provider or business requires a worker to be vaccinated for a specific role (based on an up-to-date workplace health and safety risk assessment, for example in a café or hair salon with many elderly or vulnerable clients), they may deny access for unvaccinated secondary school students involved in work experience as part of a programme of learning.
8. The Ministry of Education will provide relevant guidance to providers.

**Masking requirements for “vaccine mandate” workers**

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9. Following changes to face mask requirements in January 2022, the COVID-19 Public Health Response (Protection Framework) Order 2021 (the Order) currently requires workers carrying out “vaccine-mandate” work to wear medical grade face-coverings at Red. The medical grade face covering rule only applies when working with members of the public, customers or clients or on the parts of premises that are open to the public. When these changes to face covering requirements at Red were agreed, they were not carried over to lower levels. This means the Order does not specify any face mask requirements for these vaccine-mandate workers at Orange.
10. On 21 March 2022, as part of New Zealand’s ‘post peak’ changes, Cabinet agreed to retain requirements for the use of face masks indoors; retain workforce vaccine mandates for health and disability sector workers (which includes aged care workers), prison staff, and border and MIQ workers only; and to carry over the requirement at Red for specified public-facing workers to wear medical grade masks to Orange.<sup>1</sup> On the basis of this decision, drafting instructions did not include a requirement for vaccine-mandate workers to wear a medical grade mask at Orange, as no such masking requirements for these workers previously existed at Orange<sup>2</sup>.

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<sup>1</sup> Note that the Order imposing a vaccine mandate on Police and Defence personnel was set aside by the *Yardley* decision, consequently releasing those workers from the associated medical face mask requirement. Police and Defence have confirmed they are comfortable managing face mask requirements within their own policy settings rather than by way of legal requirement in the Order.

<sup>2</sup> However, drafting instructions did include specific provision to ensure that medical grade masks be required for public-facing workers at food and drink, close-proximity and events at Orange, as a requirement for these workers to wear a mask at Orange already existed. Note that these workers are no longer considered vaccine mandate workers.

11. Customs has raised concerns that the lack of masking requirements at Orange increases the chances of border workers, who are generally considered to be at higher risk than others in the community, being exposed to new variants, becoming infected, and transmitting the virus on to others. This risk is also the basis for the continuation of vaccination mandates for these workers. Customs believes that the higher risk of exposure should be reflected consistently across the COVID-19 orders. It also appears inconsistent with the fact that food and drink, events, and close proximity workers are required to wear medical grade masks at Orange – on the basis that these are higher risk settings. Having a legal requirement in place for these workers would also reduce the potential for inconsistency in settings with multiple PCBUs.
12. However, introducing a legal requirement for vaccine-mandate workers to wear medical grade face coverings at Orange may risk creating perceptions of ‘inconsistency’ within some border settings – for example, workers at duty free shops, while still required to wear masks, are not subject to the higher “medical-grade” standard. It should also be considered that in some instances, operational policy may be sufficient to manage masking requirements.
13. Public health advice is that the medical grade masking requirement for these workers should apply at both Red and Orange. No such requirement is recommended at Green, given there are no legal masking requirements for any person. On balance, officials therefore recommend that the Order is amended to reflect this advice. Guidance is not considered sufficient, as this would not address the consistency and coherency concerns outlined in paragraph 11 – which are currently considered more significant than those reflected in paragraph 12. It is recommended that this is given effect to via applying the same provision to all vaccine-mandate workers at Orange as at Red.

## **Delivery Drivers**

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14. Delivery drivers are currently required to wear face masks when undertaking close proximity deliveries indoors at Red (i.e. signature-required deliveries). No decision has been made regarding the position for close proximity deliveries at Orange.
15. Public health has confirmed that face coverings should not be required for delivery drivers at Orange, and also recommend that the requirement for delivery drivers to wear face masks at Red be reconsidered (note that this decision was made before masking requirements in outdoor settings were revoked). Public health notes that the contact in these situations is very brief and often outdoors. Drivers can still be encouraged to wear masks when delivering to the door. The requirement at Red creates a misalignment within the Order, whereby more stringent requirements are placed on delivery drivers who do not enter a person’s home than on those providing in-home services, which are a group of persons not required to wear a face mask. The fact face coverings are now not required in outdoor settings creates further complexity for practical application of this rule.
16. Officials recommend that the Order be amended to remove the requirement for delivery drivers to wear face coverings at Orange, and that consideration also be given to removing this requirement at Red.

## **Crown Law advice on the proposed amendments**

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17. s9(2)(h)

[REDACTED]

[REDACTED]

[REDACTED]

s9(2)(h) [Redacted]

18. s9(2)(h) [Redacted]

19. s9(2)(h) [Redacted]

20. s9(2)(h) [Redacted]

21. s9(2)(h) [Redacted]

22. s9(2)(h) [Redacted]

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## Next steps

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23. Officials will instruct the Parliamentary Counsel Office to draft amendments to the COVID-19 Public Health Response (Protection Framework) Order 2021 to give effect to your decisions related to the matters above. Ideally, these would come into force before any part of New Zealand shifts to Orange. Guidance material and communications will be updated accordingly.

## Consultation

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24. The Ministry of Education provided content for this briefing related to the ability to deny access to secondary students for workplace-based learning based on vaccination status.
25. Customs, Ministry of Transport (MoT), Ministry of Business, Innovation, and Employment, Ministry for Primary Industries, Maritime, and Corrections were consulted on the proposal to extend the Red face-covering requirements for vaccine mandate workers to Orange. Ministry of Health provided public health advice. Agencies are supportive of the proposal, except for MoT, who prefers the status quo. MoT considers that legislating the requirement may not be necessary, and that operational policy could likely be sufficient to 'require' the use of medical grade masks in many instances. Relying on operational policy is consistent with these workers otherwise being exempt from the Order (except for the masking requirement at Red), and clearly enables PCBUs to make decisions that take into account their individualised operating contexts and health and safety risks. MoT also considers that introducing a legal requirement for these workers to wear medical grade face coverings at Orange may also risk increasing perceptions of 'inconsistency' within some border settings from the sector and the public's perspective – for example, workers at duty free shops would not be subject to such a requirement.
26. Ministry of Health provided public health advice on the masking requirement for delivery drivers.

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**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** [Information \[DPMC\]](#)  
**Cc:** s9(2)(a) [\[DPMC\]](#)  
**Subject:** FW: OIA Request - OIA0743  
**Date:** Tuesday, 7 June 2022 2:02:19 pm  
**Attachments:** [image001.png](#)  
[OIA request to Hon. Chris Hipkins, June 7, 2022.docx](#)

---

Hi team

OIA request to the Minister attached.

Thanks

s9(2)(a)

Private Secretary, COVID-19 Response

Office of Hon Chris Hipkins  
Minister for COVID-19 Response  
waea s9(2)(a)  
īmēra:

---

**From:** C Hipkins (MIN)  
**Sent:** Tuesday, 7 June 2022 1:58 PM  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Subject:** FW: OIA Request - OIA0743

FYA – OIA0743 Due Date – 6 July

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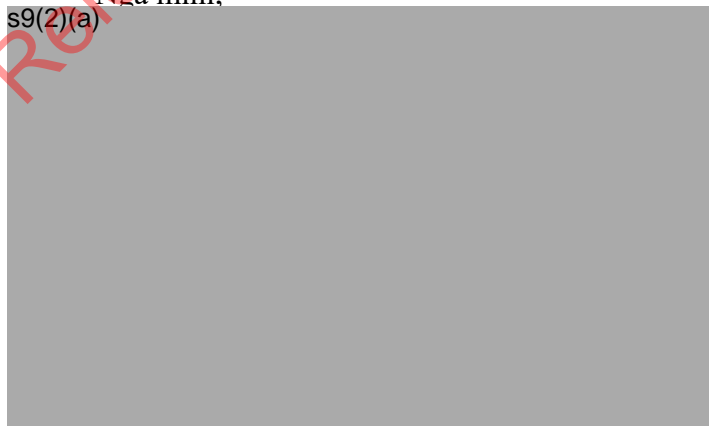
**From:** s9(2)(a)  
**Sent:** Tuesday, 7 June 2022 1:13 PM  
**To:** C Hipkins (MIN) <[c.hipkins@ministers.govt.nz](mailto:c.hipkins@ministers.govt.nz)>  
**Subject:** OIA Request

Kia ora,


I'm writing to submit a request for information under the Official Information Act. Please feel free to reach out with any questions or clarifications!

Ngā mihi,

s9(2)(a)



s9(2)(a)



---

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## OIA request

June 7, 2022

To whom it may concern at the office of the Hon. Chris Hipkins,

I request the following information under the Official Information Act:

- The January 7, 2022 document "Omicron: Update on work in Progress and Next Steps", reference number DPMC-2021/22-1173
- The January 21, 2022 document "Initial advice on transit passengers not completing their journey", reference number DPMC-2021/22-1462
- The January 28, 2022 document "Face Coverings: Further Advice on Policy Changes at Red", reference number DPMC-2021/22-1285
- The January 31, 2022 document "Advice on Transit Passengers not Completing their Journey", reference number DPMC-2021/22-1284
- The February 17, 2022 document "Further Advice Regarding Face Mask Policy Changes at Red", reference number DPMC-2021/22-1391
- The February 18, 2022 document "Supply and Distribution of Medical Grade Face Masks", reference number DPMC-2021/22-1437
- The February 22, 2022 document "Transition to Phase Three of the Omicron Response Strategy", reference number DPMC-2021/22-1489
- Please release these documents in a staged release. Ie, If some are able to be released by the deadline but others required further consultation, release those that you can.

In accordance with the act, I expect to receive a response within 20 working days.

Please feel free to contact me if you have any queries. You can contact me at s9(2)(a) would appreciate it if you could acknowledge receipt of this request.

Cheers,  
s9(2)(a)

**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**To:** s9(2)(a) [DPMC]  
**Subject:** RE: Formal OIA Commissioning - MOIA Request OIA-2021/22-1404;OIA0743:s9(2)(a) Request for documents  
**Date:** Monday, 13 June 2022 3:52:29 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Hi s9(2)(a)

Thanks and I remember this OIA now.

Will check with the Advisors Not relevant to your request

---

s9(2)(a)

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**From:** s9(2)(a) [DPMC] s9(2)(a)  
**Sent:** Monday, 13 June 2022 3:48 PM  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Subject:** RE: Formal OIA Commissioning - MOIA Request OIA-2021/22-1404;OIA0743:s9(2)(a) Request for documents

Hi s9(2)(a)

I've checked the documents for this release, and can confirm that my colleague s9(2)(a) consulted with the Minister's Office prior to release of this document (amongst others - as s9(2)(a) checked).

Are you able to advise what the office's preference would be in this particular case as to how we approach this document?

Thanks,

s9(2)(a)

s9(2)(g)(i)

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**From:** s9(2)(a) [DPMC] s9(2)(a)

**Sent:** Monday, 13 June 2022 2:04 PM

**To:** s9(2)(a): Office of the Minister for COVID-19 Response

**Subject:** RE: Formal OIA Commissioning - MOIA Request OIA-2021/22-1404;OIA0743:s9(2)(a)  
Request for documents

Kia ora s9(2)(a)

Just following up on this, I understand you had a chat with s9(2)(a) about the proactive release of these papers? Feel free to give me a ring to discuss.

Cheers

s9(2)(a)

---


**From:** s9(2)(a) [DPMC]

**Sent:** Thursday, 9 June 2022 1:24 pm

**To:** s9(2)(a): Office of the Minister for COVID-19 Response

**Subject:** RE: Formal OIA Commissioning - MOIA Request OIA-2021/22-1404;OIA0743:s9(2)(a)  
Request for documents

s9(2)(a), s9(2)(g)(i)



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**From:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Sent:** Tuesday, 7 June 2022 2:02 pm  
**To:** Information [DPMC] <[information@dpmc.govt.nz](mailto:information@dpmc.govt.nz)>  
**Cc:** s9(2)(a) [DPMC] s9(2)(a)  
**Subject:** FW: OIA Request - OIA0743

Hi team

OIA request to the Minister attached.

Thanks

s9(2)(a)  
Private Secretary, COVID-19 Response  
Office of Hon Chris Hipkins  
Minister for COVID-19 Response  
waea s9(2)(a)  
īmēr

---

**From:** C Hipkins (MIN)  
**Sent:** Tuesday, 7 June 2022 1:58 PM  
**To:** s9(2)(a): Office of the Minister for COVID-19 Response  
**Subject:** FW: OIA Request - OIA0743

FYA – OIA0743 Due Date – 6 July

---

**From:** s9(2)(a)  
**Sent:** Tuesday, 7 June 2022 1:13 PM  
**To:** C Hipkins (MIN) <[c.hipkins@ministers.govt.nz](mailto:c.hipkins@ministers.govt.nz)>  
**Subject:** OIA Request

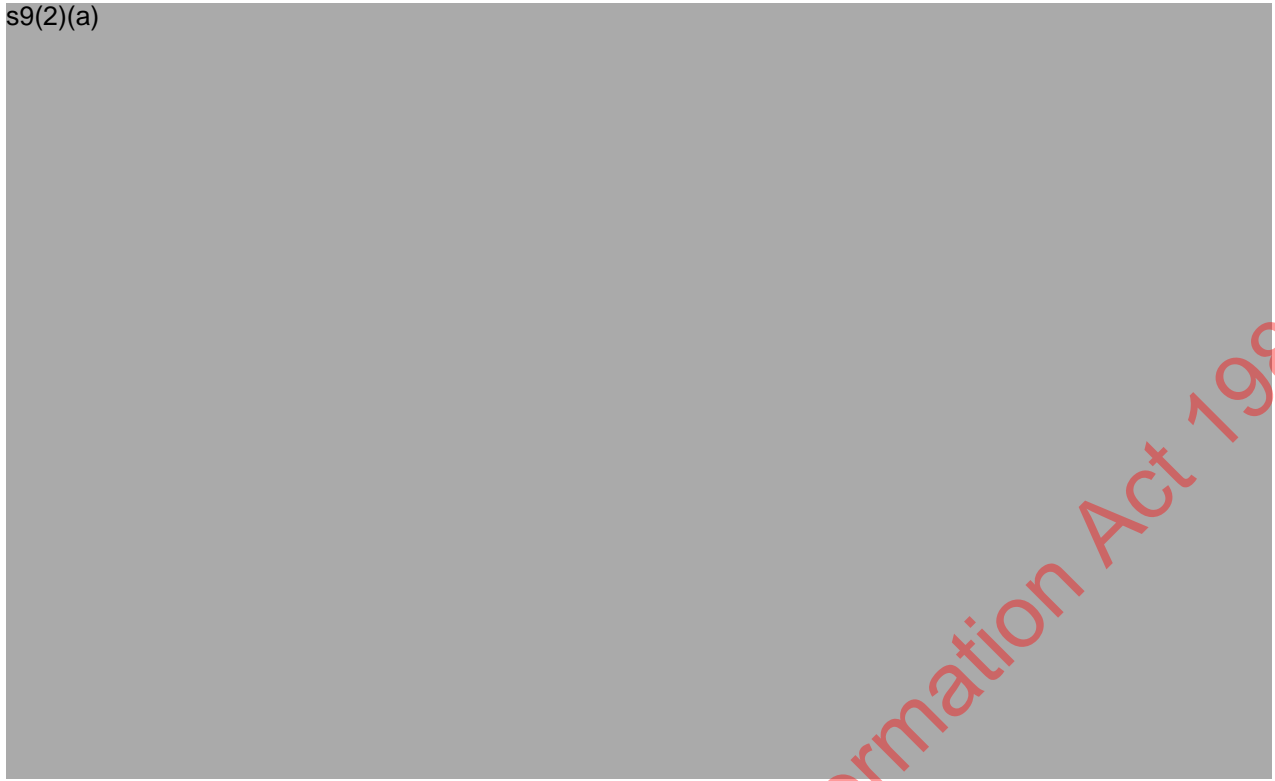
Kia ora,

I'm writing to submit a request for information under the Official Information Act. Please feel free to reach out with any questions or clarifications!

Ngā mihi,

s9(2)(a)

s9(2)(a)



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Released under the Official Information Act 1982

s9(2)(a), s9(2)(g)(i)

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**From:** s9(2)(a) [DPMC] s9(2)(a)  
**Sent:** Monday, 20 June 2022 8:52 AM  
**To:** s9(2)(a); Office of the Minister for COVID-19 Response  
**Subject:** RE: Formal OIA Commissioning - MOIA Request OIA-2021/22-1404;OIA0743: s9(2)(a)  
Request for documents

Kia ora s9(2)(a)

s9(2)(a)

I just wanted to check in on this document which has been requested by s9(2)(a) Just to jog the memory, the document is *Initial advice on transit passengers not completing their journey DPMC-2021/22-1462*.

Thanks

s9(2)(a)



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Duplicate

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**From:** s9(2)(a) [DPMC]  
**To:** s9(2)(a): Office of the Minister for COVID-19  
**Cc:** Information [DPMC]  
**Subject:** MOIA Reply OIA-2021/22-1404;OIA0743;DPMC-2021/22-2306 s9(2)(a) Request for documents  
**Date:** Wednesday, 29 June 2022 4:49:00 pm  
**Attachments:** [image001.png](#)  
[FW\\_OIA Request - OIA0743.msg](#)  
[4564128\\_MOIA REPLY OIA-2021\\_22-1404 Filenote s9\(2\)\(a\)\\_Request for documents s9\(2\)\(a\)](#)  
[MOIA Reply \(OIA0743\) \(OIA-2021\\_22-1404\) s9\(2\)\(a\)\\_Request for documents s9\(2\)\(a\)](#)  
[\[FOR RELEASE\] MOIA 2021-22-1404 OIA 0743 s9\(2\)\(a\).pdf](#)

~~[IN CONFIDENCE]~~

Kia ora s9(2)(a)

Please find attached:

- Copy of the original request
- Signed coversheet
- Draft response letter to the requester
- Release document

Many thanks,  
s9(2)(a)

Senior Ministerial Advisor  
Strategy, Governance and Engagement  
Department of the Prime Minister and Cabinet  
P s9(2)(a)  
E

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**Briefing for Draft Reply to COVID-19 Response OIA Requests**

<b>TO:</b>	<i>Minister for COVID-19 Response (Private Secretary)</i>	s9(2)(a)
<b>FROM:</b>	<i>DPMC Ministerial Services Contact</i>	s9(2)(a) Senior Ministerial Advisor
<b>CHOIA OIA Number:</b>	OIA0743	
<b>OIA Title</b>	Request for COVID-19 Documents	
<b>Requestor:</b>	<b>Name</b>	s9(2)(a)
	<b>Organisation / Business</b>	
<b>Due to Minister's office:</b>	29 June 2022	
<b>Due to Requestor:</b>	6 July 2022	
<b>Attachments:</b>	<ul style="list-style-type: none"><li>Request.</li><li>Draft response letter (for signature).</li></ul>	
<b>Consulted With:</b>	<ul style="list-style-type: none"><li>PMO s9(2)(a)</li><li>Paul Ballantyne (COVID-19 Group) s9(2)(a) (ODCE - COVID-19 Group)</li><li>DPMC Legal Services Linda McIver)</li></ul>	
<b>What are the key risks to this information being withheld or released and what are the mitigations?</b>		

s9(2)(g)(i)

**Comments on draft reply**

s9(2)(g)(i)

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IN CONFIDENCE



**DEPARTMENT OF THE  
PRIME MINISTER AND CABINET**  
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

Cleared for submission to Office of Minister for COVID-19 Response by:

ELT Member .....  
Ruth Fairhall  
Deputy Chief Executive, COVID-19 Response

29/06/2022

Released under the Official Information Act 1982

# Hon Dr Ayesha Verrall

Minister for COVID-19 Response  
Minister of Research, Science and Innovation  
Minister for Seniors  
Associate Minister of Health



12 JUL 2022

s9(2)(a)

Ref: OIA0743

Dear s9(2)(a)

## Official Information Act request for COVID-19 documents

Thank you for your Official Information Act 1982 (the Act) request, received on 7 June 2022. You requested:

**The January 7, 2022 document "Omicron: Update on work in Progress and Next Steps", reference number DPMC-2021/22-1173**

**The January 21, 2022 document "Initial advice on transit passengers not completing their journey", reference number DPMC-2021/22-1462**

**The January 28, 2022 document "Face Coverings: Further Advice on Policy Changes at Red", reference number DPMC-2021/22-1285**

**The January 31, 2022 document "Advice on Transit Passengers not Completing their Journey", reference number DPMC-2021/22-1284**

**The February 17, 2022 document "Further Advice Regarding Face Mask Policy Changes at Red", reference number DPMC-2021/22-1391**

**The February 18, 2022 document "Supply and Distribution of Medical Grade Face Masks", reference number DPMC-2021/22-1437**

**The February 22, 2022 document "Transition to Phase Three of the Omicron Response Strategy", reference number DPMC-2021/22-1489**

This request was made to my colleague, the Hon Chris Hipkins, as former Minister for COVID-19 Response. Following my appointment as Minister on 13 June 2022, I am now responding.

I can advise that the majority of the documents you have requested (**bolded above**) will soon be proactively released on the 'Unite Against COVID-19 website, which is accessible via the following link: <https://covid19.govt.nz/about-our-covid-19-response/proactive-releases>

I am therefore refusing your request for these documents under section 18(d) of the Act, as the information requested is, or will soon be publicly available.



The briefing *Initial advice on transit passengers not completing their journey* dated 21 January 2022 will not be proactively released as it was not received or seen by Minister Hipkins.

This briefing title was published in error and has now been removed from the Unite Against COVID-19 website. The contents of this briefing were, however, sent to Minister Hipkins' office in an email and a summary of that email is being released to you as Appendix One.

Some information has been withheld from the summary under section 9(2)(h) of the Act, to maintain legal professional privilege. It is important to note that at the time, there was a legal requirement to have a valid MIQ voucher on arrival in New Zealand. Failing to comply with this legal requirement could have resulted in a \$1,000 fine, or a fine of up to \$4,000 if it is imposed by the Court. The penalties are set out here: <https://www.legislation.govt.nz/regulation/public/2021/0393/latest/LMS600713.html>

Anyone arriving without an MIQ voucher was referred to the New Zealand Police.

In making my decision on your request, I have taken the public interest considerations in section 9(1) of the Act into account.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely



Hon Dr Ayesha Verrall  
**Minister for COVID-19 Response**

Released under the Official Information Act 1982

## Initial Advice on transit passengers not completing their journey – dated 21 January 2022

### Background

- On 12 December 2021, a family (two adults, and two children) arrived in New Zealand from Sydney with the stated intention of transiting on to Fiji, but decided they no longer wished to continue with their transit flight. As they were New Zealand citizens, the Immigration Border Officer could not deny them entry or force them to leave on their Fiji flight and the family were transferred to MIQ at Novotel Airport.
- On 19, January the New Zealand Herald released an article outlining how this family were able to arrive in New Zealand without an MIQ voucher.
- We understand there is now another couple (both New Zealand Citizens) who arrived in New Zealand from Mexico, with the stated intention of taking a connecting flight on to Australia, who have also decided not to continue their connecting flight.

### Current consequences for travellers who arrive in New Zealand with an MIQ voucher

- Travellers who refuse to transit can be liable for:
  - **A fee/fine** under the COVID-19 Public Health Response (Air Border Order) 2020 – either a \$1,000 fine of up to \$4,000, imposed by the court (cases are referred to the Police for enforcement action)
  - **MIQ charges** under the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (Unless they left prior to August 2020 and are intending to stay for at least 180 days OR they have the fees waived based on undue financial hardship)
- Given the difficulty in securing an MIQ allocation, the current infringement offences may not be a significant deterrent to stop some travellers seeking to enter New Zealand by refusing to board a transit flight.
- However, there is an outstanding question as to whether there is likely to be an increase in New Zealand citizens failing to take a connecting flight and terminating their travel in New Zealand without an MIQ voucher, now that this has been publicised, and what the size and scale of the issue may be.

### Options for deterring future non-compliance

- Officials have considered several options to deter non-compliance, should Ministers consider that further action was required
- [withheld under 9(2)(h)]
- These include
  1. **Increased communications** on the requirements for travellers:
    - This could include more detailed proactive communications on the requirements for travellers and could also help to highlight relevant penalties to help deter future non-compliance
    - Note that transit passengers are exempt from the requirements of clause 8 of the ABO (including the requirement to have a MIQ allocation) unless they are granted permission to enter New Zealand in accordance with the Immigration Act. A transit passenger is currently defined in terms of the Immigration Act which refers to a person who does not intend to enter New Zealand. Any risk

from this definition could be removed by bringing into force the definition of the transit passenger in the new ABO (which will commence on 27 February)

2. [withheld under 9(2)(h)]

**Next Steps**

- DPMC will provide further context next week, along with any further advice on trade-offs and costs.

Please note: this has been prepared in consultation with MBIE (MIQ), Customs, Crown Law, DPMC (PAG) and the Ministries of Health, Justice and, Transport.

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