



2 April 2026

Ref: OIA-2025/26-0601

[REDACTED]
[REDACTED]

Tēnā koe [REDACTED]

Official Information Act request relating to due process and legislative powers during COVID-19 response

Thank you for your Official Information Act 1982 (the OIA) request, which was received by the Department of the Prime Minister and Cabinet (DPMC) on 18 March 2026. You requested:

Dear agents in the Department of the Prime Minister and Cabinet / Ministry of Health / Treasury,

Under the Official Information Act 1982, I request the following information relating to the development, authorisation, and use of legislative powers during the COVID-19 response:

1. Legislative Authority and Development

- All documents relating to the development and passage of legislation enabling COVID-19 response measures, including:*
 - The COVID-19 Public Health Response Act 2020 and any subsequent amendments*
 - Any advice or briefings explaining:*
 - The necessity for new or expanded powers*
 - Why existing legislation was considered insufficient*

2. Due Process and Procedural Safeguards

- Documentation outlining the due process followed in:*
 - Creating and enacting new legislative powers*
 - Ensuring appropriate scrutiny and oversight*
 - Any records of:*
 - Parliamentary scrutiny*
 - Select committee consideration*
 - Urgency procedures used*

3. Legal Advice and Bill of Rights Analysis

- All legal advice (including summaries) regarding:*
 - Compliance with the New Zealand Bill of Rights Act 1990*
 - Whether measures (including mandates and restrictions) were considered proportionate and justified*

4. Decision-Making and Evidence Base

- Cabinet papers, briefings, and advice relating to:*
 - The introduction and continuation of COVID-19 measures (including vaccination requirements)*
 - Any documentation showing:*
 - The evidence relied upon at each decision stage*
 - How that evidence was reviewed or updated over time*

5. Consideration of Alternatives

- Any documents identifying alternative approaches considered, including:
- Less restrictive measures
- Voluntary or targeted approaches
- Any comparative analysis between:
- Chosen measures and alternative options

6. Review and Ongoing Justification

- Documents showing:
- How and when COVID-19 measures were reviewed
- Criteria used to determine whether measures remained necessary or proportionate
- Any advice leading to:
- Amendment, reduction, or removal of those measures

7. Oversight and Accountability

- Any internal or external reviews of:
- The adequacy of due process
- Governance and decision-making during the COVID-19 response.

Normally in these circumstances I would partially transfer your request to The Treasury (TSY) and Ministry of Health (MoH) however I note you sent your request directly to TSY and MoH and I therefore refer you to their responses. For your awareness MoH was the agency responsible for the administration of the COVID-19 Public Health Response Act 2020 (the Act).

Information publicly available

The response to the COVID-19 pandemic generated a significant volume of work that was happening at pace. This was particularly the case during the early days of the pandemic response. DPMC led the coordination of the all-of-government response to COVID-19, and we hold a huge volume of documents, many of which were authored by other agencies and include various draft versions of documents. For this reason, we have worked diligently at proactively releasing as many key DPMC documents from the COVID-19 response as possible. You can find these on the DPMC website here: [COVID-19 Proactive Releases | Department of the Prime Minister and Cabinet \(DPMC\)](#)

For example: to locate COVID-19 legislation and associated Orders under the Act, and the Cabinet papers, briefings and aide memoires that DPMC led the development of, go to the year of choice, and scroll through to locate what you need.

- [COVID-19: Response January-June 2022](#)
- [COVID-19: Response 2021](#)
- [COVID-19: Response 2020](#)
- [COVID-19: Border management](#)
- [COVID-19: Reviews and lessons learned](#)
- [COVID-19: System planning](#)
- [COVID-19: Insights, reports, and research](#)
- [COVID-19: Independent Advisory Groups](#)
- [COVID-19: Weekly reports and situation updates](#)

11 May 2020	COVID-19 Public Health Response Bill – Approval for Introduction [CAB-20-MIN-0218] (PDF 1.22MB)	Cabinet Paper and Minute	09 Oct 2020
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Accordingly, your request is refused under section 18(d) of the Act, as the information requested as it relates to work completed by DPMC in this space, is publicly available.

In addition, the following information is publicly available on the parliament website. Please note this documentation was not created by DPMC but may be of interest to you:

- Report of the Regulations Review Committee [Inquiry into COVID-19 Secondary Legislation](#)
- Royal Commission of Inquiry into COVID-19 Lessons Learned (Phase Two) [1.2 The legal context | Covid-19 Lessons Learned](#)

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

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

Nāku noa, nā



Alan Cassidy
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